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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS FIRST SESSION

SENATE

SATURDAY, *May 19, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

EXECUTIVE NOMINATIONS REFERRED

Mr. CURTIS. Mr. President, as in open executive session, I ask unanimous consent that all Executive nominations shall be referred to the proper committees.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Gerry	McNary	Sheppard
Bingham	Gillett	Mayfield	Shipstead
Black	Glass	Metcalf	Shortridge
Blaine	Goff	Moses	Simmons
Blease	Greene	Neely	Smoot
Borah	Hale	Norbeck	Steck
Bratton	Harris	Nye	Steiwer
Brookhart	Harrison	Oddie	Stephens
Broussard	Hayden	Overman	Swanson
Bruce	Heflin	Phipps	Thomas
Capper	Howell	Pine	Tydings
Caraway	Johnson	Pittman	Tyson
Couzens	Kendrick	Ransdell	Vandenberg
Curtis	King	Reed, Mo.	Wagner
Cutting	La Follette	Reed, Pa.	Walsh, Mass.
Deneen	Locher	Robinson, Ark.	Walsh, Mont.
Fess	McKellar	Robinson, Ind.	Warren
Fletcher	McLean	Sackett	Waterman
George	McMaster	Schall	Watson

Mr. CURTIS. I was requested to announce that the senior Senator from Nebraska [Mr. NORRIS] is detained in committee.

Mr. GERRY. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is detained from the Senate by illness in his family, that the Senator from Delaware [Mr. BAYARD] is detained by a death in his family, as also is the Senator from Montana [Mr. WHEELER], and that the Senator from Arizona [Mr. ASHURST], the Senator from Washington [Mr. DILL], and the Senator from Missouri [Mr. HAWES] are absent on official business.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

POSTAL RATES—CONFERENCE REPORT

Mr. MOSES. Mr. President, I ask unanimous consent to proceed to the consideration of the conference report on the postal rates bill.

Mr. SMOOT. Does the Senator think it is going to lead to any discussion?

Mr. MOSES. The purpose in bringing the report before the Senate at this minute is in order that the Senate may agree to the few agreements which the conferees have reached and that I may ask for a further conference.

Mr. SMOOT. Then it will not lead to any discussion?

Mr. MOSES. I will say to the Senator that if the discussion of the measure is to eat into the time allotted to the tax bill I will withdraw the request.

Mr. LA FOLLETTE. Mr. President, will the Senator be kind enough to make a brief statement about the report?

Mr. MOSES. I intend to do so.

The VICE PRESIDENT. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) to amend Title II of the act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, 23, and number 8 with amendments, so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4, to read as follows:

"(4) *Provided*, That in the case of duplications entered as second-class matter when the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; when the number of individual-addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates."

And the Senate agree to the same.

The committee of conference have not agreed on amendments 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

GEO. H. MOSES,
L. C. PHIPPS,
Managers on the part of the Senate.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

Mr. MOSES. Mr. President, the conference report so far as the conferees have been able to agree is with reference to rates for library books, and one provision contained in the amendment adopted in the Senate on the motion of the Senator from South Dakota [Mr. MCMASTER] to provide for an executive officer for the parcel post. The reasons why the conferees were moved to agree on the elimination of that item were two: First, that complete authority already exists in the Post Office Department for the appointment of a director of parcel post. The department is now setting up a committee of executives within the department to consider the matter of producing an executive officer for the parcel post. In addition to that the conferees felt that it was wholly an administrative matter, and would better go on the regular appropriation bill than on a bill which is devoted solely to the regulation of postal rates.

Mr. MCMASTER. Mr. President, may I say to the Senator from New Hampshire that I understand from the statement from the Post Office Department that they acknowledge the fact that the business to-day is being run in a haphazard manner, and that they ought to have some executive committee in order to give it more administrative efficiency? Am I to understand, then, that that is acknowledged on the part of the department?

Mr. MOSES. I am not prepared to make any concession about the Post Office Department.

Mr. MCMASTER. The department admits, however, that they are appointing a sort of executive committee in the Post Office Department for the purpose of giving the parcel post more efficient attention.

Mr. MOSES. Attention; yes, Mr. President.

Mr. MCMASTER. Then the adoption of that amendment would not do any harm, except to direct the attention of the Post Office Department to the fact that Congress is in favor

of their taking some drastic action to bring about a more efficient administration of the parcel post.

Mr. MOSES. I think I can assure the Senator from South Dakota that the executives of the Post Office Department who appeared before the conferees are fully aware of the temper of Congress in that regard.

Mr. LA FOLLETTE. Mr. President, I did not hear the explanation of the Senator from New Hampshire as to what has been done with regard to library books. I am very much interested in that subject.

Mr. MOSES. We have reduced the rates on books which are sent out from central State libraries or from county libraries, so that the circulation of books of that character within a State will be facilitated by a very greatly reduced rate.

Mr. LA FOLLETTE. The Senator will remember that the Senator from Wisconsin offered an amendment reducing the rate to 1 cent a pound additional. Was that amendment retained?

Mr. MOSES. Yes. The questions in disagreement, Mr. President, between the conferees relate to second-class matter and to fourth-class matter.

Mr. KING. Mr. President——

Mr. MOSES. I yield to the Senator from Utah.

Mr. KING. I did not hear the last part of the Senator's sentence.

Mr. MOSES. The items in disagreement relate to the rates on second-class matter and fourth-class matter. With reference to second-class matter, the House bill reduces the rate to a point where the postal revenues will suffer an estimated loss of $3,860,000. The amendment put on the bill by the Senate would increase that reduction in revenue to $7,610,000. In the course of the conference the conferees on the part of the Senate proposed a compromise to the conferees on the part of the House which would strike a mean between the two figures which I have just quoted, and would result in a reduction in revenue of $6,600,000.

On fourth-class matter the House continued the service charge as it now stands of 2 cents for the first three zones and reduced it to 1 cent for all the others. The Senate wholly wiped out the service charge.

The reduction in postal revenues resulting from the House bill provision would be $2,200,000. The reduction in revenues resulting from the rate as proposed by the Senate would be $14,640.000, a difference of $12,440,000.

On those two items, Mr. President, the Senate conferees and the House conferees find themselves in violent conflict. The House conferees seem to be adamant; their attitude apparently with reference to these amendments is exactly that which they exhibited with reference to the District of Columbia appropriation bill. I have been apprehensive that we might not be able to secure any legislation for the relief of the users of the mails because of the entirely resistant attitude of the conferees on the part of the House. Therefore I am now asking, Mr. President, that the Senate may agree to the conference report as presented, and that the Senate ask for a further conference with the House on the items in disagreement.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from New Hampshire if he will not accept an amendment to his motion to the effect that the Senate insist on its amendments and ask for a further conference?

Mr. MOSES. I think that is involved in my motion, or, at any rate, it is implied in my request for a further conference.

Mr. McKELLAR. If it is, then, all right, but I should like to have the Senate go on record to that effect.

Mr. PHIPPS. Mr. President, will the Senator from New Hampshire yield to me?

Mr. MOSES. I yield.

Mr. PHIPPS. I merely want to ask whether the first motion should not be on the adoption of the conference report?

Mr. MOSES. I think that question should be put, and then I shall submit the request for a further conference.

Mr. KING. Mr. President, I desire to submit a motion at the appropriate time under the parliamentary procedure that the Senate recede from its amendments in disagreement to which reference was made by the chairman of the committee, the Senator from New Hampshire [Mr. MOSES]. I shall base that motion upon the fact that the Senate amendments, if adhered to, would materially increase the deficit resulting from the operations of the Post Office Department. Even the bill as it came from the House will result in a deficit, and the Senate amendments would increase the deficit. It does seem to me, in view of the possibility of a deadlock, that, perhaps, it would be far better for the Senate to recede, and I shall submit that motion at the proper time.

Mr. McKELLAR. Mr. President, I have just a few words to say about this matter.

Mr. MOSES. Will not the Senator from Tennessee let us agree to the conference report as submitted?

Mr. McKELLAR. No; I wish first to be heard. To be frank about it, Mr. President, I find myself in disagreement not only with the House conferees but with a majority of the Senate conferees in reference to this bill.

There were three amendments adopted by the Senate which are of material importance. One restored the so-called 1920 rates on second-class matter; the second reduced the rate on circulars and third-class matter from 1½ cents to 1 cent; and the third proposed to strike out the surcharge on parcel-post matter.

The amendments that have been agreed to, other than the one as to third-class matter, by a majority of the Senate conferees are wholly immaterial. There are but three amendments that are of a material nature. As I have said, one has reference to second-class rates, another to third-class rates, and the third to the surcharge upon parcel-post matter.

The House conferees refused to consider any one of those three amendments. All conferees agreed to the other small amendments, but I could just as cheerfully agree to the House provisions on the same subjects, because they were really immaterial. However, the three amendments to which I have referred are material.

First, let me refer to the amendment in regard to third-class matter. The conference report provides that we shall accept the House amendment which imposes a pound rate on third-class matter. That is for the benefit of the big users of this branch of the mail service, but it affords little relief to the smaller users of third-class matter. It does another thing: Under the law as it now stands, and under the law if this amendment shall be adopted, and the pound rate goes through, Great Britain, Canada, and other foreign countries may send third-class matter through our mails at 1 cent while we will charge our own citizens 1½ cents. I am utterly opposed to this condition of affairs concerning these rates.

Mr. MOSES. The Senator, in all fairness, should say that that is because of the postal conventions, and we can not remedy that by legislation, unless we establish a lower rate.

Mr. McKELLAR. We can not regulate postal conventions by legislation, but we can regulate these rates by law, and that is what we ought to do and what I propose to do. I want to say to the Senate that I think this report ought not to be agreed to for that very reason. We have the remarkable situation of sending enormous quantities of third-class matter of foreign nations through our mails at 1 cent for each 2 ounces, while we charge our own citizens under this proposed law a cent and a half and under the pound rate considerably over a cent. It is indefensible; it ought not to be tolerated for a moment.

I wish to say to my friend from Utah [Mr. KING], who thinks that the revenues of the Post Office Department will be decreased by the proposed reduction, that it will not bring about any such result. When in 1925 we raised the rate on third-class matter from 1 cent to 1½ cents, there were taken out of the mails by this rate some 800,000,000 pieces of third-class matter. Although we had the same overhead and provided for increased clerk hire by the act of 1925, yet there were taken out of our own mails that enormous quantity of mail matter. Therefore the revenue of the Post Office Department was reduced, and I have not the slightest doubt that if we decrease the rate to the same figure that is now charged to foreign countries, the same rate formerly charged, we will increase the postal revenues enormously, because the greater part of the tremendous quantity of mail matter of this class which was lost to the mails will be restored to the mails. So much for that. Therefore I am going to vote against the motion of the Senator from New Hampshire. I did not sign this limited conference report now before the Senate for that reason. I do not think it ought to be adopted, and I hope the Senate will vote it down.

I come next to second-class matter. The rates on second-class matter have been raised to such an extent that, no doubt, perhaps literally hundreds of thousands of tons of mail matter have been kept from the Post Office Department. The increase in the rates has decreased the postal revenues, in my judgment, rather than increased them, and the result of the 1925 act shows that fact, because we have a deficit now. That deficit, however, in my judgment, will be reduced if, with the same overhead, we so arrange the rates that there will result an increased business in this class of matter in our mails.

Every line of proof which has been taken—and we have had a joint commission working on this question for years—goes to show that enormous quantities of second-class matter will be restored to the mails if we restore the 1920 rates. The Senate has gone on record three separate times by an aye-and-no vote in favor of the 1920 rates. It would be better for the Congress to adopt those rates; they would bring more

revenue to the department and at the same time they would be better for the users of the mails throughout the country. I hope, therefore, that the Senate will insist upon its amendment and have this question thus determined.

Now, I come to fourth-class matter. In 1925 we had a so-called surcharge on parcel-post packages, the idea being that as there were about 1,000,000,000 parcel-post packages passing through the mails by the imposition of 2 cents on each parcel we would increase the revenue something like $20,000,000. The result has shown that that expectation of the department has not been realized. The fact is that last year only 742,000,000 packages went through the mails. The anticipated increase did not come. There was some increase, but the increase that it was claimed would follow did not follow. Why? Because it is an unjust and an unscientific method of raising postal revenue. It ought not to have been adopted. We ought to insist upon the Senate amendment to do away with the service charge. As I have said, it is an unscientific charge; it does not bring additional revenue to the Government, and it is a great hardship upon the users of the mails, and especially to the farmers and country people. The truth of the matter is that when we increased the rates in 1925 we did it in a wholly unscientific manner, and it ought never to have been done. I voted against that provision at the time. The revenues have been decreased, in my judgment, instead of being increased by the passage of that measure.

That is all I desire to say, Mr. President. I think I have explained to the Senate exactly what the real issues are. I think this partial report, carrying as it does a rate of a cent and a half on third-class matter for matter sent by Americans through the mail, while it is well understood that foreigners—Canada especially, Great Britain to a large extent, and other foreign users of the mail—pass the same matter through the mail at 1 cent for every 2 ounces, is unfair and unjust to American merchants and to American business. The report ought not to be adopted, and I hope it will not be adopted.

Mr. MOSES. I ask for the adoption of the report.

Mr. BROOKHART. Mr. President, I merely wish to say that I concur in every word the Senator from Tennessee has said. I think we ought to stand for our amendments beyond any question.

Mr. McKELLAR. I ask for the yeas and nays on the adoption of the report. I hope the Senate will vote down this partial conference report, because it contains this provision that gives to foreign governments and foreign users of our mail a rate of one-half cent less than that paid by our own people for 2 ounces of third-class matter.

Mr. NEELY. Mr. President, before the Senator from Tennessee takes his seat, will he yield to me?

Mr. McKELLAR. Yes.

Mr. NEELY. Will the Senator inform us whether the 2-cent charge on parcel-post packages which do not originate on rural routes is still in the bill as it is now before the Senate?

Mr. McKELLAR. That part of it is not before the Senate. The majority of the conferees have not made any report in reference to second-class and fourth-class matter, except that they are in disagreement about it. That is the only report that has been made; and, of course, the rates on those classes of mail are not before the Senate. What is before the Senate is a proposal to tax the American user of the mail 1½ cents for every 2 ounces of third-class matter, as compared with charging Canada and other foreign users of the mail only 1 cent.

Mr. NEELY. Mr. President, if the Senator will yield further, I venture to express the hope that the conferees on the part of the Senate will insist upon the Senate's action in eliminating the 2-cent charge on parcel-post packages.

Mr. GEORGE. Mr. President, may I ask the Senator from Tennessee a question before he takes his seat?

Mr. McKELLAR. Certainly.

Mr. GEORGE. Does the present proposal involve the rates on second-class matter?

Mr. McKELLAR. Not at all, except to report that there is a disagreement between the two Houses.

Mr. GEORGE. I meant this particular matter that we are now about to vote on.

Mr. McKELLAR. It does not affect it. If the Senate votes down the conference report, all that it does is to say that we ought to charge our own users of third-class matter the same as we do the foreign users of third-class matter in our own mails.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. McKELLAR. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Massachusetts [Mr. GILLETT] and will vote. I vote "yea."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES], who is unavoidably detained from the Senate. If I were at liberty to vote, I should vote "nay."

Mr. BRUCE. Mr. President, I have just come into the Chamber, and I should like to know just what is involved in this proposition. I desire to know, first of all, whether the postal rates are involved in which the business mailing houses of the country are interested?

Mr. SMOOT. I call for the regular order.

Mr. MOSES. Mr. President, a point of order. Debate is out of order.

The VICE PRESIDENT. Debate is out of order under the rule. The Secretary will continue the calling of the roll.

Mr. BROOKHART. Mr. President, there is some confusion about the proposition on which we are voting. I wish we could get a statement——

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SHIPSTEAD. What is the conference report?

Mr. BROOKHART. Yes; what is the conference report?

Mr. ROBINSON of Arkansas. Mr. President, I make the point of order that it is not in order to interrupt the roll call for discussion.

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The regular order is demanded. The Secretary will continue the calling of the roll.

Mr. WALSH of Montana (when his name was called). I have a pair with the Senator from Vermont [Mr. DALE]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. RANSDELL. I have a pair with the junior Senator from Maine [Mr. GOULD]. Therefore I withhold my vote.

Mr. SWANSON. I transfer my pair with the senior Senator from Washington [Mr. JONES] to the junior Senator from Washington [Mr. DILL] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from New Jersey [Mr. EDGE] with the Senator from New York [Mr. COPELAND]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

Mr. BINGHAM. I have a general pair with the Senator from Wyoming [Mr. KENDRICK]. I do not know how he would vote on this question. I transfer that pair to the junior Senator from Oregon [Mr. STEIWER] and will vote. I vote "yea."

Mr. GERRY. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is detained from the Senate by illness in his family; that the Senator from Delaware [Mr. BAYARD] is detained by a death in his family, as also is the Senator from Montana [Mr. WHEELER]; and that the Senator from Arizona [Mr. ASHURST], the Senator from Washington [Mr. DILL], and the Senator from Missouri [Mr. HAWES] are absent on official business.

The result was announced—yeas 26, nays 42, as follows:

YEAS—26

Bingham	Goff	Metcalf	Smoot
Borah	Greene	Moses	Tydings
Curtis	Hale	Phipps	Vandenberg
Cutting	Hayden	Reed, Pa.	Warren
Deneen	Howell	Robinson, Ind.	Waterman
Fess	King	Sackett	
Fletcher	McLean	Shortridge	

NAYS—42

Barkley	Gerry	Mayfield	Shipstead
Black	Glass	Neely	Simmons
Blaine	Harris	Nye	Steck
Blease	Harrison	Oddie	Stephens
Bratton	Heflin	Overman	Swanson
Brookhart	Johnson	Pine	Thomas
Broussard	La Follette	Pittman	Tyson
Bruce	Locher	Reed, Mo.	Wagner
Caraway	McKellar	Robinson, Ark.	Walsh, Mass.
Couzens	McMaster	Schall	
George	McNary	Sheppard	

NOT VOTING—26

Ashurst	Dale	Edwards	Gould
Bayard	Dill	Frazier	Hawes
Capper	du Pont	Gillett	Jones
Copeland	Edge	Gooding	Kendrick

Keyes	Ransdell	Trammell	Wheeler
Norbeck	Smith	Walsh, Mont.	
Norris	Steiwer	Watson	

So the conference report was rejected.

Mr. MOSES. I move that the Senate ask the House for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MOSES, Mr. PHIPPS, and Mr. MCKELLAR conferees on the part of the Senate at the further conference.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the executive committee of the American Legion, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., *May 18, 1928.*

Hon. CHARLES G. DAWES,

President of United States Senate, Washington, D. C.:

National executive committee of the American Legion to-day adopted the following resolution:

"Whereas the hospital construction bill advocated by the American Legion and presented to the Congress at the last session was passed by the House and in the closing days of the session failed enactment in the Senate because of the filibuster; and

"Whereas during the present session of Congress this hospital-construction program, of vital interest to the disabled veterans of the World War, and providing 4,000 additional beds in new, fireproof sanitary modern hospitals, was passed by the House on April 16 and sent over to the Senate, where it has been before the subcommittee of the Finance Committee in charge of veterans' matters, has not been favorably reported to the Senate; and

"Whereas the indications are that Congress will adjourn very shortly with a great deal of legislation still pending in the Senate: Now, therefore, be it

"*Resolved*, In order to avoid the possibility of this legislation again becoming involved in a Senate filibuster the national executive committee of the American Legion, meeting in Indianapolis this May 17 and 18, having taken cognizance of this situation, requests the Senate Finance Committee and the chairman of the subcommittee, the Hon. DAVID A. REED, to give the hospital construction bill immediate consideration, in order that it might be passed at once and thereby provide these long-needed hospital beds for our disabled comrades; and

"*Provided further*, That a copy of this resolution be telegraphed to the President of the Senate and every member of the Finance Committee at once."

EDWARD E. SPAFFORD,
National Commander the American Legion.

Mr. VANDENBERG presented petitions of sundry citizens of Detroit, Mich., praying for the passage of the so-called Copeland-Wainwright bill, providing proper maintenance for the survivor and dependents of the other men who underwent experiments in connection with the control of yellow fever in 1900, etc., which were ordered to lie on the table.

HON. BURTON K. WHEELER

Mr. MCNARY. I ask unanimous consent to have printed in the RECORD a letter written to W. L. Stockton, president Montana State Farm Bureau, by George N. Peek, chairman administrative committee of the North Central States Agricultural Conference, commending the junior Senator from Montana [Mr. WHEELER] for his excellent service in connection with farm legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH CENTRAL STATES AGRICULTURAL CONFERENCE,
EXECUTIVE COMMITTEE OF 22,
Washington, D. C., May 4, 1928.

W. L. STOCKTON,

President Montana State Farm Bureau, Clarkston, Mont.

DEAR MR. STOCKTON: The farmers of America are now engaged in the most momentous struggle in their history or at least since the war of 1861–1865.

It is the age-old struggle for economic equality. It is the kind of a struggle that makes or breaks political parties. Therefore, the question is bigger than partisan politics. Farmers have followed the practice since 1924 of rewarding their friends in Congress by their support and of defeating their enemies by their opposition, and this regardless of partisan politics.

This is as it should be, so in this connection you must know who are your friends in Congress. Hon. BURTON K. WHEELER, United States Senator from your State, has loyally supported the farmers in their fight and should have farmers' support for reelection.

I have written letters similar to this to farmers in other States on behalf of both Republican and Democratic Members of Congress, so it can not fairly be said that my motives are partisan. If farmers are to secure and retain their proper place in our complicated economic scheme of things, they must place their economic interests above partisanship and stay by their friends.

I am glad to have this opportunity of writing you this letter on behalf of Senator WHEELER, who has been of great assistance in the fight for farm equality, and I will cheerfully answer any questions you may ask, if I can.

Sincerely yours,

GEORGE N. PEEK.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age (Rept. No. 1212);

A bill (S. 4315) authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co. (Rept. No. 1213);

A bill (H. R. 1931) for the relief of Daniel Mangan (Rept. No. 1214); and

A bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended (Rept. No. 1215).

Mr. SHEPPARD also, from the Committee on Commerce, to which was referred the bill (H. R. 13069) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn., reported it without amendment and submitted a report (No. 1244) thereon.

He also, from the same committee, to which was referred the bill (S. 4450) authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio, reported it with an amendment and submitted a report (No. 1240) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4451) to amend the act entitled "An act granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River," approved May 1, 1928 (Rept. No. 1241);

A bill (S. 4456) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across the Santa Rosa Sound in the State of Florida (Rept. No. 1242); and

A bill (S. 4457) authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point, in Escambia County, Fla., to the mainland of Baldwin County, Ala. (Rept. No. 1243).

Mr. BLAINE, from the Committee on Military Affairs, to which was referred the bill (H. R. 802) to correct the military record of Curtis P. Wise, reported it without amendment and submitted a report (No. 1216) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10869) amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia, reported it with an amendment and submitted a report (No. 1230) thereon.

Mr. LOCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2462) to amend the military record of John F. Walker, reported it with amendments and submitted a report (No. 1220) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon:

A bill (H. R. 4654) for the relief of Kennedy F. Foster; and

A bill (H. R. 9002) for the relief of Clarence G. Stonestreet.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 10649) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice (Rept. No. 1221); and

A bill (H. R. 12953) to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y. (Rept. No. 1222).

Mr. REED of Pennsylvania also, from the Committee on Military Affairs, to which was referred the bill (S. 4461) to provide for the policing of military roads leading out of the District of Columbia, reported it with an amendment and submitted a report (No. 1245) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8589) for the relief of Thomas F. Nicholas, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (H. R. 7268) for the relief of John Hervey, reported it without amendment and submitted a report (No. 1223) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2296) to amend the military record of Robert Zink, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. FLETCHER, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 2272) for the relief of William Morin (Rept. No. 1224);

A bill (H. R. 13598) for the relief of Robert W. Miller (Rept. No. 1225); and

A bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army (Rept. No. 1226).

Mr. FLETCHER also, from the Committee on Commerce, to which was referred the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries, reported it with an amendment and submitted a report (No. 1239) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 4954) for the relief of Thomas Purdell, reported it without amendment and submitted a report (No. 1227) thereon.

He also, from the Committee on Claims, to which was referred the bill (H. R. 12063) for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased, reported it without amendment and submitted a report (No. 1234) thereon.

Mr. PHIPPS, from the Committee on Banking and Currency, to which was referred the joint resolution (S. J. Res. 142) authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif., reported it without amendment and submitted a report (No. 1228) thereon.

Mr. WAGNER, from the Committee on Military Affairs, to which was referred the bill (H. R. 2472) for the relief of Emile Genireux, reported it without amendment and submitted a report (No. 1229) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 3971) for the relief of the owners of the schooner *William Melbourne* (Rept. No. 1231); and

A bill (H. R. 10014) for the relief of A. F. Gallagher (Rept. No. 1232).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 9380) for the relief of Frank E. Shults, reported it without amendment and submitted a report (No. 1233) thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (S. 4107) for the relief of James Aloysius Manley, reported it without amendment and submitted a report (No. 1235) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 2989) for the relief of John B. Moss, reported it with an amendment and submitted a report (No. 1236) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7708) for the relief of John M. Brown (Rept. No. 1237); and

A bill (H. R. 8742) to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street (Rept. No. 1238).

MARKER FOR REVOLUTIONARY SOLDIERS BURIED AT LITITZ, PA.

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably, by unanimous vote, House bill 8546, authorizing the erection of a marker at a cost of $2,500 at Lititz, Pa., to commemorate the burial place of 110 soldiers of the Revolution who were buried at that place. They were injured at the Battle of Brandywine.

As it is desired to have action upon the matter immediately, I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8546) authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz, which was read, as follows:

Be it enacted, etc., That the sum of $2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, in the erection of an appropriate tablet or marker at or near the spot in or near the borough of Lititz, in Pennsylvania, where 110 American soldiers of the Revolution, who were wounded in the Battle of Brandywine and were cared for in the military hospital at Lititz, lied buried: *Provided*, That the site on which the proposed tablet or marker is to be erected shall be acquired by the borough of Lititz.

SEC. 2. The design of said marker or tablet shall be the work of an artist who is a citizen of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMISSIONS OF FOREIGN NATIONALS TO WEST POINT

Mr. REED of Pennsylvania. From the Committee on Military Affairs, I report back three joint resolutions authorizing the acceptance at West Point of certain young men from China, Siam, and Venezuela. They are in the usual form, and I ask for their immediate consideration, because it is necessary to take these young men in this month.

Mr. ROBINSON of Arkansas. How many are to be admitted?

Mr. REED of Pennsylvania. We have had seven Chinese so far. These joint resolutions authorize the admission of two Chinese, two Siamese, and one Venezuelan.

Mr. ROBINSON of Arkansas. That is in accordance with an international arrangement?

Mr. REED of Pennsylvania. Exactly.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 155) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela, which was read, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Jose J. Jimenez to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Jose J. Jimenez shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Jose J. Jimenez shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *Provided further*, That in the case of said Jose J. Jimenez the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 40) (Rept. No. 1219) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects to be designated hereafter by the Government of Siam, which was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit two Siamese subjects, to be designated hereafter by the Government of Siam, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Siamese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction, and that the said Siamese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further*, That in the case of the said Siamese subjects the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 39, Rept. No. 1218) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China, which was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit two Chinese subjects, to be designated hereafter by the Government of China, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Chinese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction, and that the said Chinese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further*, That in the case of the said Chinese subjects the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW ORLEANS QUARTERMASTER INTERMEDIATE DEPOT UNIT NO. 2

Mr. BLACK. Mr. President, I report back from the Committee on Military Affairs Senate Joint Resolution 120, which provides for the lease by the Government of certain property in New Orleans to the New Orleans Association of Commerce for the purpose of having an international trade exhibition in this building, and I submit a report (Rept. No. 1217) thereon. This is reported favorably and urged by the War Department, and it is a unanimous report from the committee. I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 120) authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans quartermaster intermediate depot unit No. 2, which was read, as follows:

Resolved, etc., That the Secretary of War is authorized to lease for a period of three years, to run from September 16, 1927, without consideration or on such terms or conditions as he deems it advisable, to the New Orleans Association of Commerce (a nonprofit corporation organized under the laws of Louisiana), its successors and assigns, the New Orleans quartermaster intermediate depot unit No. 2 for general exhibition purposes in respect of fabricated and raw products of the United States and similar products of foreign countries; but if such corporation, its successors or assigns, shall cease to use and occupy the depot for such purposes the lease shall become null and void: *Provided*, That the United States may void the lease any time within the lease period by giving 30 days' notice to the lessees.

SEC. 2. That the New Orleans Association of Commerce, under regulations prescribed by the Secretary of War, may, without expense to the United States, make such alterations in respect to such depot as may be necessary for the purposes for which the building is leased and in so far as may be compatible with the public interest.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIMARY CAMPAIGN IN NEW JERSEY

Mr. CARAWAY. Mr. President, I have a letter from former Senator Frelinghuysen, of New Jersey, setting forth his reply to a letter that was written to him by former Governor Stokes. He thought possibly the statement made did not quite do him justice, and I ask to have the letter printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, *May 18, 1928.*

Hon. T. H. CARAWAY,
United States Senate, Washington, D. C.

MY DEAR SENATOR CARAWAY: I notice a statement attributed to you as being made from the floor of the Senate in regard to the expenditures made in the United States senatorial contest in New Jersey.

Referring to Ex-Governor Stokes's letter to the other candidates, you said: "The other candidates did not see fit to answer him, and I think a Senate inquiry pertinent."

Immediately upon receipt of Governor Stokes's letter I sent the following addressed to him:

"I am in receipt of your personal letter to me of May 9, in which you inclose a copy of your open letter to Mr. Hamilton F. Kean regarding a public accounting of campaign expenses.

"While your open letter is not addressed to me, I am happy to take advantage of the opportunity you have thus afforded to say publicly that I am heartily in favor of all the candidates for nomination or election opening their books for inspection by anyone at any time, showing all contributions received and pledged and all expenditures made. For myself, you know that I did not announce my candidacy for nomination for United States Senator until December 5 last. I did not spend a dollar in aid of my candidacy before that date. Since that date I have spent less than the statute permits. I have not spent a dollar for any illegal purpose.

"I have not bought the support of a single individual nor of any organization. I am perfectly willing to open my books for inspection, and they will show that whatever money I have spent has been for the absolutely necessary expenses of a political campaign, such as the maintenance of headquarters, printing, advertising, and reasonable compensation for my workers.

"Permit me to say that should the Republicans of this State favor me with the nomination, I can accept it with a clear conscience and with the knowledge that it was a gift of the people and not a purchase by

"Yours very truly."

In order to straighten the record, particularly with you, my old friend, I am sending you this copy.

Sincerely yours,

J. S. FRELINGHUYSEN.

REPORTS OF THE COMMITTEE TO AUDIT AND CONTROL, ETC.

Mr. DENEEN. I ask unanimous consent to submit four reports from the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. Without objection, the reports will be received. Is there objection to their present consideration?

SEVERAL SENATORS. Let them be read.

Mr. SMOOT. I shall not object, provided the resolutions do not lead to debate.

Mr. DENEEN. They will lead to no debate.

CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the concurrent resolution (S. Con. Res. 11), submitted by Mr. BINGHAM February 23, 1928, reported it with an amendment striking out the preamble, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of Congress, to consist of five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is authorized and directed to make a full investigation of the problem of the control of aircraft for seacoast defense, and to recommend to Congress as soon as practicable such legislation concerning aerial coast defense as it shall deem necessary or proper.

For the purpose of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The preamble was stricken out.

INVESTIGATION RELATIVE TO UNEMPLOYMENT

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 219) submitted by Mr. LA FOLLETTE May 2, 1928, reported it without further amendment, and, by unanimous consent, the Senate proceeded to its consideration.

The amendments of the Commitee on Education and Labor, to which the resolution had been previously referred, were, on page 1, line 4, after the word "concerning," to insert "the causes of unemployment and the relation to its relief of"; on page 2, line 4, after the word "private" and the semicolon, to insert "(d) curtailed production, consolidation, and economic reconstruction;"; at the end of line 5 to strike out "(d)" and insert "(e)"; in line 7, after the word "and," to strike out "(e)" and insert "(f)"; in line 9, after the word "and," to strike out "(d)" and insert "(e)"; in line 20, after the word "of," to insert "$15,000"; and in line 25, after the word "advisable," to strike out "at the beginning of the second regular session of the Seventieth Congress" and insert "on or before February 15, 1929," so as to make the resolution read:

Whereas many investigations of unemployment have been made during recent years by public and private agencies; and

Whereas many systems for the prevention and relief of unemployment have been established in foreign countries, and a few in this country; and

Whereas information regarding the results of these systems of unemployment, prevention, and relief is now available; and

Whereas it is desirable that these investigations and systems be analyzed and appraised and made available to the Congress: Therefore be it

Resolved, That the Committee on Education and Labor of the Senate, or a duly authorized subcommittee thereof, is authorized and directed to make an investigation concerning the causes of unemployment and the relation to its relief of (a) the continuous collection and interpretation of adequate statistics of employment and unemployment; (b) the organization and extension of systems of public employment agencies, Federal and State; (c) the establishment of systems of unemployment insurance or other unemployment reserve funds, Federal, State, or private; (d) curtailed production, consolidation, and economic reconstruction; (e) the planning of public works with regard to stabilization of employment; and (f) the feasibility of cooperation between Federal, State, and private agencies with reference to (a), (b), (c), and (e). For the purposes of this resolution such committee or subcommittee is authorized to hold hearings and to sit and act at such times and places; to employ such experts and clerical, stenographic, and other assistants; to require, by subpœna or otherwise, the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not be in excess of $15,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman. The commitee or subcommittee shall make a final report to the Senate as to its findings, together with such recommendations for legislation as it deems advisable, on or before February 15, 1929.

The amendments were agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

FEDERAL OFFICES IN GEORGIA

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 193) submitted by Mr. GEORGE and Mr. HARRIS on April 9, 1928, reported it with an additional amendment.

The first amendment of the Committee on Post Offices and Post Roads, to which the resolution had been previously referred, was, on page 1, after the word "*Resolved*," to strike out "That a special committee of three Senators to be appointed by the President of the Senate is authorized and directed (1) to make a full and complete investigation of the barter of Federal offices in the State of Georgia, and particularly the facts with respect to any payment of money or anything of value, or promise to pay money or anything of value, before, upon, or after the appointment, to party officials or organizations or their agents or representatives, for the purpose of influencing appointments to such offices, and (2) to report thereon to the Senate as soon as practicable, with such recommendations for necessary legislation as it deems advisable" and to insert:

That the Committee on Post Offices and Post Roads, or a subcommittee thereof to be appointed by the chairman, is authorized and directed to make a full and complete investigation of the circumstances surrounding the choice of postmasters in presidential offices and carriers, particularly with respect to any payment of money or anything of value, or promise to pay money or anything of value, before, upon, or after such appointment, to party officials or organizations or their agents or representatives, for the purpose of influencing appointments to such offices or of influencing the retention of appointees to such offices, and to report thereon to the Senate as soon as practicable with such recommendations for necessary legislation as may be deemed advisable.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the words "per hundred words," to strike out "the expenses of such committee, which shall not exceed $——, shall be paid from the contingent fund of the Senate."

The amendment was agreed to.

The next amendment was, on page 2, at the end of line 20, to insert "The cost of conducting this investigation shall be paid from the contingent fund of the Senate upon proper vouchers of the chairman of the Committee on Post Offices and Post Roads, or of such subcommittee as may be named under the provisions of this resolution," to which the Committee to Audit and Control the Contingent Expenses of the Senate proposed an amendment, to insert, after the word "investigation," the words "shall not exceed $5,000 and."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads, or a subcommittee thereof to be appointed by the chairman, is authorized and directed to make a full and complete investigation of the circumstances surrounding the choice of postmasters in presidential offices and carriers, particularly with respect to any payment of money or anything of value, or promise to pay money or anything of value, before, upon, or after such appointment, to party officials or organizations or their agents or representatives, for the purpose of influencing appointments to such offices or of influencing the retention of appointees to such offices, and to report thereon to the Senate as soon as practicable with such recommendations for necessary legislation as may be deemed advisable. For the purposes of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The cost of conducting this investigation shall not exceed $5,000 and shall be paid from the contingent fund of the Senate upon proper vouchers of the chairman of the Committee on Post Offices and Post Roads, or of such subcommittee as may be named under the provisions of this resolution.

APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 154) submitted by Mr. HEFLIN on February 20, 1928, reported it with amendments, which were, on page 3, line 7, after the word "advisable," to strike out "The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words"; and in line 9, after the dollar mark, to insert "2,500," so as to make the resolution read:

Whereas William C. Deming, president of the Civil Service Commission, admitted in an article published in the Washington Post of March 6, 1927, that the Civil Service Commission had appointed in excess of quotas over 10,000 persons from the District of Columbia, Maryland, Virginia, and other States; and

Whereas many legally appointed civil-service employees from States whose quotas are in arrears, and many ex-service men and women, have been illegally separated from the service, and much suffering and hardship caused thereby, terminating in some cases in commitments to St. Elizabeths Hospital and in other cases in suicide; and

Whereas the morale and efficiency of many of the executive departments and independent establishments of the Government have been completely broken down by the injustice, discrimination, intimidation, and illegal dismissals in the civil service and much loss to the Government caused by the resulting maladministration of the laws: Therefore be it

Resolved, That there is hereby created a special committee of the Senate, to consist of five Members appointed by the President of the Senate, three of whom shall be from the majority party (including one progressive Republican) and two of whom shall be from the minority party. The committee is authorized and directed to investigate illegal appointments and dismissals in the civil service since July 1, 1919. The committee shall meet and organize within five days from the date of appointment, and immediately thereafter shall begin hearings upon this resolution. Within 60 days after the adoption of this resolution the committee shall report to the Senate concerning such illegal appointments and dismissals in the civil service, and shall include in its report such recommendation for legislation and suggested action for the removal from office of any parties to such illegality as it deems advisable to correct abuses in appointments and dismissals in the civil service.

For the purposes of this resolution the committee is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, including the records of the Civil Service Commission, the Bureau of the Budget, the Bureau of Efficiency, the Personnel Classification Board, and the several executive departments and independent establishments, to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The expenses of the committee shall not exceed $2,500, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

INVESTIGATION RELATIVE TO NATIONAL PARKS

Mr. NYE, from the Committee on Public Lands and Surveys, reported a resolution (S. Res. 237), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee thereof, be, and it is hereby, authorized and directed to investigate the advisability of establishing certain additional national parks and the proposed changes in, and boundary revisions of, certain other national parks. For the purpose of carrying out the provisions of this resolution, such committee or subcommittee is hereby authorized to sit, act, and perform its duties at such times and places as it deems necessary or proper; to require, by subpœna or otherwise, the attendance of witnesses; to require the production of books, papers, documents, and other evidence; and to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not exceed 25 cents per 100 words. The expenses of such committee or subcommittee, which shall not exceed the sum of $3,500, shall be paid from the contingent fund of the Senate. The committee or subcommittee shall make a report as to its findings at the second regular session of the Seventieth Congress, together with recommendations for such legislation as it deems necessary.

LANDS WITHIN THE RAINY LAKE WATERSHED, MINN.

Mr. McNARY, from the Committee on Agriculture and Forestry, reported a resolution (S. Res. 239), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Whereas on April 4, 1928, there was introduced in the Senate a bill (S. 3913) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes; and

Whereas the preamble to said bill emphasizes the importance of protecting and conserving the area covered by the Rainy Lake watershed, lying in Ontario and Minnesota, and the adjacent lands and waters, out of international, historic, recreational, scenic, and economic and esthetic considerations; and

Whereas said bill contemplates the development of a uniform plan of treatment and protection for this entire region; and

Whereas said bill provides for the withdrawal from entry or appropriation of certain public lands of the United States situate in such region and for the conservation and protection of the natural features of such region in an unmodified state: Therefore be it

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized to investigate the matters recited in the preamble to Senate bill 3913 and consider the protective measures proposed to be adopted by said bill, with a view to determining the advisability and practicability of carrying out the principles therein set forth or determining what other plan for the development and protection of the region therein specified may be adopted, and to report thereon to the Senate as soon as practicable, with such recommendations for legislation as it deems advisable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places in the United States and Canada, to employ such experts and clerical, stenographic, and other assistance, to require, by subpœna or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $——, shall be paid from the contingent fund of the Senate.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On May 18, 1928:

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926.

On May 19, 1928:

S. 2148. An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; and

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line, including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 4502) granting a pension to Coral Mahr; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4503) authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 4504) granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 4505) to incorporate the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. WALSH of Massachusetts:

A bill (S. 4506) to reimburse the Commonwealth of Massachusetts for expenses incurred in compliance with the request of the United States marshal, dated December 6, 1917, to the Governor of Massachusetts, in furnishing the State military forces for duty on and around Boston Harbor under regulation 13 of the President's proclamation; and

A bill (S. 4507) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general Eastern Department, United States Army, and the commandant navy yard, Charlestown, Mass.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 4508) for the relief of Edgar C. Campbell; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 4509) to authorize the Secretary of War to sell to the Fishers Island Corporation a tract of land comprising part of the Fort H. G. Wright Military Reservation, N. Y.; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 4510) granting an increase of pension to Angelina Naper (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4511) granting a pension to Henry E. Heppner; and

A bill (S. 4512) granting a pension to Henry Grant Guild; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A joint resolution (S. J. Res. 157) providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski and establishing a commission to be known as the United States Pulaski sesquicentennial commission; to the Committee on the Library.

AMENDMENTS TO TAX REDUCTION BILL

Mr. HOWELL submitted two amendments intended to be proposed by him to House bill 1, the tax reduction bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO BOULDER DAM BILL

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 4401) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENTS TO THE DEFICIENCY APPROPRIATION BILL

Mr. CURTIS submitted amendments intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper places in the bill to insert the following:

"TABLET AT MEDICINE LODGE, KANS.

"For the erection of a tablet or marker at Medicine Lodge, Kans.; to commemorate the holding of the Indian peace council at which treaties were made by the United States and the Kiowa, Comanche, Apache, Cheyenne, and Arapahoe Indians in October, 1867, $2,500.

"To enable the General Accounting Office to furnish such data, reports, etc., as may be required by the Committee on Indian Affairs of the Senate in accomplishing the survey and investigation authorized and directed by Senate Resolution 79, Seventieth Congress, first session, to remain available until expended, which shall be available for the employment in the District of Columbia and elsewhere of the necessary personnel without regard to civil service laws and regulations, $45,000."

"Construction of sewage-disposal system, Haskell Institute, Lawrence, Kans.: For the construction of an adequate septic sewage-disposal system at Haskell Institute, Lawrence, Kans., $18,000, to remain available until June 30, 1929."

"Replacement of buildings, material, and equipment destroyed and repairing damages caused by fire, Haskell Institute, Lawrence, Kans.: For the replacement of buildings, material, and equipment, and for necessary repairs to adjoining buildings and light poles destroyed and damaged by fire at Haskell Institute, Lawrence, Kans., on March 27, 1928, $8,000, to remain available until June 30, 1929."

Mr. BRATTON submitted an amendment proposing to appropriate $70,000 for payment of damages sustained by reason of the overflow of the Rio Grande River at or in the vicinity of Hatch and Santa Teresa, N. Mex., etc., intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BINGHAM submitted an amendment proposing to appropriate $31,870, to remain available until June 30, 1929, for an additional amount for the payment of traveling expenses of diplomatic, consular, and Foreign Service officers incurred in connection with leaves of absence, intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing that for carrying out the purpose and provisions of Title III, construction loan fund, section 302, merchant marine act, 1928, the United States Shipping Board be authorized to incur obligations by entering into contracts to make loans from the construction loan fund to the extent of $125,000,000, in addition to the amount now standing to the credit of that fund, etc., intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

BRIDGE ACROSS BEAR CREEK, BALTIMORE COUNTY, MD.

Mr. TYDINGS. Senate bill 4401 is now on the desk, with a small amendment made to it in the House. It is a bridge bill and the amendment is only a verbal correction, inserting a plural for the singular. I ask that it be laid before the Senate.

The PRESIDING OFFICER (Mr. JOHNSON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 4401) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., which was, on page 2, line 25, to strike out the word "interest" and insert "interests."

Mr. TYDINGS. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

RESERVE OFFICERS' DIVISION OF THE WAR DEPARTMENT

Mr. REED of Pennsylvania. Mr. President, I send to the desk a letter signed by Gen. Roy Hoffman and Gen. G. A. Fraser, representing, respectively, the Reserve Officers' Association and the National Guard Association of the United States. These gentlemen have come to an agreement on their difficulties regarding the bill to create a Reserve Division in the War Department. I think it is important that the fine position they have both taken should be known to the country. Therefore, I ask that their letter and a proposed amendment be printed in full in the RECORD, and I ask also that the proposed amendment may be printed and lie upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GEORGE. May I inquire of the Senator the nature of the amendment?

Mr. REED of Pennsylvania. The amendment they have agreed upon removes from the jurisdiction of the Reserve Division the Reserve Officers' Training Corps and the Citizens' Military Training Corps.

Mr. GEORGE. I think that will remove all obstacles to the bill.

Mr. REED of Pennsylvania. They have agreed upon approving the passage of the bill with that amendment.

Mr. FLETCHER. What about the National Guard?

Mr. REED of Pennsylvania. The letter is signed jointly by General Hoffman, president of the Reserve Officers' Association of the United States and General Fraser, president of the National Guard Association of the United States.

The letter and proposed amendment are as follows:

WASHINGTON, D. C., *May 19, 1928.*

Senator DAVID A. REED,
Chairman Senate Military Affairs Committee,
United States Senate, Washington, D. C.

DEAR SIR: At a meeting of the National Guard Association of the United States, held in this city during the past two days, bill No. S. 3458, introduced by you, was carefully studied and considered, it being the understanding that you and other Members of Congress desired to know whether or not the National Guard and reserve officers could agree upon the provisions of this legislation.

It was found that certain features of the bill were not satisfactory to the National Guard Association and after a conference over this bill with representatives of the Reserve Officers' Association, both groups have agreed to recommend, and hereby do recommend to Congress the attached bill, in the draft of which the wording of bill No. S. 3458 has been followed, except that the changes which both associations have agreed upon have been made.

We jointly recommend the passage of the attached bill at the present session of Congress.

ROY HOFFMAN,
Brigadier General, Infantry Reserves,
President Reserve Officers' Association of the United States.
G. A. FRASER,
Brigadier General The Adjutant General's Department,
President National Guard Association of the United States.

Amendment intended to be proposed by Mr. REED of Pennsylvania to the bill (S. 3458) to create the reserve division of the War Department, and for other purposes, viz:

Strike out all after the enacting clause and insert: "That the act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, as amended, be, and the same is hereby, further amended by inserting after section 38 a new section, as follows:

"SEC. 39. The reserve officers' division of the War Department: There is hereby created the reserve officers' division of the War Department. This division shall consist of one chief of the reserve officers' division, with the rank of major general, appointed from officers of the Regular Army in accordance with section 4c of this act, and such other officers as may be assigned to duty in the reserve officers' division by the Secretary of War: *Provided*, That three of the officers so assigned shall be members of the Officers' Reserve Corps.

"The duties to be performed by the reserve officers' division shall consist exclusively in the general supervision, under the Chief of Staff, of the administration and development of the Officers' Reserve Corps, under such regulations as may be prescribed by the Secretary of War, but shall not include such supervision over reserve officers who are federally recognized National Guard officers; in the performance of these duties the existing bureaus, departments, and agencies of the War Department shall be utilized as far as practicable. In coordination with the General Staff, the chief of the reserve officers' division shall be consulted regarding, and kept informed and advised of, all existing and proposed policies, regulations, plans, and orders affecting the Officers' Reserve Corps, and he will make directly to the Chief of Staff recommendations pertaining thereto. He shall maintain contact with the Officers' Reserve Corps, exclusive of reserve officers who are federally recognized National Guard officers, and through inspections in person or by representatives shall keep the Chief of Staff informed of their state of efficiency and measures necessary for their proper development.

"The reserve officers on duty in the reserve officers' division shall be called to active duty, with their own consent, for this purpose, and while so serving shall receive the active-duty pay and allowances of their

grades as prescribed in the pay readjustment act of June 10, 1922. Appropriations are hereby authorized to be made annually for the contingent and operating expenses of the reserve officers' division.

"The Secretary of War is authorized to transfer or assign to the reserve officers' division such clerical personnel as in his judgment may be necessary."

SEC. 2. That all laws and parts of laws inconsistent with this act are hereby repealed.

MILDRED G. SMITH AND MILDRED N. LOCKETT

Mr. BROOKHART submitted the following resolution (S. Res. 238), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, fiscal year 1927, contingent fund of the Senate, to Mildred G. Smith and Mildred N. Lockett, daughter and granddaughter, respectively, of James A. Crystal, late a messenger in the employ of the Senate under direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ALASKA RAILROAD

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Seward Gateway, of Seward, Alaska, of May 2, 1928, written by John E. Ballaine, of Seattle, concerning the resources of Alaska. This article was inspired largely by the statement made by the junior Senator from Nebraska [Mr. HOWELL] when the Interior Department appropriation bill was before the Senate, when he attempted to amend it regarding the Alaska Railroad; and also by an article by Gen. W. P. Richardson, which appeared in the Atlantic Monthly for January, 1928.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ALASKA: ALASKA'S RESOURCES AND THE ALASKA RAILROAD—A REPLY—A CORRECT AND VIGOROUS OUTLINE OF REAL CONDITIONS PRESENTED BY JOHN E. BALLAINE IN REFUTATION OF THE DAMAGING MISREPRESENTATIONS BY GENERAL RICHARDSON IN THE ATLANTIC MONTHLY—PROOF THAT THE ATLANTIC MONTHLY ENGAGED IN A CONSPIRACY OF WILLFUL AND UNPATRIOTIC MISCHIEF

[EDITORIAL NOTE.—The Atlantic Monthly of Boston carried a grossly unfair and libelous contribution on Alaska and Alaska's resources from Gen. W. P. Richardson in its number for January, 1928, and has declined to publish statements of any kind from any source to repair the great and undeserved damage caused by the Richardson article. It thereby proves its part in an unworthy conspiracy. The following article by John E. Ballaine truthfully and forcefully presents the plain facts about Alaska, Alaska's resources, and the Alaska Railroad. It is being published in many of the newspapers of the United States, as well as in the CONGRESSIONAL RECORD. Mr. Ballaine, is widely known as the best informed man on every phase of Alaskan resources and possibilities, and his statements in the following article are known to every resident of central Alaska to be scrupulously fair, truthful, and accurate.]

By John E. Ballaine

Whether Gen. W. P. Richardson's article in the Atlantic Monthly for January, 1928, on Alaska and its resources and possibilities, was intended to be friendly or inimical, it certainly has produced the results of very real and undeserved damage to Alaska and injury to the national interests in Alaska proportionate to the nation-wide circulation and influence of the Atlantic Monthly.

It has been used by large numbers of newspapers and by Senators and Representatives in Congress as a barrage against the Government's efforts to open Alaska to settlement and development, particularly the Government's policy in building and operating the Alaska Railroad from Seward to Fairbanks, a distance of 467 miles, as a means to that end. That general barrage, as if prearranged, was followed by determined attacks on the floor of the House and Senate at Washington against further appropriations for the upkeep and operation of the Alaska Railroad.

Without exception, all of those unfriendly critics of Alaska interpreted General Richardson's contribution to mean that the resources of Alaska do not, never did, and never will justify the building of the Alaska Railroad as a Government project, and that wagon roads would serve all of Alaska's needs for all future time.

The Richardson article is damaging more for its omissions than for its statements of facts. It discusses a few of Alaska's minor and inconsequential resources, such as placer gold, and none of its fundamental resources of large range and scope and of lasting importance, on which its future population will be supported, such as agriculture, horticulture, timber, and coal and other minerals. It draws comparisons with a small section of northwestern Europe, not more than one-quarter the area of Alaska, rather than with all of the countries of northwestern Europe, which together contain the same combined area of Alaska, 565,000 square miles, in the same latitudes, under identical conditions of climate, where 27,500,000 of the world's hardiest and most progressive people dwell in comfort and a high degree of civilization—Norway, Sweden, Finland, the Baltic Provinces of the former Russian Empire, Denmark, Scotland, and the northern tier of counties in England.

To get the full force and effect of such methods, we need only go back 250 years or so to the early colonial days in America and read from English magazines of the seventeenth century the numerous contributions by officers of the British Army and others returning to England from the colonies about the inhabitable wastes of New England and the regions now embraced in New York, Pennsylvania, Ohio, Indiana, Wisconsin, Illinois, and Minnesota. Seeing no placer gold or other precious metals, but overlooking the vast areas of agricultural lands and of virgin forests, with not a word about the incomparable deposits of coal, many of these returned officers and tourists concluded that the new continent, from Massachusetts to the Mississippi River, was greatly overrated. The rigors of its winter climate, they generally agreed, would render it unsuitable as the habitation of any considerable population.

New England and other eastern magazines and newspapers in their turn later teemed with contributions about the desert wastes and the lack of resources of all the western territories, which now are populous and prosperous States.

Even the great Daniel Webster never comprehended the wealth of natural resources contained in the long-disputed Oregon country, nor grasped its future importance to the United States, now comprising the States of Oregon, Washington, and Idaho. And Senator Benton, of Missouri, as late as 1824 in the United States Senate proposed and advocated that the western boundary of the United States should be established definitely and forever at the summit of the Rocky Mountains.

But fortunately for the continental proportions and the world-wide power and influence of the United States of to-day, statesmen of far-seeing vision were at the wheel in the pilot house at all critical periods of our national growth and expansion.

William H. Seward, our Secretary of State in 1867, who negotiated the purchase of Alaska from the Government of Russia; Senator Sumner, of Massachusetts, who led the contest in the Senate for the ratification of the Alaska treaty of purchase, and Representative Banks of Massachusetts, former Governor of Massachusetts, former Speaker of the National House of Representatives, who vigorously advocated the hard-fought appropriation of $7,200,000 to pay the purchase price for Alaska, were statesmen of the first rank, with minds that perceived and understood the importance and the possibilities of Alaska to the future needs of the United States. These three, more than all others together, deserve the credit for taking Alaska into our national domain at an opportune and fortunate hour, albeit under showers of columny at that time.

In the light of these historic truths, mindful of the criticism that each successive new part of our unfolding country has been compelled to overcome and disarm, let us examine the route of and the resources in the fields tributary to the Alaska Railroad, which General Richardson omitted to mention, and we shall have a picture of another color, with a wide variety of tints and settings.

First, take Seward and Resurrection Bay, the southern terminus, which General Richardson does not approve averring that Portage Bay "should be looked into" as a preferable terminus.

Resurrection Bay is the only harbor on the whole stretch of Alaska's southern coast line which joins directly with the open sea through the Gibraltar-like Harding Gateway without the danger of approach through tortuous inland channels, and at the same time connects with the interior by the lowest of mountain passes and the lowest altitudes of any possible route.

It has the unique distinction of being the only harbor on the entire coast of Alaska—south, west, or north—that is 100 per cent free from any mishap of any kind to any vessel entering or departing in the 25 years since it became a regular port of call. It is the only harbor on the entire southern coast of Alaska having room for a terminal city of any size, with a densely timbered valley 5 miles wide at its head.

Its average depth of water is about 600 feet, which lessens gradually to the shores. The surrounding timbered mountains give it an aspect of secure shelter and of picturesque fascination unlike any other in America.

After President Harding had returned from Fairbanks on the Alaska Railroad and was ready to leave for the States, he gave instructions for his transport to remain over one extra day at Seward, in order, as he expressed it, that he and his official party might breathe the bracing air and exhilarate in the splendors of its scenery and climate. At the same time he issued a statement for publication, which he repeated after his return to the States, saying:

"Resurrection Bay is the most beautiful gem I have seen in Alaska or in any other part of the world in all my travels."

The harbor of Resurrection Bay was selected and designated by a naval commission in 1914 as a future naval base for the southern coast of Alaska, and to that end the Secretary of the Navy set aside

and had created by presidential proclamation a site of 3,300 acres as a naval reserve 2 miles south of Seward.

Every Government commission that has examined Resurrection Bay, as also Gen. Franklin Bell when Chief of Staff of the United States Army, has given it unqualified praise as one of the world's few ideal harbors, always open and sheltered every hour of every day in the year, and always ice free. General Bell visited it on a trip of inspection, and promptly established a 5,000-acre reserve for future military purposes at its entrance.

Portage Bay, on the contrary, has been "looked into" by private railroad companies and by Government commissions at different times during the last 25 years, every one of which turned it down decisively and unanimously as physically unfit and impossible for railroad terminals or for naval uses of any kind. It is blocked by floating ice practically or wholly for five months of every year, is shut off from the interior by a high range of mountains, is studded with numerous pinnacles of sunken rocks, as shown by all hydrographic charts, and is storm swept and fog bound, so that vessels plying to and from it in the winter months would pay the highest marine risks, 26 per cent, contrasted with the lowest, 2 per cent, for Resurrection Bay.

It is a noteworthy fact that every enemy of the Alaska Railroad project has shown his colors from the beginning by favoring Portage Bay as its ocean terminus, with the perfectly obvious purpose of fastening upon it the ridicule and discredit of an impossible harbor and center of operation.

General Richardson refers to the "heavy" grades from Seward through the Kenai Peninsula. The highest elevation through the Kenai Peninsula is exactly 1,065 feet, and the maximum grade is 2.2 per cent compensated, and that only for a total distance of 9 miles in three separate stretches. That is the standard maximum grade of every transcontinental railroad, and all of them cross elevations exceeding 5,000 feet, some as much as 10,000 feet. Of the remaining 54 miles through the Switzerland of the Kenai Peninsula, every mile is water grade on the wide floors of timbered valleys.

But even the small amount of maximum 2.2 grades through the Kenai Peninsula can be reduced to 1.5 at light cost, and the distance shortened 18 miles, by the building of a cut-off through Moose Pass, leaving the present main line at Mile 29, north of Seward, and uniting with it again on Turnagain Arm, opposite Sunrise. The rapid filling up of Turnagain Arm now renders it crossable by a railroad fill and bridge at Sunrise. That cut-off will eliminate every mile of 2.2 grade, all trouble from snow in the "loop district" between Miles 48 and 52, every foot of snow sheds, besides traversing a new and extensive mineral zone in the Moose Pass country to furnish profitable tonnage.

As to resources along the route of the Alaska Railroad, they have been examined and reported by different agencies of the Government for the last 25 years, and have been demonstrated by many hundred farmers, gardeners, and miners, in all the mountains and valleys between Seward and Fairbanks.

The Susitna Valley, which the Alaska Railroad traverses, is 150 miles long by 25 to 75 miles wide, with low altitudes of 100 to 500 feet above the sea. The valleys of the Kenai Peninsula, including the plateau of 30 miles by 100 miles on its western side along Cook Inlet, aggregate half the area of the Susitna Valley, all tributary to the Alaska Railroad.

The Agricultural Department, through its agents on Government experiment farms in Alaska, estimates the total areas of all these valleys together in the Susitna and the Kenai regions at 5,000,000 acres, of which nine-tenths is covered with birch, spruce, and poplar trees of fine quality, and three-fourths of which is agricultural and grazing lands equal in productive capacity to the agricultural lands of our Northern States.

Many thousands of tourists from all parts of the United States have been there and have seen the luxuriance of the growth of red-top and blue-stem grasses, shoulder high, and forests as dense and thick as the forests of the Tropics, covering many hundreds of thousands of acres at intervals all the way from Seward to Fairbanks. They have seen hundreds of gardens and many fields of growing and ripened grain as luxuriant and prolific as any in Iowa or Illinois.

The Seward Daily Gateway, of Seward, Alaska, published an editorial in its issue of August 20, 1927, outlining and emphasizing these conditions. It presents agricultural possibilities in central Alaska from demonstrated facts over a long period of years so concisely and accurately that it is worthy of reproduction here as a timely summing up of first-hand evidence from Alaska. That editorial says:

"Farming and gardening in the Susitna Valley and in the numerous valleys of Kenai Peninsula, including the great plateau on the western side of the Kenai Peninsula between Cook Inlet and the Knik Mountains, have progressed far enough on many small patches widely scattered since the building of the Alaska Railroad to demonstrate what can be done on a large scale on every square mile of those extensive areas.

"With certainty there are 2,000,000 acres in the Kenai Peninsula and 3,000,000 acres in the Susitna Valley, to say nothing of an equal amount in the Tanana Valley, which have possibilities for growing every kind of vegetables, berries, rye, oats, barley, and the harder wheats more abundantly and of better quality acre for acre than the Northern States of the United States.

"If that statement should seem too sweeping, the answer is before the eyes of every man and woman who will visit the hundreds of little farms and gardens in and around Seward, Seldovia, Kenai, Hope, Sunrise, Anchorage, Matanuska, Wasilla, Talkeetna, and scores of other places in those valleys.

"What is produced on one acre can be produced on the adjoining acre under the same conditions, or the adjoining hundreds of acres, or thousands of acres.

"The long summers and the long hours of daylight in these latitudes produce with a rapidity and luxuriance of growth that are not surpassed in any State in the Union. When summer comes, it is here in a bound, and the danger of killing frosts is past, unlike the conditions that menace crops in many of the agricultural States."

Not only are vegetables, berries, and grains of every variety produced in strong and rapid growth in all these central valleys, but apples now are being grown successfully and profitably in an orchard at Hope, 75 miles northwest of Seward. A farmer there of Scandinavian origin has shown the Americans what can be done in fruit growing in central Alaska, as it has been in Norway and Sweden for centuries. He planted several apple trees at Hope eight years ago, which have produced full yields of good apples for the last three years. He set out 100 more apple trees a year ago, from which he proposes to supply nursery stock to farmers along the Alaska Railroad.

Whether General Richardson's silence on these very important and widely known facts was because of his lack of knowledge on subjects of agriculture and horticulture, or because his experience in Alaska has been mainly in the high and barren Copper River Plateau along the Richardson Highway, or because he deliberately shut his eyes to them, in any case it is what lawyers usually term a disqualifying element in any testimony he might offer.

All I have said about the Kenai and Susitna regions applies equally to the Tanana Valley, of 5,000,000 acres, which for 22 years has produced large acreage yields of hard wheat, barley, rye, and oats, and every variety of berries and of garden vegetables grown in the Northern States, on more than 200 farms, on the grounds of the Government experiment station near Fairbanks, and on farms near other towns of that valley.

Rye in particular is grown every summer in all of those central valleys with yields of 30 to 60 bushels to the acre. Those northern latitudes are the native environments of rye, where it thrives at its best. More than 100,000,000 people of northern Europe subsist on rye bread rather than wheat bread. The agricultural lands of the Kenai Peninsula and the Susitna and the Tanana Valleys, with their lateral valleys, like the Matanuska, can produce at an average of 25 bushels to the acre a total of 150,000,000 bushels of rye per year. It grows to maturity in the long days of those latitudes in 60 days from planting. The experts of the Department of Agriculture substantiate this estimate in their official reports as fair and conservative. The same areas in the corresponding latitudes of Europe and Siberia are doing relatively better than that and have been for years past.

The Susitna Valley is covered in most parts with forests of birch timber which are the only large stands of virgin hardwood west of the Mississippi River and north of Texas, its introduction and use in the furniture industry in the United States just now being undertaken by large mill operators of Oregon and California. Tests and experiments have proven it to be of fine grain and tough fiber, equal to the birch of Michigan and Wisconsin in quality. The Alaska Railroad is using it for flooring and interior finish of its passenger coaches.

Why did General Richardson overlook all of these magnificent forests of rare and much-needed hardwood?

Equally silent is General Richardson on the coal of the Matanuska fields, tapped by a 38-mile branch leaving the main line 150 miles north of Seward, although its high commercial and naval values have been demonstrated repeatedly by laboratory analyses and boiler uses over a period of 20 years.

That portion of the Matanuska coal within the 3,000-acre naval reserve was sufficiently tested by a naval coal commission on the cruiser *Maryland* in 1924, and again by a naval coal commission in 1921, in standard marine boilers such as equip all of our cruisers and battleships, first with 750 tons, and next with 5,000 tons, side by side with equal amounts of Pocahontas coal, followed by laboratory tests and analyses in both instances.

Those commissions reported as the results of their tests that the coal in the Matanuska naval reserve was suitable in every respect for use on battleships and cruisers. The commission of 1921 gave it a rating of 15.5 per cent better in steam producing qualities than the Pocahontas coal. Both of these reports are official documents in the office of the Bureau of Engineers, Navy Department, at Washington.

Doctor Savage, of the department of geology of the University of Illinois, was detailed to study the coal formations in the Matanuska naval reserve as a geologist for the Navy. He reported officially that the Matanuska naval reserve contains "probably not less than 30,000,000 tons of high-grade bituminous coal." He stated further that it

could be mined in quantities of 1,000,000 tons per year at a cost of not more than 50 cents per ton above the cost of mining coal in Illinois.

The known area of the Matanuska coal veins outside of the naval reserve is estimated by the Geological Survey in its official reports to be 75 square miles, with a total of 350 square miles of coal-bearing formation. The most of the coal in the area so far explored is subbituminous. But two years ago a new extension was discovered and examined by the Geological Survey, where large veins of anthracite of undetermined extent were uncovered.

The development and use of Matanuska coal in the markets of the Pacific coast and by our Navy on the Pacific Ocean in itself would place the Alaska Railroad on a basis of financial profit and independence, and would bring a wide assortment of other and dependent development and industries into form and activity.

Why, then, is it not done? The responsible officials at Washington are clothed with all the needful authority that Congress can bestow to do exactly those things.

That, however, opens up another field of discussion of wide extent and complicated ramifications, such as freight rates to and from Alaska and on the Alaska Railroad, and the powerful influences of coal operators of West Virginia and Pennsylvania who now supply our Navy on the Pacific, together with the influence of private railroad interests that are hostile to Government ownership and operation of railroads in any form, the Alaska Railroad most of all.

But while the Matanuska coal fields are well known, little has been said or is known outside of Alaska about another field or fields vastly greater in extent and quantity and value on the line of the Alaska Railroad. It is the Nenana coal fields and its extensions on the northern slope of the Alaskan range.

The revolutionary inventions and discoveries by German coal tar chemists, led by Dr. Frederick Bergius, for the reduction of lignite and subbituminous coals into coal tar, and the distillation from that coal tar of gasoline, Diesel engine distillate, fuel, and lubricating oils, and many other by-products, which have been the sensation of the coal and gasoline world for the last year or more, in one stroke out of a clear sky have raised lignite and subbituminous from the lowest to the highest in the scale of values among all the different kinds and grades of coal by supplying a utility and pressing demand for them as one of the world's largest future sources of supply for gasoline, Diesel engine distillate, and fuel and lubricating oils. The coals of these grades yield best and most abundantly to this treatment, while anthracite yields to it not at all.

In one small area of the Nenana district seven veins are superimposed one upon another in white sandstone, ranging in thickness from 20 feet to 63 feet, aggregating 283 feet, and extending over an area 10 by 24 miles. In this comparatively small and compact district the Geological Survey estimates in a special report after two years of exploration and examination that the total deposits of lignite and subbituminous amount to 10,000,000,000 tons. No other district in the world begins to equal it.

By comparison, the great fields in the Ruhr Basin of southern Germany contain only 3,000,000,000 tons.

Still more, this area of 10 by 24 miles in the Nenana district is but a small fraction of a much larger field extending 600 miles along the northern slope of the Alaskan Range all the way around to the Kuskokwim Valley. The Susitna Valley, too, is generally underlain with veins of lignite and subbituminous, some of which, of 10 to 30 feet in thickness, crop out in many different localities.

These valleys of central Alaska contain so many billions of tons of lignite and subbituminous, according to the official reports of the Geological Survey, in measured and conservative language, that no reasonable estimate of their total quantity can be made. The late Dr. Alfred H. Brooks, in charge of the Alaska branch of the Geological Survey for more than 20 years, stated in many of his officials reports, and repeated his statements to congressional committees at different times, that not less than 60,000 square miles of Alaska's area carries lignite and subbituminous, most of it in the central parts near the route of the Alaska Railroad. He said that the total area might exceed 100,000 square miles. Recent discoveries are constantly adding to the known areas of Alaska's lignite and subbituminous fields.

Up to a year ago all of this vast extent of lignite and subbituminous coal in Alaska was dismissed with a wave of the hand as of little commercial value because it was thought to be fit only for local consumption. But to-day it constitutes one of the most valuable assets of natural wealth in all the domains of the United States, or the world, due to the epochal discoveries of Doctor Bergius and other coal-tar chemists.

The Bergius process is no longer a laboratory experiment, but has passed definitely to the stage of commercial production in Germany, where this marvelous new industry now employs 15,000 men with investments of many millions of dollars. German officials and coal-tar operators announce confidently that Germany will produce all of her own gasoline and other by-products from her own beds of lignite and subbituminous coals.

These German coals are substantially like the Alaska lignite and subbituminous in all points of chemical composition.

In the authoritive public announcement made by Doctor Bergius before the world convention of coal-tar chemists at Pittsburgh 18 months ago, he gave his formula and the quantities of different products under it from German lignites and subbituminous coals. The lignite yields 16 per cent of gasoline, 15 per cent of Diesel engine distillate, 15.5 per cent of fuel and lubricating oils, and 22 per cent of solid organic matter, otherwise pure carbon residue equal to anthracite. In round figures that is slightly more than 1 barrel of gasoline, 1 barrel of Diesel engine distillate, 1 barrel of fuel and lubricating oils, and 440 pounds of anthracite coal from each ton of lignite of 2,200 pounds, besides other valuable by-products, like ammonia. He has lately announced that the proportion of gasoline will be increased by improved processes.

But on the basis of his first original output, this means that one small area of Nenana district alone, 10 by 24 miles, the mountains of lignite and subbituminous coals there under distillation can yield 10,000,000,000 barrels of gasoline, 10,000,000,000 barrels of Diesel engine distillate, 10,000,000,000 barrels of fuel and lubricating oils, 2,000,000,000 tons of residue anthracite, and numerous by-products of great and varied value in the industrial world.

Multiply those staggering amounts by many times to get the total of all the lignite and subbituminous fields in central Alaska tributary to the Alaska Railroad, and you get but a vague conception of the colossal wealth they contain.

To those who say that these tremendous fields of coal can not compete with the natural oils in economical cost of distillation, let Doctor Bergius reply with his recent statement that he expects to reduce the cost of extracting gasoline under his process in large-scale production to 10 cents per gallon. Let them remember that all of the natural oil known in the United States hold a certain supply for only five years at the present rate of consumption.

Is it possible that General Richardson never heard about the Nenana and Susitna fields of lignite and subbituminous coals, incomparably the largest in the world in extent and quantity? Did he never hear about the revolutionary discoveries and inventions of these coal-tar chemists, which possibly and conceivably make those coal fields the most valuable in the world? And yet he seriously discusses the resources and possibilities of Alaska without a word of mention or barest reference about either of them.

In another 50 years the United States will contain 240,000,000 population, and the world probably 3,600,000,000, or double their populations to-day. The Census Bureau announces that our increase between 1920 and 1930 will be 18,500,000, even under the restrictive immigration law, the largest of any 10 years in the history of the United States. The problem of food supply will then be indeed a pressing one, as it is already in many countries of the world.

Long before that time arrives Alaska will be called upon by all the other States of the Union for contributions of her soil to help feed their teeming consumers and for the by-products of her coals to help furnish power for the vast industries of their many scores of cities that are to-day but villages, added to the other cities of to-day that will be grown into the giants of that time, and to make homes on its farms for the surplus millions of our crowding national population.

What Alaska can do to meet these demands is answered by casting up the sum total of the corresponding areas of northwestern Europe, in the same latitudes, under identical conditions of climate, where 27,500,000 of the world's hardiest leaders in all the arts of civilization dwell in comfort and happiness under strong and stable governments.

The doubters of this age about the resources and possibilities of Alaska and the wisdom of the Government's policy in building the Alaska Railroad will take their place in the meantime in the ranks of their kindred who derided and opposed the aid and encouragement the Government extended to the building of our transcontinental railroads through the then supposed deserts of wilderness, now our populous and prosperous States of the flourishing West.

PRISON-MADE GOODS

Mr. SMITH. Mr. President, I ask to have printed in the RECORD an editorial from the Chester (S. C.) Reporter of May 3, 1928, entitled "Harmful measure," relative to the proposed legislation known as the Hawes-Cooper bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HARMFUL MEASURE

Bills are now pending before both Houses of the National Congress, which have for their object the prevention of interstate commerce in prison-made goods. This end is sought in the indirect way of divesting such goods of their interstate character. In other words, it is sought to keep these goods out of interstate commerce by legislating them into an arbitrary class, and thus circumvent the decisions of the Federal Supreme Court as that court has interpreted the plain intent of the commerce clause of the Federal Constitution. This is like declaring

by statute that an apple is rotten when actually it is sound and tempting. We are strongly of the opinion that our courts will not be misled into declaring such legislation constitutional, even if passed. But why pass it?

Under the guise of allocating certain powers to the States, which powers the States have manifested no desire to exercise, the proponents of this legislation seek to upset the well-settled plans of nearly all the States for dealing with their prison labor. The States have found by years of experience that there are certain types of labor which are far better suited to prison conditions than others. Prison labor must be used under certain restrictions, considerations of housing, feeding, health, and discipline must be met. After years of experience States have invested hundreds of thousands of dollars in plants and have worked out practical systems which afford suitable labor for the convicts and which render them self-supporting. Inmates of State prisons must be kept busy or become drones and parasites on society.

South Carolina has a well run penitentiary where the labor is employed under good conditions. The inmates, as any one who visits the penitentiary will see, are kept busy and thereby provide for their own maintenance. Some are passing from the class of "unskilled labor" to that of "skilled labor" by reason of the training received there. The health conditions are good, discipline is humane, and the system makes the inmates self-supporting.

The proposed legislation, known as the Hawes-Cooper bills, would upset all of this system which is now working so well in this State. We feel sure from reliable information that the results would be that same in many other States.

Surely no one wants to divert any tax money from our roads and schools to make idlers of our convicts. Do we want the burden increased? "We shudder to mention it." From our viewpoint we can see no sound reason for the proposed legislation. It is urged that these prison-made goods are sold in competition with goods made by free labor. Surely the amount of prison-made goods of any class must be negligible when compared to the total production of that class of goods in the Nation at large. If there are so many criminals in our State penal institutions that their production has become a serious competitor with the production by those of us on the outside, truly we have fallen on evil days. The necessity for reform would then be up to our criminal courts, and the necessity of providing healthy and gainful employment for so large a percentage of our citizenship would be all the most compelling.

We hope that this Federal legislation will not be passed to seriously hamper the States in their great problem of dealing with their criminals. This problem is difficult already and the Federal Government would do well to refrain from throwing another monkey wrench into the machinery of State courts and penal institutions. They need help, not obstructions.

When a Federal Congress wants to confer powers on "the States," "the States" would do well to scrutinize such proposed legislation. "We fear the Greeks even when bearing gifts."

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 18, 1928, the President approved and signed the following acts:

S. 4034. An act authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.;

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio in Cocke County, Tenn.;

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

S. 4061. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky.;

S. 4253. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky.;

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River, at or near Arat, Cumberland County, Ky.;

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point in Monroe County, Ky.;

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at Burnside, Pulaski County, Ky.; and

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.

SUPPLEMENTAL ESTIMATES, WAR DEPARTMENT (S. DOC. NO. 114)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the War Department, fiscal years 1928 and 1929, amounting in all to $15,416,645, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE (S. DOC. NO. 115)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State, fiscal year 1928, amounting to $21,595.59, and the fiscal year 1929, amounting to $100,000; in all, $121,595.59, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF JUSTICE (S. DOC. NO. 113)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Justice for the fiscal year 1929, amounting to $45,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. HEFLIN obtained the floor.

Mr. SMOOT. Mr. President, there is no amendment now pending, and I ask that the Senator from Connecticut be recognized to offer his amendment on the estate tax.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. FLETCHER. So as to get something before the Senate.

Mr. HEFLIN. I have no objection, but I am going to take only a little time.

Mr. BINGHAM. Mr. President, I send to the desk the amendment which I ask to have read.

The VICE PRESIDENT. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 192, strike out lines 20 to 25, inclusive, and lines 1 to 5 on page 193, and in lieu thereof insert the following:

SEC. 401. TERMINATION OF ESTATE TAX.

Title III of the revenue act of 1926 shall not apply in the case of the transfer of the net estate of any decedent dying after the enactment of this act.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield.

Mr. ROBINSON of Arkansas. Mr. President, it would seem to me that the time is approaching when the revenue bill should be disposed of in the Senate. I am fully aware of some of the circumstances that have prolonged the debate on the bill, and of course I have no disposition to usurp the authority of the Senator who has charge of the measure, but I would like to invite an expression from him and from the Senator from North Carolina [Mr. SIMMONS], the ranking minority member of the Committee on Finance, as to whether, after the pending amendment shall have been disposed of, it will not be practicable to propose an agreement for the limitation of further debate on the revenue bill with a view to disposing of that bill during this calendar day.

I think I need not take the time of the Senate to discuss the condition of legislation in the Senate and the other circumstances which prompt the consideration of a limitation of debate. There are other measures which necessarily must be considered, and the end of the session is approaching, whether it be next Saturday or next Saturday a week. So far as I have heard, no one contemplates the continuation of the session beyond next Saturday a week.

I merely make the suggestion at this time in the hope that the Senator from Utah and the Senator from North Carolina will confer about the matter and submit at an opportune time a proposition on that subject. I thank the Senator from Alabama for yielding to me to make this suggestion.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SMOOT. I hope the Senate of the United States will remain in session to-day, if necessary, until at least midnight, if the bill is not passed before. I gave notice last night that I would like to have that done, and I hope it will be.

Mr. ROBINSON of Arkansas. My thought was that there was perhaps no use punishing the Senate by sitting here until at least midnight if an agreement could be reached. I am aware of the fact that there are some important amendments besides the one now pending that will be presented, but it occurred to me that it would at least do no harm to attempt to make an arrangement.

Mr. SIMMONS. Mr. President, may I ask the Senator from Arkansas a question?

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. SIMMONS. I was not here when the Senator began his statement.

Mr. ROBINSON of Arkansas. My suggestion was that the Senator from North Carolina and the Senator from Utah confer, with a view to proposing a limitation on debate, to take effect, say, after the pending amendment is disposed of. I have been advised by another Senator that he will not consent to any limit on debate until an amendment which he proposes to offer shall have been acted upon. But this bill has been dragging along in the Senate now indefinitely for two or three weeks. All of us understand some of the circumstances which have contributed to that result. I think we are all anxious to proceed in an efficient way, and to deal fairly with other measures which are entitled to some consideration here. I am not proposing any definite arrangement; I have no disposition to unduly restrict debate, but I think if a limitation had been placed on debate a week ago the country probably would have been just as well off, and no material harm would have resulted.

Mr. SIMMONS. Mr. President, I ask the Senator from Alabama if he will not yield to me?

Mr. HEFLIN. I yield.

Mr. SIMMONS. I sympathize fully with the views expressed by the Senator from Arkansas. I think this bill has unnecessarily dragged for a long time. That has been due in part to two causes, first, yielding to conference reports, and another, speeches upon other subjects than the bill. I believe that we ought to come to some arrangement by which we can agree upon a definite time to vote, probably not to-day, because I think Senators who are in favor of a continuance of the inheritance tax want to discuss that amendment, and I believe they should have reasonable time in which to do it. I shall be very glad to confer with the chairman of the committee, and, if it is possible, bring about an agreement for an early vote. I shall be glad to enter into it, and do what I can to bring about a speedy vote on the part of the Senate.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN. I yield to the Senator.

Mr. BORAH. If it were practicable to confine the attention of the Senate to the bill, we could make some progress, but there are two or three very important matters coming along, perhaps as important as have been before the Senate touching this bill, and about the only way, it seems to me, that we could make progress would be to confine ourselves to a discussion of the bill.

THE CAMPAIGN OF GOVERNOR SMITH

Mr. HEFLIN. Mr. President, I have no desire whatever to delay action on this bill; in fact, I am anxious to have it disposed of; but there are a good many other matters now pending here and before the country of great importance to the American people, and I am now going to bring one of them to the attention of the Senate for about five minutes.

I have in my hand a message from the President of the United States in 1926 in response to a resolution passed by this body in reference to the conduct of Mr. Joseph F. Guffey, director of the bureau of sales in the office of the Alien Property Custodian. I am going to read one brief passage from this message:

> Mr. Guffey deposited the funds received from the sale of property, over $55,000,000, in various banks for extended periods instead of making prompt remittances of same to Washington for deposit in the United States Treasury. No accounting for the interest earned and credited on bank deposits was made until a special audit of the account was completed in 1921, when $406,766.83 was remitted to the Alien Property Custodian. Subsequently, and as a result of this audit, there was an additional amount of interest found due, $3,139.03, and same was paid February 5, 1926.

I hold in my hand an indictment against Mr. Guffey, returned by the grand jury of a Federal court of the State of New York, and in the second count of this indictment—I am not going to read it all, but ask permission to print it in the RECORD—it is said:

> Said Joseph F. Guffey then and there sent moneys to the amount and value of said sum of $275,000; unlawfully and feloniously did wrongfully convert to his own use and embezzle against the peace and dignity of the United States and contrary to the form of the statutes in such case made and provided.

Mr. Guffey is now the leader of the Al Smith forces in Pennsylvania. To-day at Harrisburg he is proceeding to have elected as national committeeman from Pennsylvania a Mr. Kistler. Mr. Kistler, an Al Smith man, recently contributed a thousand dollars to the Al Smith campaign fund. Guffey received $5,000 from Van Namee. Van Namee, as I have related before, is Governor Smith's campaign manager and appointee on the Public Utilities Commission of the State of New York, where he can, by the power of his office, get all the campaign money that he needs. Van Namee has turned over to Mr. Guffey, I understand, $5,000, and I am inclined to think it was probably twenty times that amount, for the State of Pennsylvania.

The Al Smith bunch is to-day selecting a national committeeman for the Democratic Party in the State of Pennsylvania. There is where the Government was brought into being. There is where Jefferson gave to the world his Declaration of Independence. There is where this Government's flag was first unfurled. Now, the Republican Party is corrupting the ballot there, and permitting the sale of a seat in the United States Senate, and the Democratic leader of Pennsylvania, Joseph F. Guffey, an Al Smith supporter, is now under indictment for the embezzlement of Government funds intrusted to his care as a Federal officer. Mr. President, I will disclose to the Senate in a day or two a matter of serious concern to the whole country. A big corporation, involving a billion dollars, is being or has been formed by a big New York contractor who has contributed to Governor Smith's campaign fund. It will be recalled that Mr. Kenny flatly contradicted Van Namee's statement as to how much money he gave the Smith committee. Van Namee swore that he gave $20,000 and that he borrowed $50,000 from Kenny, a big contractor and Roman Tammany man. Kenny, not knowing, I suppose, what Van Namee had stated, said he did not loan any of it, that he gave it all to him, $70,000.

There are several thousand contractors in the State of New York, and if those contractors who graft on the contracts in New York City and New York State under Mayor Walker and Governor Smith can do that and get away with it, God only knows how much the Smith campaign fund will be.

I am the Senator who first suggested that we have a committee to investigate contributions to presidential candidates. I had a resolution on my desk for a couple of weeks all ready to introduce, which probably would have caused me to be a member of the committee investigating this matter. If I had been on the committee, I would have wanted the Senator from Idaho [Mr. BORAH] on it, and the Senator from Missouri [Mr. REED], and some others that I could name. I think some of us would have asked, when Mr. Kenny told the committee right here in the Capital of the Nation that he had given this money to Smith and that he would give him any amount that he wanted, any amount that was necessary, what he meant by that, and

how much he would be willing to give. I would have tried to get him to fix some figure showing how much he would give. I would have asked, "Would you be willing to give $10,000,000?" I would have tried to get some figure from this man showing in a way how far he was willing to go.

Mr. McMASTER. Mr. President, may I say to the Senator that that question was asked of Mr. Kenny and Mr. Kenny said, "I will give all that I have."

Mr. HEFLIN. And he is worth $40,000,000! [Laughter.] Mr. President, there never was in the history of this Government, so far as I know, such a bold and brazen display of the premeditated corrupt purpose to buy the Democratic nomination for President. I remember the terrible days when Addicks, the Republican money lord of Delaware, used to buy a seat in this body and the dark days of corruption in Pennsylvania under Quay, a Republican Senator, but never have I known in the National Government itself where moneybags would come to the capital and flaunt their arrogance and corruption and low-flung aristocracy of the dollar in the faces of the representatives of the patriotic, liberty-loving citizens of the United States. I thank the Senator from South Dakota for his statement.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield.

Mr. BARKLEY. I do not desire to pass on the propriety of discussing from day to day the evidence that is secured by the investigating committee which was appointed by the Senate, but if it is going to be discussed I think it ought to be discussed on the basis of a fair report of what the witnesses have said. When Mr. Kenny was on the stand before the committee he was asked about his contribution to the campaign for the nomination of Governor Smith. He stated that he had contributed $70,000 and that he understood that the entire $70,000 was a gift. He was asked if he intended to make further contributions to the campaign. He stated that he did intend to make further contributions if necessary and if called upon.

He was asked how much more he intended to contribute and his reply was that he intended to contribute whatever he was asked to contribute or whatever he thought was necessary within his ability to contribute. He did not make the statement that he intended or desired to contribute all that he had or his entire fortune to this campaign.

The committee did not feel it incumbent upon it to ask Mr. Kenny how much he was worth, because I do not think the committee understood, I certainly did not understand, that Mr. Kenny intended to say that if he was worth $30,000,000 or $40,000,000 he would dump it all in the campaign of Governor Smith or anybody else.

I do not think that the statement that he said he was willing to give all he had is quite fair to him or to the committee. If we are going to discuss the evidence from day to day as we progress, I think the record ought to be kept straight and no effort made to garble the testimony of witnesses or in any way to put upon it an interpretation that neither the witness nor the committee understood at the time it was given.

Mr. HEFLIN. I read his statement. I agree with the Senator from South Dakota [Mr. McMASTER] that what he said was substantially what the Senator from South Dakota quoted. He said, "I will give all that is necessary according to my ability to give." I said that he was worth $30,000,000 or $40,000,000. That is not in the testimony, but I say it. So he is willing to give at least $20,000,000, I take it, if he is worth $40,000,000. He said he would give all they wanted.

I do not want to misrepresent one of them; God knows it is bad enough and black enough without anybody adding anything to the statements they made, but I am going to discuss it here from day to day. That is the only way we are going to get the real facts to the country. I am going to put the truth of these things in the RECORD, all of it that is possible, before Congress adjourns. The American people have got to know and they are going to know just what is being done to buy the Democratic nomination for Governor Smith, the head of the Roman Catholic political machine and the wet nullifier of old New York Tammany.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. HEFLIN. I yield.

Mr. BARKLEY. I have no disposition to engage in any controversy with the Senator from Alabama or anybody else as to the work of the committee. I can say to him and to the Senate and to the country that in so far as I am concerned—and I think I speak for the entire committee—I intend to resort to every proper and legitimate method to find out how much money has been expended to control the nomination in either party, and if our jurisdiction shall be construed or extended to cover the presidential campaign after the nominations shall have been made the same policy will be pursued then. The committee will undoubtedly make a report at the proper time of the result of its investigations. My object in rising a moment ago was simply to question the propriety of undertaking to discuss the results of the testimony from day to day as each witness comes before the committee and gives his testimony.

Mr. HEFLIN. I did that when the Teapot Dome investigating committee was carrying on its work. I discussed it myself from day to day. We did it when they were investigating Daugherty and Fall and Denby. I participated in the debate. The Senator from Missouri [Mr. REED] was on the firing line all that time. My old-time, vigorous, and active friend the junior Senator from Arkansas [Mr. CARAWAY] was also on the firing line in those days. We were discussing the matter here then vigorously day by day. We created a public opinion so strong that the President had to change his position and let Denby go from the Cabinet. I say that no harm can come from discussing the facts that come out in this investigation. The awful disclosures ought to be discussed just as soon as they are known.

Action is being taken every day in the various States. Delegations for Governor Smith are being obtained, I think, through the corrupt use of money in many instances. I think we ought to let the country know day by day what Governor Smith and his régime are doing to secure the nomination.

I can not permit to go by without comment and condemnation the coming of this man Kenny from New York, and standing before the Senate committee at the Capitol, appointed and empowered to go out and get the truth regarding the efforts to buy the Democratic nomination for the Presidency. I can not let it go by, I repeat, without my condemnation and repudiation—this bold, brazen, and impudent and insulting statement to the American people that he has given money, that he would give more money, that he would give all the money that is necessary. That is what it means to see Governor Smith secure the nomination and election to the high office of President of the United States.

What is the Democratic Party going to do about it? What are the temporary leaders of our party here at the Capitol going to do about it?

So far I have heard no word of condemnation from the minority leader [Mr. ROBINSON] of Governor Smith's act in appointing his appointee on the Public Service Commission of New York to be his campaign manager, or any criticism from him of the astounding and brazen statements of one of Governor Smith's financial backers, Mr. Kenny, of New York. I am not in favor of permitting the leadership of either party, by either silence or inaction, to destroy my Government. If I am an honest and faithful Senator and a true American I will fight corruption in the Democratic Party just as quickly and as earnestly as I will fight it in the Republican Party. They all look alike to me, these corruptionists. It makes no difference to me to what party they belong. Why should we wait for a committee report? Let us, who are trusted by the people to represent them here, give them these pungent, powerful facts. I want the RECORD to carry them forth day by day to the American people.

The people are reading the RECORD as they have never read it before; they are printing at their own expense in the various communities of this country thousands and tens of thousands of copies of my speeches and giving them away, people giving 50 cents, $1, and $5 and $10 and more to get the truth of what is going on here to the people. They write me thousands of letters saying that the big newspapers will not publish the truth about certain things that happen here.

We know that the metropolitan press decided some time ago to nominate Hoover for the Republicans and to nominate Smith for us. Is the Democratic Party drifting like a ship without a rudder? What has happened to her once strong and outspoken men? Have any of our southern Democratic Senators reached the time when they are ready to take up Governor Smith who stands for social equality? I shall ask the Democrats from the South, from Arkansas, Arizona, Georgia, and from all the other Southern States one day soon, are you ready to sit quietly by and see them put in the leadership of our party a man who will destroy the institution of white supremacy in the South? Are you willing for them to put a man upon our party as its leader, to be clothed with the power of the President in the White House, who can undo all that we have done to protect the white women of the South from the

lust and carnality of brutal negroes? Are you going to permit a man to be nominated for President who, as governor, permits in his State social equality to be practiced every night in dance halls under Tammany rule, and under his own rule, in order to control the negro vote in the city and State of New York?

I refer to the article in the Manufacturers Record, of Baltimore, on this subject. Richard H. Edmonds, as clean a man and as brave a southerner as ever drew the breath of life, reported it, and commented on it, and said some things were done there so suggestive, immodest, and outrageous that he would not print them in his publication. That is going on in these dance halls in New York City, and here we are permitting that dangerous and scandalous doctrine to be accepted and pushed forward by Governor Smith, who is asking to be made leader of the Democratic Party and President of the United States. Senators, do you believe the Democratic South will vote for a man for President who stands for such things, a candidate picked out by the Roman Catholic political machine here and abroad, a nomination bought by money gathered in by the New York City and State machine from people here and people abroad?

Mr. President, these questions go to the very foundations of our most sacred institutions; they go to the protection of the white women of the South; they go to the healthy and wholesome social order of the Nation. I want to tell the people of the South and of the North, and I want to tell northern Democrats and the Republican Party that when Governor Smith attempts to foist this negro equality business on the white people in order to get the negro vote, he will lose the votes of millions of white men and white women in the United States who deep in their hearts do not indorse such doctrine.

The idea of tearing down our fine ideals and institutions, leveling down everything that is dear to us, while some people here who ought to be fighting to prevent these things are as silent as the tomb.

Where is the voice of the fearless and stalwart leadership that once sounded in this august body? The Smith people are throwing down principles that are dear to us in their efforts to control the negro vote in the Northern States.

The Senator from South Carolina [Mr. BLEASE] pointed out the other day that it had been promised by Governor's Smith's crowd that if he were elected President he would put a nigger in the Cabinet. The Democratic South—God bless her!—is not going to surrender her principles. We have a negro problem that no other section has to any very large extent. Should she do so, she would give up the doctrine of white supremacy and abandon her protection of the white women of the South. If she did it, she would give up everything that she holds dear.

Here is Governor Smith's campaign committee discredited at the outset by his and their statements. New York contractors, on the one hand, gathering up money and coming down here and boldly telling our Senate committee at the Capitol what they intend to do about getting money. "Yes; we gave that; and we are going to give more; we will give all that is necessary." Necessary to do what? To buy the nomination. What does that mean? That means whatever is necessary to buy the nomination and Presidency. They are willing to pay it, they tell the committee, and that is what it means. Then let them come out in the open and put the Democratic nomination on the auction block where everybody can see and hear. Then advertise it to the world that the Democratic nomination for the Presidency is about to be sold to the highest bidder. Then the Al Smith Tammany Kenny comes up and says, "I will bid for Smith of New York." "How much are you willing to pay?" "I will pay a million dollars." Somebody else says, "I will pay a million and a half." Then Kenny will say, "I will pay $5,000,000, or whatever amount is necessary to buy it." The office is bartered off before the public. Sold! Sold for gold to the Roman Catholic hierarchy for Governor Smith, the Presidency of the greatest Government in all the world!

Senators, I have already referred to it, but I wish to mention again in this connection the antilynching bill which was under consideration a year or so ago and was forced through the House. The southern Democrats wanted to protect the white women of the South, to safeguard our girls who walk the highways to the home of a neighbor or to school in the rural districts. We want them to be free from danger and to be safe as they walk in the field and wood in the springtime gathering flowers along the way. Mr. President, I have in mind an instance where a negro man hid out in the bushes, and when a little 17-year-old white girl stopped to pick flowers on the roadside coming home from school, not dreaming that danger was near, within 150 yards from her home and 300 yards of the schoolhouse, she was seized by this black brute, assaulted, and left for dead. What a horrible outrage and crime! Of course he has hanged, as he should have been.

By crying out against such a crime and a crusade against the devilish and dangerous preaching of social equality, we are having less of that crime than ever; but here comes Governor Smith, of New York, who calls himself a Democrat, and the New York World editorially says he is in favor of social equality, and here comes the Manufacturers Record and says they practice it right under his nose and under the nose of Mayor Walker; that negro men are dancing with white women and white men dancing with negro women, and some of the things were so indecent and disgusting that the Manufacturers Record said it would not publish them.

Then come Kenney and Van Namee with their slush fund, gathering it in, and telling us that on top of all this they are going to pay all that is necessary to buy the nomination and election. The Senator from South Dakota is right. Kenney said in substance, "I will give what I have, or nearly all of it, to secure this man's election. I will give all they want or need."

Mr. President, the Democratic Party in the South expects her Democratic sons here to be true. The South has her eyes on them. Some few of them are pussyfooting; they are whispering around in the cloak rooms, but we are going to know where they stand before they reach Houston. I have the machinery in motion now to find out, and I will probably know by Tuesday, for some of the people at home, at least, are going to ask Senators by name how they stand upon this question. I have never seen anything like it; a bold declaration of the intention to buy the nomination for Governor Smith. I never witnessed anything like it—so brazen and shameful.

Suppose this man were a Republican and a Republican newspaper were to declare that he favored social equality, it would be to the South like throwing a red flag in a bull's face. What has become of our leadership? Where are they from the South who ought to stand up here and protect and defend our right and purpose to defend at any cost our white women against the insults, outrages, and crimes of brutal negroes.

Senators, what would you think about a man who would favor a policy or a doctrine that would encourage, incite, and inspire in negroes roaming the highways the desire and the purpose to go to a farmer's house, where his wife was cooking dinner for him while he was at work in the field, with her little baby sitting on a quilt on the floor, while she was looking after the household and guarding the roof tree and her offspring, and there attack that woman and assault her? Yet that is what has happened. Dancing together in New York City! The negro says, "Why, they have social equality up there in New York; I will go in here and attack this white woman; she is alone." And they invade the sanctity of the white fireside; they go into the temple of the white man; they assault her who is dearer than life to him, the wife of his bosom and the mother of his children, the woman he has promised to love, cherish, and protect with his life if need be. And here comes Governor Smith with this false doctrine, with this dangerous negro equality doctrine, and the New York World, his mouthpiece, editorially declaring that he is in favor of social equality!

The dance halls that run now in New York City, with Governor Smith's approval and sanction and Mayor Walker's approval and sanction, are proof of that. When the antilynching bill was pushed through the House which provided that if a negro assaulted a white woman, and her loved ones killed him, the white people of the county had to pay to his family $10,000—that is a premium on rape; that is an encouragement to the lawless negro to assault white women—when our Democrats from the South in the House begged these Tammany Democrats to vote with them to help defeat that monstrous measure, not one of them responded. Every one of them turned their backs on the South. There was no helping hand from them.

Now, here is Governor Smith nullifying the Constitution. He has already done it so far as New York State is concerned. He has withdrawn New York from the Union so far as the eighteenth amendment is concerned. There is a doctrine of the Pope's that any law or part of law condemned by the Pope is not binding on Catholics. The Governor of New York is a Roman Catholic; so if he has decided—and they have—that the eighteenth amendment is not binding on them, he has declared in one of the sovereign States of 48, "This realm is set apart. We have no sympathy for you and no support for you, you eighteenth amendment."

That is Governor Smith—a wet, wringing wet, a Tammanyite—and Tammany is covered all over with the slime of corruption, graft, and scandal.

Why, even the papers of New York have begun to print it to the public—graft, scandal, stealing, thieving—and out of all

that comes this white champion of social equality for the black race, of dance-halls where white girls are lured. God deliver them from such a den, and God deliver this Nation from a man who will sanction that in his own home town! God deliver the Nation from a man who will proclaim himself in favor of social equality for the two races, when every white man of any sense, principle, and decency is against it, and knows that it will not do.

There is room enough for us all. The negro will go his way and work out his own salvation with the aid of his southern white friends, if let alone by such as Governor Smith. The white people will go their way and work out their salvation, and they will all get along well with the negro, but when you have a miserable combination like this, where a man is willing to do anything to get negro votes; where he shows himself to be unworthy to lead the white people, and declares in favor of social equality, and encourages its practice in his home city and State, and then withholds the vote of Tammany from giving aid to the southern white people, he is not entitled to have a single vote out of the South. He is not going to get any votes out of the South; and I make the prediction now, that if Arkansas casts her vote or any of her votes for Al Smith in the Houston convention, every one of them, including their present Senators, who are responsible for it, are doomed politically in Arkansas.

I know those people. They will not vote for a man who will turn his back on them and all that is dear to them and cast the vote of Arkansas in the name of the white men and women of that great State, for Governor Alfred E. Smith to be President of the United States. They will not do it. You tell them that this man permits these dance halls in New York State, and the New York World, his mouthpiece, says he is for social equality, and tell them the stand they took on the antilynching bill—tell them that, give them the truth, and they will spurn any man who has betrayed them, I do not care who he is.

Senators, to the white men and women of the South this question is bigger than any man's ambition for the Presidency. Put alongside of that—and I am through for the moment—the corruptionist, the rich Roman Catholic contractor, telling this great Nation in its teeth that they are ready to pay what is necessary to buy this nomination and election!

I received a letter from an Al Smith supporter up in Canada giving me warning that I was a marked man. I am going to say to you frankly that I believe they would have killed me or poisoned me long ago if they could have gotten away with it; but they know there are certain written provisions in existence that would take a long train of them into that bourne from which no traveler has ever returned. That letter from a man in Canada says, "Let me remind you that you are a marked man; and let me remind you of what happened to William Jennings Bryan, Wayne B. Wheeler, and Frank B. Willis."

Are we intimidated by these people and these tactics? Has the courage gone out of the statesmanship of the South, its leadership? Where are we, and whither are we drifting?

Mr. President, in the life of every man who is worthy to live, who will fight and die, if need be, for his country, there comes a time when he must decide these questions. Would you permit this bunch to threaten you and drive you away from positions when you knew that your position was sound and that its maintenance meant the saving of your country?

I know that as I live and God reigns, He gives me strength to fight this battle, and He will continue to give it to me. I stand here and plead in the name of the white women of the South—God bless them! While I speak at this hour to-day many of them are looking after their household affairs, cleaning up the dinner tables, and their husbands are going back to work in the fields to make that which provides for his own family and feeds and clothes the world. There is a Bible on the center table in that home, pictures of Jesus of Nazareth and of Mary, of members of the family, dear ones gone. They are living their lives; they are serving their country as best they can. They cling to American ideals and institutions. They love our country. They do not want to see it turned over to this group.

It would be exceedingly dangerous to do it. Now they are coming with corruption on one hand, barrels of corrupt funds, and with social equality on the other, and a tearing out of the Constitution, sections of the organic law, throwing them all down, and telling me, "Oh, he is going to be nominated; why not go ahead and submit to it?" I said, "No; he is not going to be nominated." Watch the convention. He will never get over 550 at the outside. We will hold the line. In the name of the Democrats who are dead, in the name of real Democrats who are living, in the name of American Democrats yet unborn, we will hold the line. In the name of white supremacy in the Nation—and I assert that this is a white man's country; he is going to rule it; he has ruled every foot of American soil—in the name of the white men and women of the Nation, and, before I close, in the name of the white people of the South, who have suffered at the hands of this dreadful race question in the past, I promise you and promise them, we will hold the line! He shall not pass!

Mr. President, I desire to include in the RECORD part of a letter I received from Montreal, Canada, which starts off by saying:

DEAR SIR: Please note that Governor Smith's Catholic admirers in Canada are contributing to his campaign fund.

Here is a newspaper reference to Frank O'Connor, of Toronto, a Roman Catholic, who has contributed $1,000 to help elect a Roman Catholic President of the United States.

Mr. President, I ask to have this indictment of Mr. Guffey printed as an exhibit to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

INDICTMENT AGAINST JOSEPH F. GUFFEY, OF PENNSYLVANIA

In the District Court of the United States of America for the Southern District of New York

(Of the December term, in the year 1922)

FIRST COUNT

SOUTHERN DISTRICT OF NEW YORK, *ss:*

The grand jurors for the United States of America empaneled and sworn in the District Court of the United States for the Southern District of New York at the December term of said court in the year 1922, and inquiring for said district, upon their oath present, that Joseph F. Guffey, late of the Borough of Manhattan, in said Southern District of New York, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said borough and district, was an officer of the United States, to wit, director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on February 25, 1921, said Joseph F. Guffey had in his custody and under his control as such officer, and in the execution of his office as such officer, and in the execution of his office as such director of said bureau of sales, to wit, in said borough and district, divers moneys of the moneys and property of the United States; to wit, moneys in the sum of $275,000, which theretofore had come into his possession and under his control in the execution of his said office, and under color and claim on his part of authority as such officer; a description of the several kinds of which said moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there the said moneys, to the amount and value of said sum of $275,000, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

SECOND COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was employed as an assistant of an officer of the United States; that is to say, said Joseph F. Guffey was employed as director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on February 25, 1921, said Joseph F. Guffey had in his custody and under his control as such assistant of said officer of the United States, to wit, of said Alien Property Custodian, and in the execution of his said employment, to wit, in said borough and district, divers moneys of the moneys and property of the United States, to wit, moneys in the sum of $275,000, which theretofore had come into his possession and under his control in the execution of his employment, and under color and claim on his part of authority as such assistant of said officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $275,000, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

THIRD COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was an officer of the United States, to wit, director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 7, 1921, said Joseph F. Guffey had in

his custody and under his control as such officer, and in the execution of his office as such director of said bureau of sales, to wit, in said borough and district, divers moneys of the moneys and property of the United States, to wit, moneys in the sum of $7,671.06, which theretofore had come into his possession and under his control in the execution of his said office, and under color and claim on his part of authority as such officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $7,671.06, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

FOURTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was employed as an assistant of an officer of the United States, that is to say, said Joseph F. Guffey was employed as director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 7, 1921, said Joseph F. Guffey had in his custody and under his control as such assistant of said officer of the United States, to wit, of said Alien Property Custodian, and in the execution of his said employment, to wit, in said borough and district, divers moneys of the moneys and property of the United States, to wit, moneys in the sum of $7,671.06, which theretofore had come into his possession and under his control in the execution of his said employment, and under color and claim on his part of authority as such assistant of said officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $7,671.06, unlawfully and feloniously did wrongfully convert to his own use and embezzle, against the peace and dignity of the United States and contrary to the form of the statute of the same in such case made and provided.

FIFTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was an officer of the United States, to wit, director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 6, 1921, said Joseph F. Guffey had in his custody and under his control as such officer, and in the execution of his office as such director of said bureau of sales, to wit, in said borough and district, divers moneys of the moneys and property of the United States, to wit, moneys in the sum of $406,001, which theretofore had come into his possession and under his control in the execution of his said office, and under color and claim on his part of authority as such officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys to the amount and value of said sum of $406,001,36, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

SIXTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was employed as an assistant of an officer of the United States, that is to say, said Joseph F. Guffey was employed as director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 6, 1921, said Joseph F. Guffey had in his custody and under his control as such assistant of said officer of the United States, to wit, of said Alien Property Custodian, and in the execution of his said employment, to wit, in said borough and district, divers moneys of the moneys and property of the United States, to wit, moneys in the sum of $406,001.36, which had theretofore come into his possession and under his control in the execution of his said employment, and under color and claim on his part of authority as such assistant of said officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $406,001.36, unlawfully and feloniously did wrongfully convert to his own use and embezzle, against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

SEVENTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey continuously throughout the period of time from August 18, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was an officer of the United States, to wit, director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on February 25, 1921, said Joseph F. Guffey had in his custody and under his control as such officer, and in the execution of his office as such director of said bureau of sales, to wit, in said borough and district, divers moneys of the moneys and property of said Alien Property Custodian of the United States, to wit, moneys in the sum of $275,000, which heretofore had come into his possession and under his control in the execution of his said office, and under color and claim on his part of authority as such officer; a description of the several kinds of which said last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there the said moneys, to the amount and value of said sum of $275,000, unlawfully and feloniously did wrongfully convert to his own use and embezzle, against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

EIGHTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said Southern District of New York, was employed as an assistant of an officer of the United States, that is to say, said Joseph F. Guffey was employed as director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on February 25, 1921, said Joseph F. Guffey had in his custody and under his control as such assistant of said officer of the United States, to wit, of said Alien Property Custodian, and in the execution of his said employment, to wit, in said borough and district, divers moneys of the moneys and property of said Alien Property Custodian of the United States, to wit, moneys in the sum of $275,000, which theretofore had come into his possession and under his control in the execution of his said employment, and under color and claim on his part of authority as such assistant of said officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $275,000, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

NINTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan in said southern district of New York, was an officer of the United States, to wit, director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 7, 1921, said Joseph F. Guffey had in his custody and under his control as such officer and in the execution of his office as such director of said bureau of sales, to wit, in said borough and district, divers moneys of the moneys and property of said Alien Property Custodian of the United States, to wit, moneys in the sum of $7,671.06, which theretofore had come into his possession and under his control in the execution of his said office, and under color and claim on his part of authority as such officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $7,671.06, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

TENTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was employed as an assistant of an officer of the United States, that is to say, said Joseph F. Guffey was employed as director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 7, 1921, said Joseph F. Guffey had in his custody and under his control as such assistant of said officer of the United States, to wit, of said Alien Property Custodian, and in the execution of his said employment, to wit, in said borough and district, divers moneys of the moneys and property of said Alien Property Custodian of the United States, to wit, moneys in the sum of $7,671.06, which theretofore had come into his possession and under his control in

the execution of his said employment, and under color and claim on his part of authority as such assistant of said officer; a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $7,671.06, unlawfully and feloniously did wrongfully convert to his own use and embezzle, against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

ELEVENTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present that said Joseph F. Guffey continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was an officer of the United States, to wit, director of the bureau of sales, in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 6, 1921, said Joseph F. Guffey had in his custody and under his control as such officer, and in the execution of his office as such director of said bureau of sales, to wit, in said borough and district, divers moneys of the moneys and property of said Alien Property Custodian of the United States, to wit, moneys in the sum of $406,001.36, which theretofore had come into his possession and under his control in the execution of his said office, and under color and claim on his part of authority as such officer, a description of which last-mentioned moneys said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $406,001.36, unlawfully and feloniously did wrongfully convert to his own use and embezzle, against the peace and dignity of the United States and contrary to the form of the statute of the same in such case made and provided.

TWELFTH COUNT

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that said Joseph F. Guffey, continuously throughout the period of time from August 16, 1918, to March 12, 1921, in said Borough of Manhattan, in said southern district of New York, was employed as an assistant of an officer of the United States, that is to say, said Joseph F. Guffey was employed as director of the bureau of sales in the office of the Alien Property Custodian of the United States; that during said period of time, to wit, on March 6, 1921, said Joseph F. Guffey had in his custody and under his control as such assistant of said officer of the United States, to wit, of said Alien Property Custodian, and in the execution of his said employment, to wit, in said borough and district, divers moneys of the moneys and property of said Alien Property Custodian of the United States, to wit, moneys in the sum of $406,001.36, which theretofore had come into his possession and under his control in the execution of his said employment, and under color and claim on his part of authority as such assistant of said officer; a description of which last-mentioned money said grand jurors, by reason of their want of knowledge upon the subject, are unable to give; and that said Joseph F. Guffey then and there said last-mentioned moneys, to the amount and value of said sum of $406,001.36, unlawfully and feloniously did wrongfully convert to his own use and embezzle; against the peace and dignity of the United States and contrary to the form of the statute of the same in such case made and provided.

UNITED STATES ATTORNEY.

Mr. HEFLIN. I also ask to have printed in the RECORD in connection with my remarks an article on examples of Roman Catholic tolerance toward our public schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EXAMPLES OF ROMAN CATHOLIC TOLERANCE TOWARD OUR PUBLIC SCHOOLS

During the recent hearings on the Curtis-Reed bill before the House Committee on Education many Roman Catholics appeared in opposition to the bill. In fact, nine-tenths of the opposition to the bill came from this source, and the remaining tenth of the opposition was due to the vicious and malicious propaganda which is constantly going on in the Roman Catholic Church against the public schools of our country.

Mr. ROBSION of Kentucky, ranking Republican member of the committee, asked some pertinent questions of some of the representatives of Roman Catholic organizations. Mr. DOUGLASS of Massachusetts, a Roman Catholic member of the committee, always vehemently denounced any suggestions that the Roman Catholic Church was opposed to the public schools. Some of those appearing stated that their opposition to the bill was not based upon any religious sentiment, but that their opposition was based upon the bad effect which a department of education would have on our public-school systems. In light of the position of the popes, cardinals, bishops, and other Roman Catholics against the public schools, their fear of the destruction of the public schools by a department of education is just another expression of Jesuitical hypocrisy.

Keeping in mind a statement by Mr. DOUGLASS that the Roman Catholic Church is not opposed to the public schools, and also keeping in mind the statements of the Roman Catholics appearing before this committee that religion is not the grounds for their opposition to a department of education, we submit extracts from the syllabus of Pope Pius IX, dated December 8, 1864, and from statements of the cardinals, priests, and the Catholic press.

From the following declarations our weak-kneed and uninformed Protestants may get a glimpse of the kind of tolerance which the Roman Catholic Church practices toward the Protestants and our public schools. The Golden Rule implies the principle of tolerance. The Roman Catholic Church is supposed to know this principle, although, historically, it does not practice it. Blind though you be to her purpose to destroy our institutions by first destroying our public schools, read carefully the utterances quoted below, and then decide for yourselves whether such vicious and unwarranted attacks upon our public schools should go unheeded by you.

(From the syllabus of Pope Pius IX)

"1. The state has not the right to the exclusive direction of the public schools.

"2. The church has the right to deprive the civil authorities of the entire government of the public schools.

"3. The Roman Catholic Church has the right to interfere in the discipline of the public schools and in the choice of the teachers for those schools.

"4. That the public school, open to all children, for the education of the young, should be under the control of the Roman Catholic Church, should not be subject to the civil powers, nor made to conform to the opinion of the age.

"5. Education outside of control of the Roman Catholic Church is a damnable heresy."

Now read and carefully note the following excerpts and quotations from Roman Catholic sources, which can be substantiated as absolutely exact in the wording as well as the source of their origin:

"Let the public-school system go to where it came from—the devil." (Freeman's Journal, November 16, 1869.)

"An imperfect and vicious system of education which undermines the religion of youth." (Cardinal Gibbons.)

"The common schools of this country are sinks of moral pollution and nurseries of hell." (The Chicago Tablet.)

"It will be a glorious day in this country when, under the laws, the school system will be shivered to pieces." (Catholic Telegraph.)

"The American school system is a national fraud, a social cancer presaging the death of national morality." (Catholic Telegraph.)

"We would rather our children should grow up in ignorance of letters than be taught in a school that is not Catholic." (Catholic Review.)

"The question of education is one of major and universal interest to our people. It is one of the penalties of living in a republic that every man or woman who has a vote is supposed to do his own thinking, for those who rule us by virtue of our votes and those who make our laws are but our representatives. We persist in our attiture of dissatisfaction with the public schools. They are quite as unacceptable to us as they ever were. Once they sinned by excess, now by deficiency. Once they taught religion opposed to ours, now by silence they undermine it.

"Could there be anything, I ask you, more futile or more repugnant to a Christian than the attempt (of which we read in the papers) to teach morality under the guise of sex hygiene in the public schools?

"In the privacy of the confessional we deal with such weaknesses, and set forth the stronger religious motives for morality and indicate the sure methods of recovery." (Extracts from sermon by Bishop Dowling, Des Moines, Iowa, September 15, 1913.)

"We must take part in the elections, move in solid mass in every State against the party pledged to sustain the integrity of the public schools." (Cardinal McClosky.)

"The State has no right to educate, and when the State undertakes the work of education it is usurping the power of the church." (Bishop McQuade, in a lecture in Boston, February 13, 1876.)

"I do not consider that we are doing our duty as American citizens, to ourselves, or to our children in permitting such a system of public schools to exist as we have to-day." (Professor Dunne, of the Jesuit College, Washington, D. C.)

"The day is not far distant when Catholics at the order of the Pope will refuse to pay the school tax and will send bullets into the breasts of the officials who attempt to collect them." (Monsignor Cappell.)

"There is and always must be a vast difference between those educated according to the mind of the church and those educated according to the mind of the world. The first are trained for eternity, the latter for the trickeries of time." (The Rosary Magazine (R. C.), September, 1914.)

"SCRANTON, PA., August 21, 1911.—Two thousand members of the Catholic Federation applauded Rev. Thomas F. Coakley, secretary of Bishop Canevin, of Pittsburgh, when the Pittsburgh priest demanded

that the Catholic Church be reimbursed by the State at the rate of $36,000,000 a year for the education of the Catholic young people." (The Pittsburgh Dispatch.)

"The children of the public school turn out to be horse thieves, scholastic counterfeiters, and well versed in schemes of deviltry. I frankly confess that Catholics stand before the country as enemies of the public schools. They are afraid that the child that left home in the morning would come back with something in his heart as black as hell." (Priest Phelan, St. Louis, October, 1873.)

"We do not indeed prize as highly as some of our countrymen seem to do the simple ability to read, write, and cipher. The best ordered and administered State is that in which the few are well educated to lead, and the many are trained to obedience, are willing to be directed, content to follow, and do not aspire to be leaders. We believe the peasantry in old Catholic countries two centuries ago were better educated, although for the most part unable to read and write, than are the great body of the American people of to-day." (The Catholic World for April, 1870.)

"The population of the archdiocese of St. Paul (Minn.) being largely rural, many congregations can not easily organize parochial schools; nor in such congregations is there a very pressing need of parochial schools, as teachers in the State or district schools usually are Catholics, and due provision is otherwise made for the religious instructions of the pupils." (Official Catholic Directory, 1914, p. 225.)

"Because of the weak-kneed Catholics who are afraid to say their souls are their own, the American Federation of Catholic Societies has been organized to bring the powerful influence of the entire Roman Catholic Church in America against the injustice of the public-school system, to secure the revision of the histories and books of reference prejudicial to the Roman Catholic Church, the removal of bigoted officials from holding office, and a move toward stricter divorce laws." (Bishop McPhaul before the Federation of Catholics in Milwaukee.)

"The public school is a national fraud; it must cease to exist, and the day will come when it will cease to exist." (Priest McCarthy in a sermon December 23, 1887.)

"The public-school system is a disgrace to the civilization of the nineteenth century." (Archbishop Hughes, of New York.)

"Our demand is Catholic schools, under Catholic control, for Catholic children, with Catholic teachers. This and not a point less is what we demand and what we will have." (The Catholic Times.)

"I would as soon administer the sacrament to dogs, and it would do the poor dogs quite as much good, as to Catholics who send their children to the public schools; for the public schools are nurseries of vice, and are godless schools, and they who send their children to them can not expect the mercy of God." (Priest Walker, of New York.)

"Read the records—the hideous records—records of divorce courts. Scan the daily papers. What an appalling spectacle! Murder, robberies, divorces, free love, infamies, shame unspeakable. Neither life, limb, nor property is secure. Why? Because we are surrounded by moral monsters—products of a godless system of education." (Words of a priest by the name of Mike Foley, in the Western Catholic, Quincy, Ill., dated latter part of 1914.)

"Our children must be taught nothing but the doctrine of the one true church, and must not be allowed to associate in any way, or listen to the profane language of godless Protestants, and, in particular, they must never be allowed within the walls of the filthy and damnable public schools. Help to educate the little ones, and in a short time America will belong to the children of Christ. Protestantism is fast dying out, with its go-to-church days and fake gospels. Soon the name of coward Luther will be a stench in the nostrils of every true American. He stands to-day condemned in hell, and the Protestant rabble that followed his ways can be heard groaning for Roman Catholic masses in purgatory." (Priest J. T. O'Reilly, Lawrence, Mass.)

We now quote from "A Manual of Moral Theology for English-Speaking Countries" by Rev. Thomas Slater, S. J. (Society of Jesus) with notes on American legislation by Rev. Michael Martin, S. J. (Society of Jesus) and with the imprimatur of John M. Farley, late Cardinal of New York.

"The church, too, has received a divine commission to teach, and those who by baptism have become subject to her authority are obliged to be guided by her directions in this all-important matter. The church condemns all non-Catholic schools, whether they be heretical and schismatical, or secularist, and she declares that as a general rule no Catholic parent can send his young children to such schools for educational purposes without exposing their faith and morals to serious risk, and therefore committing a grave sin."

Quoting from the "America," issue of February 8, 1928, we submit an excerpt from an article by Paul L. Blakely, S. J. (Society of Jesus), in which he says:

"To know what the Catholic Church thinks of secular education, and by consequence of the public-school system, read her law. It will make a good beginning to reflect that this law positively forbids Catholics to send their children to the public school.

"Catholics think in this matter with the church. And the thought of the church is expressed by Pius IX in the splendid sentence: 'Our divine religion must be the soul of the entire academic education.'

"The Catholic Church condemns every system of education 'which concerns itself with the knowledge merely of natural things, and only, or at least primarily, with the ends of social life.' (Syllabus, Prop. 48.) That is, she condemns every system which leaves God out. She does not merely 'criticize' it. She anathematizes it.

"A school which the Catholic Church condemns is a school which every loyal Catholic can 'criticize.' I go further to say that it is a school which every loyal Catholic should roundly condemn.

"If it is, further, a school maintained as part of a political system, every American may without peril to his loyalty 'criticize' it. If he deems it incompatible with the country's deepest interests, his loyalty binds him not only to criticize, but condemn."

From the foregoing quotations, no one should fool himself with the thought that any Roman Catholic, who is a true and devoted member of that church, can be a true Roman Catholic and at the same time a true friend of the public-school systems in our country. Either he must "hate the one, and love the other; or else he will hold to the one, and despise the other."

"It is conceded by all leaders of thought in America that the perpetuity of our republican form of government and all of its most potential institutions, as the continued right of religious liberty, freedom of press, freedom of speech, and the absolute separation of church and state must ever depend upon the education of the masses; it is, therefore, a matter of common knowledge that in the public schools is vested the safety, progress, and prosperity of the Nation.

"The greatest glory of this proud Nation to-day is its public-school system, where the foundation is laid for the future character of our American citizenship. The Italian Pope seeks to do away with our public schools and establish in their places his parochial schools. Why does he seek to do this? Why is he so anxious to destroy our public-school system? Why does he seek to control and direct the education of our American boys and American girls? Because his theory is that if he can control the education of a child until it is 10 years of age you can work on the child the rest of his life, but you never can eradicate the effect of his influence. His theory is undoubtedly correct. The impressions made upon the mind of a child between the ages of 5 and 10 can never be wholly removed.

"It therefore behooves us as loyal American citizens and as earnest, God-fearing, and liberty-loving parents to look closely after the education of our boys and girls; to be very certain that the source from which comes those early educational influences is uncontaminated by that enemy of civilization, the Roman Catholic hierarchy. The Pope seeks to do way with our public schools and take charge of our American educational system himself, because he knows that the character of our future American citizenship is determined by the educational influences that surround the child during his school years. Unfortunately for the Pope, he can not gather our Protestant or non-Catholic boys and girls into his parochial schools, so he has adopted the next best plan in the promotion of his campaign to make America Roman Catholic—he is installing his parochial school-teachers in our public schools. It is true that when they are employed as teachers in our public schools they do not wear the livery of the Roman Catholic hierarchy—the priestly robes and the uniform of the nun—but at the same time they are expected and pledged to instill into the minds of the children under their charge the objectionable doctrines that emanate from the Vatican at Rome.

"It is a lamentable fact and a fact that we should be ashamed to acknowledge that in 12 of the largest cities in the United States 60 per cent of the teachers in the public schools are sworn subjects of the Pope at Rome. That is not only the case in our large cities, but is also true in respect to many small towns throughout the country where Roman Catholic teachers have been employed in the public schools, even though the members of the school boards were non-Catholic and should have known better.

"Is it not almost unbelievable that loyal American citizens could be so blind to the dangers that threaten the future welfare of this American Republic as to permit the avowed enemies of our public-school system to be employed as teachers in the very schools which they seek to destroy? And yet that is what is going on in every State of this broad land of ours, and we continue to be asleep to the danger.

"In some of our cities the machinery of the public schools has been almost entirely monopolized and converted to Roman Catholic management. Notwithstanding the oft-repeated blatant anathemas hurled by priests and Roman Catholic editors, denouncing these schools as a national fraud, turning out "horse thieves, scholastic liars, and counterfeiters," and denouncing them as "a cancer presaging the death of national morality"; nevertheless it is a fact that not one of the many thousands of Catholic teachers, principals, superintendents, and trustees of our public schools have ever lifted a voice in protest against such slanders, and notwithstanding the fact that every insulting denunciation made by the church against the conduct of the public schools reflects as odiously upon these Catholic teachers and

principals as upon the Protestants, at whom they were doubtless only intended. Nor is it deniable that the public-school funds have been pilfered and diverted by Roman Catholic influence to the maintenance and support of their own parochial schools."

Mr. HEFLIN. Tolerance! Tolerance! What crimes are committed; what institutions of liberty are cut down in thy name? How long, O God, will the Members of this Senate stand mute to the facts here quoted. Awaken America! Awaken, while there is yet time!

A TALE OF TWO SMITHS

Mr. TYDINGS. I ask to have printed in the RECORD an editorial from this morning's Washington News, entitled "A tale of two Smiths."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Samuel Insull gave liberally to Frank Smith and started a scandal.

William Kenny gave liberally to Al Smith and started a romance.

The story of the Insull contribution barred Frank from the Senate.

The story of the Kenny contribution—of the boyhood friendship that began when both were poor and ripened through the years as the one grew rich in business and the other powerful in politics—becomes a sentimental asset instead of a liability in Al's presidential campaign.

The answer is—there's a difference in Smiths.

Ordinarily, as things go in practical politics, if it were revealed that a contractor had given $70,000 to a campaign and intended to give more, the recipient would be ruined.

But not so with Al.

Instead, the public which would condemn the ordinary mortal views the fact without suspicion in the case of Al; reads nothing ulterior into it, and accepts at face value the contractor's declaration of friendship as his sole motive.

All of which is a lesson in the tremendous power of a good reputation when once firmly established.

During his four terms as governor, Al Smith has proved one thing beyond peradventure of a doubt—that he is honest. Even his enemies admit that now. Every effort to establish the contrary was tried and found wanting a long time ago. Those who did the trying were discredited. And it developed finally that attempting to prove Al Smith dishonest was a dangerous and an unprofitable occupation. So his enemies quit trying.

Accordingly, what in the case of another man would be pounced upon as a juicy morsel—the Kenny story—is passed up like a hot brick.

The nomination of Al Smith will bring a bitter attack from many sources and along many lines. He will be assailed for his wetness, for his Tammany membership, for his religion, for his position on this and that public question, for the way he wears his derby, and the way he pronounces his words. But his honesty will not be attacked.

Such is the value of a reputation when founded on rock.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 4229) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11338) authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River near Randolph, Mo.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 7373. An act providing for the meeting of electors of President and Vice President, and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; and

H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa;

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians;

H. R. 12632. An act to provide for the eradication or control of the European corn borer; and

H. R. 13511. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

REPORT OF PUBLIC BUILDINGS COMMISSION (S. DOC. NO. 112)

Mr. SMOOT. Mr. President, under the law, as chairman of the Public Buildings Commission, I am required to make an annual report on behalf of that commission.

I have here the report for the calendar year 1927. I submit it to the Senate at this time and ask that it be printed as a Senate document, with the illustrations.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Without objection, it will be so ordered.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. BINGHAM. Mr. President, although I might speak for a long time on this subect, I shall not consume more than 5 or 10 minutes.

It appears to those whom I have the honor to represent in part in the State of Connecticut that the estate tax is a State matter.

When anyone inherits property he inherits it through the laws of the State in which he resides. The method in which anyone can inherit property is fixed by State law and not by Federal law. Inheritances are distinctly a State matter. It is true that in periods of great emergency, during the period of the Civil War and during the period of the World War, when the Federal Government was greatly in need of large additions to the funds required for the national defense, the Federal Government has passed an estate tax, and has helped itself liberally from the estates of those who have died, and has taken large sections out of the money which otherwise would have been inherited by the children and legal heirs of the deceased. It has usually been held that this was intended only for great emergencies.

At the time when the 1918 tax bill was passed—which, as is shown by the charts on the wall in the back of the Chamber, was one of the most severe tax bills that this country ever passed—a large part of the money received by the Government under that bill came from taxes on inheritances. We have, however, revised the rates twice or three times since then; and, as a matter of fact, we have cut down the amount received from inheritance taxes so that it forms a very small part of the total.

May I ask the Senator from Utah what is the total amount received from the inheritance tax under the present revenue law?

Mr. SMOOT. I can give it to the Senator by years. For the last three years the following collections were made from the estate tax:

For the year 1925, $101,421,766.20.

For the year 1926, $116,041,036.09.

For the year 1927, $100,339,851.96.

An estimate of $65,000,000 has been made for the fiscal year ending June 30, 1928.

Mr. BINGHAM. How much of that was refunded to the States?

Mr. SMOOT. Let me see if I have the exact percentage.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BINGHAM. Yes.

Mr. COUZENS. That is the net amount received by the Federal Government, because the Federal Government makes no refund to the States. The Senator asked how much of that was refunded.

Mr. SMOOT. I say that that is the net amount received by the Federal Government from the estate tax. The Federal Government makes no refund to the State in which the decedent lived.

Mr. FLETCHER. It is not a question of refund; it is a credit.

Mr. SMOOT. It is a question of credit.

Mr. COUZENS. But, I say, those are the net amounts received by the Federal Government.

Mr. SMOOT. Certainly; but the Senator is correct as to a refund. The Federal Government gives each of the States credit for 80 per cent of the amount paid by that State.

Mr. FLETCHER. It gives each State a credit for inheritance—taxes paid in the State up to 80 per cent of the Federal tax.

Mr. SMOOT. Yes; it is the other way around from what I stated.

Mr. HOWELL. Mr. President, may I ask the Senator from Utah what the net amount will be for 1928?

Mr. SMOOT. An estimate of $65,000,000 is made for the fiscal year ending June 30, 1928.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. FLETCHER. I have a statement to the effect that the Treasury Department estimates show that if a complete repeal of the estate tax up to the end of the fiscal year 1929 takes place it will mean a $7,000,000 loss to the Federal Government.

Mr. SMOOT. That refers to the first six months. That is the fiscal year, and not the calendar year.

Mr. BINGHAM. Do I understand the Senator from Utah to say, then, that the loss to the Federal Government if this should pass would be only $7,000,000?

Mr. SMOOT. For the fiscal year. The fiscal years run, as the Senator knows, from July 1 to June 30. The estimate is only $7,000,000 for the fiscal year. Of course, there is just a short time left of this fiscal year.

Mr. BINGHAM. What does the Senator think would be the loss to the Federal Government in the next fiscal year if this amendment should pass?

Mr. SMOOT. I have no estimate of that, so I could not say.

Mr. HOWELL. How much would go to the various States of the Union?

Mr. SMOOT. Sixty-five million is for the full fiscal year ending June 30, 1928; that is, ending this year. I suppose there would be at least that amount collected for the next fiscal year.

Mr. BINGHAM. Is that net, over and above what is given to the States?

Mr. SMOOT. There are only four States now that have no inheritance tax. Those are Alabama, the District of Columbia, Florida, and Nevada. All of the other States would receive their 80 per cent credit.

Mr. COUZENS. May I suggest to the Senator that that was not a reply to the Senator from Nebraska, but was a reply to the Senator from Connecticut? The Senator from Nebraska asked a question to which that might have been intended to be a reply, but it was not.

Mr. SMOOT. I stated I had no estimate.

Mr. FLETCHER. What is credited to the States depends on the State receipts. One State may get a certain amount, and another another amount.

Mr. HOWELL. If the States do not get it, then the Federal Government gets it.

Mr. FLETCHER. Up to 80 per cent of the Federal tax.

Mr. HOWELL. Yes.

Mr. BINGHAM. Mr. President, the amount collected by the Federal Government at the present time is a very small amount of the general income of the United States Government. Furthermore, the law in its present form, whereby 80 per cent of the taxes may be handed over to the States rather than be used by the Federal Government, shows clearer than anything else I can say that the object of this tax is not to raise revenue for the Federal Government to pay Federal expenses.

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. The object of the present tax is an effort to force certain States which now charge no inheritance tax to change their laws; and to force certain other States, like the State of Connecticut, which have moderate inheritance tax laws, to increase the inheritance taxes.

I yield to the Senator from Utah.

Mr. KING. I did not hear the statement of my colleague as to the amount of revenue which is derived by the Federal Government from the estate tax. For the calendar year 1926 the total tax was $138,056,542.

Mr. BINGHAM. I will say to the Senator that his colleague quoted those figures.

Mr. KING. The highest amount received in any one year was $154,000,000. Speaking for myself, if I may be pardoned for interjecting a personal observation, I do not agree with the Senator that the object of this is to force the States into the levying of an estate tax. I believe that for the present this should be one of the sources from which the Federal Government should derive revenue to meet the very heavy expenditures which it is making from year to year. Moreover, we owe approximately between seventeen and eighteen billion dollars of obligations incurred in the prosecution of the war. Until the States avail themselves of the right to impose inheritance taxes, so long as they show such a reluctance to impose such taxes, I feel that the Federal Government, aside from the question of the propriety of it—that is, with respect to the rights of the States, and so on—should impose an estate tax. So I say, speaking for myself, I am in favor of continuing this tax, at least, for the present.

I know that back of this movement to secure a repeal of this tax is a determination to secure a repeal of the estate taxes in all States. The New York Evening Post and other papers a short time ago announced that the movement was to secure the repeal of the inheritance tax, as it was a tax upon capital, and the Senator knows that there is a strong feeling among many people, especially those who have large estates, that they ought to be exempt from inheritance tax, on the ground that it is a tax upon capital. I believe that if the Federal Government should repeal the estate tax to-morrow there would be a great drive, and a successful drive, in many of the States, to secure the complete repeal of the State inheritance taxes.

Mr. BINGHAM. This is the first I have heard of any such drive. There has been nothing said about it in the State of Connecticut. Our laws there in regard to estate taxes have been on the books for a number of years. Our tax commissioner is entirely in favor of maintaining those taxes in their present form. And yet he is one of the leading exponents of the theory that this source of taxation should be left to the States. If the Senator read the very able article which was prepared by Commissioner Blodgett, tax commissioner of the State of Connecticut, which I had printed in the RECORD a few days ago, he saw just how this matter applies to our State; and in the letter which Commissioner Blodgett wrote to me, which was also printed in the RECORD, he will see how extremely difficult it is to apply the present 80 per cent refund.

I shall take only a moment more, Mr. President, to say that I am extremely sorry to see my friend from Utah, who has stood with me so many times in favor of local self-government, and in favor of States' rights, taking this position. I regard him as one of the few fighting Senators still left on this floor who are really, truly interested in the rights of the States, as opposed to the constantly increasing centralization in the Federal Government. I do not believe that in other matters he has been in favor of any legislation which would coerce the States into passing legislation which, in their judgment, should not be passed.

There are only 4 of the 48 States that have no income tax on estates at the present time.

Mr. BORAH. Only three.

Mr. BINGHAM. Only three, the Senator from Idaho says. There were very few that did not have estate taxes when this law first went into effect. It seems to me a very great pity the Government should take this position. It is subversive of those principles of our Government which were first laid down by Thomas Jefferson, in which the States were relied upon to give the safe foundation to the Government. It seems to me that in view of those principles on which our Government was founded we can trust the States to do right in this matter, and that for the Federal Government to continue in an effort to force the States to put taxation in any form which the States themselves do not choose to put it in is an act of aggression, and one that is contrary to the principles on which our Government was founded.

For that reason, and for the others which I have given, I hope very much that this amendment will pass. I trust that the Federal Government will give back to the States what it took from them only in war time—namely, the right to tax the estates of decedents. I hope the Congress will, furthermore, do away with the iniquitous clause which, by bribery and force, says to the States, "If you do not do right, we will punish you by making you give a larger percentage of income for the conduct of the Federal Government than if you will do as we choose, as we want you to do." It offers them a bribe if they will fall in line with the doctrine set forth in the Federal estate tax. It threatens them with punishment if they do not do so.

I trust this amendment will prevail. If it does not prevail, I propose to offer at a later time an amendment which is now lying upon the table, which calls for a reduction of the rates in the estate tax, and attempts to do away with this 80 per cent repeal clause, which, to my mind, was introduced solely with the idea of clubbing the States into doing something which, in their judgment, they thought it best not to do.

Mr. KING. Mr. President, may I say to the Senator from Connecticut, in response to his suggestion as to the taxes collected by the Government in 1927, that the actual collection that went into the Treasury from the estate tax was $100,339,852. In 1928 the tax under the present law, as estimated, would be $61,000,000. That is for 10½ months of the year. For 1929 the estimate, based upon the very best figures that can be obtained and the best calculations Mr. McCoy can make, is $50,000,000. It will be reduced little by little until finally it will settle down to a $20,000,000 figure.

Mr. BINGHAM. And the reason it will settle down is that as time goes on the States will yield to this pressure put upon them by the Federal Government. That is the reason for the law in its present form. It is that very pressure to which I object.

Mr. KING. Mr. President, if the Senator will further yield, I object to that pressure. I voted against the return. If I had my way, I would have a reasonable rate for the time being, continuing until these war obligations were paid, and would make no remission whatever to the States. I agree with the Senator that that is improper legislation.

Mr. BINGHAM. Then I hope the Senator will vote for my second amendment, if he can not vote for the first.

Mr. KING. I do not know what the second one is; I may vote for it.

Mr. BINGHAM. I ask to have printed in the RECORD the letter I send to the desk.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENTINELS OF THE REPUBLIC,
Washington, D. C., April 6, 1928.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: In behalf of the Sentinels of the Republic I wish to record our earnest hope that the estate tax imposed by the Federal revenue act of 1926 will be repealed. One of the policies recently adopted by the Sentinels, with particular reference to this tax, is the following:

"We advocate the repeal of that provision in the Federal estate tax law which allows an 80 per cent credit for State inheritance taxes paid, because the admitted purpose of that provision is to coerce the States to levy inheritance taxes to the amount of the credit given."

Our objection is not to the imposition of a Federal estate tax, in so far as the revenue from such a tax is needed for the support of the Government, but to the allowance of an 80 per cent credit on account of estate or inheritance taxes paid to the States, with the obvious purpose of forcing or bribing the States to impose similar taxes to the extent of the credit given. Domination of the States with respect to the taxes which they shall levy for State uses is outside the scope of the powers granted to Congress by the Constitution, and the statute in that aspect clearly violates the reserved rights of the States.

The use of the taxing power by the United States to regulate subjects not intrusted to Congress but left to the control of the States by the Constitution has been held by the Supreme Court of the United States to be invalid. In the child labor tax case (259 U. S. 20, 37, 39), holding the child labor tax law invalid Chief Justice Taft said:

"It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress, dealing with subjects not intrusted to Congress but left or committed by the supreme law of the land to the control of the States. We can not avoid the duty even though it require us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power, on the other, our country has been able to endure and prosper for near a century and a half.

* * * * * * *

"So here the so-called tax is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution."

One of the powers retained by the States under the Constitution is the power to tax for State purposes. This power indeed is an essential and indispensable attribute of sovereignty, without which no State could maintain an independent existence. That Congress has no right to interfere with the exercise of the power of taxation by the States has been recognized as a truism ever since Chief Justice Marshall, in two of his monumental opinions, so declared. (See McCulloch *v.* Maryland, 4 Wheat. 316, 425; Gibbons *v.* Ogden, 9 Wheat. 1, 199.)

My own State, Massachusetts, furnishes a good illustration of the coercive effect of this legislation. Before the passage of the Federal revenue act of 1926 Massachusetts had an inheritance tax with graduated rates which by frequent increase had reached quite a substantial figure. Immediately following the passge of the Federal act a new State statute was passed imposing an estate tax so as to absorb the 80 per cent credit allowed by the Federal law. The purpose of this statute, as was publicly stated, was "to take up the slack," and the argument chiefly advanced in its favor was that as long as estates of Massachusetts citizens were liable for the tax in any event the State might as well have it. In 1926 the revenue from inheritance taxes was $6,000,000 and from the estate tax $1,500,000, approximately.

The result in Massachusetts is that we have two kinds of taxes imposed on the death of an owner of property, the total amount of which depends upon the application of the Federal law. If the amount of the taxes so collected from the estates of Massachusetts citizens is reasonable and proper, then those taxes ought to be levied without reference to any Federal statute; if not, they ought not to be levied at all. I do not favor the doctrine that the States require or should be given the aid of the Federal Government in the levying of State taxes for State purposes, or that regardless of their own needs and policies they should be compelled by the Federal Government to conform to a uniform policy of taxation.

Respectfully yours,

ALEXANDER LINCOLN, *President.*

Mr. METCALF. Mr. President, I have a letter from a very eminent man, whose good work is known in many places, which I would like to read. It is as follows:

Hon. JESSE H. METCALF,
United States Senate, Washington, D. C.

MY DEAR MR. METCALF: During the war we had to use every means possible to raise the enormous sums of money needed, and it was recognized that the duties on the property of decedents was a war measure, because it was an invasion of the rights of the States, justified, however, by the very great emergency.

It will be 10 years next November since the war ended and the death duties are still on the statute book.

As a citizen I object very seriously to this invasion of the States' rights, and as a man who is now in his ninety-second year, and must necessarily before long come under the operation of this law, I particularly object to the double taxation of my estate by both my State and the United States.

I pray you to take active measures for the repeal of this unjust and originally intended to be temporary source of revenue to the United States Government.

Very sincerely yours,

Mr. President, the fundamental objection to the Federal estate tax is that it involves the confiscation of private property. It invades the property rights of the individual, respect for which is essential to preservation of equality as a principle in government.

There is a clear distinction between confiscation and legitimate taxation. The latter rests for its justification upon necessity—the necessity of providing revenue for the support of the Government, which protects the individual in person and property. The same necessity which justifies the Government in conscripting men in time of war may also be present at such a time to justify the imposition of special taxes, such as a tax upon the estates of the dead, but when the necessity for this extraordinary demand ends justification for it ceases. Men should then be left free to return to their civil pursuits and the Government should return to normal and peace-time methods of providing revenue for its needs.

That the necessity for maintaining an estate tax to supplement the ordinary revenues of the General Government has passed is confessed in the terms of the Federal estate tax law itself. This provides that the proceeds of the tax levied under compulsion of the law shall not go into the Federal Treasury, but that the State of which the decedent was a resident shall receive 80 per cent of it, or such part not exceeding 80 per cent as may be equivalent to the State inheritance taxes paid by the beneficiaries of the estate. If the Federal tax is $1,000 and the State tax $800, for example, $800 is paid into the State and only $200 into the Federal Treasury, but if the State's tax is only $200 the Federal law requires that $800, or the remainder of the tax of $1,000 prescribed by Federal authority, shall be paid into the Federal Treasury.

Under the Constitution of the United States the State is a sovereign. It makes the laws controlling the succession to property within its own boundaries or jurisdiction, and decides what inheritance taxes, if any, it shall levy. The Constitution contemplates that it shall exercise this power freely, that it shall act according to its own discretion and judgment and not under duress exercised by any other sovereign.

However, it is admitted that the main purpose of the Federal estate tax law is to control the action of the States in a matter in which Congress has no direct authority under the Constitution and by indirection to compel them to levy State inheritance taxes and to make rates at least equal to 80 per

cent of the Federal rates on estates in excess of $100,000 whether they would prefer to do so or not. The alternative is the loss to the State of taxes the estates of her decedent citizens must pay anyhow to meet the requirements of the Federal law.

The Federal law creates a situation whereby Congress decides that death duties shall be imposed on estates and what the total of these death duties shall be. Nothing is left for the legislature to determine except the question of what portion of the proceeds not exceeding 80 per cent shall be claimed by the State as its share of the plunder.

This 80 per cent or joint-levy provision of the Federal law is itself a fatal objection to the act because it can not be permitted to stand without inviting further invasion of the rights of the States. It affords, for example, the precedent for Federal laws prescribing income taxes, gasoline taxes, school taxes, etc., with provisions allowing the States to share in the proceeds in proportion to their own rates of taxation for these purposes.

Thus the way is opened for destruction of the State through destroying the independence of its revenue system. The States to-day are invited to exchange this independence for a mess of estate tax pottage, to put their approval upon the Federal Government's invasion of the sovereignty of the State and receive in exchange 80 per cent of the proceeds of the Federal estate tax imposed on their own citizens. Some have done so, including such wealthy States as New York and Massachusetts. Legislatures of certain other States, while advancing their rates of inheritance tax to absorb 80 per cent of the tax imposed by the Federal law, have adopted resolutions denouncing Congress for invading the jurisdiction of the States and compelling them to choose between losing revenue and accepting the dictation of Congress.

The assertion that the Federal estate tax represents confiscation is abundantly warranted. It authorizes the taking of private property for public purposes without due compensation. In the case of the living individual, citizen or alien, this is forbidden by the Constitution of the United States and the constitution of every State. It is justly regarded as immoral, obnoxious to conscience, and contrary to public policy.

When the property taken without compensation is that of the dead there is a legal but not a moral distinction. The legal distinction exists because death occasions a transfer of property, either by will or under the intestacy laws of the State. The courts reason that the right to transfer property and the right of succession to title are privileges granted by the State and that the State or General Government has the right to tax the exercise of such privileges.

However, the right of the living to transfer property, without adequate compensation in money or money's worth, whether the transfer be made in contemplation of death or not, is also a privilege granted by government and the exercise of which it may tax. In fact Congress in 1924 adopted the gift tax law making such transfers by the living taxable.

By this gift tax law, repealed in 1926, Congress confessed that it was under no legal necessity of limiting the transfer or estate tax to the estates of the dead, that the limitation was purely arbitrary and based solely on considerations of political expediency, and that it constituted a discrimination against the estates of the dead unwarranted by due regard for equality, the foundation principle of just government, or by respect for economic justice or sound public policy.

The same confession is in truth contained in the existing Federal estate tax laws. This authorizes the taxing of transfers made in contemplation of death, but not until the author of the transfer is dead and therefore no longer a voter, nor able to resist in any manner the confiscation of his property by the Government.

Private property, the institution of civilization, has three attributes. One is the right to possession and enjoyment. Another is the right to the income it yields. The third is the right of disposition. These three attributes are necessary each to the security and, hence, to the value of the others.

When private property generally is levied upon to bear the expenses of government it can not justly be said that it is under attack, nor that its confiscation is threatened. What is witnessed in such a case is an ordinary operation of government, justified by necessity and by the equality with which the burden is apportioned. But an essential right of property is attacked, and we do have an example of confiscation when the Government takes a portion of an estate only because it is beyond a certain value and its owner has died since September 9, 1916.

For its justification authors of the present Federal estate tax law rely much upon the suggestion that it applies only to the estates of the dead having a value of over $100,000. But this circumstance merely aggravates the offense to sound conscience by making the discrimination more striking. State inheritance tax laws are superior in this particular, because as a rule they apply, in the case of collateral heirs, to all inheritances of $1,000 or over. If death is a just occasion for levying a special tax upon an estate, it unavoidably follows that the lower the exemption the more equitable must be the law, other things being equal.

The present Federal estate tax law has been effective only as a means of coercing States, several of which have amended their inheritance tax laws to secure to their own treasuries 80 per cent of the revenue the tax yields. Considered as a means of providing Federal revenue, it is glaringly ineffective. The gross Federal estates tax imposed during the calendar year 1926 was below $140,000,000. The effect of increasing the specific exemption from $50,000 to $100,000 should be to lower future collections materially. But if the gross revenue from the tax remained at less than $140,000,000, and the States took 80 per cent of it, the Federal Treasury's share would be only $28,000,000 per year. This is less than would be yielded by a tax of one-tenth of 1 per cent on the taxable income reported by individuals and corporations for the year 1925.

Instead of taxing about 10,000 estates of the dead a year at the average rate of $53.20 per $1,000 of value—which would equal $532 per $1,000 of income if the property earned 10 per cent—would it not be more equitable, assuming that the Federal Government needs the additional revenue, to increase to the extent of $1 per $1,000 the rates of income tax imposed on the more than 2,700,000 individuals and corporations whose returns for 1925 disclosed aggregate net income exceeding $31,000,000,000?

Obviously, the answer is in the affirmative. Manifestly, the Federal income tax laws, which at present does not impinge on the sovereignty of the States, is expedient, considered as a revenue measure, while the Federal estate tax law is a gross failure.

Politically the matter wears an entirely different aspect. The more than 2,700,000 individuals and corporations which paid Federal income taxes for 1925 control at least 2,700,000 votes. In the absence of a showing of necessity, they would resent any increase in their income taxes. But the 10,470 persons whose estates were plundered by our Government in 1926 to the extent of more than $138,000,000 in estate taxes are dead and have ceased to be voters. Besides, under universal suffrage, 10,000 votes would not count for much in a country with a population of 120,000,000 souls.

Hope for repeal of the Federal estate tax law, therefore, can be entertained only as the people may be brought to realize that Congress has attacked not the rights of dead men's estates merely but property rights in general. It has through its enactment of this law given its assent to a false principle in taxation and government, one in direct conflict with the ideals and traditions of this Republic and of the American people.

We have been taught that ours is a land of opportunity, one in which every individual is left free to become the architect of his own fortune. We have regarded success as honorable when accomplished by honorable means, or through the legitimate pursuit of a legitimate occupation open to all on the same terms. And we have observed that commonly the successful man is useful because his success has enabled him to open avenues of employment or markets for others. We have regarded it as our supreme national glory that this is a land in which all men are equal before the law.

To-day, through this Federal estate tax law, Congress asks us to turn our back upon principles of government which Americans have cherished since the hour this Republic was established, upon principles of equality which we fondly believed had been secured for all time through the results of the Civil War. To-day, as respects the vital matter in taxation, we are invited to surrender equality and to substitute discrimination and oppression of the minority. We are invited to forget that for the material progress which has made ours the mightiest of the nations and the envy of the world, and has diffused among us a condition of material comfort unrivaled by any other people on earth, we are indebted to the energy, the ingenuity, the daring, capacity, and skill of those of our fellow American citizens, most of them starting from scratch, who have won success in the competitions of industry and in the fields of science, invention, and the professions. We are asked to proclaim to our children that those among them who may be destined to material success are destined also, as respects their material possessions, to become the victims of discrimination by their Government, that upon what they may accumulate in

excess of some amount arbitrarily prescribed by Congress from time to time the Government has imposed a mortgage payable out of their estates as a penalty for the offense they are destined to commit by winning success and acquiring property within the jurisdiction of this Nation.

As respects just principles of government what should be our counsel to our children? Should we say to them that equality, a fair field, and no favor is the limit of their just demands, or should we ennoble their souls with the reflection that if they fail to conquer that spirit of envy and jealousy which is our common inheritance from Adam and which so often beclouds judgment in the affairs of life, they may at least by massing their power at the polls work a posthumous vengeance upon the contemporary who came into the world with his fortune to win by his own efforts and under equal laws, but surpassed them in the competition for wealth?

Is it by such counsel that the father would teach ambition, industry, and self-reliance to his children? Would he join the socialists in urging them to become "class conscious"? Would he encourage them, children born in America, to regard themselves as among the "disinherited," against whom the doors of opportunity have been closed, and who, therefore, should view with complacency and approval the invasion of the rights of others?

It has been said that the point at which confiscation under authority of the Federal estate tax law shall begin is arbitrarily prescribed by Congress. This is true. The law of 1916 fixed $50,000 as the point at which the accumulation of wealth became dangerous and a menace to society. Of all wealth of the decedent above this figure the law authorized the Government to take a part, its share increasing progressively with the extent of the estate. Congress at that time was merely seeking funds to carry on the Government. So it was generally believed at least. And the expectation was general that the tax would be repealed when the need for it had passed.

But to-day advocates of the law remind us that it was enacted before we knew that we were to be at war with Germany. They say now that it was enacted with the thought of permanency and as a permanent means of discouraging the accumulation of great fortunes by compelling the owners at death to divide them with the Government, or with the States which might accept the direction of Congress in this matter.

However, the exemption of $50,000 proved too low to give the law smooth sailing through the probationary period. Most of the estates affected in Iowa were the estates of farmers and other owners of agricultural lands. In the cases of farmers who died while the land boom was on, the estates were valued by the revenue agents at considerably more than they were worth after the collapse of the boom, or during the collection period. Hence, bitter opposition to the law developed among its victims in practically every county of the State. A similar feeling arose in other States. So it became clear that, until the principle of the law, the right of confiscation, should become better established by usage, it would be wise to raise the specific exemption to $100,000, as was done in 1926. With the opposition of owners of estates of less than $100,000 thus avoided, the law could be continued until the people, at last familiar with its face, could be persuaded to accept confiscation as a permanent principle in government.

Voluntary gifts of Americans in 1927 to religious, benevolent, and educational institutions approximated $200,000,000. The Federal estate tax collected by the Federal Treasury in 1926 was only half this amount. This comparison is offered to suggest that objection to the Federal estate tax is based not upon purely selfish considerations but upon genuine distaste for the principle involved, a genuine belief that this principle is socialistic and that its acceptance by our Government affords a precedent for a program of socialistic legislation fatal not merely to the fortunes of individuals but also to the prosperity of the country.

How can we prescribe a limit to the confiscation if we admit that death gives the Government a title to the property of the individual, any part of it? If the Government on such occasion may justly take 10 or 20 per cent of the estate, why not 50 or even 100 per cent? And if upon his death it may justly share in the estate of the citizen having a value exceeding $100,000, why is it not entitled to a share if the value is only $25,000, $10,000, $5,000, or $1,000?

If we begin by assenting to confiscation in the case of our neighbor, how shall we defend against it when it comes our turn? If we assent to a false principle in taxation or Government, how shall we prescribe its limitations?

The estate tax is without logical limitations respecting either exemptions or rates. This fact constitutes at once its dangerous character and its condemnation. It differs completely in nature from a general tax levied to meet the revenue requirements of the Government. The limitations of a general tax, when not imposed by the Constitution, are prescribed by the vigilance and self-interest of the taxpayers, as we observe whenever it is proposed to issue bonds for a public improvement or to increase the general tax levy for some specific purpose. The general tax is therefore the servant and aid of responsible government, while a special tax arbitrarily imposed and directly affecting less than 1 in 10,000 of the population leads to irresponsible government by providing a special fund out of which to compensate for unnecessary and extravagant expenditures without recourse to a general levy. It leads to irresponsible government furthermore because a public not immediately affected is indifferent to departure from sound principles of government and to injustice involving no actual distress to its victims.

The social trilogy has been described as resting on religion, the family, and property. Remove anyone of these three supports and the structure of civilization fails. When we cease to regard religion, the family, or the rights of property as sacred we are on the road to decline. The taxation of estates, an enterprise involving disregard of the rights of property, is a destructive and not a constructive movement.

So also national prosperity is based on a tripod consisting of capital, labor, and enterprise. Wealth is the creature of man's genius and energy directed to the production of utilities. In our industrial system capital and labor are indispensable to each other. Each supplies the material with which the other works. If from our annual production of wealth we set aside a certain portion to be employed as capital so much is added to industry to meet the ever-increasing needs of labor. But if by taxation we reduce the volume of capital, which could otherwise be at the service of industry, we diminish to a corresponding extent the fund available for labor's employment.

Labor's interest is served best when of the surplus wealth annually created the maximum is reserved as capital industry may command and the minimum is exacted for the pay roll of public officers. If taxes were doubled to-morrow, while gross profits of industry remained as at present, capital and labor would suffer in common. Their common interest requires the largest possible labor fund with governmental expenditures reduced to the limits of necessity. Hence it is to their mutual interest that whatever system or systems of taxation may be adopted for the support of the general or local government shall have a wide application, that it shall fall upon a body sufficiently numerous and powerful to hold the Government strictly accountable to the taxpayers for its expenditures of the public funds.

Who among our citizens on the pay roll of the Federal Government is a dollar better off because we have a Federal estate tax law in operation? Who among our private citizens has received a dollar in dividends from the proceeds of this tax?

Not one. The tax extorted from a few and which falls into the Public Treasury like manna from heaven is a constant temptation to needless appropriations and extravagances in government. It operates usually not as a replacement tax, but as a surplus to diminish the value of a dollar in the eyes of the appropriating authority. All such taxes should be abolished if only for the sake of holding the Government responsible to the people by compelling it to rely for subsistence on taxes drawn from the people, each citizen contributing according to his means.

Under such a plan, whatever labor might contribute could be abundantly returned in the form of higher wages and more constant employment. A condition precedent to this happy condition of labor, and of the agriculture whose highest rewards depend on the full employment of labor, is a system of taxation that will relieve minorities of oppression, encourage industry, and recognize that all men are equal before the law, as the founders of this Republic intended they should be.

WHY THE FEDERAL ESTATE TAX SHOULD BE REPEALED

First. From time immemorial this tax has been regarded as belonging exclusively to the States except in times of great emergency. Only four times in our history has this tax been levied by the Federal Government and on each occasion it was repealed immediately when the emergency had passed. The present law has now been enforced for more than a decade and no person to-day questions the statement that the emergency which gave rise to the passage of this legislation has ceased.

Second. The law is confiscatory. It is a tax upon capital, and therefore contrary to all principles of economics, and vicious in the extreme.

Third. The law is not a revenue-raising measure. Statements of members of the Ways and Means Committee in hearings and on the floor of the House prove this contention. These state-

ments prove that it not only is not a revenue-producing measure but that it is intended to level fortunes. The Secretary of the Treasury estimates the loss in revenue by the repeal of this act at $7,000,000 per annum.

Fourth. Another purpose of the law is to coerce States into enacting uniform inheritance tax laws. This is evidenced by the 80 per cent credit provision and the present Federal law which in substance means that if the States enact legislation along the Federal lines, 80 per cent of the amount assessed by the Federal law will be credited to such States. In effect, the Federal Government says to the States, "We will take the entire tax unless you pass State laws patterned after the Federal legislation, but if you do pass such laws we will credit you with 80 per cent of the amount collected." This is contrary to the spirit and letter of the Constitution of the United States.

Fifth. The States do not want uniform tax laws. In fact, such a condition is a physical impossibility. Owing to the varying conditions in the 48 States of the Union, it is impossible to fit the same tax straight jacket around every State. What might be good enough for Texas might prove disastrous to New Jersey and what might be advantageous to New Jersey would be ruinous to Indiana. The States themselves are the proper judges of their own local tax matters.

Sixth. To be consistent it would be proper for the Federal Government to legislate in such a manner that the States would have uniform income tax laws, uniform sales tax laws, and uniform tax laws of every description. Followed to its logical conclusion, therefore, the States would have no sovereignty left whatever. Surely the framers of the Constitution had no such thought in mind.

Seventh. So far only 15 States have amended their laws to take advantage of the 80 per cent credit provision in the Federal law. In every instance the States so acting did so under protest and in language which made the change null and void upon repeal of the Federal act.

Eighth. To carry out the wishes of Congress and amend their State laws would revolutionize the fiscal systems in some of the State jurisdictions. Pennsylvania, for instance, tried to comply with this regulation, and the Supreme Court held that the act passed by the Pennsylvania State Legislature was unconstitutional. A second attempt has been made by the State legislature to comply with this requirement, and the Supreme Court has not yet decided whether this second attempt is constitutional. The effect of such legislation must be obvious.

Ninth. The tax is discriminatory. It is not an equitable proposition. It penalizes widows and children. This fact was forcibly demonstrated in a speech by Representative STOBBS, of Massachusetts, delivered on the floor of the House on December 14. This speech appears on page 637 of the CONGRESSIONAL RECORD.

Tenth. Many States, such as Maryland, do not impose a tax on lineal descendants. The Federal law does not take this fact into consideration, and the immediate members of the family are penalized by this legislation. Surely no person will argue that a man's family who should profit by his earnings and labor should be discriminated against in the distribution of this property as compared with outsiders.

Eleventh. Twenty-three States have adopted joint resolutions calling on Congress to repeal the estate tax; in six other States one house of the legislature has adopted such a resolution, and in 15 additional States a canvass of members of both branches of the legislature has shown that a majority favor the repeal of the law. Official delegates of 42 States appeared before the Ways and Means Committee and urged the repeal of the law. From these facts it is only easy to gauge public sentiment on this matter.

Twelfth. There are many other objections that could be cited against this unnecessary and iniquitous tax, but it is believed the foregoing will prove conclusively that the Federal Government should immediately retire from this field of taxation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM].

Mr. FLETCHER obtained the floor.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Fess	Harris
Barkley	Bruce	Fletcher	Harrison
Bingham	Capper	George	Hawes
Black	Caraway	Gerry	Hayden
Blaine	Couzens	Gillett	Heflin
Blease	Curtis	Glass	Howell
Borah	Cutting	Goff	Johnson
Bratton	Deneen	Greene	Kendrick
Brookhart	Dill	Hale	King
La Follette	Nye	Sackett	Swanson
Locher	Oddie	Schall	Thomas
McKellar	Overman	Sheppard	Tydings
McLean	Phipps	Shipstead	Tyson
McMaster	Pine	Shortridge	Vandenberg
McNary	Pittman	Simmons	Wagner
Mayfield	Ransdell	Smith	Walsh, Mass.
Metcalf	Reed, Mo.	Smoot	Walsh, Mont.
Moses	Reed, Pa.	Steck	Warren
Neely	Robinson, Ark.	Steiwer	Waterman
Norbeck	Robinson, Ind.	Stephens	Watson

Mr. CURTIS. I wish to announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate in attendance upon a committee.

The PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM].

The Senator from Florida [Mr. FLETCHER] is entitled to the floor.

Mr. FLETCHER. Mr. President, the pending amendment does not propose to repeal the Federal estate-tax provision. Under the law there are various provisions looking to the time when executors are to make returns, settle estates, and so forth; one of them being, I think, that they have one year after the estate comes into the hands of an executor to make the returns and settle the tax with the Government. To repeal the act outright might involve the collection of taxes that are pending, and which can be collected under the law if this amendment is adopted, which means that hereafter there will be no Federal tax imposed on the transfer of estates. It leaves in effect the law so far as taxes which have accrued and which have not been settled and so far as returns which are pending, are concerned, and allows the Government to go on and collect the tax which properly is due under the law as it stands; but for the future, after this act is passed, there will be no Federal tax imposed on estates.

It is unnecessary to go into a detailed or elaborate discussion of this whole question of the Federal estate tax. It involves the soundness or unsoundness of a great governmental policy. It involves the soundness or unsoundness of a principle of government. It is therefore important. It is in effect to determine whether we are to depart from the traditions and institutions of our country and embark upon a new effort to control the policy of the States through the Federal Government.

I have heretofore discussed this matter at some length. On January 5, 1926, I made a speech in the Senate on the subject which I simply refer to now. If anyone who is interested desires to see what was then said, he can refer to the CONGRESSIONAL RECORD. I contended then, and contend now, that this field of taxation should be left to the States; that it is an invasion of the rights and powers of the States for the Federal Government to undertake to dictate the policy of the States that is involved in the present existing law.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Michigan?

Mr. FLETCHER. I yield to the Senator.

Mr. COUZENS. I wonder why the Senator makes that statement, when it is well understood that all local taxes paid to the municipalities or the States are deductible from the Federal income tax. Why does he make the statement that it is an effort to coerce the States when it is simply a method of preventing double taxation?

Mr. FLETCHER. I will show the Senator, I think, very clearly what I mean by that statement, and will give reasons that ought to convince anyone who has any regard whatever for the rights and powers of the States before I finish this discussion.

The Constitution of the United States requires that Federal taxes shall be uniform. There is no requirement of the Constitution that State taxes shall be uniform. The effort here is to bring about uniformity of State taxation, which is not required by the Constitution, by violating the provisions of the Constitution with reference to uniformity of Federal taxes.

I contended in 1926, as I say, and contend now, that this is an excise tax, and it never has been imposed by Congress except in case of war, and it never has been continued more than seven years after any war until now. It has always been regarded as an emergency tax.

The Federal Government has a right to resort to that field of taxation in case of emergency, in case of war or serious trouble, where it has to raise money. The tax, if imposed by the Federal Government for raising revenue on all the States alike, if it is uniform in its operation and effect, is not in violation of the Constitution. The Federal Government has a right to impose an excise tax; but, as I say, we have never done it except in cases of war or great emergency—never except in

case of war, as a matter of fact—and we have never continued it more than a few years after the war, at no time longer than seven years, until now.

This tax is not needed by the Federal Government. We are reducing taxes. If the Federal Government actually needed the revenue it produces to meet some emergency when it had to raise money, well and good. Let it impose it in conformity with the Constitution, and make it uniform throughout the whole country, in every State. But it does not need the revenue. It is not continued on the statute books for the purpose of raising revenue. It is continued, and the provision is inserted in the law crediting the States with all inheritance taxes paid in those States up to 80 per cent of the Federal Government tax, confessedly for the purpose of forcing uniformity of inheritance taxes throughout every State in the Union.

That is the purpose of the tax. It is not levied or imposed because we need the revenue. It is not continued on the books for that reason. It is continued there, and the credit allowance is imposed as provided in the act, for the purpose of inducing—bribing, some Senator has said; compelling, if you please; coercing, undoubtedly—every State in the Union to impose inheritance taxes in accordance with the dictates of Congress.

I appeal to the Senate, has Congress the right or the power to say to every State in this Union, "You shall impose inheritance taxes whether you need the money or not; and not only that, but you shall impose inheritance taxes up to 80 per cent of the Federal tax which we impose"? Has Congress any such right or power? Is it not absolutely destroying the rights of the States when you take away from those States the control over their financial policy?

I submit that that position is untenable, indefensible, and can not be recognized by Congress as sound, unless we wish to destroy the States entirely.

I know it will be argued by those who are in favor of continuing this tax that it is important to have this 80 per cent credit provision in order to prevent double taxation. The way to prevent double taxation is for the Federal Government to retire from this field when they do not need the revenue, and leave it entirely to the States, where it belongs, where it has always rested. Let each State determine whether it will have an inheritance tax or an estate tax, or in what form it will have it. Some States have an inheritance tax. Some have an estate tax. There is a difference between the two. Some have some rates and some others, depending on their needs.

If a State says, "We do not need to tax our people in this way; we have other resources, or we have an administration so economical that we do not require to exact of our citizens an inheritance tax or an income tax of any kind," has Congress any right to say to that State, "You have got to impose an inheritance tax? Congress insists upon your doing it; otherwise, you get no credit whatever on the Federal estate tax; but we are going to induce you and compel you to impose an inheritance tax by insisting that unless you do you can get no credit on your Federal tax."

I say Congress has no right or power to do that. If some State insists that it can raise plenty of revenue to meet its governmental expenses without imposing an income tax, are we going to concede that Congress can require of such State that it shall impose an income tax or shall impose an inheritance tax, and not only that, but that such inheritance tax must be equal to 80 per cent of the Federal tax? That is the temptation held out; that is the inducement; and since the law was passed in 1924 16 States have increased their inheritance taxes so as to have them mount up to 80 per cent of the Federal tax.

Most of them have provided in their laws that this is to continue so long as the Federal estate tax remains upon the statute books. As soon as that is out of the way they will do something different, either do away with it, or reduce it, or change it in some way. In other words, they are being commanded by the Federal Government to impose taxes upon their people from this source, whether they are needed or not, in order to enable them to take advantage of this inducement offered by Congress to give them a credit on the Federal tax to the extent of 80 per cent where they impose those taxes in the States.

It will be contended, I know, that my position with reference to the lack of uniformity in this kind of legislation—my contention that it is unconstitutional—has been settled by the Supreme Court and therefore ought not to be urged any further. Fortunately, without being requested by anyone, so far as I know, certainly from an entirely disinterested standpoint, this subject has been very ably discussed by a distinguished lawyer of Baltimore. I saw his article published in the Cornell Law Quarterly and had it printed in the CONGRESSIONAL RECORD. It will be found at page 7966. I am going to take the liberty of quoting quite extensively from what that gentleman said, because some Senators may be inclined to discount my observations on this subject by reason of the fact that Florida has a constitutional provision which prohibits the imposition of an income or inheritance tax. We can not comply with the demands of Congress, if we concede Congress has made any such demands. We can not meet their exactions that we shall impose an inheritance tax, because our constitution prohibits it. We would have to change the constitution, which would be, I think, quite impossible. Certainly it would take a great many years to get to it.

Nevada does not impose an inheritance tax or an estate tax. Alabama can not impose an inheritance or an estate tax, because her constitution does not allow it. Those are three States where no advantage whatever can be taken of this tempting provision in the Federal estate tax law that would allow them a credit of 80 per cent on their Federal tax in those States.

By reason of the situation in Florida, and my very great interest in this matter on account of the attacks which have been made on that State by reason of her situation, what I have to say on this subject might be discounted, and therefore I am going to resort to what this gentleman in this article, which, in my judgment, is absolutely unanswerable, has to say about it.

I do not believe one can read this article carefully from beginning to end without being convinced thoroughly that the position of the author is sound, and that this act as it stands to-day is in violation of the Constitution of the United States requiring uniformity. But it is going to be contended, no doubt, that the question has been settled by the Supreme Court in "The strange case of Florida against Mellon." As I have stated, this comes from an outside, disinterested source, unsolicited by anybody from Florida, but it is the expression of a sound lawyer who has looked into this question and has considered it.

Mr. COUZENS. Who is the author of the article?

Mr. FLETCHER. Mr. Arthur W. Machen, jr., of Baltimore. I have never met this gentleman. I read the article, and I was so impressed with it that I thought everybody ought to see it, and that it certainly ought to go into the RECORD before the vote was taken on this amendment. He said:

> The Supreme Court of the United States throughout its history has set an example to other courts of last resort by resolutely refusing to express its opinion on questions not before it or not necessary for the decision of the case in hand. No small part of the respect in which that tribunal is held by the bar is due to its adherence to this rule, even in cases where laymen would be apt to think a settlement of some important question on the merits would be a more patriotic course than a decision on some technical point of jurisdiction or the like. In no class of cases has this self-imposed rule of judicial ethics been more scrupulously observed than in those involving the construction or application of the Constitution of the United States.

I think we will all agree to that. He proceeds:

> For example, the court has repeatedly gone to great lengths to construe a statute in such a way as to avoid deciding a constitutional question. (U. S. *v.* Delaware & Hudson Co., 213 U. S. 366, 29 Sup. Ct. 527 (1909); U. S. *v.* Standard Brewery, 251 U. S. 210, 219, 40 Sup. Ct. 139 (1920); Missouri Pac. R. R. v. Boone, 270 U. S. 466, 471–472, 46 Sup. Ct. 341 (1926); Fox *v.* Washington, 236 U. S. 273, 277, 35 Sup. Ct. 383 (1915); U. S. *v.* Jin Fuey Moy, 241 U. S. 394, 401, 36 Sup. Ct. 658 (1915).) So far as the writer recalls, only once—prior to 1927—has the court after holding a case to be not properly before it either for lack of jurisdiction, defect of parties, or any similar cause, proceeded to announce its decision on a constitutional question sought to be raised on the merits; and the results in that single exceptional case—Dred Scott *v.* Sanford (19 How. 393, U. S. 1856)—were not such as to encourage a repetition of the experiment.

In all the history of that court, as can be seen if one looks through all the embalmed opinions laid away in calf and sheep from the beginning until to-day, they have never undertaken to decide that an act was constitutional or unconstitutional in a case where they held they had no jurisdiction and the parties were not properly before them, except in the Dred Scott case. But they did it in the Florida case, as I will show. I continue:

> But in 1926 the State of Florida asked the Supreme Court for leave to file a bill against the Secretary of the Treasury to restrain him from enforcing in Florida the Federal estate tax law of that year, on the ground that the provision for "credit" of State inheritance taxes up to 80 per cent of what the Federal estate tax would otherwise be—a provision almost identical, except as to the amount of the allowable credit, with the corresponding section of the revenue act of 1924—rendered the act unconstitutional. The application was opposed on the ground that the State as such had no interest in the question and was therefore not entitled to file the bill.

That was the whole question before the Supreme Court, Was Florida entitled to file the bill? Mr. Machen further said:

The Solicitor General on behalf of the Government naturally assumed that the constitutionality of the credit provision was not at this stage before the court, the only question being whether the court had jurisdiction. Accordingly, his brief contains not one word in support of the constitutionality of the act.

That is, the Government representative, in behalf of the Secretary of the Treasury, did not say a word about the constitutionality of the act, because it was not before the court.

He contended merely (1) that the suit was forbidden by section 3224 of the Revised Statutes, providing that no suit to restrain the collection of a Federal tax shall be maintained in any court.

By the way, that is rather a remarkable provision, but it is in the law, and I presume it does not exclude an individual taxpayer from access to the courts under certain conditions, but section 3224 provides:

No statute for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

The door is absolutely closed, when we pass a revenue act, under that section. That was one of the points raised by the Solicitor General. I continue:

(2) That the State of Florida had no direct pecuniary interest in the question of the constitutionality of the act, and (3) that the State as parens patriae was not entitled to raise the question.

The Supreme Court, on January 3, 1927, in an opinion delivered by Mr. Justice Sutherland and concurred in by all the other members of the court, passing sub silentio the first of these three objections, sustained both the other two, and overruled both grounds on which the complainant, as its position was apprehended by the Supreme Court, sought to sustain the jurisdiction. (Supra, note 3.) "Neither ground," said the court, "is tenable."

But, mirabile dictu, having thus declared that the court had no jurisdiction to pass upon the constitutional question sought to be raised by the bill, the opinion proceeded to attempt to decide that question.

As to the contention that the tax was not geographically uniform throughout the United States, the opinion states (supra note 3, at 17):

"The contention that the Federal tax is not uniform because other States impose inheritance taxes while Florida does not, is without merit. Congress can not accommodate its legislation to the conflicting or dissimilar laws of the several States nor control the diverse conditions to be found in the various States which necessarily work unlike results from the enforcement of the same tax. All that the Constitution (Art. I, sec. 8, cl. 1) requires is that the law shall be uniform in the sense that by its provisions the rule of liability shall be the same in all parts of the United States."

As to the contention that the credit provisions of the act are in effect not a tax upon a constitutional subject, but an effort to coerce the States into levying inheritance or estate taxes equal at least to 80 per cent of the Federal rates, the opinion declares (ibid.):

"The act is a law of the United States made in pursuance of the Constitution and, therefore, the supreme law of the land, the constitution or laws of the States to the contrary notwithstanding. Whenever the constitutional powers of the Federal Government and those of the State come into conflict, the latter must yield."

Of course, this is a manifest begging of the question. If the act is "a law of the United States made in pursuance of the Constitution," the fact that it is in conflict with State policy on purely local matters is no objection to its validity.

Nobody ever contended that it was.

But the very question at issue, if the court had jurisdiction, was whether the law was made in pursuance of the Constitution. With the merits of the ruling there is, however, at this point, no quarrel. Amazement is concentrated upon the expression of any opinion on a constitutional question which the court declared it has no jurisdiction to decide.

You can not say that is an opinion that settles the law of this case. It is pure obiter, not binding in any other case or any other court, as a matter of law.

The criticism would have been the same if the court, instead of expressing approval of the controverted provisions of the revenue act of 1926, had declared it unconstitutional.

The judicial pronouncement is the more remarkable because not only did the Government's brief contain no argument in support of the constitutionality of the act but also the briefs for the plaintiff contained little or no direct argument against its validity. The only real argument against the statute was found in briefs filed by amici curiae, which set forth in a sketchy way some arguments against the constitutionality of the challenged provision of the revenue act of 1926, but only by way of inducement, as it were, and as a step in the process of showing that the State had an interest in the question. Moreover, only half an hour a side was allowed by the court for oral argument, on the express ground (as the writer is informed by one who was present in court at the time) that the constitutionality of the act would not be considered but only the question of jurisdiction.

At all events, it is clear that the opinion expressed by Mr. Justice Sutherland in favor of the constitutionality of the act of 1926 was quite unnecessary to the decision—which was that the court had no jurisdiction to pass on the question and therefore should not allow a bill to be filed to raise that question; and consequently the opinion expressed upon that question was obiter dictum, extrajudicial, and not binding either upon the Supreme Court itself or upon any inferior tribunal.

The expedient of "crediting" taxes paid the several States against taxes due the Federal Government had its origin in section 301 of the revenue act of 1924, which after levying an excise tax upon the transfer of the net estate of every decedent subsequently dying, and after providing a graduated scale of rates up to a maximum of 40 per cent of the amount by which the net estate exceeds $5,000,000, declares that "the tax imposed by this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory, or the District of Columbia, in respect of any property included in the gross estate," subject, however, to the proviso that "the credit allowed by this subsection shall not exceed 25 per cent of the tax imposed by this section. The act of 1926 repeats the provision almost verbatim, but increases the limit of the credit from 25 per cent to 80 per cent of what the tax would otherwise be.

The remarkable effects of this provision for "credit" are perhaps not at first apparent, and certainly have not always been recognized. A moment's thought will show, however, that one result is to produce as between the several States an inequality in rate of tax which is mitigated in degree but not altered in kind by the limitation of the "credit" to 25 per cent or 80 per cent of what the tax would otherwise be.

For instance, the State of Maryland, although one of the first of the States to adopt inheritance taxation, has never imposed any tax upon transmission of property to a lineal descendant of the decedent; and the State of Florida, which has never had an inheritance tax, has recently, by constitutional amendment, expressly prohibited estate, legacy, inheritance, or succession taxes.

This is no new idea in Florida. It does not mean some action taken to induce people from other States to come to that State except in so far as lower taxes may induce anybody to move into a State where governmental affairs are well administered. We never have had an income tax in the history of the State. We never did impose one. It has not been the policy of the State. I submit the Federal Government has nothing to do with the fiscal policy of Florida or any other State. If we concede that the Federal Government can dictate to the States what their financial policy shall be, then we have no States left any longer.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. KING. I do not want to interrupt the Senator if it will disturb the line of his argument.

Mr. FLETCHER. I yield to the Senator from Utah.

Mr. KING. Does not every tax levy have an effect, directly or indirectly, upon the fiscal policy of every State? If we impose an income tax or if we could, by proper apportionment, levy a property tax, it would be more or less an interference with the fiscal policy of the States, because they might be compelled or would at least feel constrained to adjust their rates and subjects and incidents of taxation to the Federal tax. It seems to me if the Senator is making the argument that the estate tax ought not to be imposed because it affects the fiscal policy of a State, he could with as much propriety make the same argument against the imposition of any tax by the Federal Government.

Mr. FLETCHER. I am going into that a little further in detail, if the Senator will allow me.

Proceeding with the particular point raised by Mr. Machen, he said:

On the other hand, most of the other States impose a tax of varying amounts on both lineal and collateral descents. Now, if a resident of Maryland or a resident of Florida should die, leaving a "net estate" of $1,000,000 (computed according to sections 302 and 303 of the revenue act of 1926 after deduction of the exemption of $100,000) descending to his only son, as sole heir at law, no State inheritance or succession taxes would be payable. A Federal estate tax of $48,500 would be payable. On the other hand, if the same decedent had lived, or the property which he owned had been situated in, say, Connecticut, a tax of $40,262 would be payable to the State, and although the net amount received by the heir would be almost the same, the identical estate would have paid a Federal estate tax of only $9,700. In fact, in any State imposing on such an estate inheritance or estate taxes of an amount equal to or greater than $38,000, the Federal tax would be only $9,700.

A number of States are given, with the amounts figured and submitted at page 7967 of the CONGRESSIONAL RECORD, which I need not refer to in detail.

Under the table it is shown that in case of a net estate of $1,000,000 to $1,100,000, without deducting the Federal exemption of $100,000, descending to an only son, in Maryland the State succession tax would be nothing and the Federal estate tax would be $48,500. In New York the State succession tax would be $46,750 and the Federal estate tax would be $9,700. In North Carolina the State succession tax would be $48,548 and the Federal estate tax $9,700. In Illinois the State succession tax would be $115,812 and the Federal estate tax $9,700. In Wisconsin the State succession tax would be $98,400 and the Federal estate tax would be $9,700. In Connecticut the State succession tax would be $40,262 and the Federal estate tax would be $9,700. In Idaho the State succession tax would be $20,585 and the Federal estate tax would be $18,915. In Kansas the State succession tax would be $21,537 and the Federal estate tax $20,923.

So the question of uniformity of State taxes is one over which the Congress has not any control. The laws of the different States are intended to provide for one kind of a tax in one State, a succession or inheritance tax going to certain descendants. There is no uniformity accomplished by this sort of attempt to force State legislatures to adopt uniform estate-tax laws.

Mr. Machen further said, proceeding with some quotations directly in point in which he refers to opinions of the Supreme Court:

"Wherever a subject is taxed anywhere, the same must be taxed everywhere throughout the United States, and at the same rate."

And again:

"The tax is uniform when it operates with the same force and effect in every place where the subject of it is found." (Head Money cases, supra, note 11.)

And, still again, with reference to a tax on distillers levied in proportion to 80 per cent of the capacity of the distillery, whether produced or not:

"The tax is uniform in its operation; that is, it is assessed equally upon all distilleries wherever they are." (U. S. v. Singer, supra, note 11.)

Mr. Justice Miller, in his "Lectures on the Constitution," gives a similar definition (Miller, the Constitution (1891), 240; italics the writer's):

"They"—i. e., duties, imposts, and excises—"are not required to be uniform as between the different articles that are taxed, but uniform as between the different places and different States. Whisky, for instance, shall not be taxed any higher in the State of Illinois or Kentucky, where so much of that article is produced, than it is in New York or Pennsylvania. The tax must be uniform on the *particular article;* and it is uniform within the meaning of the constitutional requirement if it is made to bear *the same percentage* all over the United States."

How is it possible to reconcile with the principle that "if a subject is taxed anywhere, it must be taxed everywhere, and at the same rate," a law which taxes the transmission of a net estate of $1,000,000 in Maryland or Florida to a lineal descendant at 4.85 per cent, and the transmission of an estate of the same amount to a lineal descendant in New York at 0.97 per cent, and in Kansas at 2.69 per cent, as is done by the estate tax law of 1926?

Again he said:

But in the act of 1924 for the first time Congress undertook to depart from these constitutional paths and, while nominally selecting as the taxable subject the decedent's estate without deduction for State inheritance or estate taxes, yet to vary the rate of tax in different parts of the country.

Defenders of this system of State coercion insist that the method of allowing "credits" upon Federal taxes is not new but has its antetype in several provisions of the income tax laws. It is, indeed, true that the income tax laws contain several provisions for regulating the amount of Federal tax collectible by allowing certain "credits"; but none of these provisions is such as in any way to affect the geographical or territorial uniformity required by the Constitution.

Then he proceeds to show the fallacy of that position. Continuing further he said:

Surely, however, the constitutional requirement of uniformity can not be evaded by designating the favored States by description rather than by name. For instance, an excise tax applicable only in the States where the laws prohibited slavery would prior to the Civil War have been clearly unconstitutional. So, too, prior to the eighteenth amendment, an excise applicable only in the free or license States would equally clearly have been invalid. Even to-day if Congress should pass an excise law applicable only, or at an increased rate, in those States whose laws permit child labor, would anyone be so bold as to maintain its constitutionality?

The truth is, of course, that law—at least Anglo-American law—is local or territorial, and any discrimination based on the law prevailing in any State is necessarily a geographical or territorial discrimination, and as such prohibited by the Constitution.

I can not see how that position can be successfully combated. I quote farther from this splendid and forceful article:

It is claimed, however, that the effect of the provision for crediting State inheritance taxes on the Federal estate tax is to promote and not to destroy uniformity of taxation throughout the United States. Indeed, the evil against which the advocation of such measures are clamoring is the present lack of uniformity in inheritance taxation in the different States. What they consider the unsisterly action of Florida in bidding for immigration of multimillionaires by prohibiting all inheritance taxes has made them see red. They apparently fear that all the rich men of other States will leave them for the torrid—or shall we say salubrious?—climate of Florida, and that it will be necessary for other States to meet the competition of Florida by reducing their rates of inheritance taxation. How far this fear is justified or how far the present lack of uniformity in State inheritance taxation is an unmixed evil we need not pause to inquire, for, however great that evil may be, it can not be remedied by imposing an unconstitutional Federal tax. What the Constitution requires is not uniformity of all excise taxation, State and Federal, but only of Federal excise taxation. It is not permissible, in order to counteract a diversity in rates of State taxation in different parts of the country—a diversity which the Constitution permits—to create a countervailing diversity of rates in Federal taxation in different parts of the United States, a diversity which the Constitution prohibits. In order to bring about a kind of uniformity which the Constitution does not require, it can not be right to destroy the kind of uniformity which the Constitution commands.

I can not see any answer to that. It is not only reasonable, logical, and sound but it can not be successfully controverted.

As said by the Supreme Court in another case in which an attempt was made to justify unconstitutional legislation by the desirability of promoting uniform State laws: "There is no power vested in Congress to require the States to exercise their police power so as to prevent possible unfair competition. * * * It may be desirable that such laws be uniform, but our Federal Government is one of enumerated powers." (Hammer v. Dagenhart, 247 U. S. 251, 273, 275, 38 Sup. Ct. 529 (1918). Cf. Nichols v. Coolidge, 274 U. S. 531, 540 ("The mere desire to equalize taxation can not justify a burden on something not within congressional power").)

The question has been asked whether, if all the States imposed inheritance or State taxes to an extent equal to or greater than the Federal rates, the Federal tax would not be "uniform" even though it allowed a credit for State taxes; and, upon the assumption that this question would be answered in the affirmative, it is argued that the only valid objection to the constitutionality of the credit provision is that the purpose of the portion of the rates of taxation against which the tax credit is allowed is not the collection of revenue but coercion of the States.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. FLETCHER. Certainly.

Mr. ROBINSON of Arkansas. If the principle be accepted that uniformity in all forms of taxation is desirable, if the principle be adopted that taxation must be uniform in all the States, the result would be that the States which have great natural advantages would attract all the population and all the wealth and those which have fewer natural advantages would be without any means of development. So that it is not desirable to have uniformity of taxation in every respect.

Mr. FLETCHER. I think the Senator from Arkansas is entirely right.

Mr. ROBINSON of Arkansas. A State ought to have the opportunity by its laws and by its tax processes to invite population and capital within certain limitations.

Mr. FLETCHER. The Senator from Arkansas is entirely right, and not only for the reason stated by the Senator but because the needs of the various States are different. One State may need an inheritance tax or an income tax; another State may not need it. Why require that a State shall impose upon its citizens taxes which the State does not need or desire simply because Congress wants to promote uniformity?

Again, Mr. Machen says:

This decision—

Referring to a decision with reference to bankruptcy cases and drawing some distinction there—

This decision has a real bearing upon our present subject, because Congress in attempting to allow State taxes to be credited upon Federal taxes is not merely permitting the State laws to continue to operate—as in the bankruptcy cases—but is attempting to extend the operation of the State laws to matters confided to the exclusive control of Con-

gress. Of course, nothing is more exclusively within the power of Congress, and more completely beyond the power of the States, than to fix the amount of Federal tax collected from a given subject; and when Congress attempts to declare that State taxes may be credited in reduction of the Federal tax collectible from a given subject, it is giving those State laws an operation and effect which proprio vigore they could never have.

Mr. Justice Sutherland's dictum in Florida v. Mellon strangely misapprehends both the effects of the acts of 1924 and 1926 and the basis of the objection thereto. In answer to the contention of lack of geographical uniformity in the Federal tax, he says (273 U. S. 12, 17):

"Congress can not accommodate its legislation to the conflicting or dissimilar laws of the several States nor control the divers conditions to be found in the various States which necessarily work unlike results from the enforcement of the same tax."

Of course, it can not; and nobody ever contended that it should. But it can, and, it is submitted, must refrain from allowing the several States to fix by their changing laws the rate of a Federal tax on any given subject which has been selected without reference to State laws.

The learned justice proceeds:

"All that the Constitution (Art. I, sec. 8, ch. 1) requires is that the law shall be uniform in the sense that by its provisions the rule of liability shall be the same in all parts of the United States."

Mr. Machen continues:

In this the learned judge has departed from the rule laid down by earlier cases. That "the rule of liability" shall be the same in all parts of the United States is not all that the Constitution requires. In addition it requires that the rate of tax upon the same subject shall be the same in all parts of the United States; and it is in that particular, among others, that the acts of 1924 and 1926 depart from the constitutional standard.

Congress has fixed as the subject of the tax the net estate passing without deduction for State inheritance or estate taxes. Having done so, the constitutional mandate is that the tax must be levied at the same rate everywhere in the Union upon that subject. The State tax laws do not relate to the subject of the tax but are purely collateral. You might as well allow a credit of fines collected by the States for violations of the prohibition laws, or the amount paid the governor of the State as a salary.

Of course, we could not do that. Here are some very pointed illustrations. I can not see how we can escape the application of this reasoning and fail to agree with the author. He says, on page 8282:

The object of the constitutional requirement of geographical uniformity was, of course, to prevent discrimination against or in favor of any State or section, and particularly any discrimination against or in favor of any State because of its laws or institutions. The States took the risk of Congress selecting as objects of the tax commodities which are found in only some of the States, even though their nonexistence should be due not to natural circumstances but to State laws. But the States were jealous, and properly so, lest the power of Federal taxation should be so exercised as to penalize one State for failing in respect of its reserved powers to do what Congress might deem wise; hence the uniformity clause was inserted.

If such a provision as the credit clause of the estate tax law can be sustained, then the whole object of the requirement of uniformity might be frustrated.

He says further—

Suppose, for example, Congress should conclude that the salaries paid the judges in some of the States are inadequate—as they undoubtedly are—and suppose Congress, in order to remedy the inequality of judicial salaries in different States, should exact that there should be credited on the amount of estate taxes collected from the estates of decedents a sum equal to the lowest salary paid a judge of a court of record in the State of the taxpayer's residence up to what Congress may fix as the minimum respectable salary, would anybody doubt that the tax levied by such a law would not be "uniform throughout the United States"? Yet how would it be possible to distinguish such a case from the "credit" provision of the estate tax law?

Suppose Congress—

And this is quite important—

should determine that the caliber of the probate judges—for example, in Maryland, where such judges are not required to be lawyers—does not come up to the standard, and in order to improve the quality of these courts should allow as a credit on estate taxes collected from deceased residents of the several States an amount equal to the annual salary paid the judges of the court in which the estate is administered? Justice Sutherland's reasoning would sustain such a provision. Yet who would hold it valid?

Suppose, for example, Congress should determine that the State ought to be "encouraged" to expend additional amounts on the public schools and should exact that income taxes due from residents of any State should be "credited" with their respective pro rata share of amounts expended by the State upon education. Would it be possible to sustain such a provision? Yet if it be invalid, how can the "credit" allowed by the estate tax of 1924 or 1926 be distinguished?

Yet, again, suppose that Congress should conclude, as many tax theorists now do, that the States ought to substitute income taxes for the property taxes now in force, and under the influence of that theory should enact that State income taxes paid by any taxpayer should be credited upon the Federal tax to the extent of 25, 50, or 80 per cent thereof. The States would be forced in defense of their citizens to adopt a scheme of income taxation as a substitute for the existing property taxes. Yet if the estate tax of 1924 or 1926 be valid there could be no possible constitutional objection to such a law.

Unless the uniformity clause is to become a dead letter, shorn of all vitality and efficacy, the Federal estate tax of 1924, and still more clearly the estate tax of 1926, can not be reconciled with the Constitution.

I submit that that is a conclusion that is inevitable, if one will only study this proposition, as Mr. Machen has, and reason it out and square it up with our system of government, with the decisions of our courts, and in harmony with our institutions.

Suppose that the Federal Government should say "We favor a sales tax; we believe in the principle of imposing a sales tax." The Senator from Utah believes in that kind of a tax, and there is a great deal to commend it; but the States have not imposed that kind of tax. Suppose Congress should say "We favor a sales tax as a means of raising revenue. In those States which impose a sales tax we will give a credit on the Federal estate tax up to 80 per cent of their tax." Then those States which did not impose a sales tax would not be able to get any credit. Would anybody say that that was promoting uniformity? Would anyone claim that that was a constitutional provision? Yet that is precisely what is done under the 80 per cent credit provision as it stands in the law to-day. The whole thing originated certainly in an unwarranted and in a more or less desultory sort of attack upon Florida. That is shown by the hearings, and I will get to that in a few moments.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. GOFF in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. I yield to the Senator.

Mr. KING. The Senator does not deny—and I do not wish to misinterpret him—the right of the Federal Government constitutionally to levy an income tax or an estate tax, does he?

Mr. FLETCHER. No; I have admitted that.

Mr. KING. I did not hear all of the Senator's remarks.

Mr. FLETCHER. All I say is that under the Constitution it must be uniform.

Mr. KING. The argument, then, to which the Senator is addressing himself now is to show that because of the provision in the Constitution requiring uniformity of taxation, any provision in the revenue law of Congress that remits a portion of the tax or credits the taxpayer with a portion of the tax because of an estate tax levied within the State subjects the act of Congress to the charge of being unconstitutional.

Mr. FLETCHER. I claim that, whether it is 10 per cent or 20 per cent or 40 per cent or 80 per cent, or it might go to 90 or 95 per cent just as well as 80.

Mr. KING. And the Senator contends that the decision of the Supreme Court of the United States, the opinion being rendered by Mr. Justice Sutherland, in Two hundred and seventy-third United States Reports, is mere dictum in so far as it decides that the act of 1926 measures up to the requirements of uniformity?

Mr. FLETCHER. I do, because the question was not before the court. The question was purely whether the court would permit Florida to come in and test the constitutionality of the act; and they said, "No; you have no rights here. We will not let you in," and then they proceeded to decide the very question that Florida wanted to come in to present to the court.

Mr. Machen says further, on page 8282, what I am about to read. As I say, I am quoting liberally from this article because it comes from an entirely disinterested source. Nobody asked him to write this article. As a lawyer, he saw the fallacy of that strange decision, as he calls it, of Florida against Mellon, and he wanted to present to the profession, through the Law Journal, his views upon it. He has done it in such a masterly way that I am tempted to use his thoughts very liberally. I will not take the time to read all of it, but particular points that he brings out so clearly in this discussion.

He says:

The effect of such a Federal statute as the estate tax law of 1924 is to force the hands of the States, and make them in the exercise of their reserved rights mere puppets, not autonomously acting upon their own will and initiative but moving according to the congressional beck and nod. In effect, the tax is levied upon the action of the States in refraining from the passage of inheritance tax laws of sufficiently onerous character to meet the congressional approval. In Veazie Bank

v. Fenno (8 Wall. 533, 547 (U. S. 1869)) Chief Justice Chase, speaking for the Supreme Court, said:

"It may be admitted that the reserved rights of the States, such as the right to pass laws, to give effect to laws through executive action, to administer justice through the courts, and to employ all necessary agencies for legitimate purposes of State government, are not proper subjects of the taxing power of Congress."

And again on the first hearing of the Income Tax case, the Supreme Court said, the court being unanimous on this point:

"The Constitution contemplates the *independent exercise* by the Nation and the States severally of their constitutional powers." (Pollock *v.* Farmers' L. & T. Co., supra, note 32, at 583–584. Italics the writer's.)

The same principle, if regard be had to actual results rather than to names, would invalidate the credit provisions of the estate tax law of 1924 or 1926, even without regard to the lack of uniformity which it produces.

If this objection to the "credit" provision of section 301 of the acts of 1924 and 1926 be sound, it might be thought that the State of Florida should have been allowed to file its bill to enjoin the enforcement of those acts—unless, indeed, the maintenance of the suit was barred by the Revised Statutes, section 3224, prohibiting any suit to enjoin the collection of a Federal tax—and that therefore Florida *v.* Mellon is on this particular point an actual decision and not a mere dictum. But although the State of Florida did undoubtedly assign this invasion of her sovereign—or, according to Mr. Justice Sutherland, quasi-sovereign—prerogative as a ground for invoking the original jurisdiction of the Supreme Court, yet that tribunal did not so understand her contention. As already stated, Mr. Justice Sutherland seems to have grasped as the only two grounds on which jurisdiction was invoked—(1) the fear that wealthy men would be induced by the operation of the Federal tax to remove from Florida and thus reduce the State's revenues, and (2) the status of the State as parens patriae toward her citizens. The far more arguable position that the State had a right to complain of the Federal tax because it amounts in effect to an ill-disguised effort to coerce the State into legislating in a particular way on matters expressly reserved to her uncontrolled discretion by the tenth amendment, was overlooked or purposely ignored by the court. It is very provoking to counsel to have his position misrepresented by a court; but at least such misrepresentation has the advantage that the decision is a precedent, even by way of dictum, only upon the case as stated by the court and not upon the case as made by the record or as the court ought to have stated it.

Moreover, strange as it may seem, it is very doubtful whether the fact that the act in question thus operates in terrorem upon the States in the exercise of their reserved rights is sufficient to give the States as such any locus standi to challenge its validity. Before Florida *v.* Mellon, the case of Massachusetts *v.* Mellon (supra, note 9) was an authority against the right of the State to interfere on such a ground; and if the State of Florida had had the right to question the constitutionality of the credit provision on this ground, the proper course would have been to allow the bill to be filed and then decide against her on the merits. The question, therefore, would be still open, notwithstanding Florida *v.* Mellon at the suit of an individual interested.

I must confess that I do not quite relish that reference to the State as being a "quasi-sovereign." My understanding of all our history and our institutions and our form of government is that the State is sovereign within its sphere, as the Federal Government is sovereign within its sphere. The United States, in its Constitution of 1787, carried the Federal idea to its logical conclusion by boldly dividing sovereign powers between the Federal Government and the States. Single sovereignty of the people became a dual sovereignty of the people. The people of one State are sovereign as to their own State affairs; they share with all other people of the United States the sovereignty as to national affairs; they have nothing to do with the sovereignty of the people of another State as to that State's affairs.

Not only are the sovereign powers which constituted the old-time State divided in America between the Federal Government and the States but in some instances a single power is divided—as, for instance, the power of taxation, and the power over commerce—but each is sovereign within its scope and within its sphere and within its function. There is no "quasi-sovereignty" about it.

Referring to what has been aimed at by this provision in the 1924 act, and in the 1926 act emphasized and extended, allowing this credit on the Federal tax, the hearings before the House Ways and Means Committee show the purpose in continuing this Federal estate tax and in making these credits. For instance, Mr. RAINEY said:

Mr. RAINEY. If something can be done which would compel the States to occupy this field and occupy it by imposing taxes, would you not favor some arrangement of that kind, if it can be done?

Governor MCLEOD. I think I would, if it was fair in its distribution of this inheritance tax.

Mr. RAINEY. If we compelled every State to levy the same minimum?

Governor MCLEOD. If it was fair and equitable in its distribution to the States.

Mr. RAINEY. And let the States occupy the field entirely and apply the revenue entirely to the liquidation of their own expenses, provided we devised some means of compelling the States to do it; would you not favor it?

Governor MCLEOD. I think so.

Mr. GARNER. If there was an arrangement by the Federal Government under which, when a citizen of the United States died, there could be deducted the amount due the State of South Carolina of taxes he had to pay in the State, sending the balance to the Federal Government, it would not injure your exchequer?

Governor MCLEOD. No, sir; except that I would——

Mr. GARNER (interposing). He would have no occasion to flee from your State to Florida, or even to a warmer climate to avoid the inheritance tax due your State?

Governor MCLEOD. That is true, but speaking——

Mr. GARNER (interposing). You will agree that the plan suggested that the Federal Government devise some scheme whereby we could have the inheritance taxes uniform as far as possible throughout the Republic is desirable, will you not?

Governor MCLEOD. In that case the Federal Government would be established as a disbursing agency for the State governments.

Mr. GARNER. Not at all. Your citizens would have deductions allowed under certain conditions. Now, there are deductions both for the estate and income taxes, and a great many deductions are made. But he would simply deduct from the amount that he would owe the Federal Government whatever he would pay your State.

Governor MCLEOD. How would you justify the Federal Government levying taxes merely for that purpose unless those taxes are needed for the expenses of the Government?

Mr. HULL. But there would be uniformity.

Mr. CAREW. We are going to use this power to effect a great reform. (Hearings on revenue revision before the Committee on Ways and Means, October 19 to November 3, 1925, 370, 371.)

That procedure shows precisely what they had in mind when they framed this bill. "We are going to effect a great reform." What is it? "Accomplish uniformity of inheritance taxation throughout the United States."

What business has Congress to see that every State in this Union shall impose an inheritance tax, and shall impose that tax at a certain rate which Congress considers to be fair and reasonable and proper? "A great reform" indeed! Some of these "great reformers" ought to begin at home.

"A great reform!" Whether a State needs the money or not, it must impose these taxes upon its people because Congress wants it to do it in pursuance of a great notion of "reform" on the part of Congress!

There has been outside interference with Florida. Influences have operated in that State to our disadvantage. Land boomers and land speculators have come down there from all over the country, and have worked some harm in that State; but Florida is not going to change her constitution at the dictates of Congress. She is not going to change her laws to suit the notions of Mr. Reformer up here in the Capitol. She may be called torrid, and she will remain as she is in the exercise of her constitutional rights and powers. She stands there to-day, notwithstanding this outside influence—and practically all this business of land booms and speculation has come from outsiders—but she can put up with all that. Like Diogenes of old, all she asks is, "Just stand out of my sunlight. Let me alone. That is all I want." Calm and serene as her moonlight, brilliant and buoyant as her sunlight, she is furnishing health and happiness and comfort to hundreds of thousands of good people all over this land. She will continue to do that. She is Providence's choicest gift to the comfort of humanity. You are not going to interfere with her prosperity, her progress, her faith in our institutions, and her constitutional rights, so far as I can help it, by any step you may take here.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. FLETCHER. I yield to the Senator.

Mr. KING. I agree with the eulogy which the Senator pays to his magnificent State; and I share his views against any effort made by the Federal Government to coerce States with respect to their domestic and internal affairs.

Does not the Senator, though, recognize that in the imposition of taxes by the Federal Government—and, for that matter, by the States—there would be no derogation from their sovereignty and their inherent and plenary power if, acting upon the policy of comity, the proper respect to and regard for the

taxes imposed in the respective jurisdictions, they should attempt to levy their taxes so as not to interfere with the taxes imposed by the other sovereignty, or, at least, levy their taxes in such a manner that the burden of the State or the burden of the Federal Government would be reduced to a minimum because of, perhaps, a different system of taxation being levied by the States and by the Federal Government?

I have in mind this, if the Senator will pardon me; if the States should fail to avail themselves of the right to impose inheritance or estate taxes, but should content themselves with resorting to other sources for their income, it seems to me that the Federal Government might with greater propriety resort to that source of revenue than if the States themselves utilized that source of revenue; or, vice versa, if the States levied very heavy income taxes, I would feel that the Federal Government, in approaching the question of raising revenue, ought to take into account that fact, and, if it could, adopt a rational and just system of taxation, which would not bear too heavily upon the incomes of the people of Florida or the people of the United States generally, incomes which were taxed by the State; in other words, that there ought to be a spirit of reciprocity and comity between the sovereign States and the Federal Government in the imposition of taxes, not carrying it, of course, to the extent of forcing an injustice to either.

Mr. FLETCHER. I quite agree with the Senator, and Florida has done as he has suggested. I do not mean at all to indicate that we want to go alone, and disregard conditions in other parts of the country, or the spirit of cooperation among the several States or the people of the United States. We have adopted law after law on various subjects conforming to the statutes of other States. I do not know but that there is scarcely a field of legislative enactment about which we have not passed laws, conforming, as we could, with the laws of other States. We are doing that constantly. Sometimes I feel like criticizing our legislature for actually copying statutes from other States almost word for word. We have done that, and frequently do it, and that shows a good spirit. So far as those laws will apply, we want to have them conform to the laws of other States in the Union.

I will say further that I have no criticism to make about the Federal Government imposing an estate tax when they need the money. If the Federal Government needed this money, I would not raise the slightest objection or question about it except as to the provision for credits. I voted for the various means of raising revenue when we were in search of revenue. But, confessedly, the Government does not need this money, and, confessedly, this tax is imposed here for the purpose of accomplishing what seems a great reform in the minds of certain gentlemen who are superior to other people, and in order to coerce the States to bring about uniformity of legislation where the Constitution does not require it, and it is a violation of the constitutional requirement of uniformity where it ought to exist.

If the Federal Government needs this estate tax, let them have it. Florida will pay her share just as cheerfully as will any other part of the Union. I am not raising any complaint particularly about the estate tax. The imposition of a Federal estate tax is a pretty good way to raise money, I think, when the Government needs the money, and I will not object to that; but what I do object to is discrimination between States, and by providing for this 25 per cent and then this 80 per cent credit for the purpose of accomplishing another object, not for the purpose of raising revenue, you are giving away your revenue, you are giving it back to the States for the purpose of coercing the States into the adoption of a financial policy which the States do not approve. That is what I object to, and that, in my judgment, brings about the unconstitutionality of this provision.

If the people of a State decide that it is contrary to their policy and their judgment and their conviction to impose an income or inheritance tax, why not let the State decide that question for itself? There are many States which require the tax; there are others which do not. We have a property tax, license taxes, and that sort of thing. For instance, we are building our highways out of the gasoline tax. The tax started at 2 cents, we raised it to 3, and now it is 5 cents. We get a million dollars a month and more out of the gasoline tax and spend it on highways. Why not let us do that if we want to? Has the Federal Government any business to come in and say, "You must not do that. We do not like that. That is not in accordance with our great reform idea."

The Federal Government does not need this tax. We are reducing taxes, and the only possible argument under that score is that, first, the revenues will be decreased $7,000,000 during the fiscal year if this amendment is adopted, and the ultimate possible reduction of Federal revenue will be between twenty-five and thirty million dollars. The argument is that if we do raise this revenue here we can reduce it somewhere else. Other taxes will not be reduced to any appreciable extent because there may be a reduction in this tax of $25,000,000. The position is sometimes taken that if we raise this revenue, $25,000,000 a year, then we can reduce all down the line, in other taxes, $25,000,000 against $3,000,000,000 that we have to raise in order to run the Government. That argument fails. To spread $25,000,000 over three to five billion requirement would be no appreciable separate relief.

Let me continue just a little further. I wish the Senate to keep this in mind. Mr. Machen says:

> The tax imposed by the act of 1926 consists of two separable parts, (1) a tax equal to 20 per cent of the rates mentioned in section 301(a), which is imposed ostensibly for the purpose of raising revenue, and (2) a tax equal to 80 per cent of those rates which is on its face imposed not for any such purpose but solely for the purpose of inducing the States to impose estate or inheritance taxes of at least an equal amount. This portion of the so-called tax will from the outset raise no revenue at all in States whose laws conform to the congressional will, and if it becomes permanently a part of our system of Federal jurisprudence will untimately raise no revenue anywhere.
>
> May it not, therefore, be contended that the estate tax of 1926 consists of two clearly separable parts—20 per cent for the purpose of raising revenue and 80 per cent for the purpose, not at all of raising revenue but of inducing the States to impose inheritance or estate taxes at least equivalent in amount, and that this latter portion is not properly a tax at all, any more than the tax on articles produced by child labor, and is therefore null and void?
>
> The wide difference between a tax which is laid in such a way as while producing revenue yet also to accomplish some other purpose—a tax laid "with a political view," to borrow a phrase from our Maryland declaration of rights—and a so-called tax which is not imposed in any degree for the raising of revenue but solely for some other purpose, and is therefore void, may be emphasized by an illustration. The estate tax laws from the beginning, and the income tax laws since 1916, have allowed charitable or religious bequests or gifts, with certain qualifications, to be deducted in determining the taxable estate or income, as the case may be. Now, this practice undoubtedly tends to encourage charitable or religious contributions. The taxpayer knows that every dollar he gives to charity goes net, and that he does not have to pay anything to the Government by way of tax on the money so given. But, on the other hand, he does not save anything in tax on his other estate or other income and therefore is under no pressure or inducement to make a gift unless his inclinations prompt him to do so. But suppose Congress, instead of declaring that charitable or religious contributions shall be deducted in ascertaining the taxable estate or the taxable income, should enact that they should be credited on the tax. As a result, everybody would be virtually forced to contribute to charity. He would have the option between giving the money to the Federal Government and giving it to God; and most persons, for the good of their souls, would choose the latter alternative.
>
> Indeed, if this system of "credits" be once firmly established, there is absolutely no limit to the powers of Congress.
>
> For instance, suppose Congress should determine that fathers should be prevented from disinheriting their children. The purpose could be accomplished by the simple expedient of providing that a certain proportion of every estate bequeathed or descending to a child shall be credited on the estate tax.
>
> Or, again, suppose Congress decides that wages paid day laborers should be increased. All it need do is to provide that the income tax of every corporation or other employer of labor shall be credited with amounts paid laborers up to, say, $10 per day apiece.
>
> Is it not clear that the only alternative to allowing virtually unlimited powers to be concentrated in Congress is to hold that wherever Congress attempts to allow as a credit against a Federal tax any payment that depends upon the volition of the taxpayer or of the State, the statute, at least, to the extent that the credit is allowed, ceases to be a revenue measure and becomes an unconstitutional attempt on the part of Congress to legislate on matters which are beyond its powers?

Mr. Machen concludes his article with this statement, with which I am going to surrender the floor. The thought could not be expressed any better. He says:

> The power of the purse is throughout Anglo-American history the only means by which liberty and independence have been achieved or preserved. In an attempt to snatch it from the people Charles I lost his head; and, rather than surrender it, the American Colonies reluctantly severed connection with a mother country which they loved. If our States have yielded it up, in respect to their internal affairs—if Congress can by a cunning device dictate to them what taxes they shall levy for local purposes—then they are no longer States but satrapies. The Supreme Court has not hesitated more than once to overrule prior decisions if convinced of their error. Is it too much to expect of the patriotism and fair-mindedness of a great court to disregard the hasty dictum of Florida v. Mellon?

Mr. President, I ask to have inserted in the RECORD certain memoranda and material which have come to my hands. I call attention to the attitude of the Chamber of Commerce of the United States on this subject, too. Part of their insistence is that there shall be a repeal of the estate tax. This data I ask to have inserted in the RECORD.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FEDERAL ESTATE TAX REPEAL

All State legislatures have been in session since Congress passed the Federal estate tax measure and 16 have accepted the levy, while 32 have either refused to accept the levy or have paid no attention to it.

Sixteen States have amended their inheritance tax measure so as to take advantage of the credit provision of the Federal estate tax measure. They are:

California, Delaware, Georgia, Maine, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, Vermont, Virginia, Rhode Island, Oklahoma, Mississippi, and New Jersey. Total, 16.

Alabama and Florida have constitutional amendments prohibiting the levying of an inheritance tax. Nevada has the constitutional power to levy inheritance tax, but the State legislature does not exercise it. Maryland and New Hampshire levy no tax in class A, which applies to lineal descendants. Pennsylvania accepted the Federal provision in 1926, but the supreme court of the State declared it unconstitutional. The Pennsylvania Legislature again endeavored to conform to the Federal provision at its last session, and the matter is again in court.

The New Jersey Legislature started its maximum brackets of 16 per cent at $3,700,000, thereby exceeding the Federal levy in many of its higher brackets. The maximum Federal levy starts at $10,000,000. The Federal rate of 20 per cent, permitting the States to take four-fifths of the levy, divides 16 per cent to the States and 4 per cent to the Federal Government. New Jersey is as much in disorder for taking more than Congress prescribed as Alabama or Florida are for taking less than Congress designates. For either Alabama or Florida to change their constitution would require at least five years' time to go through the various legal requirements of such a procedure.

Both houses of 23 State legislatures by concurrent resolution have asked Congress to repeal the Federal estate tax:

Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Indiana, Kentucky, Maryland, Michigan, Nevada, North Dakota, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

(This resolution in practically the same form was passed by 23 State legislatures listed in the memorandum.)

Copy of concurrent resolution passed by lower house of Texas Legislature January 14, 1927, by a majority of 3 to 1. It is now before the Texas Senate

Whereas the Federal estate (inheritance) tax law as amended February 26, 1926, provides that all estates liable thereunder shall be credited with any inheritance tax paid by its beneficiaries to the State or States, the credit to equal 80 per cent of the Federal levy; and

Whereas this amendment encroaches upon the rights of the States to raise their own revenue as the wisdom of their legislature directs, because its object is to persuade them to abandon their State inheritance tax laws in favor of statutes based upon the Federal law. The tax not being required by the Federal Government for revenue at this time, its only object now must be to force uniformity of this tax in all of the States: Therefore be it

Resolved by the house of representatives of the fortieth legislature (the senate concurring), We hereby request the present Congress to immediately repeal the Federal estate (inheritance) tax provisions of the revenue law effective February 26, 1926, and abandon this field of taxation and leave this source of revenue for the State legislatures of the various States to deal with as they may see fit: Be it further

Resolved, That certified copies of this resolution be forwarded to our Senators and Representatives in the Congress of the United States.

[Excerpt from message of Gov. Albert C. Ritchie to the General Assembly of Maryland, January, 1927]

INHERITANCE TAXATION

The Federal estate tax, as amended by Congress in 1926, presents a serious question to most of the States of the country, including Maryland.

Congress reduced the maximum rates of the Federal estate tax from 40 per cent to 20 per cent, increased the arbitrary exemption privilege from $50,000 to $100,000, and increased the credit or deduction from the Federal tax which is allowed on account of local inheritance taxes paid to the States from 25 per cent up to 80 per cent of the amount of the Federal tax.

In other words, if the Federal tax on some particular estate amounts to $1,000, then there may be deducted from this amount any inheritance tax paid the State up to $800. If no State inheritance tax is paid, then the Federal Government will collect the full Federal tax.

The direct effect of this is to invite the individual States to levy inheritance taxes up to 80 per cent of the Federal tax in order that this full credit may be received. It encourages States with low rates to raise, and several States have already raised their inheritance-tax rates so as to approximate more closely 80 per cent of the Federal tax.

In my judgment this involves a clear invasion by Congress of the taxing powers of the States and contemplates a system of joint levies entirely out of accord with the long-established separation of tax sources as between State and Federal Governments.

There is a serious question now before the courts as to the constitutionality of the Federal law, and a determined effort will be made to repeal it at this session of Congress.

In any event, I do not think that Maryland should permit herself to be coerced by the Federal Government into raising her inheritance taxes in order to meet the credit allowance in the Federal law.

I recommend that we do not do so, and that this legislature memorialize Congress to repeal the Federal estate tax altogether.

I recommend also that Maryland join a number of her sister States in adopting the reciprocity feature in our inheritance-tax legislation and thus put an end to multiple State taxation which so often works a serious hardship and injustice.

AMERICAN TAXPAYERS LEAGUE,
Washington, October 25, 1927.

Concurrent resolution requesting repeal of the Federal inheritance tax has passed both houses of 23 State legislatures, as follows:

Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Indiana, Kentucky, Maryland, Michigan, Nevada, North Dakota, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

The concurrent resolution has also passed one house of each of the following six State legislatures to the present date:

Idaho, Illinois, Iowa, Kansas, Maine, and Missouri.

Record of State legislatures on concurrent resolution to repeal the Federal inheritance tax

Passed in both houses	Passed in one house	Defeated in both houses	Defeated in one house	Session—no action	Not in session
Alabama. Arizona. Arkansas. Colorado. Connecticut. Delaware. Florida. Indiana. Kentucky. Maryland. Michigan. Nevada. North Dakota. Oregon. Pennsylvania. Rhode Island. Tennessee. Texas. Utah. Vermont. Washington. West Virginia. Wyoming. Total, 23.	Idaho. Illinois. Iowa. Kansas. Maine. Missouri. Total, 6.	Montana. South Carolina. Total, 2.	Wisconsin. New Hampshire. Massachusetts. Nebraska. Idaho. Illinois. Iowa. Kansas. Maine. Total, 9.	California. Minnesota. New Jersey. New Mexico. New York. North Carolina. Ohio. Oklahoma. South Dakota. Total, 9.	Georgia. Mississippi. Louisiana. Virginia. Total, 4.

This record covers period from January to June, 1927.

AMERICAN TAXPAYERS LEAGUE,
Washington, D. C., November 5, 1927.

Maximum rates of State inheritance, corporation, individual income, ad valorem, and gas tax

State	Inheritance (class A)	Corporation income	Individual income	Ad valorem (rate on $1)	Gas tax (per gallon)
Alabama	None	None	None	6.5 mills	4 cents.
Arizona	5 per cent	do	do	29.8 mills	Do.
Arkansas	10 per cent	do	do	8.7 mills	5 cents.
California	12 per cent	do	do	None	3 cents.
Colorado	7 per cent	do	do	do	Do.
Connecticut	4 per cent	2 per cent	do	24.1 mills	2 cents.
Delaware	do	None	3 per cent	None	3 cents.
Florida	None	do	None	7.5 mills	5 cents.
Georgia	3 per cent	do	do	5 mills	4 cents.
Idaho	do	do	do	6 mills	Do.
Illinois	14 per cent	do	do	None	2 cents.
Indiana	4 per cent	do	do	Classified	3 cents.
Iowa	7 per cent	do	do	7.68 mills	Do.
Kansas	2½ per cent	do	do	2.74 mills	2 cents.
Kentucky	16 per cent	do	do	3 mills, real estate; 5 mills, personal property.	5 cents.
Louisiana	3 per cent	do	do	5.75 mills	2 cents.
Maine	2 per cent	do	do	None	4 cents.
Maryland	None	None	None	2.74 mills	Do.
Massachusetts	7 per cent	2½ per cent	6 per cent	None	None.
Michigan	8 per cent	None	None	29 mills	3 cents.
Minnesota	4 per cent	do	do	7.7 mills	2 cents.
Mississippi	10 per cent	5 per cent	5 per cent	45 mills	4 cents.
Missouri	6 per cent	1 per cent	1 per cent	1.3 mills	2 cents.
Montana	4 per cent	do	None	4.333 mills	3 cents.
Nebraska	1 per cent	None	do	3.75 mills	2 cents.
Nevada	None	do	do	5.8 mills	4 cents.
New Hampshire	do	do	(1)	28 mills	3 cents.
New Jersey	16 per cent	do	None	None	2 cents.
New Mexico	1½ per cent	do	do	7.8 mills	5 cents.
New York	4 per cent	4½ per cent	3 per cent	1 mill	None.
North Carolina	6 per cent	4 per cent	5 per cent	None	4 cents.
North Dakota	7 per cent	3 per cent	6 per cent	3.95 mills	2 cents.
Ohio	4 per cent	None	None	0.85 mill	3 cents.
Oklahoma	16 per cent	do	2 per cent	2.5 mills	Do.
Oregon	10 per cent	do	None	6.7 mills	Do.
Pennsylvania	2 per cent	do	do	None	Do.
Rhode Island	3 per cent	do	do	0.9 mill	2 cents.
South Carolina	6 per cent	4 per cent	5 per cent	5 mills	5 cents.
South Dakota	4 per cent	None	None	18.84 mills	4 cents.
Tennessee	5 per cent	3 per cent	do	2 mills	3 cents.
Texas	6 per cent	None	do	2.5 mills	Do.
Utah	5 per cent	do	do	2.4 mills	3½ cents.
Vermont	do	do	do	None	3 cents.
Virginia	do	3 per cent	3 per cent	Intangible and classified.	4½ cents.
Washington	10 per cent	None	None	None	2 cents.
West Virginia	7 per cent	do	do	1.4 mills	4 cents.
Wisconsin	10 per cent	7 per cent	7 per cent	18.86 mills	2 cents.
Wyoming	2 per cent	None	None	4.26 mills	3 cents.
District of Columbia	None	do	do	20 mills	2 cents.

[1] New Hampshire: The individual income tax rate used is the average rate of taxation existing upon other property throughout the State.

STATE INHERITANCE TAX

The following States have amended their State inheritance tax measure to take advantage of the credit provision of the Federal tax measure: California, Delaware, Georgia, Maine, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, Vermont, Virginia, Oklahoma, Rhode Island, New Jersey.

The maximum levy on these States is 16 per cent. In most States there are exemptions ranging from $5,000 to $25,000 for each beneficiary. The State of Kansas grants the wife $75,000 exemption.

The rates on inheritance tax are from class A which applies to lineal descendants, wife or husband, and specified near kin. Perhaps 90 per cent of the property is transmitted under this provision of the State inheritance tax.

Alabama and Florida have constitutional amendments prohibiting the levying of inheritance taxes. Nevada has the constitutional power to levy inheritance taxes but the legislature does not exercise it. Maryland, New Hampshire, levy no tax in class A but levy taxes in class B which includes second kin.

Oregon has a maximum rate of 10 per cent on the entire estate.

STATE INCOME TAX

The constitution of the following States will not admit of a State income tax: Florida, Alabama, Indiana, Iljinois, Michigan.

FEDERAL TAX RATES

Inheritance (estate) tax: The Federal Government can not levy an inheritance tax and therefore can not graduate the rates according to blood relation. Congress can only levy an excise tax and graduate it according to the value of the estate. The Federal estate tax measure exempts from taxation $100,000 for each estate. The levy is graduated to a 20 per cent maximum with a credit of 80 per cent to the States provided they enact concurrent legislation.

Corporation tax: The Federal rate is 13½ per cent, flat, with $2,000 exemption.

Individual income tax: A graduated levy with a maximum of 25 per cent and exemption of $3,500.

Mr. BORAH obtained the floor.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Shortridge
Barkley	Fletcher	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Moses	Steiwer
Blease	Glass	Norris	Stephens
Borah	Goff	Nye	Swanson
Bratton	Greene	Oddie	Thomas
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Phipps	Tyson
Bruce	Hawes	Pittman	Vandenberg
Capper	Heflin	Reed, Pa.	Wagner
Caraway	Howell	Robinson, Ind.	Walsh, Mont.
Couzens	Johnson	Sackett	Warren
Curtis	King	Schall	Watson
Dale	Locher	Sheppard	
Deneen	McKellar	Shipstead	

Mr. CURTIS. I was requested to announce that the Senator from Ohio [Mr. FESS] and the Senator from Tennessee [Mr. MCKELLAR] are detained in committee.

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Arizona [Mr. HAYDEN] are detained on official business.

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, no one would be justified in the heat of an afternoon like this, especially Saturday afternoon, in discussing at length the legal proposition which may be thought to be involved in the tax under consideration or the manner in which it is being at present levied. My understanding is that every legal proposition which has thus far been presented to the Supreme Court touching the constitutionality of the tax has been decided in favor of the power of the Federal Government to levy the tax. Beginning with the case of Knowlton against Moore, the question has been presented to the Supreme Court from time to time as different phases of the question might be developed by different forms of the statute, and thus far the court has upheld the constitutionality of the tax.

It is contended by the able Senator from Florida [Mr. FLETCHER] that while the court decided upon the uniformity

question in the case of Florida against Mellon, it was in a sense obiter dicta in view of the fact, as contended, that the court held that it was without jurisdiction, but nevertheless went forward and decided the constitutional question.

There is no doubt that the court decided the constitutional question. It is a unanimous opinion. As I see the record, in the very brief examination which I have made of it in the last 20 minutes, the record justified the court in passing upon the constitutional question. At any rate, in my opinion, the court did not differ in its procedure from former practices of the court in that respect. More than once the Supreme Court, in passing upon questions, has discussed the question of jurisdiction, decided the question of jurisdiction adverse to the entertaining of the case, but nevertheless passed upon the merits of the controversy. But whether that practice be a uniform practice or whether it be a wise practice, in this case the court deemed it necessary to a fair disposition of the case to pass upon the merits of the controversy, and did so.

I shall read briefly from the decision and then pass on to another phase of the controversy in which I am much more interested:

> The contention that the Federal tax is not uniform, because other States impose inheritance taxes while Florida does not, is without merit. Congress can not accommodate its legislation to the conflicting or dissimilar laws of the several States nor control the diverse conditions to be found in the various States, which necessarily work unlike results from the enforcement of the same tax. All that the Constitution requires is that the law shall be uniform in the sense that by its provisions the rule of liability shall be the same in all parts of the United States.
>
> The claim of immediate injury to the State rests upon the allegation that the act will have the result of inducing potential taxpayers to withdraw property from the State, thereby diminishing the subjects upon which the State power of taxation may operate. The averment to that effect, however, affords no basis for relief, because not only is the State's right of taxation subordinate to that of the General Government but the anticipated result is purely speculative and at most only remote and indirect. If, as alleged, the supposed withdrawal of property will diminish the revenues of the State, non constat that the deficiency can not readily be made up by an increased rate of taxation. Plainly, there is no substance in the contention that the State has sustained or is immediately in danger of sustaining any direct injury as the result of the enforcement of the act in question.

Mr. President, there may be much to be said in favor of some contentions made by the able Senator from Florida, but we may proceed now upon the theory that for the present the Supreme Court has settled the question which the able writer whom he quoted seems to think ought to be reopened.

I want to discuss the matter from another standpoint. There has been a powerful propaganda in the country for the last several years for a repeal of the inheritance tax. The program includes Federal and State tax alike. The contention is that it is a tax which ought not to be levied at all, and the arguments adduced in favor of the repeal of the inheritance tax upon the part of the Federal Government are equally available against the levying of a tax by the respective States. I look upon the program initiated several years ago as including an assault upon the inheritance tax in any form by either sovereignty.

I favor an inheritance tax, not that I would use it, as some indicate they would, for the purpose of leveling great fortunes, nor as an assault upon great fortunes. Whatever the problems may be which those great fortunes present to the American people, I would not be in favor of undertaking to solve them through the power of taxation.

Mr. GLASS. Why not, if the fortunes were acquired through a system of taxation?

Mr. BORAH. I see what the Senator has in mind. I do not want to be diverted into a discussion of that proposition. I doubt, however, the efficacy of the remedy even in that instance.

I favor an inheritance tax as a permanent part of our taxing system. In the first place it is a tax that is most difficult to evade. It costs less to collect an inheritance tax than any other tax we have; and what particularly appeals to me is that it is the one tax upon great wealth which can not be passed on to be imposed upon those who ought not to pay it. It is my opinion that a study of the program for repeal will disclose that the real objection to the tax upon the part of those who would repeal it is because it is impossible to pass it on to others.

It seems to me to be a fair tax when we take into consideration that the exemption is $100,000 and that the rate up to $500,000 is very moderate and not, in my opinion, immoderate beyond that. It can hardly be criticized as in any sense an unfair tax. It corresponds with the fundamental rule of taxation that taxes should be laid in accordance with ability to pay. I do not know of any wise rule of taxation which conflicts with the levying of an inheritance tax.

The Senator from Florida [Mr. FLETCHER] said that if the Federal Government needed the tax, the situation might be different. The Federal Government does need the tax. We have at the present time a public debt of some $18,000,000,000.

Mr. FLETCHER. Mr. President, will the Senator from Idaho allow me to interrupt him?

Mr. BORAH. I yield.

Mr. FLETCHER. I think I made it clear that the situation might be different as to a Federal estate tax, but in no case did I justify the provision for crediting on the Federal tax the amount paid under the State tax laws.

Mr. BORAH. I understood that to be the contention of the Senator, and to some extent later I may refer to it. I said a moment ago that there were portions of the argument which the Senator advanced with which I had some sympathy, and that is a feature of it which I shall mention later. I was proceeding to say we have a national debt now of some $18,000,000,000 coming over from the World War. If this should be regarded as an emergency tax, as a war tax, economically we are still in the midst of the war. Our public debt at the close of the war was something like twenty-five or twenty-six billion dollars. It is now about two-thirds of that amount. Economically, therefore, we are yet in the midst of the great struggle which began in 1914.

In addition to that, in 1928 our annual budget is about $4,900,000,000. We are now very close to a $5,000,000,000 budget. I will not name the exact year, but prior to the World War our budget was something less than $800,000,000. Ten years after the war we have a budget of nearly $5,000,000,000. In this way our taxes mount from year to year at an alarming rate.

We shall not, in all probability, see a budget below that figure. It will continue to increase. It is true that as we decrease the national debt the interest charge will decrease, but that will be offset by the continuing increase of the ordinary expenses of the Government. The question arises, in view of the stupendous debt which we have and the constantly increasing burden of Government, how is the Federal Government going to meet its obligations? I know of no better way than to collect a reasonable tax from large estates. They are in no sense State creations. One will scarcely find a great fortune in the United States that was created wholly within any State. He will scarcely find a fortune which has not been built up as the result of the opportunities afforded by the States and the Federal Union combined, taking advantage of the opportunities presented by the combination of the economic powers within both the States and the National Government. It seems to me, therefore, that the National Government ought to claim a reasonable tax from the vast estates thus built up.

I said a moment ago that we should not likely see a decrease in our annual budget. Mr. President, the extent to which we are increasing the ordinary running expenses of the Government is alarming. We are building up what I conceive to be a purely bureaucratic system of government; and if there is any form of government that is more wasteful, more inefficient, and more demoralizing than a bureaucratic system of government, God in His infinite mercy has not as yet permitted it to torture the human family. Viewing the appropriations of the present and the preceding session, we get a glimpse of what in a very brief period of time we are going to have to face in the way of a budget upon the part of the Federal Government.

Many of these expenditures, Mr. President, may be justified; many of them are not to be condemned; those we must necessarily take care of; but when to them are added the appropriations which we feel disposed to make from year to year, and wholly indefensible in the way of building on to the Federal Government, we can not hope within the coming years to see a budget less than that which we now have; rather must we be prepared to see it greatly increase.

At the present time 1 person in every 12 over 16 years of age is upon a public pay roll either of the National, State, or the local governments. It has been said that at the beginning of the French Revolution 1 individual in every 5 was upon the Government pay roll in some way. Considering that as a nation we are now about 150 years old, and that 1 in every 12 persons over 16 years of age is upon some kind of a public pay roll, we can well realize the rapid strides which we are making toward that form of bureaucracy which really broke down the Government of France. Of course, we feel that the things which happened to other nations under a certain system can never happen to us even under the same system. A bureaucratic form of government, however, is not only burdensome, but it is destructive of initiative, of individuality, and of self-

reliance upon the part of the citizen, without which no republican form of government can long exist.

Six and five-tenths per cent of the Nation's income in 1922 was paid for personal services to Federal, State, and local employees. Salaries of the Federal, State, and local government employees take $34 from every man, woman, and child in the United States and $91 from every person over 10 years of age. Now, who is going to bear this constantly increasing burden? Who is under greater obligation to bear this burden than the vast estates which have been built up under the present economic system prevailing in the United States?

How can anyone justify for a moment exempting the individual who is fortunate enough to inherit $5,000,000 or $10,000,000 or $20,000,000 from bearing a portion of this great burden imposed upon the people generally and allowing him to pass on that which would be collected from him to those who are now paying their undue proportion of taxes?

Speaking of the conditions in France during the reign of Louis XVI, I recall that when Louis XVI first came into power he invited Turgot to become his finance minister. The first thing that his finance minister proposed was to curtail the bureaucracy, to decrease the number of officials, to break down the vast list of dependents upon the Government. The King told him that he would support him to the last in his brave undertaking; but it was not long until the King had to withdraw his support from the attack which his minister was making upon the bureaucratic system of government. Then Turgot said, "We will tax the great estates and make them bear their proportion of the burden of government"; but it was not long until the King had to withdraw his support from that undertaking, and so the only means by which the great finance minister could secure relief for the Government was denied him.

In our present situation we have a like problem. When we undertake to curtail the bureaucratic tendency of the Government we meet with united opposition from sources which make it impossible for us to accomplish very much. The moment we undertake to levy a due proportion of taxes upon the vast wealth of the country we are met with an attack from that source. I do not hesitate to say that the tendency of taxation in this country, as it was in France, is to relieve the vast wealth of the country from its proportion of the burden and place it upon those less fitted and less capable of bearing it.

The tendency of our tax system, as in the case of the tax systems of other countries, is to exempt those who are most able to bear, to exempt the vast wealth of the country, and to pass the burden on to those less capable. The second tendency is for those who have taxes levied upon them to pass them on to the ultimate consumer. Those two tendencies in government require a constant fight upon the part of those who insist upon equal taxation in order that we may secure such a result.

In connection with that proposition, we are constantly gratified by the statement that this is a very wealthy Nation, that we are a very wealthy people. We are a Nation of stupendous wealth, but it is rather poorly distributed.

From three sources which I think fairly reliable I find that the highest figure given for our national income of 1926 was $90,000,000,000. My opinion is that that is high, but I take the highest figure for a purpose. Even so, however, in 1926 there were 90,000,000 people out of the 117,000,000 people of the United States who had an income of about $500 apiece. Out of 117,000,000 people some 90,000,000 of them had an annual income of about $500.

You will say to me, "Why are you concerned, as those people do not pay taxes? They have not the means to pay taxes." But they do pay taxes. They pay an inordinate amount of taxes.

They pay it in the clothes which they buy; they pay it in rent; they pay in the food which they have. They pay the tax which it is within the power of the vast number of corporations to pass on to them, and they pay tribute. This is one tax which they can not pass on to that class of people. This is one exaction which the man against whom it is levied must pay; and when we take into consideration the leaps and bounds by which wealth is being concentrated, and the vast mass of people who do not come within the reach of that accumulation, it is nothing less than the obligation of the Government to require from those who have it to pay in accordance with their ability to pay.

Another figure: For the standard family of five, out of 76,000,000 there would be an average income of about $2,300 per year. The poorest class, comprising about 76,000,000, or 65 per cent of the population, had an income in 1926 of less than $500, or about $460 a year. That is an unhealthy condition of affairs. We have little to do to-day with that in this particular bill, except in the way of trying to place the tax where it ought to be. The only fault I find with this inheritance tax is that I would place the exemption much lower, and I would place the percentage higher. It ought to go back to where it was prior to the last amendment.

Let us give some consideration to the question of this tax going exclusively to the States.

When this tax was first levied the contention was that it was a tax upon the power or the right of the State to regulate estates, and therefore was a tax which embarrassed and interfered with the State in the regulation of the property of those living within its bounds. That question was decided by the Supreme Court in the case of Knowlton against Moore. It is not a tax upon the power or the right of a State to regulate, but it is a tax upon the right to receive. The tax is not upon the dead but a tax upon the living. The tax is upon those who are fortunate enough to acquire vast estates without themselves having contributed very much, if anything, to their creation.

Every argument which has been made against this tax, as I intimated in the opening of my remarks, runs against it as a State tax the same as it would run against it as a Federal tax. It is said that it is a tax upon capital. It would be a tax upon capital the same if it were levied by the State. But the question of its being a tax upon capital, in my opinion, does not necessarily militate against the justice of the tax. When you take into consideration the manner in which the capital is acquired, and also take into consideration that the tax levied upon property generally is a tax upon capital, it does not seem to me a justification for exempting these estates from their proportion of the Government's burden. We levy a tax in the States upon property, upon the farm, and upon that which is capital in every sense in which estates are capital.

The States have not indicated much desire to avail themselves of this tax. It is true that all except two or three States levy an inheritance tax; but all the States combined in 1926 collected $90,000,000 in inheritance taxes. The Federal Government in 1926 collected $119,000,000, making about $210,000,000 collected from these estates by all the States and by the Federal Government combined.

In 1926 the Federal and State tax, as I say, amounted to a little over $210,000,000. The value of the estates subjected to the Federal inheritance tax was $3,937,000,000. In other words, the Federal Government collected $119,000,000 out of estates valued at $3,937,000,000, leaving three billion and something over seven hundred million dollars of property after the tax was taken. When you add the State tax and the Federal tax together, you have some $210,000,000 taken from the $3,937,000,000, leaving $3,727,000,000 after both of the sovereignties had taken the tax under the present law.

I repeat that in my opinion the only objection to this tax is that the exemption from the Federal inheritance tax at the present time is entirely too high and the rates are not high enough.

The argument which is often made against the inheritance tax is that it depletes capital. The above figures are a complete answer to that contention. The fight for the repeal of the inheritance tax is being made behind the bulwark of State rights. It is not an invasion of the State's right to tax any more than an income tax is an invasion of the State's right to tax. There was a time when it was a question of whether or not we should employ the income tax. Some of the States now employ the income tax, and so does the Federal Government; but how is this any more an invasion of the right of the State to tax than for us to go into a State and levy a tax upon individual income when the State may be engaged in levying a tax upon the same income?

In other words, if a young man inherits $10,000,000, and the State lays a tax upon that inheritance, the next State may refrain from laying an inheritance tax, and another young man in that State inherits $10,000,000, and the State lays a tax upon his income from the property which he has acquired. Both of them receive their property by reason of the regulation imposed in the State in the distribution of estates. One of them pays it at the time the distribution takes place. The other pays it at the end of the year, in the nature of an income tax. The tax imposed by the Federal Government is as much an invasion of the right of the State in one case, in my opinion, as in the other.

Certainly, Mr. President, when we come to consider the benefits derived by these great estates from the Federal Government they are under quite as much obligation to pay the debt to the Federal Government as to the State.

At the beginning of this session it was recommended that we expend a billion dollars in the way of creating a larger Navy. At the same time it was recommended that we repeal the inheritance tax. Who is more interested in a large Navy, who is more interested in maintaining the security of the country,

in defending it, if need be, against a foreign foe, than the vast estates which have been built up under the protection of the Federal Government, its Army, and its Navy? They are under quite as much obligation to pay for the maintenance of these instruments of protection and stability and security as they are to pay for maintaining the ordinary machinery of their States.

The inheritance tax has been called a State tax, but it is no more so than a half dozen other taxes which might be mentioned, and the payment by the vast estates of this country of some $200,000,000 to the States and to the Federal Government for the benefits which they derive, the advantages which have accrued to them, and the wealth which has been assured to them, is the imposition of a very small tax for that which they have received.

We sometimes refer to this as an emergency tax. The first inhertance tax which was levied, I think, remained in the law about five years. That was in 1797. The next inheritance tax which was levied was during the Civil War. Then came the tax in a law which was declared unconstitutional. But the tax which we now have was levied in 1916, in a time of peace. I said a moment ago we are still economically in the midst of the difficulty which occurred shortly after the levying of this tax—that is to say, so far as our part in it is concerned—and if we should regard it as an emergency tax alone, and I do not so regard it, there would be just as much obligation to impose it to-day as there was in 1917 and 1918. The purposes for which it would be levied as an emergency tax are still in existence, as much as they were at the time that we levied it in the Civil War or in 1917 and 1918.

Mr. President, view it from whatever standpoint we may, it is a righteous tax, it is a just tax, it is a fair tax, and it ought not to be repealed. It is a democratic tax. There is no argument against it, save a selfish desire to escape a just portion of the burdens of Government. Instead of that, in my opinion, the Federal Government ought to make more out of the tax than we have made. In my humble judgment, we ought to increase the percentage and decrease the exemption. I trust the tax will not be repealed.

Mr. HARRIS. Mr. President, I ask to have read at the desk a letter I have recently received from the State tax commissioner of Georgia.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

OFFICE OF STATE TAX COMMISSIONER,
Atlanta, Ga., May 4, 1928.

Hon. WILLIAM J. HARRIS,
United States Senator, Washington, D. C.

MY DEAR SENATOR:

* * * * * * *

The present Federal estate tax allowing Georgia 80 per cent of the amount collected is working admirably and bringing our State large revenues. I am very emphatically of the opinion that the Federal estate tax should not be repealed. It is not only a source of large revenue for the State of Georgia but the levying of this tax by the Federal Government prevents an unseemly scramble among the various States and makes for uniformity of inheritance taxation among the various States.

* * * * * * *

Sincerely yours,

R. C. NORMAN,
State Tax Commissioner.

Mr. REED of Pennsylvania. Mr. President, the Senator from Idaho [Mr. BORAH] has spoken with his usual clarity and force; but some of the statements he has made seem to me to call for a statement by those of us who expect to vote in favor of the pending amendment.

The Senator has stated that the propaganda which has been carried on in favor of the repeal of this tax has avowedly been directed also toward the repeal of the various State estate and inheritance taxes, and I think there is justification for that statement. The agitation in favor of a repeal of this Federal estate tax seems to me to have included much that was intelligent and persuasive, and very much that was unintelligent and impossible to agree with.

I want to say for myself, as one who has ardently favored the repeal of the Federal estate tax, that I do not want my votes in past Congresses or in this one to seem to imply a disagreement with the principle of taxation of inheritances. I should be happy to see the whole amount now taken by the Federal Government from the estates of decedents taken by the State governments immediately after this tax is repealed, and I do not speak from any desire to see a diminution of the burden of taxation borne by decedents' estates.

I never have been able to persuade myself that society owes any duty to men who have accumulated wealth to permit them to pass to succeeding generations the right to leisure or the immunity from labor that results from the possession of a fortune. I grant readily enough the right to protect those who are dear to us and whose support depends upon us, but I do not include in that group the able-bodied persons of succeeding generations. I never could see why a civilized nation should permit that immunity from labor to be transmitted from one generation to the next.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. KING. Does not the Senator recall that when we were considering the tax bill two years ago there was an open avowal by some, notably by the New York Evening Post and other newspapers, that the drive should be carried on to secure a repeal of the Federal tax, and then go forward and secure a repeal of the State taxes? The Senator knows, of course, that in Florida there is a constitutional amendment under which they are prohibited from levying an estate tax. In the District of Columbia we have no estate tax. In one or two other States, as I recall, there is no estate or inheritance tax, and the Senator knows that before the Federal tax was rather heavy there was constant bidding between the States, lowering the estate tax, or not levying it, in order to attract men to make their domicile there so that they might escape taxes, and, of course, give the benefit to those States.

Mr. REED of Pennsylvania. Yes, Mr. President; I know those things were urged by perhaps the New York Evening Post and other advocates of repeal, and one purpose I have in rising now is to express my dissent from that particular argument which they then used and are now using. I do not believe that estates should be immune from taxation. I believe that the Commonwealths which confer the right of inheritance should resort to the exercise of that right for a source of large revenue, and I see no objection in any sound view of economics why they should not resort to it, and resort to it for larger revenues than they are now getting from it. So much for my belief about that.

As for the competition between the States of which the Senator speaks, undoubtedly such competition existed and will exist again if we repeal the Federal estate tax, but I do not believe that it is the function of the Federal Congress to prevent that competition. It stands to reason that if Florida abstains from inheritance taxation, she will have to seek other sources of income, and, in the long run, take from her citizenry the money that she needs to function her government. If she abstains from one, she will have to resort more heavily to another source of income. So that the people to whom she makes her appeal will not likely long be deceived by the apparent escape from taxation that is held out to them.

I want to state very briefly the reasons why I favor the repeal of the Federal estate tax, not the reasons of anybody else or of any party that has been conducting this propaganda—and we all know there has been great propaganda both ways on this question, both for the tax and against it. In the first place, I favor a repeal because as it now stands the tax is not an important source of revenue for the Federal Government. It is true, as the Senator from Idaho [Mr. BORAH] has pointed out, that the yield of this tax this year will be approximately $100,000,000, but that comes in the main from estates of persons who died more than two years ago, before we set up this 80 per cent rebate system.

It is calculated by the actuary who advises the Finance Committee that when the present law is in full operation, with the 80 per cent rebate applicable to all estates that we are taxing, our revenue from the law will shrink to less than $25,000,000 each year, and possibly will be closer to $20,000,000. Nominally, our tax will remain at about $100,000,000, but the rebate will absorb almost 80 per cent of it. That is one reason.

I favor its repeal because it has ceased to be an important source of revenue, and is used merely as a club to force these supposedly coordinate sovereignties to adopt laws which they themselves do not want to adopt. It forces them to take larger taxes from their decedents' estates than they want to take.

My own State of Pennsylvania furnishes an excellent illustration of that. We tax direct inheritances at the rate of 2 per cent, and collateral inheritances at the rate of 10 per cent. I think the 2 per cent rate is too small; I would be willing, for my part, to see it somewhat increased. But after the Federal Congress passed this 80 per cent rebate law Pennsylvania passed a new act, which has been sustained by the courts, providing that our tax should be only 2 and 10 per cent, respectively, as long as that was the maximum that was permitted to be deducted by the Federal Government, and that so long as a larger sum was permitted to be deducted in the payment of the

Federal estate tax, then the Pennsylvania tax should be that amount which is the maximum permissible deduction. There is an obvious case of yielding to the club in order to keep the money in Pennsylvania and prevent its going to the Federal Treasury.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COUZENS. Does the Senator favor the next amendment, providing for the repeal of the 80 per cent clause?

Mr. REED of Pennsylvania. I would, by all means.

Mr. COUZENS. If we can agree on that, let us do it, if we can not get this through.

Mr. REED of Pennsylvania. If we are not going to repeal it all, let us, by all means, get rid of this rebate system, and use that, on the theory stated by the Senator from Idaho, as a bona fide tax to meet the great needs of the Federal Government which remain after the war. I myself would infinitely rather see this source of revenue turned over to the States, and see us quit making subsidies to the States, which would come to the same thing in dollars and cents; but if the Congress does not agree with that view, let us, by all means, keep this revenue for the Federal Treasury.

Mr. KING. Mr. President, the Senator will recall that when the last tax bill was under consideration in the Finance Committee, of which he is a member and I am a member, I opposed the giving of any credit, and finally insisted that, at any rate, we should not give a greater credit than that which existed in the law; namely, 25 per cent. The Senator then voted for the 80 per cent credit, and I had to file a minority report, and was the only one in the committee who was willing to keep it down to 25 per cent, though I was in favor of giving no credit. Does not the Senator admit now that we made a mistake?

Mr. REED of Pennsylvania. I think I admitted it then. I think I tried to be candid and honest——

Mr. KING. The Senator always is.

Mr. REED of Pennsylvania. And said that if I could not get the repeal of the tax directly, I would like to make it so ridiculous that the repeal would force itself, but I miscalculated, and the law stands to-day on what seems to be a ridiculous basis.

To go on to the next reason why I favor a repeal: The present law, as most of us realize on a moment's thought, is highly unfair in its application. The Constitution talks of uniformity of taxation, and the Supreme Court has held that this is uniform in its application. But let us consider whether it is uniform or not from the standpoint of common fairness.

Were I to die to-day leaving an estate—in order to flatter myself, suppose I should die leaving an estate of a million dollars all to one beneficiary, say to my wife—it would be taxed, as we know, with $100,000 exempted, and then an increasing scale running up to 6 or 7 per cent. In other words, the one beneficiary would have a tax which would amount to, say, 6 per cent of the total that was received. There is nothing very wrong about that. We will say that is reasonable enough. But suppose I died leaving $2,000,000 to two beneficiaries, each beneficiary would get exactly the same amount of money as in the first case I proposed, but the tax they would pay would be nearly double. That is not fair.

Mr. BORAH. The argument of the Senator is rather conclusive against the form of the tax, but it seems to me that it is not an argument against levying the tax, if it is levied properly.

Mr. REED of Pennsylvania. I do not mean it to be. The first argument I gave seemed to be an argument against a tax at all. The second I mean to offer as an argument against this particular form. For several years past the Senator from Rhode Island [Mr. GERRY] and myself, and I think other Senators, have pointed out its unfairness and have urged that as all taxes, after all, are paid by living beings, and after all, as the Senator from Idaho pointed out, this is not a tax on a dead man, but it is a tax on beneficiaries who receive property from the estate, if we are going to consider it as a tax upon the living beneficiaries, surely we ought to do our best to make it a uniform tax against such beneficiaries. And yet the simple illustration I have pointed out can be carried on to the further illustration as of five persons sharing in a $5,000,000 estate, where each beneficiary will pay about three times the tax that he would pay were he the sole beneficiary at the same amount from the smaller estate. I do not think that needs elaboration.

The next reason why I do not like the tax is that I disagree with the Senator from Idaho about the impossibility of evading it.

Mr. BORAH. I did not say there was an impossibility of evading it. I did say that in my judgment it was impossible to pass it on.

Mr. REED of Pennsylvania. I think that is true. I believe there is no way in which it can be passed on, as is an income tax passed on by those who are rendering public service and who pay the tax as an operating expense. That is true. But the tax is easy to evade, and if more people do not resort to the obvious evasion, it is rather, I think, to their credit. It is perfectly true that many rich men have evaded it by putting their money into prepaid insurance, if you will, or policies of any variety, and getting that money transmitted to the beneficiary wholly tax free. Under the decision in United States against Frick, or perhaps the case was in the collector's name against Frick, a decision handed down about three years ago, it was held that such contracts can not be included in the gross estate of the decedent, because it constitutes no part of his estate in actuality. Frick's insurance sets the precedent for many rich men, and occasionally we read of it in the paper. Many men will put their surplus in the form of prepaid insurance policies which are wholly tax free under this tax. The Senate only yesterday, against my protest, declined to tax even the profits made by insurance companies in which such property is placed.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. BRUCE. I happen to know, from the fact of being an insurance lawyer, that insurance is resorted to on a very, very great scale for the purpose of evading the estate tax.

Mr. BORAH. I think the Senator from Maryland and the Senator from Pennsylvania are both agreed that there is no way under the sun to prevent evading the tax to some extent, it makes no difference what the tax is. If we were going to repeal it because of the evasions, there are several other taxes in the bill that would have to be repealed.

Mr. REED of Pennsylvania. Oh, surely. After all, the tax evasions simply represent a progressive battle of wits between Congress and a lot of lawyers, they inventing evasions almost as fast as we can stop the gap.

There is no question but that all these taxes are evaded, some by dishonesty and some by cleverness. We ought not to delude ourselves with the idea that we were wholly successful in levying this tax on great estates, because as a matter of fact we were not. Of course, the great, common evasion is gifts in contemplation of death, where, if the gift is made more than two years before the death, it becomes as a practical matter impossible for the Government to show that there was any such contemplation of death as is in excess of the anticipation of the ordinary mortal. Practically any such gift goes untaxed, and in that way many million dollars escape this tax.

So that, primarily, because I believe in this type of taxation, but I believe it ought to be levied by the Commonwealth that originates the right of inheritance; secondarily, because I believe that the law is essentially unfair in not being uniform in its application to different beneficiaries; thirdly, because I believe that the 80 per cent rebate constitutes a real usurpation of the power of the State and an unfair application of the congressional power in order to swerve their action; and, finally, because I believe that the tax is not as effective as we sometimes think it is, I expect to vote for the repeal. If that is unsuccessful, I expect to vote for the abolition of the 80 per cent rebate and the retention of the whole tax by the Federal Government.

Mr. BORAH. If the Senator should succeed in repealing the 80 per cent rebate, that would remove the most serious objection which he has to the tax.

Mr. REED of Pennsylvania. Yes; it would, indeed.

Mr. BORAH. I will join with him in that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. BINGHAM].

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROUSSARD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. BROUSSARD. What is the question we are to vote on?

The PRESIDING OFFICER. The amendment of the Senator from Connecticut [Mr. BINGHAM], the substance of which is the repeal of the estate tax.

The legislative clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. Since he is not present, I withhold my vote.

Mr. HARRISON (when his name was called). On this vote I have a pair with the Senator from California [Mr. SHORTRIDGE]. Not being able to obtain a transfer, I withhold my vote. If per-

mitted to vote, I would vote "yea." I am not informed how the Senator from California would vote.

Mr. McNARY (when his name was called). On this vote I am paired with the junior Senator from Delaware [Mr. BAYARD]. If that Senator were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. I understand that if present he would vote as I contemplate voting. I therefore vote "nay."

The roll call was concluded.

Mr. CURTIS (after having voted in the negative). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and let my vote stand.

Mr. LA FOLLETTE. I desire to announce that the junior Senator from Montana [Mr. WHEELER] is absent on account of a death in his family. He has a special pair on this question with the senior Senator from New York [Mr. COPELAND]. The junior Senator from Montana [Mr. WHEELER], if present, would vote "nay."

Mr. NYE. On this particular question my colleague the senior Senator from North Dakota [Mr. FRAZIER] is paired with the junior Senator from Florida [Mr. TRAMMELL]. Were my colleague present, he would vote "nay." I understand that the junior Senator from Florida, if present, would vote "yea."

Mr. WATSON. I have a pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the junior Senator from Oregon [Mr. STEIWER] and vote "nay."

Mr. DILL. My colleague the senior Senator from Washington [Mr. JONES] is absent on account of illness. If present he would vote "nay."

Mr. CURTIS. I desire to announce the following special pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Delaware [Mr. DU PONT] with the Senator from Idaho [Mr. GOODING];

The Senator from New Jersey [Mr. EDWARDS] with the Senator from New Hampshire [Mr. KEYES]; and

The Senator from New York [Mr. COPELAND] with the Senator from Montana [Mr. WHEELER].

If present, Senators DU PONT, EDGE, EDWARDS, and COPELAND would vote "yea," and Senators GOODING, KEYES, BLEASE, and WHEELER would vote "nay."

The result was announced—yeas 30, nays 43, as follows:

YEAS—30

Broussard	Goff	Oddie	Stephens
Bruce	Hale	Overman	Tydings
Caraway	Hawes	Pittman	Tyson
Deneen	Heflin	Ransdell	Walsh, Mass.
Fletcher	McKellar	Reed, Mo.	Warren
George	McLean	Reed, Pa.	Waterman
Gerry	Metcalf	Simmons	
Gillett	Moses	Steck	

NAYS—43

Ashurst	Dale	Locher	Schall
Barkley	Dill	McMaster	Sheppard
Black	Fess	Mayfield	Shipstead
Blaine	Glass	Neely	Smoot
Borah	Greene	Norbeck	Swanson
Bratton	Harris	Norris	Thomas
Brookhart	Hayden	Nye	Vandenberg
Capper	Howell	Phipps	Wagner
Couzens	Johnson	Pine	Walsh, Mont.
Curtis	King	Robinson, Ind.	Watson
Cutting	La Follette	Sackett	

NOT VOTING—21

Bayard	Edwards	Kendrick	Steiwer
Bingham	Frazier	Keyes	Trammell
Blease	Gooding	McNary	Wheeler
Copeland	Gould	Robinson, Ark.	
du Pont	Harrison	Shortridge	
Edge	Jones	Smith	

So Mr. BINGHAM'S amendment was rejected.

Mr. BINGHAM. I now offer another amendment relating to the estate tax. This amendment provides a new series of rates and also repeals the 80 per cent clause to which those who are interested in the rights of the States object. It will prevent the Federal Government exercising pressure on the States to levy estate or inheritance taxes of their own.

Mr. BORAH. Mr. President, I ask to have the amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 192, it is proposed to strike out lines 20 to 25, inclusive, and lines 1 to 5 on page 193, and in lieu thereof to insert the following:

SEC. 401. ESTATE TAX RATES.

(a) In lieu of the rates of tax imposed by section 301 of the revenue act of 1926, the following rates shall apply in the case of the transfer of the net estate of a decedent dying after the enactment of this act—

Two-tenths per cent of the amount of the net estate not in excess of $50,000;

Four-tenths per cent of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

Six-tenths per cent of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

Eight-tenths per cent of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

One per cent of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

One and two-tenths per cent of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

One and four-tenths per cent of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

One and six-tenths per cent of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

One and eight-tenths per cent of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

Two per cent of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

Two and two-tenths per cent of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

Two and four-tenths per cent of the amount by which the net estate exceeds $3,000,000 and does not exceed $3,500,000;

Two and six-tenths per cent of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

Two and eight-tenths per cent of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

Three per cent of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

Three and two-tenths per cent of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

Three and four-tenths per cent of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

Three and six-tenths per cent of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

Three and eight-tenths per cent of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

Four per cent of the amount by which the net estate exceeds $10,000,000.

(b) Section 301(b) of the revenue act of 1926 (crediting the Federal estate tax with the amount of State inheritance taxes up to 80 per cent of the Federal tax) shall not apply in the case of the transfer of the net estate of any decedent dying after the enactment of this act.

Mr. BORAH. Mr. President, I desire to have the question on the amendment divided. I wish a separate vote on the repeal of the 80 per cent clause. I understand that there are two different propositions involved in the amendment.

Mr. FLETCHER. One portion of the amendment reduces the present rates, and the other repeals the 80 per cent clause.

Mr. SMOOT. Mr. President, the amendment proposes rates, as I noticed while it was being read, which are one-fifth of the present rates. In other words, the rates imposed by existing law under the amendment offered by the Senator from Connecticut will be reduced four-fifths in every case in each bracket.

Mr. BINGHAM. Mr. President, I may say, to put it in other words, that the rates proposed by the amendment would give the Federal Government exactly what it would receive now if the present law were carried out, and all the States brought their taxes up to the point the Federal Government wants them to bring them, and the Federal Government allowed 80 per cent to go back to the States and kept the 20 per cent. This amendment will allow the Government to receive the 20 per cent without putting pressure on the States.

Mr. SMOOT. That is another way of stating it, but the result is exactly the same.

Mr. BORAH. Mr. President, are we not entitled to have a division of the question of the amendment?

The VICE PRESIDENT. The two paragraphs of the amendment will be submitted to be voted on separately.

Mr. FLETCHER. I have no objection to that.

Mr. BORAH. Let us first vote on the provision repealing the 80 per cent clause.

Mr. GEORGE. Mr. President, I desire to inquire if the Chair announced that the two proposals would be voted on separately?

The VICE PRESIDENT. The two proposals will be voted on separately.

Mr. SIMMONS. Mr. President, as I understand this amendment, in addition to what the Senator from Utah has said, namely, that it reduces the rates to about one-fifth of the present rates——

Mr. SMOOT. It reduces them 80 per cent.

Mr. SIMMONS. In addition to that, the amendment provides for an exemption of only $50,000, while the present law provides for an exemption of $100,000.

Mr. SMOOT. Under existing law there is an exemption of $100,000, and the first bracket after that is $50,000.

Mr. SIMMONS. I am advised that this amendment does not change the exemption.

Mr. SMOOT. It does not.

Mr. McKELLAR. There seems to be some confusion about that. Is it correct that the amendment does not change the exemption?

Mr. SMOOT. It does not change the exemption. The exemption will remain $100,000 under the amendment proposed by the Senator from Connecticut.

Mr. SIMMONS. I merely heard it read from the desk, and I derived the impression from the reading that it changed the present law regarding the exemption.

Mr. BINGHAM. Mr. President, may I say to the President that all it does is to give the Federal Government exactly the tax which it would receive under the present law if the 80 per cent clause were repealed.

Mr. NORRIS. Mr. President, I desire to say so that that statement will not mislead anybody——

Mr. SIMMONS. It is misleading.

Mr. NORRIS. If, considering the entire amendment, we repeal the 80 per cent that goes to the States, it would bring to the Federal Government the same amount of money that it receives now but the States would not get anything. The portion of the amendment that we will vote on separately in regard to the rates does cut the rates down to one-fifth of the present rates, as I understand.

Mr. SIMMONS. Yes; that is true.

Mr. NORRIS. Let us have an understanding about it.

Mr. BINGHAM. There is no question about that.

Mr. NORRIS. It cuts the rates down. We are going to vote on that by itself, that is what it means, and if we are in favor of cutting the rates down to one-fifth of what they are now, of course we will vote for that proposal.

Mr. SIMMONS. Mr. President, if the Senator will pardon an interruption, more than that, under the present law, a State only gets the 80 per cent under certain conditions, where its tax laws are so adjusted as to entitle it to receive it, but in many cases the State does not get anything, while in other cases it gets only a small part of the 80 per cent.

Mr. SMOOT. There are three States, I will say to the Senator, that do not get anything.

Mr. FLETCHER. I ask that paragraph (b) be first voted on.

Mr. REED of Missouri. Mr. President, before the vote is taken I wish to understand clearly if I can the effect of this amendment. I have tried to gather its effect from the colloquy. It seems that the present law provides that where a State levies an inheritance or an estate tax of its own, 80 per cent of the Federal tax is returned to that State, and where a State does not levy an inheritance tax the entire 100 per cent collected by the Federal Government goes to the Federal Treasury. Are those two statements accurate?

Mr. WALSH of Montana. I do not so understand the existing law. There is not anything of that kind in it. The Government does not collect 100 per cent and return 80 per cent to the State at all. The language of the act is:

> (b) The tax imposed by this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate. The credit allowed by this subdivision shall not exceed 80 per cent of the tax imposed by this section.

That is to say, here is an estate which has paid the State inheritance or legacy tax, and it is required to pay a certain amount to the Federal Government under the Federal inheritance tax law, but from that amount is to be deducted all that is paid to the State for the similar tax, not, however, in excess of 80 per cent of the tax due to the Federal Government.

Mr. REED of Missouri. So that if the State tax amounted to only 60 per cent of the Federal tax, the credit would be only 60 per cent?

Mr. WALSH of Montana. Sixty per cent.

Mr. REED of Missouri. And 40 per cent would go into the Treasury?

Mr. WALSH of Montana. That is correct.

Mr. REED of Missouri. But if the State tax is equal to the Federal tax, or is equal to 80 per cent of it, then the State gets the 80 per cent? Is that correct?

Mr. WALSH of Montana. The State gets all of the tax that it imposes.

Mr. REED of Missouri. Yes.

Mr. WALSH of Montana. When the estate comes to pay the Federal tax, it gets credit for all the amount it paid to the State for its tax; but if it paid more to the State than 80 per cent of the Federal tax, it gets credit only for 80 per cent of the Federal tax, and must pay 20 per cent.

Mr. REED of Missouri. And that leaves it to pay 20 per cent?

Mr. WALSH of Montana. Exactly.

Mr. REED of Missouri. So that the effect of this amendment would seem to be, first, that as to the three or four States that levy no estate tax the entire Federal tax would be collected by the Federal Government, and by it retained. If a State levied a 50 per cent tax, then there would be deducted from the Federal tax 80 per cent of the 50 per cent?

Mr. SMOOT. No; Mr. President.

Mr. WALSH of Montana. The whole 50 per cent.

Mr. REED of Missouri. I should say the whole 50 per cent; but the Government would collect the other 50 per cent. It is only when a State collects an amount equal to the Federal tax that it is remitted the 80 per cent?

Mr. SMOOT. The credit is allowed.

Mr. REED of Missouri. The credit is allowed for the 80 per cent; that is what I mean by "remitted." If that is the case, this bill does not preserve the status quo as to the Federal tax.

Mr. JOHNSON. May I ask the Senator whether this amendment eliminates the drawback provision?

Mr. FLETCHER. Section (b) of it eliminates the credit provision of the present act.

Mr. JOHNSON. All right. You eliminate that and you eliminate your inheritance taxes absolutely.

Mr. FLETCHER. No; that does not follow necessarily. You eliminate this discrimination and eliminate the credit provision. After that, if you decide to do that, you vote on the question of rates. You can vote that down if you like, in which case the rates will remain where they are to-day under the present law, and all you will accomplish will be to eliminate the credit.

Mr. JOHNSON. You eliminate the protection that the United States Government gives now, with its 80 per cent drawback, and leave the States to their own selfish purposes, and leave those States battling among themselves as to what they will do with ill and decrepit multimillionaires, and ultimately you will have no inheritance tax at all.

Mr. FLETCHER. It is entirely up to the States to decide what tax they want. This amendment simply says that the Federal Government will not credit the amounts paid to the States on the estate tax imposed by the Federal Government, but will levy the taxes herein named. If you do not agree with these rates, then you stand on the rates as they exist under the present law.

Mr. REED of Missouri. But the taxes herein named will not bring to the Federal Government the same revenue which it now collects.

Mr. FLETCHER. They will not for the present; but, assuming that the State taxes amount to 80 per cent of the Federal tax, this will bring the revenue up to the 20 per cent.

Mr. REED of Missouri. But that assumption is a false assumption, is it not?

Mr. FLETCHER. At present there are some 16 States since the act of 1926 was passed which have made their laws so that they now levy inheritance taxes amounting to 80 per cent of the Federal tax.

Mr. REED of Missouri. My question is just a little different from that. This law would pay to the Federal Government exactly what it now receives, provided all of the States had a tax equal to 80 per cent?

Mr. FLETCHER. Yes.

Mr. REED of Missouri. But all of the States do not have such laws, three of them having no Federal tax at all, and there being many others which do not have a sufficiently high tax to get the full benefit of the provision; so that this law will bring less revenue to the Federal Government than it now gets when applied to the States that levy taxes, even excluding the three that have no tax. That is the case, is it not?

Mr. BINGHAM. Yes, Mr. President. This bill will bring to the Federal Government, in the next two or three years to come, if it should remain a law, less revenue than it would otherwise receive; but those who invented this particular tax with a drawback hope to make all the States levy those estate taxes which they believe are right; and when all the States have fallen in line with the efforts being made through this club of the 80 per cent rebate, then the amount received by the Federal Government will be exactly the same as it would under this amendment.

Mr. REED of Missouri. I understand it.

Mr. BORAH. Mr. President, in view of the fact that section (b) is going to be offered separately, I withdraw the request for a division of it.

The VICE PRESIDENT. The Senator from Idaho withdraws his request.

Mr. SMOOT. Mr. President, I certainly hope the amendment will not be agreed to. If you adopt this amendment, you might just as well say that every multimillionaire or millionaire can go down to Florida or some other State and not pay any tax at all.

Mr. JOHNSON. That is just what I have been trying to say here.

Mr. SMOOT. I agree with the Senator about it.

Mr. JOHNSON. There is not any doubt at all about it.

Mr. SIMMONS. Mr. President, I do not think there is any probability of the amendment being agreed to; and I think we might just as well have a vote and dispose of it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut [Mr. BINGHAM]. [Putting the question.] By the sound the noes seem to have it.

Mr. FLETCHER. I call for the yeas and nays. Can we not have the yeas and nays on it?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll; and Mr. ASHURST and Mr. BARKLEY voted in the negative.

Mr. BLACK (when his name was called). Mr. President, before voting, I do not understand whether we are voting on the entire amendment or on section (a).

The VICE PRESIDENT. The vote is being taken on the entire amendment.

Mr. BLACK. Does that include the reduction——

SEVERAL SENATORS. Regular order!

Mr. REED of Missouri. Has there been any answer to the roll call?

The VICE PRESIDENT. There has. The Secretary will continue the calling of the roll.

Mr. BINGHAM (when his name was called). On this bill I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. As he is not here, I will withhold my vote.

Mr. BRUCE (when his name was called). Is it permissible for me to ask what we are voting on?

The VICE PRESIDENT. On the amendment offered by the Senator from Connecticut.

Mr. BRUCE. I vote "nay."

Mr. CURTIS (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Washington [Mr. JONES] and will vote. I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. MCNARY (when his name was called). Making the same announcement as before of my pair with the Senator from Delaware [Mr. BAYARD], I desire to state that if he were present he would vote "yea," and if I were at liberty to vote I should vote "nay." I withhold my vote.

Mr. SWANSON (when his name was called). Making the same announcement I made before, I vote "nay."

Mr. WATSON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. LA FOLLETTE. Making the same announcement as before concerning the absence of the junior Senator from Montana [Mr. WHEELER] and his general pair, I desire to announce that if present and at liberty to vote he would vote "nay" on this amendment.

Mr. MCKELLAR (after having voted in the affirmative.) May I inquire if the senior Senator from Ohio [Mr. FESS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MCKELLAR. I have a pair with that Senator, and therefore am compelled to withdraw by vote.

Mr. RANSDELL. I have a pair with the junior Senator from Maine [Mr. GOULD], and withhold my vote.

Mr. DILL. My colleague [Mr. JONES] is absent on account of illness. If he were present, he would vote "nay."

Mr. NYE. Making the same announcement as on the previous question as to my colleague [Mr. FRAZIER], paired as he is with the junior Senator from Florida [Mr. TRAMMELL], were my colleague present he would vote "nay."

Mr. CURTIS. I have been requested to announce the following special pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from Idaho [Mr. GOODING];

The Senator from New Jersey [Mr. EDWARDS] with the Senator from New Hampshire [Mr. KEYES];

The Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from New York [Mr. COPELAND] with the Senator from Montana [Mr. WHEELER].

If present, Senators EDWARDS, DU PONT, EDGE, and COPELAND would vote "yea," and Senators GOODING, KEYES, BLEASE, and WHEELER would vote "nay."

The result was announced—yeas 17, nays 52, as follows:

YEAS—17

Black	Hale	Moses	Warren
Broussard	Hawes	Overman	Waterman
Fletcher	Heflin	Reed, Mo.	
George	McLean	Reed, Pa.	
Goff	Metcalf	Tydings	

NAYS—52

Ashurst	Dill	Mayfield	Shipstead
Barkley	Gerry	Neely	Simmons
Blaine	Gillett	Norbeck	Smoot
Borah	Glass	Norris	Steck
Bratton	Greene	Nye	Stephens
Brookhart	Harris	Oddie	Swanson
Bruce	Hayden	Phipps	Thomas
Capper	Howell	Pine	Tyson
Couzens	Johnson	Pittman	Vandenberg
Curtis	King	Robinson, Ind.	Wagner
Cutting	La Follette	Sackett	Walsh, Mass.
Dale	Locher	Schall	Walsh, Mont.
Deneen	McMaster	Sheppard	Watson

NOT VOTING—25

Bayard	Edwards	Kendrick	Smith
Bingham	Fess	Keyes	Stelwer
Blease	Frazier	McKellar	Trammell
Caraway	Gooding	McNary	Wheeler
Copeland	Gould	Ransdell	
du Pont	Harrison	Robinson, Ark.	
Edge	Jones	Shortridge.	

So Mr. BINGHAM's amendment was rejected.

Mr. REED of Pennsylvania. I send to the desk the following amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 194, after line 26, insert a new section, as follows:

SEC. 405. Section 301 (b) of the revenue act of 1926 (crediting the Federal estate tax with the amount of the State inheritance taxes up to 80 per cent of the Federal tax) shall not apply in the case of the transfer of the net estate of any decedent dying after the enactment of this act.

Mr. JOHNSON. Mr. President, a point of order. Has not that just been passed upon?

Mr. SMOOT. It has been passed upon; but another vote is desired on it, and I have no objection.

Mr. JOHNSON. Why another vote? If it is the same thing we have just voted upon, then I make the point of order that it is not in order.

Mr. REED of Pennsylvania. Mr. President, this same language was contained in the amendment last voted upon in connection with the proposal to reduce the rates. I now offer it independently, and by itself. It seems to me it is an entirely different question.

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. GEORGE. Mr. President, I have just been compelled to cast a vote that did not represent my views at all. I was unavoidably called out, and the Chair ruled, as I understood him, that a separate vote would be taken upon the amendment offered by the Senator from Connecticut.

The VICE PRESIDENT. The Senator from Idaho withdrew his request for a separate vote.

Mr. GEORGE. When I returned, I understood that had occurred, but the vote was then in progress. So I voted "yea." I do not favor the reduction of the rates on estates or inheritances. I voted "yea" on the first amendment offered—that is, to repeal the inheritance tax—because the provision imposing it contains the 80 per cent provision, and I voted for the amendment offered by the Senator from Connecticut. I felt that I wished to express myself on the 80 per cent provision, although I did not wish to reduce the rates in the present law.

I wish to make this statement: I am in favor of an inheritance tax. I believe that an inheritance tax ought to be imposed. I have no objection to the imposition of an inheritance tax by the Federal Government. I have never voted for the repeal of an inheritance tax on the ground that the inheritance, or legacy, as you may wish to call it, was not a proper subject of taxation by the Federal Government, if the General Government required the revenue, but I am opposed to the 80 per cent provision, and this amendment enables me to vote according to my convictions.

The Senator from California with commendable frankness has said that if you remove this provision the States will ex-

press their real convictions in this body through their representatives; he has frankly said, "If you take away the 80 per cent provision, you will repeal the Federal inheritance tax."

I would not vote to repeal the Federal inheritance tax, but I can not vote to impose a Federal inheritance tax with the credit of 80 per cent to the States, when confessedly it is the purpose by that kind of legislation to coerce the States into doing something which the States do not wish to do.

Take away the 80 per cent, it is said, and the States will not impose the tax, because very great fortunes will be able to find a refuge in some State. My answer is this, that it is not our concern what the States shall or shall not do with reference to their tax problems and with reference to their tax policies. Our duty is to legislate for the Federal Government. I, therefore, believe in the inheritance tax, and I believe that the inheritance tax should be imposed by the Federal Government, but I believe that the money raised should be kept by the Federal Government and used by the Federal Government. For that reason I shall vote to strike the 80 per cent provision. My vote just cast, in the light of the explanation made, is consistent, I trust. I wish the inheritance tax to remain, but I wish the entire amount of that levy to go into the Federal Treasury so long as the Congress finds it necessary to impose the tax. I do not regard it my duty through national legislation to undertake to shape the policies of the several States.

Mr. BRUCE. Mr. President, as I see it, the argument of the Senator from Georgia makes no allowance whatever for States which have for years had an inheritance tax. Such a State is the State of Maryland. I have had no opportunity to refresh my memory upon this subject; but if I am not mistaken, the State of Maryland has had an inheritance tax, certainly a collateral inheritance tax, for generations. Since the enactment of the recent Federal income tax legislation it has made no change at all in the policy of its laws as respects inheritance taxes. In other words, to borrow a phrase from the Senator from Georgia, it has not succumbed to any depraving solicitation of any kind that this 80 per cent deduction holds out to the States, as he imagines.

I was perfectly willing to do away with the Federal estate tax. I think it is a great mistake for the Federal Government to impose such a tax except at an hour of dire necessity, such as was created by the World War. I think the estates of decedents supply a natural field of taxation for the States. The Federal Government has its special field of customs taxation and its special field of income taxation; it has peculiar sources of revenue that are entirely adequate to all of its requirements. Why, then, not leave to the States, what could be more properly left to the States, than the field of estate taxation?

I voted, as I have said, to bring the present system of Federal estate taxation to an end in toto. That proposition was defeated; but that having been defeated, why should not I, as a representative of a State where there has been an inheritance tax for many years, vote to continue this 80 per cent deduction so that we shall have something to soften the impact of the Federal estate tax?

The argument of the Senator from Georgia, it seems to me, turns entirely upon the assumption on his part that the inevitable operation of this 80 per cent is to hold out, I will not say a corrupt, but at least a perverting temptation to the State.

I do not know, but I imagine that there are other States of the Union in the same situation as the State of Maryland, which have had systems of estate taxation for years, either in the form of collateral inheritance taxation alone, or in the form of both direct and collateral inheritance taxation. Why should not they have the benefit of the 80 per cent deduction?

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. I want to ask the Senator from Maryland if this is not true: If we should now repeal this 80 per cent tax, and continue the present Federal income tax law, if a State levied any tax at all upon inheritances or estates, would they not have to pay a double tax?

Mr. BRUCE. But they would get a deduction of 80 per cent from the Federal taxes they paid.

Mr. SIMMONS. The Senator does not understand me. I say, if we should repeal this provision allowing this 80 per cent benefit to the States, would not the effect be that the Federal tax now imposed would all be collected and go into the Federal Treasury?

Mr. BRUCE. Yes.

Mr. SIMMONS. Then if the State levied any tax at all upon inheritances, or upon estates, whichever principle they adopted, any tax at all, they would be collecting out of the people two income taxes, one for the State and one for the Federal Government, and the State would get the benefit of no credit whatever.

Mr. BRUCE. That kind of duplication sometimes occurs. I think they have an income tax in Virginia.

Mr. GLASS. Virginia has an income tax, and it has an inheritance tax.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair on this bill with the junior Senator from Montana [Mr. WHEELER]. In his absence I withhold my vote.

Mr. CURTIS (when his name was called). Making the same announcement as to my pair and transfer as on the previous vote, I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. RANSDELL (when his name was called). I again announce my pair with the junior Senator from Maine [Mr. GOULD] and ask that this announcement stand for the day. In his absence I withhold my vote.

Mr. SWANSON (when his name was called). Making the same announcement that I did on the last vote, I vote "nay."

Mr. WATSON (when his name was called). Making the same announcement with reference to my pair and transfer as before, I vote "nay."

Mr. LA FOLLETTE (when Mr. WHEELER's name was called). Making the same announcement as before with reference to the absence of the junior Senator from Montana [Mr. WHEELER] and his pair, I desire to announce that if present and at liberty to vote he would vote "nay" on this amendment.

The roll call was concluded.

Mr. WATSON (after having voted in the negative). The Senator from Oregon [Mr. STEIWER], to whom I transferred my pair, has entered the Chamber. I therefore withdraw that transfer, and inasmuch as I can not secure another transfer I withdraw my vote.

Mr. McKELLAR. Again announcing my pair with the Senator from Ohio [Mr. FESS] and noting his absence from the Chamber, I withhold my vote.

Mr. NYE. I desire again to announce that my colleague the senior Senator from North Dakota [Mr. FRAZIER] is paired with the junior Senator from Florida [Mr. TRAMMELL]. If the senior Senator from North Dakota were present, he would vote "nay."

Mr. CURTIS. I desire to announce the following special pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from Idaho [Mr. GOODING];

The Senator from New Hampshire [Mr. KEYES] with the junior Senator from New Jersey [Mr. EDWARDS];

The senior Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. BLEASE];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from New York [Mr. COPELAND] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 18, nays 51, as follows:

YEAS—18

Black	Fletcher	Metcalf	Stephens
Borah	George	Overman	Tydings
Brookhart	Goff	Pittman	Warren
Broussard	Hawes	Reed, Mo.	
Couzens	Heflin	Reed, Pa.	

NAYS—51

Ashurst	Glass	Mayfield	Simmons
Barkley	Greene	Moses	Smoot
Blaine	Hale	Neely	Steck
Bratton	Harris	Norbeck	Steiwer
Bruce	Hayden	Norris	Swanson
Capper	Howell	Nye	Thomas
Curtis	Johnson	Oddie	Tyson
Cutting	King	Phipps	Vandenberg
Dale	La Follette	Pine	Wagner
Deneen	Locher	Sackett	Walsh, Mass.
Dill	McLean	Schall	Walsh, Mont.
Gerry	McMaster	Sheppard	Waterman
Gillett	McNary	Shipstead	

NOT VOTING—25

Bayard	Edwards	Kendrick	Smith
Bingham	Fess	Keyes	Trammell
Blease	Frazier	McKellar	Watson
Caraway	Gooding	Ransdell	Wheeler
Copeland	Gould	Robinson, Ark.	
du Pont	Harrison	Robinson, Ind.	
Edge	Jones	Shortridge	

So the amendment of Mr. REED of Pennsylvania was rejected.

Mr. REED of Missouri. Mr. President, I offer the following amendment, and ask that it may be reported.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 94, after line 7, insert a new subdivision, as follows:

(e) Bridges to be acquired by State or political subdivision: Whenever any State or political subdivision thereof, in pursuance of a contract to which it is not a party entered into before the enactment of this act, is to acquire a bridge—

(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such bridge prior to any division of such proceeds, and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of or would be applied for the benefit of such State or political subdivision, then a tax upon the net income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State or political subdivision (under rules and regulations to be prescribed by the commissioner, with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which, but for the imposition of the tax imposed by this title, would have accrued directly to or for the use of or would be applied for the benefit of such State or political subdivision bears to the amount of the net income from the operation of such bridge for such taxable year. No such refund shall be made unless the entire amount of the refund is to be applied in part payment for the acquisition of such bridge.

(2) If by the terms of such contract no part of the proceeds from the operation of the bridge for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of or be applied for the benefit of such State or political subdivision, then the tax upon the net income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title.

Mr. SMOOT. Mr. President, so far as I can I am perfectly willing to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 245, after line 16, insert the following:

SEC. 801. AMENDMENTS TO TARIFF ACT OF 1922.

(a) Paragraphs 4, 19, 53, 54, 55, 57, 58, 502, 701, 702, 703, 706, 707, 708, 709, 710, 711, 712, 713, 723, 724, 729, 737, 757, 760, 761, 763, 768, 769, 770, and 777 of the tariff act of 1922 are amended, respectively, as follows:

Strike out all of paragraph 4, and substitute in lieu thereof the following:

"PAR. 4. Alcohol: Amyl, butyl, propyl, and fusel oil, 6 cents per pound; methyl or wood (or menthanol), 12 cents per gallon; and ethyl for nonbeverage purposes only, 25 cents per gallon."

Strike out all of paragraph 19, and substitute in lieu thereof the following:

"PAR. 19. Casein or lactarene, 6 cents per pound, but not less than 50 per cent ad valorem."

Strike out all of paragraph 53, and substitute in lieu thereof the following:

"PAR. 53. Oils, animal: Sod, herring, and menhaden, whale and seal, 23 cents per gallon, but not less than 45 per cent ad valorem; sperm, 10 cents per gallon, and all fish oils, not specially provided for, 30 per cent ad valorem; wool grease, crude, including that known commercially as degras or brown wool grease, one-half of 1 cent per pound; wool grease, not crude, including adeps lanae, hydrous, and anhydrous, 1 cent per pound; all other animal oils, fats, and greases, not specially provided for, 30 per cent ad valorem."

Strike out all of paragraph 54, and substitute in lieu thereof the following:

"PAR. 54. Oils, expressed or extracted: Castor oil, 3 cents per pound; hempseed oil, tung-nut oil, palm oil, sesame-seed oil, rapeseed oil, perilla oil, 2 cents per pound; linseed or flaxseed oil, raw, boiled, or oxidized, 4 cents per pound; olive oil, weighing with immediate container less than 40 pounds, 7½ cents per pound on contents and container; olive oil, not specially provided for, 6½ cents per pound; poppy-seed oil, raw, boiled, or oxidized, 2 cents per pound: *Provided*, That in the foregoing in no case shall the duty be less than 45 per cent ad valorem; all other expressed and extracted oils not specially provided for, 45 per cent ad valorem."

Strike out all of paragraph 55, and substitute in lieu thereof the following:

"PAR. 55. Coconut oil, palm-nut oil, peanut oil, 4 cents per pound, but not less than 45 per cent ad valorem; cottonseed oil and soya-bean oil, 3 cents per pound, but not less than 45 per cent ad valorem."

Strike out all of paragraph 57 and substitute in lieu thereof the following:

"PAR. 57. Hydrogenated or hardened oils and fats, 5 cents per pound, but not less than 45 per cent ad valorem; other oils and fats, the composition and properties of which have been changed by vulcanizing, oxidizing, chlorinating, nitrating, or any other chemical process, and not specially provided for, 20 per cent ad valorem."

Strike out all of paragraph 58 and substitute in lieu thereof the following:

"PAR. 58. Combinations and mixtures of animal, vegetable, or mineral oils, or of any of them (except combinations or mixtures containing essential or distilled oils), with or without other substances, and not specially provided for, 45 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph."

SCHEDULE 5. SUGAR, MOLASSES, AND MANUFACTURES OF.

Strike out all of paragraph 502 and substitute in lieu thereof the following:

"PAR. 502. Molasses and sugar sirups, not specially provided for, testing not above 48 per cent total sugars, 0.25 of 1 cent per gallon; testing above 48 per cent total sugars, 0.275 of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion; molasses testing not above 52 per cent total sugars not imported to be commercially used for the extraction of sugar or for human consumption, one-sixth of 1 cent per gallon; testing above 52 and not above 56 per cent total sugars not imported to be commercially used for the extraction of sugar or for human consumption, one-sixth of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion; molasses testing not above 52 per cent total sugars, imported for or to be used in the manufacture of ethyl alcohol for nonbeverage purposes only, 10 cents per gallon; testing above 52 per cent and not above 56 per cent total sugars, imported for or to be used in the manufacture of ethyl alcohol for nonbeverage purposes only, 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion."

SCHEDULE 7. AGRICULTURAL PRODUCTS AND PROVISIONS.

Strike out all of paragraph 701, and substitute in lieu thereof the following:

"PAR. 701. Cattle weighing less than 1,050 pounds each, 1½ cents per pound; weighing 1,050 pounds each or more, 2 cents per pound; fresh beef and veal, 8 cents per pound; tallow, oleo oil, and oleo stearin, 1 cent per pound, but not less than 30 per cent ad valorem; hides of cattle, raw or uncured, or dried, salted, or pickled, and all other hides not specially provided for, 25 per cent ad valorem."

Strike out all of paragraph 702, and substitute in lieu thereof the following:

"PAR. 702. Sheep and goats, $2 per head; fresh mutton and goat meat, 5 cents per pound; fresh lamb, 8 cents per pound."

Strike out all of paragraph 703, and substitute in lieu thereof the following:

"PAR. 703. Swine, one-half of 1 cent per pound; bacon, hams, and shoulders, and other pork, prepared or preserved, 5 cents per pound; fresh pork, 3 cents per pound; lard, lard compounds, and lard substitutes, 5 cents per pound, but not less than 45 per cent ad valorem."

Strike out all of paragraph 706, and substitute in lieu thereof the following:

"PAR. 706. Meats, fresh, prepared, or preserved, not specially provided for, 30 per cent ad valorem: *Provided*, That no meat of any kind shall be imported into the United States unless the same is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same also complies with the rules and regulations made by the Secretary of Agriculture, and that, after entry into the United States in compliance with said rules and regulations, said meats shall be deemed and treated as domestic meats within the meaning of, and shall be subject to, the provisions of the act of June 30, 1906 (34 Stat. L. 674), commonly called the 'meat inspection amendment,' and the act of June 30, 1906 (34 Stat. L. 768), commonly called the 'food and drugs act,' and that the Secretary of Agriculture be, and hereby is, authorized to make rules and regulations to carry out the purposes of this provision, and that in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all such meats offered for entry and refused admission into the United States unless the same be exported by the consignee within the time fixed therefor in such rules and regulations."

Strike out all of paragraph 707 and substitute in lieu thereof the following:

"PAR. 707. Milk, fresh, 4 cents per gallon, sour milk and buttermilk, 4 cents per gallon; cream, 40 cents per gallon: *Provided*, That fresh or sour milk containing more that 7 per cent of butterfat shall be dutiable as cream, and cream containing more than 45 per cent of butterfat shall be dutiable as butter."

Strike out all of paragraph 708 and substitute in lieu thereof the following:

"PAR. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 1½ cents per pound; sweetened, 2 cents per pound; all other, 2 cents per pound; whole milk powder, 7½ cents per pound, but not less than 40 per cent ad valorem; cream powder, 18 cents per pound; and skimmed milk powder, 3 cents per pound; malted milk, and compounds or mixtures of or substitutes for milk or cream, 40 per cent ad valorem."

Strike out all of paragraph 709 and substitute in lieu thereof the following:

"PAR. 709. Butter, 12 cents per pound, but not less than 30 per cent ad valorem; oleomargarine and other butter substitutes, 12 cents per pound, but not less than 30 per cent ad valorem."

Strike out all of paragraph 710 and substitute in lieu thereof the following:

"PAR. 710. Cheese and substitutes therefor, 8 cents per pound, but not less than 40 per cent ad valorem."

Strike out all of paragraph 711 and substitute in lieu thereof the following:

"PAR. 711. Birds, live: Poultry, including geese, ducks, turkeys, chickens, guinea fowl, water fowl, and game birds, fowl not otherwise specially provided for, when imported for food purposes, 10 cents per pound; all other, $2 each."

Strike out all of paragraph 712 and substitute in lieu thereof the following:

"PAR. 712. Birds, dead: Poultry, dressed or not dressed, drawn or not drawn, including turkeys, chickens, guinea fowl, geese, ducks, and every variety of water fowl or game birds, and all others not specially provided for, 14 cents per pound; all the foregoing prepared or preserved in any manner, and not specially provided for, 45 per cent ad valorem."

Strike out all of paragraph 713 and substitute in lieu thereof the following:

"PAR. 713. Eggs of poultry, in the shell, 12 cents per dozen; whole eggs, egg yolk, and egg albumen, frozen or in liquid form, with or without artificial preservative, 15 cents per pound; all dehydrated egg products, including dried whole eggs, dried egg yolk, and dried egg albumen, dehydrated by any process and designated by any trade name, and all eggs or egg products otherwise prepared or preserved and not specially provided for, 45 cents per pound."

Strike out all of paragraph 723 and substitute in lieu thereof the following:

"PAR. 723. Buckwheat hulled or unhulled, 40 cents per 100 pounds; buckwheat flour and grits or groats, one-half of 1 cent per pound."

Strike out all of paragraph 724 and substitute in lieu thereof the following:

"PAR. 724. Corn or maize, including cracked corn, 30 cents per bushel of 56 pounds; corn grits, meal, and flour, and similar products, 50 cents per 100 pounds."

Strike out all of paragraph 729 and substitute in lieu thereof the following:

"PAR. 729. Wheat, 42 cents per bushel of 60 pounds; wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for, $1.04 per 100 pounds."

Strike out all of paragraph 757 and substitute in lieu thereof the following:

"PAR. 757. Peanuts, not shelled, 6 cents per pound; shelled, 8 cents per pound; blanched peanuts, 9 cents per pound."

Strike out all of paragraph 760 and substitute in lieu thereof the following:

"PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 75 cents per bushel of 56 pounds; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; copra and palm-nut kernels, 3 cents per pound, but not less than 40 per cent ad valorem; soya beans, cottonseed, hempseed, palm nuts, tung nuts, rapeseed, perilla and sesame seed, and other oil-bearing seeds and nuts not specially provided for, one-half of 1 cent per pound, but not less than 40 per centum ad valorem."

Strike out all of paragraph 761 and substitute in lieu thereof the following:

"PAR. 761. Grass seeds: Alfalfa, 8 cents per pound; alsike clover, 8 cents per pound; crimson clover, 3 cents per pound; red clover, 8 cents per pound; white clover, 8 cents per pound; clover, not specially provided for, 6 cents per pound; millet, 1 cent per pound; timothy, 2 cents per pound; hairy vetch, 2 cents per pound; spring vetch, 1 cent per pound; all other grass seeds not specially provided for, 2 cents per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph."

Strike out all of paragraph 763 and substitute in lieu thereof the following:

"PAR. 763. Beans, not specially provided for, green or unripe, one-half of 1 cent per pound; dried, 2 cents per pound, but not less than 35 per cent ad valorem; in brine, prepared or preserved in any manner, 2 cents per pound, but not less than 35 per cent ad valorem."

Strike out all of paragraph 768 and substitute in lieu thereof the following:

"PAR. 768. Onions, 3 cents per pound; garlic, 2 cents per pound."

Strike out all of paragraph 769 and substitute in lieu thereof the following:

"PAR. 769. White or Irish potatoes, 75 cents per 100 pounds; dried, dehydrated, or desiccated potatoes, 3½ cents per pound; potato flour, 3 cents per pound."

Strike out all of paragraph 770 and substitute in lieu thereof the following:

"PAR. 770. Tomatoes in their natural state, 1 cent per pound; tomato paste, 40 per cent ad valorem; all other, prepared or preserved in any manner, 40 per cent ad valorem."

Strike out all of paragraph 777 and substitute in lieu thereof the following:

"PAR. 777. Hay, $6 per ton; straw, $1 per ton."

(b) Strike out all of paragraphs 1589, 1626, and in paragraph 1632 strike out the words "palm," "palm kernel," "perilla," and "sesame."

"PAR. 781. Cotton having a staple of less than 1⅛ inches, 4 cents per pound; of 1⅛ inches, 6 cents per pound; of 1⅜ inches, 7 cents per pound; of 1⅜ inches, 8 cents per pound; of 1⅜ inches, 9 cents per pound; of 1¼ inches, 10 cents per pound; of 1⅜ inches, 12 cents per pound; of 1⅜ inches, 14 cents per pound; of 1½ inches and longer, 15 cents per pound: *Provided*, That all cotton shall be graded according to the official cotton standards of the United States."

At the end of paragraph 729 insert a new paragraph, as follows:

"PAR. 737. Cherries in the natural state, sulphured or in brine, 4 cents per pound; maraschino cherries and cherries prepared and preserved in any manner, 50 per cent ad valorem."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. SHIPSTEAD addressed the Senate. After having spoken for some time—

Mr. SMOOT. Mr. President, I would like now to offer a unanimous-consent agreement.

Mr. SHIPSTEAD. I yield for that purpose.

Mr. SMOOT. I offer the unanimous-consent agreement which I send to the desk.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That when the Senate concludes its business to-night it take a recess until 11 o'clock a. m. on Monday next; that after the hour of 1 o'clock p. m. on said day no Senator shall speak more than once nor longer than 10 minutes upon the pending bill (H. R. 1), the tax reduction bill, nor more than once nor longer than 15 minutes upon any amendment proposed thereto, and that the Senate remain in session until the said bill is finally disposed of.

The PRESIDING OFFICER. Is there objection to the agreement?

Mr. REED of Missouri. Just one moment.

Mr. ROBINSON of Arkansas. Mr. President, there was this tentative understanding between some of us who discussed this matter, that at the conclusion of the address of the Senator from Minnesota [Mr. SHIPSTEAD], who now has the floor, the Senator from Missouri [Mr. REED], if he desired, should take the floor, and thereupon the Senate would take the recess contemplated by the unanimous-consent agreement; the Senate would meet Monday at 11 o'clock, and after the hour of 1 o'clock the limitation on debate would go into effect, with 15 minutes for each Senator on the bill and 10 minutes on any amendment, the idea being that the limitation on debate would work a conclusion of the debate some time next Monday, before the expiration of the calendar day, in all probability.

Mr. HEFLIN. Mr. President, I take it that the Senator from Missouri would not want to go on to-night?

Mr. ROBINSON of Arkansas. No; he does not intend to go on to-night.

Mr. HEFLIN. He could have between 11 o'clock and 1 o'clock Monday.

Mr. ROBINSON of Arkansas. That is the idea. The thought was that he desired to make sure that he would have ample time for discussion Monday.

Mr. REED of Missouri. Mr. President, let me state that a little differently. My thought was that on the amendment which I propose to urge there should be a period of debate which would not be limited by the 15-minute limitation rule, but that period would expire at 1 o'clock, and then the limitation would apply. In other words, I think the amendment is important enough so that it ought not to be brought at once within the 15-minute rule. So far as I am concerned, I shall try to consume as small a portion of that time as I can and present my views.

Mr. SMOOT. Mr. President, I would like also to have it understood that the Senator from Minnesota will conclude his

remarks before we take a recess, and then immediately on meeting on Monday that the Senate take a vote upon his pending amendment without any further discussion.

Mr. SWANSON. How much time does the Senator purpose taking Monday to dispose of all these amendments?

Mr. SMOOT. We can dispose of this one amendment——

Mr. SWANSON. When does the Senator expect to get the bill through?

Mr. SMOOT. On Monday, if this unanimous-consent agreement shall be entered into.

Mr. SWANSON. What does the unanimous-consent agreement provide in that respect? I am tired being kept here repeatedly to have a night session and then not have it, breaking up all our engagements, and then, when we have stayed here waiting for a vote, in order to get the bill through, about 6 or 7 o'clock having the Senator surrender.

Mr. SMOOT. I think what we are doing will save time.

Mr. ROBINSON of Arkansas. I am satisfied that if we do not make such an agreement we will ultimately consume the entire evening and come to no conclusion. The unanimous-consent agreement contemplates a limitation on debate to take effect at the hour of 1 o'clock Monday. I am perfectly willing to add to that a provision that the Senate shall remain in session Monday until the bill shall be finally disposed of.

Mr. LA FOLLETTE. Mr. President, I make the point of order that the Senate is in disorder.

The PRESIDING OFFICER. Senators will take their seats.

Mr. LA FOLLETTE. Four different Senators are under the impression that they have the floor and are speaking at the same time.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. To whom does he yield?

Mr. SHIPSTEAD. I refuse to yield any further. If Senators can come to an agreement by which we will adjourn until Monday, and that I shall have the time necessary to discuss my amendment—I shall not be unreasonable—and to have a vote on the amendment Monday, that will be agreeable to me. In the meantime, I shall continue with my remarks.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. REED of Missouri. We can not agree unless we understand each other. If the understanding is that to-night I shall be given the floor for the purpose of presenting the amendment, and then have the floor and the right of way with the amendment on Monday morning at 11 o'clock, I am agreeable, but if other business is to be interjected, if, for instance, the Senator's amendment should be pending and should involve discussion, then I would not be willing to make this arrangement.

Mr. SMOOT. The Senator would be willing, however, if it did not involve any further discussion?

Mr. REED of Missouri. Yes.

Mr. SMOOT. And if we would vote upon the amendment of the Senator from Minnesota immediately on meeting Monday?

Mr. REED of Missouri. Yes.

Mr. SMOOT. I thought that was all the Senator was asking.

Mr. LA FOLLETTE. Mr. President, will the Senator from Minnesota yield?

Mr. SHIPSTEAD. I yield.

Mr. LA FOLLETTE. I suggest that the unanimous-consent agreement should be plain and specific. I object to having a unanimous-consent agreement presented and then having it modified by the opinions expressed by a dozen different Senators as to how they interpret it. If we are to have an understanding concerning a limitation on debate, it should be clear and should appear in the unanimous-consent agreement, because it has been my experience that these unanimous-consent agreements, after they are entered into, always result in disappointment and hard feelings on the part of Senators who are shut out when the debate is limited. Therefore, I suggest to the Senator from Utah that he prepare a unanimous-consent agreement which will be clear and specific and present it, and then if it is adopted, there will be no misunderstanding.

Mr. SMOOT. Mr. President, let me read this agreement to the Senate.

Mr. SWANSON. Let the clerk read it.

Mr. SMOOT. Very well; let the clerk read it.

The PRESIDING OFFICER. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That when the Senate concludes its business to-night it take a recess until 11 o'clock a. m. on Monday next; that after the hour of 1 o'clock p. m. on said day no Senator shall speak more than once nor longer than 10 minutes upon the pending bill (H. R. 1), the tax reduction bill, nor more than once nor longer than 15 minutes upon any amendment proposed thereto, and that the Senate remain in session until the said bill is finally disposed of.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. SHIPSTEAD. I yield.

Mr. WATSON. I would like to ask the Senator from Utah what he contemplates shall be done in the two hours from 11 to 1 o'clock?

Mr. SMOOT. The Senator from Missouri expects to offer his amendment to-night and after the vote is taken on the pending amendment of the Senator from Minnesota, without any further discussion, at 11 o'clock Monday, then the Senator from Missouri would have the floor.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. SHIPSTEAD. I yield.

Mr. LA FOLLETTE. That is the point I am making. I desire to have that embodied in the agreement, because there are several Senators who have amendments which they consider important and if they discover, after this agreement has been entered into, that some of the rights which they thought they had protected in consenting to the agreement have been yielded, there will be hard feelings and a good deal of acrimonious debate on Monday. I suggest that the specific terms of the agreement be written into the agreement itself and then presented.

Mr. SMOOT. Let me suggest that we make it apply at 2 o'clock on Monday, then.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. SHIPSTEAD. I yield.

Mr. McMASTER. Personally, it is perfectly agreeable to me that the Senator from Missouri should occupy the time from 11 o'clock until 1 o'clock, and I am very glad that he shall occupy the time in discussing his amendment. However, there are two or three amendments pending which those who have introduced consider of equal importance. Therefore, while I am perfectly willing to give the Senator from Missouri that time, I do not feel that it is fair to those who have introduced other amendments to be limited to 15 minutes.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. SHIPSTEAD. I yield.

Mr. REED of Missouri. I want to set myself right on this matter. I have not been trying to claim any special rights. I was asked if I would consent to the 10-minute rule to apply to Monday morning. I said I would not, that I desired to present the amendment. I was then asked if two hours would be sufficient in which to present it and debate it and, while I disliked to do so, I said I would consent to that arrangement. Thereupon this controversy arose. If other Senators have other amendments which they want to present, they certainly are entitled to stand here and insist upon that right; and I do not claim any rights over them at all.

Mr. McMASTER. How much time would the Senator from Wisconsin [Mr. BLAINE] need for his amendment?

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. SHIPSTEAD. I yield to the Senator for the purpose of answering the Senator from South Dakota.

Mr. BLAINE. As I have observed the debate, I find that the interruptions are usually at greater length than debate by the Senator who has the floor. The constant interruptions consume the time and leave the argument unfinished. I would not want to consent to a mere bagatelle of time.

Mr. NEELY. Mr. President, I demand the regular order. If we are going to stay here all night, let the Senator from Minnesota proceed with his speech.

The PRESIDING OFFICER. The regular order is demanded. The Senator from Minnesota has the floor.

Mr. SHIPSTEAD. Before I continue my remarks I will state to the Senator that I was told the intention was to continue until 12 o'clock to-night if necessary, and I made preparations to do that. I am perfectly willing to go home if we can get a unanimous-consent agreement that I shall have the floor on Monday morning and continue my remarks. I shall not take very much time. But I want to discuss the amendment, and I

want to vote on it. Whatever agreement is arrived at is immaterial to me; but I do not want my amendment displaced by any other until we have had a vote upon it.

Mr. WATSON. Mr. President, I suggest that the Senator proceed and conclude his remarks. That is the only sensible way to get along.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. SHIPSTEAD. I yield.

Mr. HEFLIN. I wonder if the unanimous-consent request can not now be granted? I think we understand it, in view of the statement just made by the Senator from Minnesota.

The PRESIDING OFFICER. Several Senators objected to the unanimous-consent agreement and the regular order was called for. The Senator from Minnesota has the floor and he will proceed.

Mr. SHIPSTEAD resumed his speech, and after having spoken for some time—

Mr. HEFLIN. Mr. President, I should like to inquire of the Senator from Minnesota and the other Senators who are in charge of this bill if there is not some chance now to get an agreement, so that we can adjourn until Monday? I understand that a good many Senators are not going to be here to-night and we will not have a quorum; and if a point of no quorum is made it will be impossible to obtain it. I submit that it is not fair to Senators who stay here all the time to keep them here when nothing is going to be accomplished by it. If we are going to discuss a question of importance, like that which the Senator from Minnesota is now discussing, we ought to have a full Senate here. We would all feel better and fresher if we should come back here Monday morning and go to work on this matter.

Mr. JOHNSON. Mr. President, I can answer one part of the Senator's question if he will permit me to do so. There is not going to be, immediately, a unanimous-consent agreement. Whether or not there may be later depends upon circumstances.

Mr. DILL. Mr. President, will the Senator yield to me? I want to ask him whether he thinks it is proper, when Senators are notified that we are going to stay here to-night, and break engagements that they otherwise would keep on the theory that they will be kept here, then, at a certain hour when we ordinarily would adjourn to make an agreement and adjourn or recess?

Mr. SMOOT. Mr. President, I want to say that I did intend to ask the Senate to remain here, and I am perfectly willing to do so now. All Senators know that the senior Senator from North Carolina [Mr. SIMMONS] is really a sick man. He wanted to offer an amendment in which he was interested; he wanted a few minutes to speak on it, but he simply said that he had to go home. I tried to get a unanimous-consent agreement on that account. I am perfectly willing to stay here and vote upon the bill, if we can get a vote to-night.

Mr. JOHNSON. All right; let us proceed.

Mr. HEFLIN. Mr. President, the Senator from California is occupying a rather peculiar position here. I know how anxious he is about his bill, but he is accumulating wrath against it when he is threatening the Senate.

Mr. JOHNSON. I am not threatening the Senate in the slightest degree. I am saying that I do not consent at the moment to any unanimous-consent agreement. I threaten nobody, at any time, or under any circumstances. I never have done it, and never will do it; but I do not propose, sir, that any time shall be wasted that may be saved.

I am here under just the same inconvenience that other Senators are here. I have been sitting here since 11 o'clock this morning, and I have pending a measure that ought to have the consideration of the Senate; and that measure is going to have the consideration of the Senate if it be possible for me to have that bill before the Senate. To take another day, when notice was given that we would sit here until this bill should be passed, does not seem to me to be just to the pending legislation, or just to the Members who have stayed here.

Mr. HEFLIN. Mr. President, there is no necessity for adjourning Congress on the 1st of June. We can stay here until July, and transact the business of the people.

Mr. JOHNSON. I agree with the Senator on that. I think we ought to stay here and finish all the important legislation.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum is suggested.

Mr. ROBINSON of Arkansas. Mr. President, I inquire if the Senator from Minnesota [Mr. SHIPSTEAD] yielded?

Mr. COUZENS. Yes; the Senator yielded. I asked him if he would yield.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McMaster	Shipstead
Barkley	Fess	McNary	Shortridge
Bingham	Fletcher	Mayfield	Smoot
Blaine	Gerry	Moses	Steck
Borah	Gillett	Norbeck	Steiwer
Bratton	Glass	Norris	Stephens
Brookhart	Greene	Nye	Swanson
Broussard	Hale	Oddie	Thomas
Bruce	Harrison	Pine	Tydings
Capper	Hawes	Pittman	Vandenberg
Caraway	Hayden	Reed, Mo.	Walsh, Mass.
Couzens	Heflin	Reed, Pa.	Warren
Curtis	Johnson	Robinson, Ark.	Waterman
Cutting	La Follette	Robinson, Ind.	Watson
Deneen	Locher	Schall	
Dill	McKellar	Sheppard	

Mr. LA FOLLETTE. I desire to announce that the junior Senator from Montana [Mr. WHEELER] is absent on account of a death in his family.

The VICE PRESIDENT. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. SHIPSTEAD resumed and concluded his speech, which is entire as follows:

Mr. SHIPSTEAD. Mr. President, I am not going to delay the Senate very long. I hope during the little time that I shall occupy the floor we may have order, though I realize that at this time in the afternoon the Senators are tired and are hungry. I should very much have preferred if my amendment could have been taken up on Monday, but in view of the fact that the chairman of the Finance Committee has intimated that he desired to conclude the consideration of the bill to-night, I feel impelled to offer this amendment now and to submit a few remarks upon it.

Mr. President, I have supported the main features of the revenue bill as proposed by the committee which we have been considering. The bill proposes to reduce the taxes on corporations and incomes of those who have incomes sufficiently large to require them to pay income taxes, but I find nothing in the bill giving relief to that class of people in the United States who during the last half-dozen years have had no incomes sufficiently large to bring them in the category of those who have to pay any kind of an income tax; and yet they are engaged in a business that is recognized as the fundamental business of the Nation, that of producing the Nation's food. I am not going to take up the time of the Senate to go into the harrowing details that have been presented so many times on the Senate floor previously during the many years the farm-relief question has been discussed.

To my knowledge, since I had the honor to come to the Senate, there has been, with the exception of the McNary-Haugen bill, no farm legislation of any great consequence enacted. Early in the present session the Senate voted overwhelmingly in favor of a resolution requesting the House of Representatives to initiate tariff legislation for the purpose of reducing the tariff on manufactured products. I think I am correct in saying that in so doing the Senate recognized that there was a disparity in the operation of the tariff as between certain sections and industries of our country. It was hoped that the House would recognize that condition and would initiate a policy of tariff revision to bring to parity the economic condition of industry and agriculture, which was a principle that had been accepted and expounded by all political platforms, and a principle which, I believe, no man in public life has the courage to argue against. The House of Representatives, however, did not see fit to initiate that kind of legislation. The disparity in the economic condition as between agriculture and industry remains the same.

It was frankly stated upon the floor of the Senate during the debate on that resolution, and it was generally recognized that tariff rates on agricultural products were too low in many instances, and that many articles of agricultural production were on the free list. It was also frankly recognized that the rates on some manufactured articles were too high in proportion to the rates on agricultural commodities. It was also recognized that it was in many instances very difficult to make tariff schedules effective as to agricultural products, but it was hoped that by reducing the tariff rates on manufactured commodities the exchange value of the farmer's dollar would be raised more nearly to par.

Later the Congress in its wisdom passed what was called the McNary-Haugen bill, the so-called farm relief bill. To those who have conscientiously made known on many occasions their opposition to any protective tariff at all, I want to say that those who have voted in favor of the so called farm relief bill can have no qualms of conscience in voting for the pending amendment to the revenue bill, because the very foundation of the McNary-Haugen bill is a protective tariff.

Whether you admit it or not, the fact remains that every vote for that bill was a vote for the principle of protection. It was stated that it was passed for the purpose of making tariff schedules on agricultural products effective. It is an effort to equalize the inflation caused in part by this artificial and at present vicious interference with normal interchange of commodities in trade. As the system now operates, the farmer is the goat and is beginning to suspect it. If and when he becomes fully aware of it, you better look out. Your only cause for complacency now is that you are gambling on his continued ignorance of the facts.

It must be obvious to everyone, Mr. President, that if the McNary-Haugen bill is to make tariff schedules effective—and I think everyone who voted for the bill realized that was its purpose—it can have no effect unless there are tariff schedules to be made effective. The bill if it becomes law is useless without them. Let us not be fooled by any other claim.

I find that during the last year there was something like one billion and a quarter dollars' worth of agricultural products imported into the United States, and a large share of those importations entered into competition with agricultural commodities grown in the United States. For instance, in my State where we raise a great many potatoes, I am informed that more than 1,500 carloads of potatoes came in from Canada. The junior Senator from Idaho [Mr. GOODING] told me that on account of the importation of onions from Spain and from Bermuda the farmers in his State did not dig their onions last fall.

Last year something like 800,000,000 pounds of vegetable oils were imported into the United States, entering into competition with our dairy products, butter, and so forth.

From Canada there was imported, after the tariff was raised on butter by Executive order last year, the tariff on cream not having been increased, sufficient cream to make 20,000,000 pounds of butter, which entered into competition with butter produced on the farms of the United States.

Mr. REED of Missouri. May I ask the Senator what was the total consumption of butter in the United States?

Mr. SHIPSTEAD. I can not tell the Senator; I have not the figures before me.

Mr. REED of Missouri. I am interested in knowing what proportion 20,000,000 pounds would be of the total consumption. However, I do not wish to interrupt the Senator's thread of thought, and I will look the figures up for myself.

Mr. SHIPSTEAD. The question the Senator has asked is a fair one, and I regret that I have not before me the figures as to the total consumption. I will say to the Senator from Missouri, however, that I remember in 1925 when the Danish crown went to 50 per cent of par an American importer could take an American dollar and go over to Denmark and purchase Danish butter for 50 cents on the dollar, if he used American money, changing it into Danish money. Imports of butter started to come into the United States and it was claimed by those who had charge of the sale of butter for the large cooperatives of the United States that a very small importation of butter would seriously affect the price of the domestic product.

A man who had charge of the selling agency for a large butter cooperative informed me at that time that a very small quantity of imports hitting the peak of the market in New York would break the market all over the United States, because the price of butter for the United States is usually based upon the price at New York. So, a very small quantity of butter, say a hundred thousand pounds, entering New York in one day, I was informed, would adversely affect the market several cents. I think it is also true of other articles that when you have a certain amount that goes into the market, steadily flowing into the market, if you have an extra surplus piled upon that market it does not take very much to break the market. That is true of wheat. That is true of almost any commodity. I am also informed that it is true of automobiles, but particularly of perishable goods, although butter can be kept in storage.

It is to meet this importation of agricultural products that enter here under our present economic conditions that I have offered this amendment, in order that the American producer of agricultural products shall to some extent, so far as the tariff will aid him, obtain the American market.

There has been a great deal of controversy in recent years over the question of whether or not the tariff on agricultural products can be made effective. In some instances—as, for instance, in the case of butter—it is claimed by those who produce butter and sell it that the Executive order raising the tariff 4 cents was effective in raising the price of butter. In 1924, when the tariff on wheat was raised by Executive order to 42 cents a bushel, I have never been able to understand how that affected the price of wheat 1 cent a bushel.

Some one said to me, "In view of the fact that the McNary-Haugen bill was passed, why is it necessary now to pass an act raising or initiating tariffs on agricultural products?"

Rather than treating it as a substitute, I would consider this amendment to be a complement to the farm relief bill. That bill was based upon the idea that a farm board should purchase the surplus of agricultural products, and export these products to foreign countries, and exact an equalization fee on the American consumption in order to pay the loss on the exported surplus. It must be patent to everyone that if there are no tariff schedules on certain products, and there is determined to be a surplus in the United States, acting under the provisions of the McNary-Haugen bill, and the board goes into the market to purchase the surplus, if there are no tariff walls to shut out importations from foreign countries this board will be called upon to buy the surplus of the world in order to maintain an American price. So, without uniform tariff schedules forming a tariff wall to keep foreign products out of the United States, I do not see how the McNary-Haugen bill can be made to operate at all.

I have here some statistics and figures on imports of various agricultural products which I think it would be well for Senators to consider before we vote upon this bill.

The American protective principle has been built around the consideration that American markets must be preserved for American products. Paramount in the consideration of this principle has been the thought that only by such preservation of American markets for American products can American labor be adequately protected in the present standard of living.

That has been the principle of the protective tariff. However, we have gone through a revolutionary change in our economic system in the last number of years, due to the invention of new machinery and new increased production; and, as a result, the actual fact is that under the tremendous production of the last six years the figures of the Department of Labor statistics show that there are 32 per cent less men employed in the United States now than there were in 1920. The same Government reports show that the total monthly pay roll for the United States is 30 per cent less than it was in 1920 and that the total production of the average man engaged in industry is 34 per cent greater than it was in 1920. So the charge that the high-protective system for industry is of benefit to labor in the aggregate does not hold water when we take into consideration the economic condition of the last few years. Labor has not prospered with industry. There are too many of them out of work. Agriculture has not prospered, as the statistics of the Government and information revealed to the Members of the Senate have shown over and over again.

The overwhelming agricultural production of this country has, up until recent years, prevented any effective extension of this principle to agricultural products and to the great rural population engaged in the agricultural industry. In recent years, however, the agricultural situation has been changing rapidly; and the balance of trade in agricultural products has in many items swung from an export to an import basis.

In the question of dairy products, for instance, the balance of production and consumption is so finely set that we would undoubtedly be on an import basis were it not for such protection as has been thrown around dairy products by reason of present tariff schedules; and these are by no means adequate to prevent further expansion of imports in the future. In 1927 exports of dairy products reached a value of but $7,000,000, while in the same year imports were about $37,000,000; and in the case of many other items, particularly those classified as the vegetable oils and oil-bearing seeds, imports greatly overshadow the exports. As will be pointed out in the sections dealing primarily with these products, the imports in 1927 of inedible vegetable oils reached the enormous total of $67,000,000, while our exports, principally cottonseeds, were but six and one-half million. The American farmer asks no more nor less than that he shall be privileged to supply domestic demands.

Data tabulated from the reports of the Bureau of Foreign and Domestic Commerce, and therefore entirely reliable, reveal the astonishing situation that in 1927 practically one-half billion dollars' worth of markets for agricultural products were denied to the American producers, and were filled with importation from foreign countries. In many cases the products involved will be surprising to those who have not studied the situation carefully—dairy products, for instance, a question of $12,000,000; nearly $20,000,000 worth of grains; $22,500,000 worth of vegetable oils; $64,000,000 worth of vegetable seeds classified as oil bearing; $46,000,000 worth of raw cotton; $113,-

000,000 worth of hides; $7,000,000 worth of poultry products, and so forth, making a total of $429,000,000.

If by adequate tariff protection this market can be diverted to American producers, then diversified farming, so loudly extolled by our farm advisers, would mean something. It should be kept in mind that the shift of agricultural energy from one line to another tends to preserve the balance of agricultural protection. If we protect what may appear to be insignificant items when viewed in relation to the aggregate of imports, such as vegetable production, poultry production, and dairy production, we will immediately make it profitable to the American farmer to throw more energy into these lines, and thus automatically reduce the tremendous exportable surpluses in what are commonly called the staple crops. Particularly by adequate tariff protection is it possible to encourage the expansion and development of production in those crops which are the source of the vegetable oils; and this may very properly be considered also in its relation to the animal oils and fats, since for many uses the different oils are interchangeable. Perhaps in no other specific place can the Government of the United States bring to the farmers of America more encouragement and more substantial aid than in the wise application of tariff schedules to the various importation of oils and fats; and the importations of these make up a very substantial proportion of the total of the one-half billion dollars of American markets which are now denied to our domestic producers because of competition which they can not face from foreign countries, many of which, particularly the oriental ones, have standards of living and costs of production far below anything in our own country.

Mr. President, I not often accepted the orthodoxy of the Secretary of Agriculture in his discussion of agricultural questions; but for those who consider his opinions orthodox I want to quote from his annual report, the Yearbook for 1926, on page 25, where he says:

> Under our high-tariff régime such tariff rates should be placed on farm products, article by article, as will insure the producer the home market.
>
> In these circumstances I have little confidence in a method of tariff making for agricultural products based on supposed differences in production costs. The only method of setting up a workable and effective tariff for agricultural products is to do what used to be done decades ago for manufacturing industries, namely, to fix rates at such a height as effectively to give the home market to domestic producers.

The first schedule of the amendment is an amendment to paragraph 4 of the tariff act of 1922, affecting the duty on blackstrap molasses. The present duty is one-sixth of a cent, and under the pending amendment the duty would be 10 cents.

There were imported into the United States in 1927, 245,000,000 gallons of molasses, of which 181,000,000 gallons were blackstrap. This 181,000,000 gallons was used for consumption in this country, and was imported from Cuba. Total excise taxes of $283,000 were collected on this importation of blackstrap molasses, and this is equal to a calculated ad valorem rate of 3.16 per cent. This is a rate far lower than that applying to agricultural products generally, and very much lower than the average rate applied to manufactured products. The total available supply of blackstrap molasses in this country in 1927 was between three and three and one-fourth million gallons. This is imports plus production. About three-fourths of the total supply is used for the production of industrial alcohol. The major use for industrial alcohol in this country at the present time is either separately or in combination with other materials as an antifreeze product. Less than one-sixth of the available supply of blackstrap molasses is used in the manufacture of animal feeds. No additional duty is asked for the portion of imports which may go into the production of feed for farm animals.

Other uses for molasses are for the manufacture of yeast, glycerine, and vinegar; but in none of these is an important part of the product used. It is estimated that about 2½ gallons of blackstrap molasses are required to produce 1 gallon of alcohol. The average price of blackstrap for a recent period of years has been about 6½ cents. This makes the cost of raw material for 1 gallon of alcohol 15 cents.

Formerly, practically all industrial alcohol produced in this country was manufactured from the lower grades of corn.

With the development of blackstrap molasses as a source of raw material, this market for corn was lost to the American farmer. It requires about two-fifths of a bushel of corn to produce a gallon of alcohol. Something like 40,000,000 bushels of corn a year would be required to supply the alcohol needs of this country at the present time. At 90 cents per bushel, the cost of raw materials in 1 gallon of alcohol would be about 36 cents. Since it requires two-fifths of a bushel of corn to produce 1 gallon of alcohol, with this margin between the cost of molasses and the cost of corn as raw materials, the proposed duty of 10 cents per gallon is quite moderate, and will by no means compensate for the difference in the production cost of corn and molasses.

Table showing the duty per gallon on molasses testing 48° and above total sugars:

Molasses testing not above—	In general (cents per gallon)	From Cuba (cents per gallon)
48°	0.25	0.20
49°	.52	.42
50°	.80	.64
51°	1.07	.86
52°	1.35	1.08
53°	1.62	1.30
54°	1.90	1.52
55°	2.17	1.74
56°	2.45	1.96
57°	2.72	2.18
58°	3.00	2.40
59°	3.27	2.62
60°	3.55	2.84
61°	3.82	3.06
62°	4.10	3.28
63°	4.37	3.50
64°	4.65	3.72
65°	4.92	3.94
66°	5.20	4.16
67°	5.47	4.38
68°	5.75	4.60
69°	6.02	4.82
70°	6.30	5.04
71°	6.57	5.26

The next schedule is paragraph 19 of the tariff act of 1922, dealing with casein and lactarene, products of skimmed milk, and a very important outlet of the dairy industry.

The present duty on casein is 2½ cents per pound. We propose an increase on this product to 6 cents per pound, or not less than 50 per cent, ad valorem. The imports of casein, which are largely from the Argentine, were in 1927 in excess of 24,000,000 pounds. If the duty on casein were raised sufficiently so that the domestic producer could manufacture this additional volume of casein, it would provide an outlet for a billion pounds of skimmed milk, which would be equal to a market for 2½ per cent of all the skimmed milk available in the United States for feeding and casein manufacture purposes. This additional market would help to relieve the corn and hog situation, since with more skimmed milk utilized for making casein there would be less skimmed milk fed and a greater market for corn for feeding purposes. There has recently been a marked decline in the price of condensed and evaporated milk. This has worked great hardship on the dairy industry. The utilization of additional skimmed milk in the manufacture of casein would help to relieve the present market on condensed and evaporated milk from absorbing large volumes of skimmed milk.

Certain interests four years ago requested the Tariff Commission to investigate the cost of producing casein in the United States and the Argentine, with the idea of reducing the present tariff rates on casein. The United States Tariff Commission made an exhaustive study and the commission reported to the President in 1926 that they were unable to find what difference in costs existed between the United States and the Argentine in the production of casein. The commission did find that the price paid for milk in the Argentine was only 96 cents per hundredweight, or 2 cents per quart. The very fact that imports of casein from the Argentine have doubled since the 2½-cent duty was imposed indicates that we have not properly protected domestic producers, and that a duty of 6 cents per pound is necessary to encourage a greater use of skimmed milk in the United States for casein manufacture. The States which are particularly interested in the present manufacture of casein extend from Vermont to California. New York is the leading State, manufacturing about 5,000,000 pounds; Wisconsin is next, with 3,600,000 pounds; California is third, with 3,500,000 pounds; and Vermont is fourth, with 1,200,000 pounds. The possibility of the increased manufacture of casein in all these States is tremendous, providing proper protection can be given to the domestic producer from the large imports from the Argentine, where milk is produced at exceedingly low costs and where manufacturing of casein is carried on by cheap labor.

Paragraphs 53, 54, 55, 57, 58, 757, and 760 deal with vegetable and animal oils, and the comparative duties are shown in the following table:

Paragraphs 53, 54, 55, 57, 58, 757, and 760—Vegetable and animal oils

Present duty		Proposed duty
	PARAGRAPH 53	
	Animal oils, per gallon:	
5 cents	Cod, herring, menhaden,	23 cents, but not less than 45
6 cents	whale, and seal.	per cent ad valorem.
20 per cent	All other	30 per cent.
	PARAGRAPH 54	
	Vegetable oils:	
1½ cents	Hempseed, per pound	2 cents per pound.
6 cents	Rape seed, per gallon	
Free	Tung, palm, and perilla	
3.3 cents	Linseed, per pound	4 cents, but not less than 45 per cent ad valorem.
20 per cent	All other	Not less than 45 per cent ad valorem.
	PARAGRAPH 55	
	Vegetable oils, per pound:	
2 cents	Coconut	4 cents, but not less than 45 per cent ad valorem.
Free	Palm nut	
2½ cents	Soya bean	3 cents, but not less than 45 per cent ad valorem.
	PARAGRAPH 57	
4 cents	Hard oils, per pound	5 cents, but not less than 45 per cent ad valorem.
	PARAGRAPH 58	
25 per cent	Oil combinations	Not less than 45 per cent ad valorem.
	PARAGRAPH 757	
	Peanuts, per pound:	
3 cents	Not shelled	6 cents.
4 cents	Shelled	8 cents.
	Blanched	9 cents.

Paragraph 1560—Cotton

Present duty: Free list.
Proposed duty:

	Per pound
Cotton with staple under 1⅛ inches	4 cents
Cotton with staple 1⅛ inches	6 cents
Cotton with staple 1 5/16 inches	7 cents
Cotton with staple 1 7/16 inches	8 cents
Cotton with staple 1 9/16 inches	9 cents
Cotton with staple 1¼ inches	10 cents
Cotton with staple 1 7/16 inches	12 cents
Cotton with staple 1⅜ inches	14 cents
Cotton with staple 1½ inches and longer	15 cents

Considerable quantities of both long and short staple cotton have been imported into the United States in recent years. The volume of imports since 1922 has ranged from approximately 168,181,000 pounds in that year down to 156,680,000 pounds in 1925, and back to 181,393,000 pounds in 1926, and up to 205,609,000 pounds in 1927. Last year we imported 695,800,000 pounds of long-staple cotton and 130,029,000 pounds of short-staple cotton; the aggregate value of these imports was $45,669,000. This cotton came from the United Kingdom, Mexico, Peru, British India, China, and Egypt, and one or two other countries. Most of the long-staple cotton comes from Egypt and Peru, although undoubtedly some short staple comes from both of those countries.

At this point I desire to call the attention of my colleagues on the Democratic side to the fact that while American short-staple cotton is being forced to find a market in various parts of the world, and one of the problems of southern cotton growers is how to dispose of the lower grades of cotton and the shorter lengths, increasing quantities of low-grade cotton are coming into this country from China, British India, and Mexico.

With respect to the duties in my amendment proposed to be levied upon long-staple cotton, these duties were carefully worked out by the Mississippi Staple Cotton Growers' Association, perhaps the largest single agency handling American long-staple cotton in the United States. This association is a cooperative association, and markets approximately 250,000 bales of long-staple cotton every year. It finds itself in competition with the long staple from Egypt and Peru. With respect to American cotton, as well as other farm products, it is high time for us to say, "American markets first."

Paragraph 760—Oil-bearing seeds

Present duty		Proposed duty
40 cents	Linseed, per bushel	75 cents.
Free	Copra and palm-nut, per pound	3 cents or not less than 40 per cent ad valorem.
Free	Hemp, palm, tung, rape, perilla, sesame, and all other, per pound.	½ cent but not less than 35 per cent ad valorem.

By far the greatest problem confronting American farmers with respect to international competition is that of the oils and fats. More farmers have an interest in this subject than any other because of the interchangeability of the various oils and fats. This interchangeability has caused the prices of the various oils and fats to run fairly close together so that the question as to what oil or fat might be used in a formula for making a product like oleomargarine or soap, to some extent at least, is determined by the price of the oil. For example, if large quantities of coconut oil, palm oil, soya-bean oil, and whale oil were seeking a market the soap buyer would in a great measure determine his policy by the respective prices of those oils. If palm oil were a shade under soy-bean oil he would buy palm oil; but if menhaden fish oil or certain grades of cottonseed oil had their prices beaten down by the competition from the other oils and were to be offered at a shade lower, then the users would take the domestic oils.

The same thing is true of a wide variety of other oils and fats which are listed in my amendment for raises of duty.

These various oils and fats, particularly the vegetable oils, have been coming into this country in increasing quantities year by year. In 1912 our gross importation of principal vegetable oils amounted to 282,177,000 pounds. In the same year, of animal and fish oils, fats and greases we imported 47,906,000 pounds, and of oleaginous raw materials we imported the oil equivalent of 145,474,000 pounds. These importations have increased steadily until they reached what appeared to be a peak in the war year of 1918 when we imported of vegetable oils 877,392,000 pounds; of animal and fish oils, fats and greases 114,161,032 pounds, and of oleaginous material 808,894,000 pounds. At that time we were buying for our allies as well as ourselves and a considerable percentage of the oils and fats were exported to Western Europe. Our importations gradually fell off until 1921. Since that time they have increased steadily, and in 1926 we imported of the principal vegetable oils 751,741,684 pounds; of animal and fish oils, fats and greases 119,983,255 pounds; and of the oil equivalent in oleaginous materials 867,046,000 pounds.

In 1927 we imported of the principal vegetable oils 773,226,000 pounds; of animal and fish oils, fats, and greases, 146,959,000 pounds; of the oil equivalent in oleaginous raw materials, 830,132,000 pounds.

In other words, this country, aside from butter imports, is annually importing of oils and fats approximately one and three-fourths billion pounds.

But that is not the whole story. Some of those oils are on the free list and some are on the protected list, while coconut oil, one of the major oils, appears to be on the protected list but is on the free list, because of our relations with the Philippine Islands.

When the tariff act of 1922 was passed, copra, from which coconut oil is produced, was placed upon the free list. Now, copra has an oil content of 65 per cent, whereas the duty on coconut oil was placed at but 2 cents per pound. Notwithstanding the fact that the duty on soya-bean oil, which has a maximum oil content of 18 per cent, was placed at 2½ cents per pound. This duty on coconut oil at once caused a diminution in imports from foreign countries, with the exception of certain fine grades of coconut oil known as cochin, while it gave a virtual monopoly to the coconut-oil mills of the Philippine Islands, who were enabled to ship this oil into the United States without paying any duty. In consequence, approximately 99 per cent of the coconut oil coming into the United States to-day comes from the Philippines.

The record of imports of coconut oil is rather significant. In 1912 we imported from all countries 46,720,000 pounds, in 1928 we imported 356,089,000 pounds. Imports thus gradually declined until 1923 when we imported 181,282,149 pounds. Since that time our imports of coconut oil have advanced steadily, and in 1926 we imported 245,129,333 pounds. In 1927 we imported 293,370,000 pounds.

The coconut-oil content of copra, much of which also comes from the Philippine Islands and which is on the free list, has increased in imports from 23,142,000 pounds in 1913 steadily year by year until in 1926 it reached the enormous amount of 317,439,000 pounds; in 1927 these imports totaled 293,146,000 pounds so when considering the quantities of coconut oil that comes into this country both as copra and as coconut oil, we have more than a half billion pounds of the product to add to our fat supply.

Coconut oil is competing with butter in many other ways than as margarines. It is going into the baking and confectionery trades to a great extent, and it is also competing with cottonseed oil and other oils in the manufacture of soap. From a tariff point of view, American producers are least protected

against coconut oil and copra of all the oils and oleaginous materials. This is because of the fact that copra is on the free list and coconut oil from the Philippines comes in duty free. Much of the Philippine coconut oil is pressed from copra brought into the Philippines from oriental sources.

And this importation, since the passage of the tariff act of 1922, means that we are allowing the Philippine producers of copra and crushers of coconut oil to wax fat at the expense of American producers of dairy products, cottonseed, soya bean, and peanut oil.

At this point it is well to call the attention of the Senate to the fact that our relations with the Philippines have been a very expensive proposition for the American people. Aside from the original purchase price in 1898 of $20,000,000, we have actually expended upon the Philippines one-half billion dollars more than the revenue of the Philippines has produced from taxation. Our net loss last year was over $12,000,000.

In addition to the fact that we have given these islands the benefit of a monopoly of trade with the United States at the expense of our producers of raw materials, it is high time that we look at this issue squarely and determine upon a policy of protection for our own people. If the Philippines are to be a constant deficit to our Treasury as well as a source of danger to us in our international relations, some steps should be taken to obviate one or the other of these evils. The simplest step would be to place a tariff upon those products from the Philippines which come into injurious competition with the products of our American farms.

Now, let us see what happens by virtue of the interchangeability of these oils and fats. As long as soya-bean oil was on the free list importations into this country increased steadily from 1912 to 1918, when 335,984,000 pounds of soya-bean oil were brought into this country. Even in 1920, before soya-bean oil was caught by the emergency tariff act of 1921, we imported 112,213,750 pounds. As soon as the tariff was placed upon soya-bean oil its importation dropped to a little over 17,000,000 pounds in 1922, rose to approximately 42,000,000 pounds in 1923, dropped again to 9,125,000 pounds in 1924, and then dribbled down to approximately 6,000,000 pounds in 1926. Now, what is behind the story of this decrease of importation? If Senators will trace the importation of palm oil into the United States and the importation of whale oil, they will find the reason why. Palm oil is on the free list and whale oil bears the relatively small duty of 6 cents per gallon. In 1921 we imported of soya-bean oil approximately 17,000,000 pounds and of palm oil approximately 23,000,000 pounds. Palm oil then began to increase in importations. In 1922 we imported of palm oil approximately 57,000,000 pounds; in 1923 we imported over 128,000,000 pounds; in 1925 we had imported approximately 139,000,000 pounds; in 1926 approximately 131,000,000 pounds; and while palm oil remains on the free list, it is still necessary for the producers of this country to ship quantities of our cottonseed oil abroad because these cheaper oils continue to come into this country and displace uses which for years have been established for this important southern product.

At this point I call the Senators' attention to the fact that while the oleomargarine industry is in competition with the dairy industry of this country, the shifts in the use of ingredients going into oleomargarine has become so marked in the past few years that this substitute for butter is becoming more and more a product made from imported materials originating largely in the oriental countries where labor and costs of living are so low as to enable them to produce and export to us at prices which tend to hold down the entire price structure of our American fats.

In 1916 oleomargarine was made largely from materials produced in the United States. Of oleo oils we used 97,000,000 pounds; of cottonseed oil 64,000,000 pounds; of neutral lard 42,000,000 pounds; in 1927 of coconut oil 27,000,000 pounds. Note the shift in ingredients. In 1927 of oleo oil the margarine industry took only 49,000,000 pounds of cottonseed oil; 23,000,000 pounds of neutral lard, and 25,000,000 pounds of neutral lard, while the use of coconut oil had increased to 108,000,000 pounds.

As a side light upon this situation, let us take the case of peanut oil, which once promised to be an important factor for southern producers. In 1916 the oleomargarine industry used 20,000,000 pounds of peanut oil. In 1927 it used less than 5,000,000 pounds. On the other hand, considerable quantities of peanut oil and coconut oil have crept into a new product which is made of these two oils plus a little salt and a considerable quantity of moisture, and is being sold under various trade names for cooking purposes. It is also being used, according to testimony before the Senate and House Committees on Agriculture in this session, as a substitute for butter and oleomargarine. The exact amount produced of this product is not known because the internal treasury has no way of checking on its production, but this product consists of over 60 per cent coconut oil and about 20 per cent peanut oil. The House Committee on Agriculture recently reported favorably to include these products under the regulations of oleomargarine.

But peanut oil also is an imported product. Largely because of the market prices on these oils it is difficult for our American producers to grow peanuts for an oil market, and even to that extent we find a marked increase in the use of foreign-produced materials in the various types of margarines.

Now, from where do these oils come? Soya-bean oil is produced principally in northern and southern Manchuria. Manchuria is a pioneer country which had hardly received the touch of the Chinese plow until the birth of the Chinese Republic, having been received by the Manchu dynasty as its personal property.

With the building of the Chinese eastern railway and the south Manchurian railway connecting this vast territory equal in size to the States of Texas and Minnesota, combined with the ports of Vladivostok, Dairen, and the opening up of the Korean territory through the port of Fusan, rapid transportation was made available for numerous quantities of soya-bean and soya-bean oil exports. A great oil-milling industry sprang up in Harbin, Chang-Chun, Dairen, Port Arthur, and Antung. In addition a considerable oil-milling industry was developed in Japan, which thrived upon imported soya beans, copra, and fish oils. Since the advent of the railroad, Chinese settlement in Manchurian Provinces has progressed rapidly, and the Chinese have engaged in farming operations on the extensive rather than the intensive plan of cultivation; that is to say, they are using horsepower and in some large tracts they are using motor tractors. Already the imports of soya beans and soya-bean oil in terms of oil from Manchuria is equivalent to two and one-half million tons of oil. That is about one-half as much oil as would be produced from a normal cotton crop in the United States. Coconut oil comes to us principally from the Philippine Islands, but in normal years before the Philippine monopoly was created it arrived from various islands and countries of the Pacific South Seas, such as the Caroline Islands via Japan, Ceylon, and British India. Palm-kernel oil is largely an east African product, but much of it comes from the Dutch East Indies from Germany, where it has been processed.

Sesame oil is also a Chinese product, and is probably produced in other countries of the Orient. Our vegetable tallow comes from China; vegetable wax from Brazil, peanut oil from China, rapeseed oil from China and Japan, and linseed oil comes largely from Germany, the Netherlands, and the United Kingdom. As to flaxseed, our principal competitor now is Argentina. Last year we imported from Argentina nineteen and one-half million bushels of flaxseed, and from Canada two and one-half million.

The Chinese wood or tung oil comes from China; olive oil and olive-oil foots from Italy and Spain.

PRICE RELATIONSHIP

The following table shows the price relationship of the principal oils and fats on a pound basis. The figures given are on the 12-month average price:

	Cents per pound
Lard	12.6
Edible tallow	8.9
Prime tallow	8.2
White grease	8.7
Yellow grease	7.0
Whale oil	7.5
Menhaden oil	6.1
Cottonseed oil, crude	9.2
Peanut oil, refined	14.0
Peanut oil, crude	11.4
Corn oil, refined	11.6
Corn oil, crude	11.6
Soya-bean oil, crude	11.6
Palm oil	8.1
Coconut oil	9.8
Linseed oil (estimated 10-month average)	10.6

Organized agriculture insists that the farms of the United States are capable of producing indefinitely much greater quantities of oils and fats than are now produced and that we are internationally on a self-sufficient basis if the entire oils-and-fats production are considered as they should be considered in the light of their interchangeable uses. We are, in fact, on an export basis principally with respect to cottonseed oil and lard and some other fats.

Our dairy industry is to-day just about evenly balanced between production and domestic consumption. It also is capable of much greater expansion, and the time may not be far distant when the United States will be forced to compete on the world markets with export surplus dairy products.

In the face of this, the past policy of our Government has been to permit enormous quantities of these cheaper oils and

fats to come into this country and depress prices of American farm products, for no one can deny, for example, that the price of cottonseed and the price of flaxseed are largely determined by the prices of the residue oil contents of those commodities. Likewise the price of butter is to a great extent governed by the one-fourth billion pounds of oleomargarine annually produced and which sells at prices much under the butter prices. In fact, for years the margarine industry has exercised the position of a governor on the price of butter. American farmers, therefore, are asking, and with good reason, why they should be held down, and why the purchase power of their dollars should be kept so low as compared with the purchase power of the dollar of the industrial worker and the employing capitalist.

One key, at least, to unlock the door of prosperity for agriculture is the tariff on the foreign competing oils and fats.

I ask unanimous consent to have printed in the RECORD some tables relating to these schedules.

(There being no objection, the tables were ordered to be printed in the RECORD, as follows:)

Imports in pounds of principal vegetable, animal, and fish oils into the United States

[American Dairy Federation; National Cooperative Milk Producers' Federation; National Dairy Union; Southern Tariff Association]

Kind of oil	1912	1914	1916	1917	1918	1919	1920
Vegetable oils:							
Coconut	46,720,000	58,012,000	64,349,000	163,091,000	356,089,000	281,063,213	216,327,103
Cottonseed	2,160,000	16,016,000	16,598,000	13,826,000	18,373,000	27,805,784	9,457,924
Linseed	2,135,000	4,350,000	711,000	633,000	196,000	16,142,835	35,200,200
Olive—							
Edible	43,460,000	50,857,000	55,435,000	51,055,000	1,284,000	67,681,020	30,591,082
Inedible	5,794,000	5,609,000	6,335,000	4,476,000	3,000	2,118,405	496,118
Palm kernel	27,680,000	21,089,000	4,324,000	306	34,000	1,920,493	1,693,740
Palm	52,671,000	49,092,000	29,270,000	34,257,000	20,993,000	41,817,945	41,948,224
Peanut	7,626,000	7,365,000	15,674,000	27,405,000	68,466,000	154,052,378	95,124,273
Soy bean	24,959,000	12,555,000	145,409,000	264,926,000	335,984,000	195,808,421	112,213,750
Chinese nut (tung)	42,787,000	30,139,000	57,649,000	41,190,000	42,717,000	53,852,595	67,962,150
Chinese vegetable tallow and wax							
Rapeseed	10,266,000	11,172,000	20,181,000	10,132,000	23,079,000	8,375,295	12,907,470
Castor [2]	52,000	1,418,000	1,898,000	2,427,000	8,813,000	2,813,000	1,286,000
Hempseed [2]		2,000			187,000	1,379,000	458,000
Perilla [2]		117,000	65,000	442,000	1,015,000	4,743,000	7,582,000
Poppy seed [2]	63,000	59,000	47,000	20,000		2,000	5,000
Sesame [2]						4,723,000	807,000
Olive-oil foots	15,804,000	13,045,000	14,246,000	8,308,000	159,000	6,541,271	8,664,517
Total vegetable	282,177,000	280,897,000	432,191,000	621,648,306	877,392,000	870,848,655	642,724,556
Animal and fish oils, fats, and greases: [3]							
Whale—							
Sperm		1,178,565	448,620	361,335	451,785	935,602	748,372
Other	6,698,940	2,801,258	1,730,715	3,113,722	2,389,568	3,907,762	650,910
Cod	3,479,715	8,184,345	11,836,702	8,723,745	7,556,310	8,641,890	7,834,680
Cod liver	1,813,162	2,786,752	1,281,570	1,991,678	1,382,925	1,768,538	3,338,752
Herring, menhaden, sed, etc	4,552,703	3,881,715	5,400,248	17,100,098	13,222,838	4,065,840	4,318,815
Seal	8,872	1,348,005	3,825,465	3,889,927	4,693,792	173,408	98,138
Oleo stearin	4,912,710	5,679,535	910,478	1,113,277	1,556,781	2,358,206	962,657
Tallow	349,381	3,371,833	4,779,076	31,136,527	51,885,808	12,096,189	14,874,637
Wool grease—							
Crude	10,789,726	12,284,248	7,617,713	4,861,795	1,051,118	249,320	4,067,303
Refined or improved in condition	2,289,189	2,691,591	214,599	316,149	50	44,685	20,402
Other animal greases, fats, and oils, n. s. p. f	13,012,468	10,684,016	11,324,635	8,428,689	29,870,057	33,275,275	21,972,693
Total animal, etc	47,906,866	54,891,863	49,369,821	81,039,942	114,051,032	67,516,715	58,887,359

Kind of oil	1921	1922	1923	1924	1925	1926	1927 (preliminary)
Vegetable oils:							
Coconut	189,716,814	227,320,096	181,882,149	222,793,441	232,951,672	245,129,333	293,370,000
Cottonseed	668,551	20,779			63	6,678,588	
Linseed	60,090,712 [1]	144,136,792	43,096,714	13,247,190	13,906,301	9,609,896	946
Olive—							
Edible	49,710,742	61,186,645	77,190,457	76,186,446	87,683,133	80,782,584	75,025,000
Inedible	4,170,548	26,787,795	40,604,535	[1] 7,239,630	11,601,758	10,396,667	6,819,000
Palm kernel	2,383,483	1,714,880		4,747,597	52,624,334	74,979,912	43,115,000
Palm	23,155,230	57,516,889	128,494,679	101,779,802	139,178,587	130,746,694	159,911,000
Peanut	3,020,505	2,469,938	8,008,622	15,394,836	2,540,464	5,930,264	2,847,000
Soy bean	17,282,967	17,294,094	41,679,110	9,125,158	15,904,711	26,369,854	14,915,000
Chinese nut (tung)	27,248,888	79,089,292	87,291,675	81,587,854	101,554,515	83,003,774	89,650,000
Chinese vegetable tallow and wax		7,737,508	18,286,556	13,061,548			15,838,000
Rapeseed	7,151,918	10,860,765	15,932,475	17,362,080	12,675,930	20,767,777	19,102,000
Castor [2]	142,000	829,000	1,019,000	293,000	339,447	449,616	
Hempseed [2]		120,000	38,000		1,650	152,080	7,677,000
Perilla [2]	652,000	2,208,000	6,441,000	3,016,000	6,016,585	7,400,569	
Poppy seed [2]	10,000	12,000	15,000	19,000	63,739	175,990	
Sesame [2]	89,000	64,000	8,702,000	7,843,000	4,294,634	8,861,947	1,704,000
Olive-oil foots	14,857,675	11,365,717		24,678,006	40,829,228	40,306,139	42,307,000
Total vegetable	400,351,033	650,734,190	658,681,972	598,374,588	722,157,751	751,741,684	773,226,000
Animal and fish oils, fats, and greases: [3]							
Whale—							
Sperm	23,198	481,792	959,662	528,690	1,836,957	1,029,817	39,750,000
Other	2,747,858	32,111,745	28,852,860	37,528,342	53,558,332	39,249,150	
Cod	13,998,488	11,853,150	13,391,602	14,365,928	13,163,025	18,191,992	33,713,000
Cod liver	2,569,245	1,717,935	3,982,612	6,981,982	9,153,300	14,410,665	
Herring, menhaden, sed, etc	1,277,805	2,199,082	4,323,630	4,510,545	4,254,270	14,571,345	46,553,000
Seal	3,080,392	2,697,690	3,805,725	3,629,888	2,736,697	4,880,814	
Oleo stearin	418,708	292,733	215,542	1,009,492	891,395	1,960,180	15,969,000
Tallow	1,870,412	1,831,357	10,823,475	[2] 3,417,936	1,770,537	13,647,464	
Wool grease—							
Crude	2,625,340	13,363,570	8,310,183	11,632,581	91,111,552	10,497,675	10,974,000
Refined or improved in condition	64,874	483,991	1,121,016	1,111,267	855,949	1,299,247	
Other animal greases, fats, and oils, n. s. p. f	19,567,708	11,262,391	222,953	136,385	215,903	244,936	
Total animal, etc	48,244,028	78,295,436	76,009,260	84,853,036	94,811,220	119,983,285	146,959,000

[1] The 1924 figure for inedible olive oil includes denatured olive oil.

[2] The figures for these minor oils, as well as the figures for all the animal and fish oils, fats, and greases were taken from the imports for consumption in foreign commerce and navigation summaries.

[3] Includes hog fat.

Source: 1912 to 1918 from U. S. Department of Agriculture Bul. No. 769. 1919 to 1924 from Foreign Commerce and Navigation of the United States, Bureau of Foreign and Domestic Commerce; 1923 and 1924 figures for vegetable oils were taken from December, 1924. Part I, Monthly Summary of Foreign and Domestic Commerce, United States.

Imports of oleaginous raw materials in terms of oil into the United States, 1913, 1919-1924[1]

[American Dairy Federation. National Cooperative Milk Producers Federation. National Dairy Union. Southern Tariff Association]

	1913	1919	1920	1921	1922	1923 [2]	1924 [2]	1925	1926	1927 (preliminary)
	1,000 lbs.	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*
Castor beans	20,614	34,016	88,114	23,288	46,680	44,720	42,488	53,615	50,398	61,428
Copra	23,142	174,094	145,252	127,792	181,546	224,764	196,468	236,649	317,439	293,146
Cottonseed	554	11,398	13,022	14,018	10,440	11,690	16,158	10,851	10,021	18,756
Flaxseed	107,820	287,030	503,166	159,528	304,826	497,352	339,078	337,457	456,146	427,691
Hempseed	540	714	1,388	262	962	588	1,040	924	1,063	4,030
Mustard seed	4,070	4,552	2,900	2,420				4,407	4,556	
Palm and palm-nut kernels		2,014	3,124	862	70	2,782	6	21	149	
Peanuts	7,182	12,888	47,788	18,818	4,198	19,808	23,846	35,544	19,376	21,647
Perilla and sesame		12	70	120	184	6,824	6,932	1,950	1,441	2,107
Poppy seed	182	512	1,330	2,294	2,496	2,988	2,360	1,832	2,459	1,327
Rapeseed	1,636	1,930	2,204	1,944	2,408	3,186	1,840	2,833	3,247	4,030
Soy beans		746	536	674	604	622	716	648	633	
Sunflower seed					6	2,698	516	204	118	
Total	165,740	529,996	808,894	352,020	554,420	818,022	631,448	686,935	867,046	830,132

[1] The factors for converting the raw materials into terms of oil were taken from Foreign Crops and Markets, p. 395, Apr. 6, 1925, U. S. Department of Agriculture.
[2] "Other oil seeds" not included, since there is no way of determining what materials are included, and hence have no average percentage factor for converting into oil.
Source: Foreign Commerce and Navigation of the United States, Bureau of Foreign and Domestic Commerce.

Export of animal oils and fats, edible; animal oils and greases; inedible vegetable oils and fats, edible

[In quantities of 1,000 pounds]

Group and article	1910–1914	1922	1923	1924	1925	1926
Animal oils and fats, edible	1725,032	972,947	1,223,650	1,133,457	851,616	856,117
Oleo oil	16,225	109,387	98,955	99,380	91,972	96,902
Oleo stock		15,596	10,301	13,797	12,187	12,159
Tallow	29,009	31,376	35,129	33,962	17,514	10,628
Lard and substitutes—						
Lard	474,355	766,950	1,035,382	944,095	688,829	698,961
Neutral lard	43,572	20,497	24,129	27,365	18,854	18,116
Lard compounds, containing animal fats	67,319	16,286	7,451	7,382	14,091	10,581
Oleo and lard stearin		10,678	8,765	6,575	7,395	7,318
Oleomargarine of animal or vegetable fats	3,268	2,177	3,538	901	774	1,452
Animal oils and greases, inedible		74,980	74,690	91,765	90,507	79,610
Animal oils, except oleo oil—						
Neat's-foot oil		1,148	1,145	1,824	1,431	1,083
Other	8,721	3,243	2,971	1,874	2,147	680
Fish oils	7,681	1,084	1,038	778	614	809
Stearins and fatty acids, except oleo and lard stearin—						
Grease stearin	3,234	3,407	3,520	3,008	2,629	2,429
Oleo acid, or red oil		3,590	1,737	2,689	491	852
Stearic acid		5,036	2,863	2,198	1,931	1,012
Other animal greases, oils, and fats		57,472	61,416	79,394	81,264	72,765
Vegetable oils and fats, edible	291,149	107,714	64,348	54,856	76,918	50,478
Cottonseed oil	271,428	75,303	49,608	43,342	62,416	40,901
Crude		31,712	27,782	18,948	33,554	27,357
Refined		43,591	21,826	24,394	28,862	13,544
Corn oil	19,721	5,733	4,361	3,679	3,847	1,326
Cocoa butter		1,200	762	846	2,432	674
Vegetable oil lard compounds		25,478	9,617	6,989	8,223	7,586

Source: Statistical Abstract of the United States, 1926, U. S. Department of Commerce.

Production of peanut oil in the United States, calendar years 1919–1927

Calendar year	Crude and virgin	Refined [1]
	Pounds	*Pounds*
1919	87,607,000	184,604,000
1920	13,086,000	73,460,000
1921	33,234,000	34,200,000
1922	22,644,000	23,472,000
1923	5,338,000	5,950,000
1924	6,632,000	6,046,000
1925	15,852,000	8,360,000
1926	10,817,712	8,372,080
1927	10,589,613	8,414,484

[1] Includes a portion of the crude shown.

Source: 1919–1925 from Report of the U. S. Tariff Commission on Certain Vegetable Oils, Part 1; 1926 and 1927 from Statistics of Fats and Oils, published quarterly by the Bureau of the Census.
Prepared in Division of Statistical and Historical Research.

Imports into the United States of free agricultural products

[Calendar year 1926]

Products	Value of free imports for consumption
Total free merchandise imported for consumption	$2,908,107,735
Total free agricultural products (sum of details shown below)	1,250,553,928
Animals and animal products, edible (sausage casings, chief item $16,493,172)	23,338,310

Imports into the United States of free agricultural products—Continued

Products	Value of free imports for consumption
Animals and animal products, inedible	$534,471,583
Hides and skins	96,771,443
Silk, raw	402,675,581
Wool, unmanufactured	30,002,518
Animal oils and fats, inedible	2,866,803
Animals	2,155,238
Vegetable food products	493,408,056
Grains, etc. (wheat for milling and export, $21,488,632)	21,994,062
Fodders and feeds	2,124,523
Vegetables, etc	6,323,113
Fruits and nuts (bananas $31,684,306)	35,859,254
Cocoa, coffee, and tea	396,843,071
Sugar (Philippine and Virgin Islands)	30,234,033
Vegetable products, inedible	199,335,979
Oil seeds	24,275,823
Vegetable oils (coconut oil from Philippine Islands, $22,087,870)	61,943,150
Seeds, except oil seeds	1,183,076
Miscellaneous vegetable products	1,892,410
Cotton, unmanufactured	46,239,693
Jute, not dressed or manufactured	13,938,252
Manila fiber	18,282,084
Sisal	21,370,198
Other vegetable fibers	10,400,793

UNITED STATES TARIFF COMMISSION,
Statistical Division, April, 1928.

Mr. SHIPSTEAD. Mr. President, paragraph 723 relates to buckwheat, and the comparative duties are as follows:

Buckwheat, hulled or unhulled, per 100 pounds: Present duty, 10 cents; proposed duty, 40 cents.

This country in 1926 produced 12,922,000 bushels of buckwheat. This production was scattered over a variety of States, but the chief producers are New York, Pennsylvania, and Iowa. In the same year we imported 4,272,555 bushels. These imports came principally from Canada, which alone sent 4,170,118 bushels, while the Kwangtung Leased Territory exported to us 100,000 bushels.

Here is an excellent opportunity for those who believe in diversification as a means of assisting agriculture by protecting the home market by consumption of this very valuable food product. The use of this product is not as much appreciated in the United States as it is in some other countries, notably Russia, where it is an important element of the diet. It is admirably adapted for diversification purposes and its production should be encouraged in the United States.

Paragraph 724—Corn

	Present duty	Proposed duty
	Cents	*Cents*
Corn or maize, including cracked corn, per bushel of 56 pounds	15	30
Corn grits, meal, and flour, and similar products, per 100 pounds	30	50

While the total annual imports of corn in 1926 amounted to 1,055,382 bushels, valued at $909,027. Of this amount 724,167 bushels came from the Argentine, 234,391 from the Dominican Republic, and 85,392 bushels from the Kwantung leased terri-

tory. These imports for the most part were consumed in the Pacific Coast States, although smaller quantities of this corn got into Dakota and additional quantities were used in the Eastern States.

The principal reason why the duty on corn should be raised lies in the potential competition that we expect from Argentina in the near future, and also in the further fact that the consumption of corn by work animals has been decreased approximately 250,000,000 bushels annually according to figures compiled by a special committee of the Association of Land Grant Colleges. Just as the problem of finding a market for hay is intensified in the consumption habits of the country, so we have a similar problem confronting the corn producers.

For years the late Secretary of Agriculture, H. C. Wallace, pointed out the disadvantages experienced by the middle western corn producers by virtue of freight rates in reaching the eastern markets of this country with shipments of corn in connection with the competition from Argentina. But the railroads of the country are protected against material decline in freight rates on corn by virtue of the Esch-Cummins Transportation Act. It would, therefore, seem only reasonable that further protection should be given the Middle West by adding to the tariff duties on this product.

The proposed increase on corn and other products is to provide compensatory duties for American producers.

Paragraph 729—Wheat

	Present duty	Proposed duty
	Cents	*Cents*
Wheat, per bushel of 56 pounds	30	42
Wheat flour, semolina, crushed or cracked wheat not specially provided for, per 100 pounds	78	$1.04

The duty on wheat, wheat flour, and similar products was increased by Executive action following a tariff commission investigation, from 30 cents to 42 cents per bushel on wheat, and from 78 cents to $1.04 on wheat flour, semolina, and similar wheat products.

The purpose of my amendment with respect to wheat is to establish these duties by legislative action so that in case a new tariff investigation should be inaugurated it would be possible for a still further protection of the duties to be made in case such action might be found justifiable.

Notwithstanding the duty on wheat, the records of the Bureau of Foreign and Domestic Commerce for the calendar year 1926 showed that duty was paid upon 14,050,924 bushels of wheat, practically all of which came from Canada, and was entered principally in the custom ports of Buffalo and New Orleans.

Of dutiable wheat products we imported a total of 1,892,536 pounds of wheat flour; 1,544,193 pounds of biscuits, wafers, cakes, and so forth.

Paragraph 757—Peanuts

	Present duty	Proposed duty
	Cents	*Cents*
Peanuts, not shelled, per pound	3	6
Peanuts, shelled, per pound	4	8
Blanched, per pound		9

No section of this country is more admirably adapted to the production of peanuts than the Southern States. This valuable food product has both a high oil content, and has widespread use in this country for a variety of purposes. Not only in its roasted condition but in the confectionery trade it is a popular product, and one that should be made profitable for our own American producers. In spite of this the American peanut industry has suffered well-nigh murderous competition because of the great volume of this product that comes into the United States from other countries, principally China.

Like many other farm products the production of peanuts was expanded greatly due to the war impulse and the great needs in fats for the Allies. After the war production decreased for several years. This tendency to decrease was caused by the pressure here of huge quantities of peanuts which came into this country at times when domestic prices would reach a point which would permit profitable importation. For the last two or three years, however, the movement out of China of peanuts from the Chang-Tung Province has been more or less interrupted on account of internal warfare. In consequence the American peanut industry tended to pick up somewhat, as may be evidenced by the fact that in 1926 the production was 631,825,000 pounds, while in 1927 the production had come back to 866,820,000 pounds. Even under those conditions, however, the importation of Chinese peanuts amounted to 35,258,685 pounds in 1926.

I desire to call particular attention to the item in my amendment providing for an adequate duty on blanched peanuts. Blanched peanuts are peanuts which have undergone a process whereby the little skin on them is removed. By means of this process the importers have been able to bring peanuts in at a duty which would approximate 35 per cent ad valorem, whereas the duty on peanuts, shelled and not shelled, runs considerably higher. My amendment provides for a rate of duty which will put blanched peanuts in line with other peanuts as regards import duties.

Paragraph 777—hay: Hay, per ton: Present duty, $4; proposed duty, $6.

It may be surprising to Senators to learn that this country in the year 1926 imported 326,156 tons of hay from Canada, valued at $3,373,320. At the same time that we were importing hay on account of remarkable changes which have taken place within the farming industry as a result of the utilization of motor power and similar changes in the city industry wherein the motor truck has taken the place of the horse and the mule, this country is now annually consuming, approximately, 10,000,000 tons of hay less than it did in former years. These figures were compiled by a special committee of the Association of Land Grant Colleges of America.

The decline in the consumption of hay, which is one of our largest crops, being normally third in money value to dairy production, presents some rather serious marketing problems for American agriculture, and also some serious problems in connection with the adjustment of acreages. Unless this hay can be utilized by other types of animals, notably dairy animals, much good meadow land will be unprofitable. If the dairy industry is to utilize increased quantities of hay, it must also be protected with regard to domestic markets from foreign competition.

Paragraph 761—Grass seeds

	Present duty	Proposed duty
	Cents	*Cents*
Alfalfa, per pound	4	8
Alsike clover, per pound	4	8
Crimson clover	1	3
Red clover	4	8
White clover	3	8
Clover, not specially provided for	2	6

In 1926 our imports of important seeds were as follows: Alfalfa, 4,826,344; alsike clover, 5,554,462 pounds; crimson clover, 4,478,145 pounds; red clover, 18,157,226 pounds; other dutiable clovers, 12,442,092 pounds. Our largest imports of alfalfa seed comes from the United Kingdom. France is our greatest exporter of red clover and crimson clover, although Germany, Hungary, Italy, and the United Kingdom send considerable quantities of the latter. Canada is the largest exporter to us of other clovers, with Hungary coming second, and a considerable quantity coming from Poland and Danzig.

While the machinery of distributing grass and clover seeds is largely through seed dealers, the custom prevails in this country on an extensive scale of farmers producing these seeds on a contract basis for the seed dealers. In consequence, farmers are directly interested in promoting a market among their own kind for these seeds, and the purpose of my amendment is to encourage this phase of domestic industry.

(At this point Mr. SHIPSTEAD yielded to Mr. SMOOT, who submitted a proposed unanimous-consent agreement.)

Mr. SHIPSTEAD. Mr. President—

Paragraph 708—Condensed milk and powdered milk

	Present duty	Proposed duty
Milk, condensed:		
Unsweetened	1 cent per pound	1½ cents per pound.
Sweetened	1½ cents per pound	3 cents per pound.
Other	1⅜ cents per pound	2 cents per pound.
Milk powder	3 cents per pound	7½ cents per pound or 45 per cent ad valorem.
Skimmed milk powder	1½ cents per pound	3 cents per pound.
Cream powder	7 cents per pound	10 cents per pound.
Malted milk	20 per cent	40 per cent.

Paragraph 708—Condensed milk and powdered milk—Continued

IMPORTS

Item	1922	1924	1927
Milk, condensed:	*Pounds*	*Pounds*	*Pounds*
Unsweetened	5,294,000	1,738,000	2,117,000
Sweetened		4,714,000	506,000
Milk powder		1,870,000	6,828,000
Cream powder, malted milk		167,000	905,000
Total			10,356,000

The imports of dairy products covered by paragraph 708 have increased 100 per cent since 1922. The imports of condensed milk, milk powder, cream powder, and malted milk were 5,294,000 pounds in 1922, and in 1927 had increased to 10,356,000 pounds. In 1926, out of a total of 9,375,000 pounds imported into the United States of dairy products covered by this paragraph, 8,020,000 came from Canada, or 85 per cent of the total imports of these items. The same situation exists with reference to these dairy products as exists with reference to milk and cream; that is, the rates on these products of the dairy industry are not equal to the rates on butter. Canada is therefore increasing her shipments of these items which carry lower duties than the butter duties and decreasing the shipments of butter. Holland also has become a serious competitor within the last few months, offering dried milks on the New York market at very low prices. It takes 250 pounds of fresh milk to make 100 pounds of condensed milk; 250 pounds of fresh milk will produce 12 pounds of butter, and the duty on the butter at 12 cents per pound would be $1.44, thus, to equalize the duty on condensed milk with the 12-cent duty on butter would require a tariff of 1½ cents per pound. The duty on sweetened condensed milk is higher in order to cover the sugar content of the milk. Milk powder, which takes about 9 pounds of milk to make 1 pound of powder, would require a duty to equalize with butter at 12 cents per pound about 9½ cents per pound. We have, however, made the rate on milk powder 7½ cents per pound. In a similar manner the other products which are covered by this paragraph have been increased to equalize with the butter tariff rate.

PARAGRAPH 709—BUTTER AND BUTTER SUBSTITUTES

The present duty, in accordance with the 1922 act, is 8 cents per pound. This was increased under the flexible tariff provision by a proclamation of the President to 12 cents per pound. The proposed duty is 12 cents per pound or 30 per cent ad valorem. The Tariff Commission investigated the cost of producing butter, under resolution by the Senate, and, as a result of such investigation, recommended to the President an increase in the butter duty of 50 per cent, or from 8 cents per pound to 12 cents per pound. Congress should now make the duty 12 cents per pound in order to make possible, if the situation should arise, a further increase under the flexible tariff provision. The 30 per cent ad valorem provision is proposed in order to cover situations such as we had last winter when the price of butter went so low in Denmark due to competition from New Zealand and Australia that the Copenhagen quotation was 17 cents per pound less than New York. Under the 30 per cent ad valorem duty the domestic producer could have been protected against this unusually low foreign butter price.

Paragraph 710—Cheese and cheese substitutes

	Present duties	Proposed duties
Cheese	5 cents per pound or 25 per cent ad valorem.	8 cents per pound or 40 per cent ad valorem.

IMPORTS OF CHEESE

	Total	From Canada
	Pounds	*Pounds*
1922	46,375,000	687,000
1923	64,420,000	1,899,000
1924	59,176,000	909,000
1925	62,403,000	10,274,000
1926	78,417,000	11,835,000
1927	79,796,000	13,267,000

Imports of cheese since the tariff bill of 1922 was passed have increased from 46,573,000 pounds in that year to 79,796,000 pounds in 1927, an increase of 72 per cent. This very large increase indicates that the dairy farmer is losing part of his market for his dairy production. Under adequate tariff protection our dairy farmers would have an additional market at home for nearly 1,000,000,000 pounds more of milk.

The imports of cheese from Canada have shown a most unusual and tremendous increase, having jumped from less than 700,000 pounds in 1924 to over 13,000,000 pounds in 1927.

Last year the United States Tariff Commission, under the flexible tariff provision, completed an investigation into the cost of producing Swiss cheese in the United States and Switzerland. In their formal statement of conclusions, page 31 of the Swiss-cheese report to the President of the United States, the commission found that under the farm basis of cost, the cost of producing Swiss cheese in the United States was thirteen and a fraction cents per pound higher than in Switzerland. They also found that—

> the present rate of duty of 5 cents per pound, but not less than 25 per cent ad valorem, fixed in paragraph 710 of the tariff act of 1922, does not equalize the difference in costs of production of Swiss cheese in the United States and in the principal competing country.

And as a result stated—

> the rate of duty on Swiss cheese, Emmenthaler type, shown by said difference in costs of production in the United States and in said principal competing country necessary to equalize said difference, within the limits of section 315 of the tariff act of 1922, is a rate of 7½ cents per pound and not less than 37½ per cent ad valorem.

This report to the President resulted in the President proclaiming on June 8, 1927, an increase in the duty on this type of cheese to a maximum of 50 per cent—that is, to 7½ cents per pound but not less than 37½ per cent ad valorem. I am now asking Congress to make the duty on all cheese 8 cents per pound or 40 per cent ad valorem.

Paragraphs 711, 712, 713—Poultry and poultry products.

In connection with these changes in the schedules on poultry and poultry products, I have a statement from the National Poultry Council of the United States of America relative to the poultry industry and the need for more substantial tariff schedules on poultry and eggs. This statement is signed by its president, Harry R. Lewis, of Davisville, R. I., and also by very many organizations of poultry men from practically every State in the Union. There are organizations from Alabama, Arkansas, Connecticut, California, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, Oklahoma, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin.

I may say that the communication shows that there were importations of different kinds of eggs and egg products and preparations of eggs amounting to 15,341,000 pounds in 1927. I might quote, for the benefit of those Senators who are listening, the last paragraph:

> The poultry industry beseeches Congress to give to them the same protection which industry is enjoying, for they earnestly feel that a policy of protection for all will safeguard the poultry industry and insure the consumer of America a high-quality food commodity in the nature of both eggs and poultry at a reasonable cost.

I ask that the entire statement be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY THE NATIONAL POULTRY COUNCIL OF THE UNITED STATES OF AMERICA RELATIVE TO THE POULTRY INDUSTRY AND THE NEED FOR MORE SUBSTANTIAL TARIFF SCHEDULES ON EGGS

1. The poultry industry has come to be one of America's leading agricultural pursuits when measured by the position it occupies in the production of a very necessary and highly valuable human food, namely, poultry meat and eggs.

2. The poultry industry has just passed through one of the most depressing years in its history due to extremely low prices received for poultry and eggs and to relatively high costs of production.

3. In spite of the tariff schedules now in force, eggs last year sold at country points for as low as 12 cents per dozen in the spring of the year. This year prices are slightly higher but far below the cost of production.

4. The weakened and distressing conditions within the industry are due primarily, in the case of eggs, to immense importations of frozen and dried eggs from the Orient. Last year, according to statistics compiled by the Department of Commerce, the following egg products were imported:

	Pounds
Dried whole eggs	962,482
Frozen or prepared whole eggs	2,774,319
Dried egg yolks	3,525,308
Frozen or prepared egg yolks	2,778,422
Dried egg albumen	2,960,277
Frozen or prepared egg albumen	2,340,602
Total	15,341,410

5. Increasing quantities of live and dressed poultry are coming into the country every year from South American, European, and North American countries giving our poultry producers severe competition under the existing low-tariff schedules. During 1927 close to 2,000,000 pounds of live poultry was imported and over 4,000,000 pounds of dead and prepared poultry, which immense volume creates a surplus and a serious depression in prices.

6. Only recently large and heretofore unexperienced shipments of turkeys from South American and European countries are coming into the United States and every evidence goes to show that unless checked by adequate tariff they will literally destroy the turkey industry of this country.

7. These immense importations of frozen and dried egg products cause the most serious competition directly with low-grade eggs produced in this country and indirectly with the finest quality eggs produced because their existence here does not allow for a satisfactory price to encourage home breaking, drying, and freezing, with the result that a large volume of low-grade eggs which should be broken are compelled to find a market here in the shell with distressing results to both quality of product and price.

8. The revised tariff schedules requested in the Shipstead amendment have been arrived at after exhaustive and careful study and are designed to take care of the difference between the cost of production of eggs and poultry in the United States as against the much lower cost of production of similar products in those countries from which they come. Certainly the American poultry farmer should be adequately protected against the unfair and impossible competition from such countries as China, the Argentine, Austria, etc.

9. The poultry industry of the Nation is solidly behind an adequate protective tariff for the products of the American hen and is willing to take their chance with any exportable surplus which may be produced in this country, but insist upon adequate protection against similar commodities produced under extremely low standards of living and at a very low cost.

The poultry industry beseeches Congress to give to them the same protection which industry is enjoying, for they earnestly feel that a policy of protection for all will safeguard the poultry industry and insure the consumer of America a high quality food commodity in the nature of both eggs and poultry at a reasonable cost.

Prepared by the National Poultry Council, an organization representing the poultry industry of the United States in all its branches, including the following organizations:

American Poultry Association.
American Incubator Manufacturers' Association.
American Feed Manufacturers' Association.
Poultry Science Association.
Poultry Publishers' Association.
Indiana State Poultry Association.
New Jersey State Poultry Association.
New Hampshire Poultry Growers' Association.
Oklahoma State Poultry Federation.
New York State Cooperative Poultry Certification Association.
Petaluma Chamber of Commerce.
Blue Andalusian Club of America.
International Baby Chick Association.
Alabama Baby Chick Association.
Arkansas Baby Chick Association.
Connecticut Baby Chick Association.
California Baby Chick Association.
Georgia Baby Chick Association.
Illinois Baby Chick Association.
Indiana Baby Chick Association.
Iowa Baby Chick Association.
Kansas Baby Chick Association.
Michigan Baby Chick Association.
Minnesota Baby Chick Association.
Mississippi Baby Chick Association.
Missouri Baby Chick Association.
Nebraska Baby Chick Association.
New Jersey Baby Chick Association.
Oklahoma Baby Chick Association.
Ohio Baby Chick Association.
Oregon Baby Chick Association.
Pennsylvania Baby Chick Association.
Tennessee Baby Chick Association.
Texas Baby Chick Association.
Virginia Baby Chick Association.
Washington Baby Chick Association.
Wisconsin Baby Chick Association.

HARRY R. LEWIS,
President National Poultry Council.

Mr. SHIPSTEAD. I also wish to read a statement from Knox Boude, of Petaluma, Calif, with reference to these poultry schedules. Mr. Boude represents the poultry interests of California:

The tariff of 1922 was largely ineffective from date of passage on poultry and its products simply because the rates were low and were carefully balanced to allow importers every advantage. In the proposed schedules we are asking practically the same rates as were urged of Chairman Fordney by the original poultry tariff group in 1921. Unless rates as high as we now ask are granted by Congress the poultry industry can not expand and furnish reasonable standard of living to those engaged in it. The rate on shell eggs is based upon the necessity of shutting out an annual importation of 800,000 cases from countries south of the Equator and permitting the American producer to increase his production that much or more for the home market. If we ask less than 12 cents, it means that we can not keep out imports. In the case of frozen eggs, under the present tariff American production has grown, but is continually in financial trouble because of imports underselling our product, to tremendous disadvantage of American poultry industry. It is enormously important to the poultry industry that the frozen-egg industry be given an adequate tariff, because there are four or five million cases of American eggs annually which can most efficiently be handled in that manner exclusively. The present year the market for this class of eggs is greatly disturbed owing to importers offering Chinese frozen eggs for delivery any time this year at 4 to 5 cents under cost of American production. American frozen eggs are in direct competition with dehydrated eggs from China, and if the frozen home product can get adequate tariff rates the market for American eggs suitable for freezing can be expanded 50 to 100 per cent in the immediate future. Unless we can control by tariff the importations of dried eggs at an approximate rate of three times that on frozen, which is the basis upon which the dehydration takes place, it is not possible to reestablish the egg-drying industry in America. The present tariff on dries is ineffective, absolutely valueless to the industry. Nothing short of a 45-cent tariff will establish a dehydrated-egg industry in America. The rate on live poultry now is so low it is merely a method of collecting a small revenue for the Government. In asking for a 10-cent tariff we need protection proportionate to that upon which the fowls dress out. The 14-cent rate upon dressed poultry should shut out dressed turkeys from the Argentine and Australasia of two and one-half million pounds annually and allow the turkey raisers of America a living return for their labor. Also it will help restrict importations of millions of pounds of frozen poultry at present being received at Atlantic ports from central and eastern Europe. We do not need any imports of dressed poultry. American industry could supply every legitimate market demand under adequate tariff protection.

Paragraph 711—Live birds

	Present duty	Proposed duty
Poultry per pound	3 cents pound	10 cents pound.
All other:		
Value $5 or less	50 cents each	$2 each.
Value over $5	20 per cent	

Imports	Pounds
1923	1,249,000
1924	1,779,000
1925	2,072,000
1926	2,108,000
1927	1,629,000

The most important country of imports is Canada, which in 1926 shipped us 2,096,000 pounds, or all but 12,000 pounds of the total imports. Imports were lower this past year, due to the fact that the poultry industry was hard hit and less profitable than in former years. This resulted in somewhat less imports last year than in 1926.

Paragraph 712—Dead birds

	Present duty	Proposed duty
Poultry	6 cents per pound	14 cents per pound.
All other	8 cents per pound	
Prepared, etc	25 per cent ad valorem	45 per cent ad valorem.

Imports—Poultry, dead and prepared

	Pounds
1923	2,183,000
1924	2,160,000
1925	3,140,000
1926	6,492,000
1927	4,209,000

Principal country imported from, 1926

DEAD POULTRY	Pounds
Argentina	2,279,000
Canada	1,203,000
United Kingdom	1,136,000
Austria	951,000
Australia	277,000
All other	181,000
Total	6,027,000

PREPARED POULTRY	Pounds
France	190,000
Hong Kong	150,000
China	90,000
All other	35,000
Total	465,000

Paragraph 713—Eggs

	Present duty	Proposed duty
	Cents	*Cents*
Eggs, per dozen	8	12
Eggs, frozen, etc., per pound	6	15
Eggs, dried, per pound	18	45

Imports by years

	Eggs of poultry in shell	Frozen, dried, and prepared eggs
	Dozen	*Pounds*
1922	1,019,000	24,809,000
1923	412,000	23,299,000
1924	383,000	19,722,000
1925	609,000	29,658,000
1926	298,000	25,738,000
1927	250,000	[1] 15,341,000

[1] Chinese revolution cut exports from China.

Imports of frozen, dried, and prepared eggs by products—pounds

	Whole eggs dried	Whole eggs frozen	Yolks dried	Yolks frozen	Egg albumen dried	Egg albumen frozen, prepared, or preserved
1924	2,083,000	6,162,000	4,107,000	3,606,000	2,768,000	996,000
1925	1,455,000	12,531,000	5,683,000	5,800,000	4,189,000	4,328,000
1926	677,000	9,392,000	4,398,000	4,161,000	3,499,000	3,611,000
1927	962,000	2,774,000	3,525,000	2,778,000	2,960,000	2,341,000

Principal countries of imports, 1926

Eggs in the shell:	Dozen
Hong Kong	212,000
Canada	54,000
Argentina	15,000
China	13,000
All other	4,000
Total	298,000
Eggs, frozen:	Pounds
China	10,849,000
United Kingdom	6,008,000
All other	306,000
Total	17,163,000
Eggs, dried:	Pounds.
China	8,150,000
All other	424,000
Total	8,574,000

CONVERSION FACTORS ON EGGS

One dozen eggs in shell equals 1 pound liquid or frozen eggs. Three and one-half pounds liquid eggs equals 1 pound dried eggs.

Paragraph 701—Fresh beef and veal tallow, oleo, hides

	Present duty	Proposed duty
Fresh beef and veal	3 cents	8 cents.
Tallow and oleo	1 cent	1 cent or 30 per cent.
Hides	Free	25 per cent.

No changes are recommended in the tariff on live cattle being imported into this country because of the fact that practically no live cattle is imported for immediate slaughter.

From the ranges of Canada there are now imported what we call stockers or feeders, that come into the market and are sold in the Middle West, where the American farmer can feed them corn, thus furnishing a market for the American farmers' corn, and therefore no tariff is recommended upon the importation of that kind of cattle.

Most of the cattle being imported are going into the Corn Belt feed lots to use up surplus grains and roughages. The tariff on live cattle represents approximately the differential in cost of production between our western range country and that of western Canada, which is our principal source of live cattle.

The situation, however, with reference to fresh beef and veal is quite different. The present tariff of 3 cents per pound does not represent a fair differential in cost of production between farms of the United States and those of the Argentine and other foreign countries, and Argentina beef is temporarily excluded from our markets by an embargo because of the existence of the foot-and-mouth disease in the Argentine. The lifting of this embargo would result in hundreds of millions of pounds, which are now going to European countries, being diverted to the United States markets to be sold in competition with our own beef. United States Statistical Abstract shows that in 1922 beef and veal were imported to the extent of 36,000,000 pounds; in 1923, 19,000,000 pounds; in 1924, 18,000,000 pounds; in 1925, 15,000,000 pounds; in 1926, 20,000,000 pounds; and in 1927, 43,000,000 pounds, the principal source of this beef being Canada. The tariff of 8 cents per pound which is provided for in this bill would be only protective and not prohibitive.

With reference to tallow and oleo, the present duty is 1 cent per pound. The imports of animal oils and fats, exclusive of fish oil, composed principally of tallow and oleo, were 2,000,000 pounds in 1922, 11,000,000 pounds in 1923, three and one-half million pounds in 1925, 16,000,000 pounds in 1926, and 16,000,000 pounds in 1927. The importation of these fats unquestionably had a depressing effect on our live-cattle market, and the large imports of 1926 being the result of comparatively high-price levels during that year, we are proposing to protect the industry in the period of high price levels by a 30 per cent ad valorem duty on fats. In this connection it should be pointed out that the industry is seriously affected by the importation of other oils and fats, which are replacing oleo oil and oleo stearin in the manufacture of oleomargarine products. Figures for 1927 show that in the manufacture of these products 47,000,000 pounds of oleo oil were used, as compared with 98,000,000 pounds of coconut oil and 5,000,000 pounds of peanut oil, both of which were imported in large quantities without adequate protective tariffs.

The importation of these fats unquestionably has had its influence on the American market, as many of them come in in competition also with butter because of their use in the manufacture of oleomargarine.

With reference to hides, which are now on the free list, approximately one-third of the hides now being used in this country, or approximately 150,000,000 pounds, were imported in 1926 free of duty, and in 1927 237,000,000 pounds. This last import of hides had a greatly depressing effect on the market of live cattle and veal. The tariff protection on hides is being demanded by many cattle producers throughout the United States. The 25 per cent ad valorem duty which is provided for in this bill does not represent the difference in cost of production between the United States and the Argentine, but does offer some relief to the cattle producer of this country from the unfair competition which he is now confronted with in the importation of hides wholly free of duty.

Paragraph 703—Pork, lard, lard compounds

	Present duty	Proposed duty
Pork, per pound:		
Fresh	¾ cent	3 cents.
Cured	2 cents	5 cents or 45 per cent.
Lard	1 cent	
Lard compounds and substitutes	4 cents	

Section 703 provides for an increase from three-fourths cent to 3 cents per pound on fresh pork. The imports of this product in 1926 amounted to 9,000,000 pounds and in 1927 to 14,000,000 pounds. This in the face of an exportable surplus of pork produced in the United States. The tariff of 3 cents per pound provided for in this bill would not entirely prevent the imports of pork, but would fairly represent the differential in the cost of production between the United States and countries from which pork is imported. The present tariff on cured pork is 2 cents per pound, and on lard 1 cent per pound. My amendment provides for 5 cents per pound and 45 per cent ad valorem. There were imported in the United States prepared meats, principally cured pork, in 1926, 10,000,000 pounds, and 23,000,000 pounds in 1927, this in the face of an exportable surplus of pork produced on American farms both years.

I have previously referred to animal oil and fat imports of an edible character. Our imports are known to have included a considerable portion of lard in spite of the fact that lard is produced in the United States to the extent that 698,000,000 pounds were exported in 1926, 681,000,000 pounds in 1927. There were also exported in 1926, 10,000,000 pounds of lard compounds, and in 1927, 9,000,000 pounds of lard compounds. With this vast exportable surplus produced annually, the import duty is needed to maintain the American market for American products.

Paragraph 702—Fresh mutton and goat meat, fresh lamb

	Present duty	Proposed duty
Fresh mutton and goat meat, per pound	2½ cents	5 cents.
Fresh lamb, per pound	4 cents	8 cents.

Section 702 provides for an increase in the duty on fresh mutton and goat meat from 2½ to 5 cents per pound, and on fresh lamb from 4½ to 8 cents per pound. In 1926 there were imported a total of 3,000,000 pounds of these products, and in 1927, 2,600,000 pounds. These products coming principally from New Zealand and Australia, are produced at a cost far below the cost of production on American farms. The tariff provided for in this bill is necessary to insure permanency to the sheep industry of the United States.

Mr. BROUSSARD. Mr. President, will the Senator yield to me?

Mr. SHIPSTEAD. I yield.

Mr. BROUSSARD. I notice there is in the Senator's amendment, schedule 5, relating to "sugar, molasses, and manufactures of."

Mr. SHIPSTEAD. Yes.

Mr. BROUSSARD. I should like to ask the Senator a question in regard to that. I have compared the rates proposed in his amendment with the present law, and I find that the only change the Senator proposes is a flat tax of 10 cents a gallon on molasses imported for the manufacture of alcohol, and for each additional per cent of sucrose content the Senator's amendment proposes an additional duty of 1 cent.

I merely wish to call the Senator's attention to the fact that he proposes to raise the rate of duty on many agricultural products, for instance, from 2 cents a pound to 5 cents. In my section of the country we are the consumers of those products which are raised in the Middle West and the Northwest; we do not raise any of them. The Senator proposes to double the rates on those products, and the only thing he proposes to do for us is to raise the duty on molasses imported for the manufacture of alcohol. I want to know if the Senator thinks that is fair treatment to the sugar producers of the country?

Mr. SHIPSTEAD. I was not able to hear all that the Senator said, on account of the noise in the Chamber. Does the Senator refer to blackstrap molasses?

Mr. BROUSSARD. Yes. I wanted to know, if the Senator is trying to help the agricultural people of this country, if he thinks he has made a fair distribution of the additional tariff rates which he proposes to put upon agricultural products?

Mr. SHIPSTEAD. I am not sure that I understand the Senator's question. I propose a tariff on blackstrap molasses, because it is imported here and used for the purpose of making industrial alcohol, and to that extent displaces corn.

Mr. BROUSSARD. Yes; I know—because it competes with the corn raised in the Senator's part of the country. That is the only reason.

Mr. SHIPSTEAD. Does the Senator mean to say that it injures the producer in the United States of blackstrap molasses?

Mr. BROUSSARD. No; it does not, but we are consumers of your product, and if you propose to raise the rates on your agricultural products which we consume you should raise our rates proportionately.

Mr. SHIPSTEAD. I thought we were raising the rates on molasses.

Mr. GLASS. Mr. President, what becomes of those of us who do not raise either product that is increased and have to pay the tax on both?

Mr. ROBINSON of Arkansas. You get it in the neck. [Laughter.]

Mr. SHIPSTEAD. We pay a tariff gladly on manufactured products; and we are simply asking to be placed on the same level with manufactured products that have been placed upon a protective basis by many Congresses in the past. We are asking Congress to extend to agriculture the same protection it has given to industry.

I may say to the Senator from Virginia and to the Senator from Louisiana that I have proposed a duty on cotton. They may propose others. Paragraphs 15 and 16 of the tariff act of 1922 deal with cotton.

The pending amendment proposes a duty of 4 cents per pound on cotton with a staple under 1⅜ inches; cotton with a staple of 1⅛ inches, 6 cents a pound; cotton with a staple of 1$\frac{5}{32}$ inches, 7 cents a pound; 1$\frac{3}{16}$ inches, 8 cents a pound; 1$\frac{7}{32}$ inches, 9 cents a pound; 1¼ inches, 10 cents a pound; 1$\frac{5}{16}$ inches, 12 cents a pound; 1⅜ inches, 14 cents a pound; 1½ inches and longer, 15 cents a pound.

In 1922 there were imported of long and short staple cotton 168,181,000 pounds.

In 1925 there were imported of long and short staple cotton 156,680,000 pounds.

In 1927 there were imported of long and short staple cotton 205,609,000 pounds.

Last year there were imported 695,000,000 pounds of long-staple cotton and 130,029,000 pounds of short-staple cotton. The aggregate value of these imports was $45,669,000. These figures are taken from the 1926 Yearbook of the United States Department of Agriculture and from sources within the Department of Commerce. This cotton came from the United Kingdom, Mexico, Peru, British India, China, Egypt, and one or two other countries. Most of the long-staple cotton came from Egypt and Peru, although undoubtedly some short-staple cotton came from both of those countries.

At this time I desire to call attention to the fact that while American short-staple cotton is being forced to find a market in various parts of the world, one of the problems of the southern cotton growers is how to dispose of the lower grades of cotton and the shorter lengths. Increasing quantities of low-grade cotton are coming into this country from China, British India, and Mexico.

With respect to the duties in this amendment proposed to be levied upon long-staple cotton, those duties were carefully worked out by the Mississippi Staple Cotton Growers' Association, and are offered here in the Senate at their request, or the request of their representatives here in Washington. I am informed that this is the largest single agency handling American long-staple cotton in the United States. This association is a cooperative association, and markets approximately 250,000 bales of long-staple cotton every year. It finds itself in competition with the long-staple cotton from Egypt and Peru. With respect to American cotton as well as other farm products, it is high time for us to say that American markets ought to go to the American producer.

(At this point Mr. SHIPSTEAD yielded to Mr. HEFLIN, and, after some debate on the order of proceeding, the point of no quorum was made, and the roll was called.)

Mr. SHIPSTEAD. Mr. President, the next paragraph, 707, deals with milk and cream.

	Present duty	Proposed duty
Fresh milk	2½ cents per gallon	4 cents per gallon.
Sour milk	1 cent per gallon	Do.
Cream	20 cents per gallon	40 cents per gallon.

The imports of milk and cream have been increasing tremendously in past years. The imports of milk since the 2½-cent-per-gallon duty was imposed in 1922 have more than doubled, or an increase from about 2,000,000 gallons in 1922 to over 4,000,000 this past year. Imports of cream have increased during the same period from about 2,000,000 gallons in 1922 to nearly 5,000,000 gallons this past year. The principal reasons for this tremendous increase in imports is that the duty on milk and cream are not properly equalized with the duty on butter. The United States Tariff Commission investigated the cost of producing butter, and as a result of their report to the President the duty was increased from 8 cents to 12 cents per pound. Butter is manufactured from milk and cream. The milk and cream duties, therefore, should have been increased to equalize with the butter duties. A gallon of milk will produce four-tenths of a pound of butter. To equalize, therefore, with a 12-cent duty on butter, the duty on milk should be 4.8 cents per gallon. Likewise, a gallon of cream will produce about 4 pounds of butter, and thus to equalize with the 12-cent tariff on butter, the duty on cream should be 48 cents per gallon. We are proposing 4 cents per gallon on milk and 40 cents per gallon on cream.

The effect of this inequality on tariff rates between milk, cream, and butter is shown in the tremendous increase in imports of cream from Canada and the decrease in butter. Cream, in terms of butter, increased from 1919 to 1926 from an amount of cream which would produce 3,725,000 pounds of butter to an amount of cream in 1926 which would produce 21,496,000 pounds of butter. During the same period the imports of butter from Canada dropped from 9,437,000 pounds to only 339,000 pounds in 1926, the point being that since the duty on cream was less than one-half of what it should be to equalize with the duty on butter, the Canadian producer has shipped his butter to us in the shape of cream instead of butter, and thus has evaded the payment of the higher butter duty. This situation can not be righted by the recent investigation of the United States Tariff Commission under the flexible tariff pro-

vision into the costs of producing milk and cream in the United States and Canada, since tariff rates can only be increased 50 per cent. This inequality must be righted by Congress. The Tariff Commission's preliminary reports indicate that the cost of producing a gallon of cream in Canada is approximately 40 cents less than in the United States and that the cost of producing a gallon of milk in Canada is approximately 4 cents less than in the United States. These facts warrant favorable action by Congress on these proposed increases in the duties on milk and cream.

Imports from Canada of butter and cream

(Expressed in terms of butter)

[Source: Report foreign and domestic commerce]

Year	Cream (gallons)	Butter at 4 pounds per gallon	Butter (pounds)
1919	931,416	3,725,000	9,437,000
1920	1,397,160	5,588,000	9,235,000
1921	2,033,769	8,135,000	2,846,000
1922	2,123,659	8,494,000	2,151,000
1923	3,024,663	12,098,000	5,931,000
1924	4,197,528	16,790,000	2,807,000
1925	5,171,498	20,685,000	3,626,000
1926	5,374,131	21,496,000	339,000
1927	4,843,138		

Paragraph 763—Beans

	Present duty	Proposed duty
Beans, per pound:		
Dry	1¾ cents	2 cents or
Prepared	2 cents	35 per cent

BEANS

The importation of edible beans is fairly well stabilized at about 80,000,000 pounds per year. Some considerable increase occurred in 1927, as compared with 1926, however. The major portion of these beans come from Japan, although considerable quantities are imported from France and Italy. In the case of the former, American producers can hardly compete with Japanese farmers for reasons well known to everyone, and the additional tariff requested will perhaps do no more than prevent any further expansion of imports. It will, however, preserve a further expansion of demand in this country for the benefit of American producers.

Paragraph 769—Potatoes

	Present duty	Proposed duty
Potatoes, per hundredweight	50 cents	75 cents.
Dried, per pound	2¾ cents	3½ cents.
Flour, per pound	2½ cents	3 cents.

The production of potatoes in this country is generously ample, even in years of short crops, to supply all domestic needs. Due to the nature of the crop, costs of production, varying almost directly with the latitude of the country in which the crop is grown, our own producers along the northern boundary have a distinct advantage over the more southern producers. Producers in countries farther north, likewise, have an advantage over those of our domestic producers along our northern border. It is not surprising, therefore, to find that importations of potatoes from Canada have grown rapidly in recent years. In 1922 but little more than 100,000,000 pounds were imported into this country. In 1926 and 1927 the importation had trebled and we were importing something in excess of 300,000,000 pounds. The major part of this importation comes from Canadian sources; in 1926 these were 320,000,000 pounds out of a total 344,000,000 pounds. One other aspect of the importation of potatoes is the fact that our southern producers who are catering to the early spring markets are meeting increasing competition from the Bermudas and the British West India Islands. Of the total imports of 1926, 9,000,000 pounds came from these two sources, and they came on the market directly at a time when our early southern crop was being harvested.

Paragraph 770—Tomatoes

	Present duty	Proposed duty
Tomatoes, per pound	½ cent	1 cent.
Prepared or preserved	15 per cent	40 per cent.

No feature of foreign competition in the vegetable industry is more striking than the growth of the importation of raw tomatoes into this country. During recent years substantial increases have occurred each year. In 1924 about 56,000,000 pounds were imported. This had doubled in the four-year period and in 1927 we imported 132,000,000 pounds. Practically the entire importation of raw tomatoes comes from Mexico, although the British West Indies and Cuba contribute a portion. As in the case of the early potato crop, these importations offer serious competition to the early southern tomato crop. If anything the Mexican crop precedes that of the early Southern States and has at times dominated the price situation in the early tomato crop. Another serious result from the growing importation of Mexican tomatoes, has been the handicap placed upon the hothouse tomato industry in this country. With all of our consuming markets finding a ready supply from this foreign source in the late winter, there has been but little outlet left for "forcing industry" which previously supplied northern markets with winter tomatoes.

In the case of canned tomatoes and tomato paste, the competition comes almost completely from Italy. Importation of tomatoes in cans has developed to an item of nearly 100,000,000 pounds per year, growing in volume four times since 1923. At the same time importation of tomato paste, which is used largely in this country as stock for soups, has approximately doubled, and in 1926 and 1927 something over 15,000,000 pounds were imported.

Summing up this entire vegetable situation, it is a surprising fact that we are to-day importing into this country something above $20,000,000 worth of vegetable products in these three groups alone. If this market could be diverted to domestic producers and a further expansion of demands can be preserved for domestic products, as pointed out earlier in this statement, a significant proportion of agricultural energy can be here utilized and thus automatically reduce the exportable surpluses which exist in other farm products.

Paragraph 768—Onions

	Present duty	Proposed duty
Onions, per pound	1 cent	3 cents.
Garlic, per pound	2 cents	2 cents.

The importation of onions into this country has been gradually increasing from year to year. In 1910–1914 we were importing a little over 60,000,000 pounds per year. The peak of importations was reached in 1925 when 138,000,000 pounds were imported. In 1927 the importation was 128,000,000 pounds. The major importations came from Spain. In 1922 62,000,000 bushels out of a total importation of 103,000,000 bushels came from this country. Egypt in the same year contributed 31,000,000 bushels; Italy 3,500,000 bushels. No other substantial importations are recorded for that year. Data for 1927 itemizing the sources of imports are not yet available.

This growing importation of onions has been giving increasingly serious competition to our domestic producers since a great proportion of domestic onions are produced at some distance, notably Texas, from our domestic markets. In some sections the differential transportation costs are all in favor of the countries from which imports come because of the low water rates which these countries enjoy. (For further information see investigation before Tariff Commission.)

PARAGRAPH 706—MEATS

Meats not specially provided for:	Per cent
Present duty	20
Proposed duty	30

Section 706 provides for an increase from 20 per cent ad valorem to 30 per cent ad valorem on meats not specifically provided for which includes principally canned meats, of which product 22,000,0000 pounds were imported in 1926, and 35,000,000 pounds in 1927. With this vast import of these products into a country producing an exportable surplus of practically all meat products, an increase in the tariff is necessary to preserve our domestic markets for American producers.

If this importation of meat and vegetable products is through a tariff, stopped at the border, or the tariff duty is paid, if there is anything to the argument to which the United States and the Congress of the United States have committed this country as a national policy, these importations of agricultural products should convince Congress, if nothing else can, if a study of the agricultural situation in the United States now can not convince Congress, that a tariff on agricultural products is necessary to equalize the economic condition of agriculture with industry, in addition to the legislation that was passed called the McNary-Haugen bill, and it is not neces-

sary for me to occupy the floor of the Senate on this subject any longer.

I have brought here some statistics, which are taken from the Government's own reports, from the reports of the Tariff Commission and various other agencies of the Government, and I am sure no one will question their reliability.

SUMMARY

There may be some who will make answer to the urgent request of farmers for tariff legislation by this session of Congress by saying that the proper procedure would be to have Executive action as a result of investigations by the United States Tariff Commission under section 315 of the tariff act of 1922. It is true that some modifications are possible.

It is true that the commission under the flexible tariff provision may investigate conditions, but the commission is primarily limited in its investigational work to comparative costs of production. The powers of the President are somewhat broader. However, some of our producer groups have availed themselves of this machinery since 1922; but their experience has been such as to indicate that it is almost futile to hope for early relief under the flexible tariff provision. The reasons for this are obvious. The commission is already a much overburdened body with a relatively small appropriation to do its work. Until recently it has been very much a body divided within itself, according to testimony of commissioners before the Senate committee investigating it.

Moreover, the machinery for these investigations is, of necessity, very complicated, and investigations generally consume from two to two and one-half years before any definite action results. For many other reasons, some of which are itemized below, the relief which agricultural groups can expect through the Tariff Commission has been, is, and will likely continue to be, inadequate and unsatisfactory:

First. In making its investigations, the Tariff Commission is empowered to proceed only on the basis of comparable costs of production in this country and any other countries which their findings indicate to be the principal competing sources of imports. Eminent authorities are in practically unanimous agreement that costs of agricultural production are almost impossible of accurate and definite ascertainment in any industry where production units are small and so widely scattered as in agriculture, and summarization of individual costs into a definite figure which can be set to represent the entire industry, is manifestly unfair to many portions of the industry. Moreover, foreign competition may not affect the industry as a whole, but only a very localized portion of it, such as was evidenced by testimony offered in the milk and cream tariff case reviewed this same year, 1928.

Second. Foreign governments have not always shown a disposition to make available to Tariff Commission investigators data relating to cost productions in their countries so that comparable information is not always available upon which to make adjustments. This is illustrated in the casein case.

Third. Factors have been changing so rapidly in the agricultural situation in recent years as to make the limitation of adjustment inadequate to properly recognize differences in cost of production where it appears to accurately ascertain them. This is particularly well illustrated in the case of the vegetable oils and fats where the interchangeability of one with another is so great that slight shifts in selling prices of one as compared to the others immediately extenuates the sources of raw materials in the soap and oleomargarine industries.

Fourth. The Tariff Commission is empowered only to report on changes in existing schedules. What is more urgently needed is the coordination of the present schedules with any future schedules so that tariffs on one product may have a definite relation to tariffs on other products either related to or interchangeable with each other.

Finally, American farmers ask that domestic markets may be preserved for them. This is but the extension of the protective principle so long utilized in this country for the development and encouragement of manufacturing and industry, and they ask it not only on the basis of differences of cost of production, but on the time-honored American principle of domestic markets for domestic producers and on the preservation of American standards in living.

I claim that the American farmer has not enjoyed that at all under the Fordney-McCumber Act of 1922. At present the tariff is one of many swindles from which the farmer suffers. No one can deny the maladjustment between the economic condition of agriculture and of industry. Congress having refused to lower the schedule on manufactured articles now will have an opportunity to raise agricultural schedules in order that there shall be a more equal parity between the schedules on agricultural products and on manufactured products.

There is nothing in the bill without this amendment up until this time for the American farmer. For many years Congress and political leaders have spoken loudly before election about a willingness to legislate for the farmer. Here is a chance to go on record and give some kind of relief to agriculture now. The farm cooperatives of the United States gathered in Washington in conference a short time ago and unanimously passed a resolution memorializing Congress to give relief to agriculture now through an emergency tariff. Are you going to listen to their plea or slap them as usual.

I may say to the more prosperous sections of the country who are industrialized, who are enjoying the benefits of the protection afforded by the Fordney-McCumber bill, that unless the tariff schedules are equalized to give the farmer the same protection as industry, the time may not be far distant, in fact is soon here, when the farmers of the United States will combine to tear down the high protective tariff that is making the industrial East wealthy and prosperous for those who enjoy the benefits of wealth acquired at the expense of the agricultural sections of the country.

I do not claim that my amendment will be any complete remedy for the agricultural situation.

In discussing the farm relief bill Senators pointed out the various measures that have been passed to help the transportation companies of the country. They pointed out the benefits that have been enjoyed by the manufacturing industries of the country through the high protective schedules of the Fordney-McCumber tariff act, a tariff act building a tariff wall behind which the prices have been raised by the manufacturers and have been paid by the consumer. The shifting in the distribution of wealth shows that there is a gradual drift of wealth from the average class of people to a constantly decreasing number of people in the United States.

I hope that we shall have a record vote on the amendment and I hope it will be agreed to. Here is a chance for those claiming to be friends of the farmer to show their colors.

Mr. McMASTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McMaster	Shipstead
Barkley	Fess	McNary	Shortridge
Bingham	Fletcher	Mayfield	Smoot
Blaine	Gerry	Moses	Steck
Borah	Gillett	Norbeck	Steiwer
Bratton	Greene	Norris	Stephens
Brookhart	Hale	Nye	Swanson
Broussard	Harrison	Oddie	Thomas
Bruce	Hawes	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Heflin	Reed, Mo.	Walsh, Mass.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	La Follette	Robinson, Ind.	Waterman
Deneen	Locher	Schall	Watson
Dill	McKellar	Sheppard	

Mr. LA FOLLETTE. I desire to announce that the Senator from Montana [Mr. WHEELER] is detained from the Senate because of a death in his family.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. PITTMAN. Mr. President, I have proposed two amendments to the pending revenue bill; one dealing with hides and the other with silver. I prepared an argument to present to the Finance Committee, but I ascertained that they determined not to receive any arguments or report upon any tariff amendments. I ask, therefore, that the argument or brief to which I have referred may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

TARIFF ON HIDES AND SILVER

On the calendar day of December 17, 1927, I introduced a proposed amendment to H. R. 1, the revenue bill, now under consideration, providing for a tariff duty on the importation of hides in the form and amounts as was offered in the Senate as an amendment to the tariff act of 1922. I used the exact language of the amendment as proposed to that tariff act because of the large vote it received in the Senate in 1922.

On the legislative day of December 6, being the calendar day of December 9, 1927, I introduced a proposed amendment to H. R. 1, the revenue bill, providing for a tariff duty of 30 cents per ounce on the importation of the silver in ore, bullion, or matte.

These proposed amendments were referred to the Senate Committee on Finance while the pending revenue bill was under consideration by that committee.

I suggested these amendments to the revenue bill at this session for two reasons. In the first place, tariff and other revenue bills must, under the Constitution, originate in the House of Representatives, and therefore the only opportunity of passing tariff legislation at this session of Congress would be through amendments to the pending revenue bill.

In the second place, the Senate, on the 16th day of January, passed a resolution by a vote of 54 to 34 resolving that "Tariff revision should be considered and enacted during the present session of Congress." The resolution as adopted is as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

I voted for this resolution because I am satisfied that the existing tariff schedules were not enacted with relation to any sound economic policy and in absolute contradiction to the policy and principles enunciated at the time of the establishment of the Tariff Board under the Taft administration and the Tariff Commission under the Wilson administration in support of such legislation, and because I believe that the tariff act of 1922, under which we are operating, is discriminatory against many natural industries of our country and particularly against agricultural and other raw products.

Again, in many instances, the schedules of the tariff act have tended to bring about monopoly in certain industries even if such schedules were not intended or administered for such purpose.

I am sustained in my conclusions with regard to the tariff act by the vote in favor of such resolution by such progressive Republicans as Senators BORAH, BLAINE, BROOKHART, CAPPER, HOWELL, MCMASTER, NORBECK, NORRIS, PINE, and SHIPSTEAD.

The argument in favor of the resolution has been so ably presented by Senator MCMASTER, of South Dakota, the proposer of the resolution, that I am content to quote from his very able speeches in favor of the resolution such portions as meet with my approval and express my attitude in the matter. Senator MCMASTER, on January 9, in discussing the resolution, said:

Mr. President, at the outset I wish to say that there are three principles pertaining to the tariff system which has been advocated by the Republican Party and which may be expressed in the following language:

1. The tariff shall represent the difference in the cost of production at home and the cost of production abroad.

2. If the agricultural class, or any other class, because of conditions imposed by a tariff system, can not obtain a just and proportionate share of national prosperity, then additional compensatory legislation shall be enacted to give to such class its full and proportionate share of national prosperity.

3. Using the language of the statesman, John Sherman, "If the combination (meaning a trust or a monopoly) is aided by our tariff laws, they should promptly be changed, and, if necessary, equal competition with all the world should be invited in the monopolized article."

It may be interesting in this connection to quote from the tariff plank of the Democratic national platform of 1924. In this plank the following declaration is made:

We declare our party's position to be in favor of a tax on commodities entering the customhouses that will permit effective competition, protect against monopoly, and at the same time produce a fair revenue to support the Government.

I freely admit that platform declarations must in the nature of things only be an attempt at a declaration of principles and policies that will govern legislation and the execution and administration of such legislation.

There is no doubt, however, that both great parties have unequivocally declared against any acts, either legislative or executive, that will destroy or interfere with effective competition of one industry with another industry or one enterprise within an industry with any other similar enterprise in the same industry, whether such industries exist within or without the confines of our country.

The following colloquy that took place between Senator MCMASTER and Senator WALSH of Massachusetts during the able address of Senator MCMASTER clearly discloses the purpose of the resolution:

Mr. MCMASTER. This resolution was not introduced merely for the purpose of a tariff revision, but it has a deeper significance than that. Only a few years ago the agricultural population was 60 per cent of our total population. It has since dwindled to 50, then to 40, and now it is only 29 per cent of our total population. As that population dwindles, so does its political power wane and fade; and the hour has come now for the farmer to strike, or else it will be too late.

I want to say to the representatives of the industrial group that the farmers of America are going to wage this fight to a finish; and if the industrial group invites it to its final conclusion it may smash your tariff system, but out of the ruins will arise a new tariff system and other compensatory legislation, which will give economic justice not only to the farmer but to the industrial classes as well.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from South Dakota [Mr. MCMASTER] a question, if he will permit me. Would the Senator be willing to have his resolution changed by striking out the word "lowering" and insert the word "revision"; in other words, permit the resolution to favor revision of the tariff schedules rather than lowering of the tariff schedules?

Mr. MCMASTER. I will say to the distinguished Senator from Massachusetts that I do not care to quibble over the words in the resolution so long as there is a distinct understanding and the words express the fact that there shall be a general lowering of tariff schedules. A revision, of course, might mean upward, and it might mean downward.

It is evident that Senator MCMASTER had in mind that the abandonment of agriculture for rural undertakings and employment is rapidly becoming a national catastrophe that concerns not alone the farmer but every citizen of our country.

Senator MCMASTER, in exposing the deception that has been practiced upon the farmers of the country in obtaining their support for the tariff act of 1922, said:

Before entering into a discussion of the pending resolution, it would be well to examine and to inspect a certain nostrum that is being used for the purpose of soothing and allaying this rising tide of discontent among the farmers over these tariff relationships. That nostrum is this: We are informed by those in high places with great assurance that everything the farmer uses in farming is upon the free list, and most of the things that he sells are upon the protected list. In order that we may have a clear and comprehensive idea of those articles upon which the farmer pays a duty, and which are known as the necessities of life, but which he does not use in farming, permit me to read just a partial list: Kitchen and household utensils, stoves, furniture, sheets, pillowcases, mattresses, rugs, carpets, table linen, tableware, clocks, glassware, earthenware, clothing, hosiery, gloves, all wearing apparel, and hundreds of other articles.

It is equally certain that the following articles, which the farmer uses in farming, are also upon a highly protected list:

Scythes, sickles, hammers, saws, scoops, shovels, pitchforks, corn knives, grass hooks, grindstones, pliers, files, drainage tools, machine tools, horseshoes, horseshoe nails, nails, steel wire, galvanized wire, roofing felt, strap leather, paints, brick, tile, baling wire, cast-iron pipe, cream separators valued at $50.

* * * * * * *

There are those who point with great pride to the fact that farm implements are upon the free list. Let us examine the subtle sophistry of that contention. The prices of farm implements are controlled and dominated by a trust that not only controls and dominates the farm-machine market of America but which controls and dominates the farm-machine market of the world. The importations of farm machinery into this country are insignificant. Last year we exported $78,000,000 worth of machinery, and the farm implement is one of the few manufactured products of this country that has been steadily rising in price since the war. A binder costs more money to-day that it did at war peak prices, because the heads of the manufacturing concerns which manufacture farm implements meet in secret and behind closed doors and make up the price list for the ensuing year. Does anybody doubt that statement? Let the record speak. The report of the Federal Trade Commission on the causes of high prices of farm machinery says:

"Practically all important manufacturers of farm implements are members of the National Implement and Vehicle Association, which was formed in 1911 by the union of several existing farm-implement associations.

"Under cover of bringing about uniform cost accounting, uniform terms of sale, and standardization of products the manufacturers who are members of these associations repeatedly advanced prices of farm implements by concerted action during the period 1916 to 1918, inclusive."

What they were doing during that period they were doing before that time and continued to do after that time.

Thus disappears the sophistry of those who would lead the farmer to believe that because his farm implements are upon the free list he has been given a special favor under this law.

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Mr. BLAINE. Before the Senator leaves the discussion in relation to imported farm machinery I want to call his attention to the fact that the value of agricultural implements manufactured in the United States in 1921 amounted to $334,915,000, while the importations of farm implements—that is, those farm implements which are free of duty—amounted to the insignificant sum of only $2,327,956.

Mr. MCMASTER. But some of those imports might have been reimports of machinery which had been exported by us.

Mr. BLAINE. I want to say to the Senator that any 10 important agricultural counties in any one of the Mississippi Valley agricultural

States would absorb all imported farm implements, which would not have an appreciable effect upon the price of farm implements.

Mr. McMASTER. I think the Senator is quite correct in his conclusion. The figures which he furnishes conclusively show that so far as farm machinery being upon the free list affecting the price in America, it has no effect whatsoever.

Senator McMASTER then proceeds to consider and compare the tariff schedules, for the purpose of showing the discrimination that has been practiced in the tariff act against the farmer and other producers of raw material, and the favoritism that has been shown to certain large manufacturing industries. I quote from his speech:

The law was supposed to establish a copartnership wherein industry and agriculture were to share and share alike. The amazing discrepancies and disparities between the protection afforded agricultural products and the protection afforded industrial products are astounding.

The duty on cattle, 1½ to 2 cents per pound, is approximately 16 per cent of the present market value. The duty on sheep is $2 per head, or about 25 per cent of the present market value. The duty on corn is 15 cents a bushel, or 16 per cent of its market value. The duty on wheat is a tariff of 42 cents a bushel, which is largely inoperative. The duty on horses and mules is 20 per cent of their value. The duty on eggs is 8 cents a dozen, or 25 per cent of their value. The duty on poultry is 3 cents a pound, approximately 10 per cent of its value. The duty on milk is 2½ cents a gallon, or about 5 per cent of its value. The duty on wool is 12 cents per pound, or 30 per cent of its value.

There are innumerable articles of finished steel and iron products with duties ranging from 25 to 45 per cent. The duty on rugs and carpets is from 40 to 55 per cent of their value; on finished cotton and woolen goods from 25 to 55 per cent of their value; on chemicals, oils, paints, and coal-tar products, 25 to 40 per cent; on clothing made of wool, 24 cents a pound and 40 per cent of its value; on white granite, semiporcelain, earthenware, and stoneware, 45 per cent of their value; table and kitchen articles and utensils of glass, 50 to 55 per cent of their value; table, kitchen, bread, and butcher's knives, from 1 to 16 cents each, and in addition thereto 45 per cent of their value. The duty on table and household utensils made of aluminum is 11 cents a pound and 55 per cent of their value. This deadly parallel could be continued indefinitely.

Senator McMASTER then turned his attention to the growth of monopolies under the existing tariff act. He took as an example the Aluminum Co. of America, in which Secretary Mellon is a controlling factor. I will quote the exact language of Senator McMASTER in this behalf as reported in his speech of January 9. It is as follows:

Mr. McMASTER. Let us take up the aluminum schedule.

Mr. WALSH of Montana. The matter of duty on aluminum has been under consideration by the Senate on several occasions since the enactment of the law. The remarks just made by the Senator from Utah [Mr. SMOOT] prompt me to say a word. I am talking not about aluminum ware but I am talking about sheet aluminum, ingot aluminum, of which the Aluminum Co. of America has a complete monopoly and on which there is a duty of 3 cents a pound. Immediately after that rate of duty was established the Aluminum Co. of America increased its price from 21 cents to 25 cents, and to-day the current price is 27 cents.

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Mr. McMASTER. Speaking of the aluminum schedule, when I remembered the pitiful amount of duties that were afforded the agricultural schedules, and realized the deplorable condition that agriculture was in at that time, I said to myself that if aluminum finished products had a duty of 11 cents a pound and an ad valorem duty of 55 cents per pound the evidence must reveal a frightful condition of the financial affairs of the aluminum industry of America. So I went through the testimony given before the Committee on Finance, but in that testimony I found very little evidence as to the actual financial condition of the aluminum company. I then went back to the hearings held before the House Committee on Ways and Means in 1912, and there we find the representative of the Aluminum Co. of America testifying to the fact that back in 1890 that company was organized with a paid-in capital of $1,500,000, and then we find that in 1912 that company had accumulated a surplus of $28,000,000, and that their capital and surplus had increased to $30,000,000. Then, picking up the thread of the story, I found a letter published in the RECORD during the Senate debates in 1922 showing that that $30,000,000 of capital in 1912 had increased to $131,000,000 in 1922, in addition to the cash dividends which had been paid; and in addition to that the stock value of that company upon the markets at that time amounted to $300,000,000, or it would have sold for that upon the stock exchange.

We have, therefore, a little capital of $1,500,000 during the course of a few years expanding and growing until it has reached $131,000,000.

I want to say to you that when some good farmer's wife out in the Northwest learns that upon an aluminum kitchen utensil of a factory value of $2 she must pay an ad valorem duty of 55 per cent, or $1.10, and 11 cents a pound in addition thereto, making $1.21 upon that aluminum kitchen utensil, and then when that farmer's wife thinks of how she must labor and with patience go out and gather 5 dozen eggs at a market value of 25 cents and transport those 5 dozen eggs to a market 5 or 6 miles away as a tribute to the aluminum industry of America, and when she thinks of the hundreds of dozens of eggs that she has thus contributed to the aluminum industry, and then when she recalls that when her husband goes with a bushel of wheat to the market he must transport that bushel of wheat to the world market and receive what the world will give for the wheat, I want to say that that woman is going to become agitated. But when that woman realizes and is informed that the officials of this aluminum company have opposed and do oppose every effort that is made to give that farmer's wife and her husband an equal share in the national prosperity, that woman is going to act; and you need not be surprised if she with her vote places a stick of dynamite under those aluminum schedules and all other similar schedules, blowing into smithereens that portion of your tariff system which permits of excess profits, which creates a breeding ground for trusts, and harbors and shelters monopoly.

The great Secretary of Agriculture, Mr. Jardine, says that if a woman should do a thing like that she would be an unthinking person. He says only the unthinking would criticize this law or would attempt to change any schedules in it.

That good woman out there in the Northwest may not comprehend the intellectual processes of the great Secretary of Agriculture, but she does comprehend and understand the common sense and the militant Americanism of John Sherman, who said that if there is any article that is monopolized the tariff laws should be lowered, and, if necessary, that monopolized article should be opened to the free competition of the world. John Sherman may not be as great a man as the distinguished Secretary of Agriculture; he may be unthinking; but still there are many who have great respect for the ability of John Sherman.

This tariff compact between the agricultural West and the industrial East has been in existence for a long period of time, and out of this long experience we find the farmer emerging with an 89-cent dollar. During the last 16 years that dollar has reached par only three times. During the last seven years it has ranged all the way from 69 to 89 cents in value; and one of the greatest factors producing that 89-cent dollar is the present tariff system under which we operate.

I want to say to the representatives of this industrial group you can no longer continue preaching to the farmers the doctrine that legislation will not help agriculture to obtain its just and proportionate share of national prosperity.

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I wish to state here that the farmers of America are going to start to slash and hew their way through the barbed-wire entanglements that bar their pathway; and when they do that they know that their feet are treading upon a pathway of sound economic doctrine.

I will now return to the amendments intended to be proposed by me, which I have hereinbefore referred to. The duty upon hides provided in the amendment introduced by me and intended to be offered is lower than it should be, in my opinion, but realizing the difficulty of obtaining any tariff duty upon hides I adopted the rate as proposed in the Senate in 1922. The benefits of such a duty would be more general in their effect upon the farmers of the United States than any other item of tariff, because practically every farmer, no matter what branch of the agricultural industry he may be engaged in or how large or how small may be his enterprise, generally raises a certain number of cattle. As a matter of fact, this tariff duty would be more beneficial to the small farmer than to the large stock raiser.

Whilst it is true that the value of the hide is to some extend reflected in the price of cattle purchased on hoof by packers, the chief benefit would go to the small farmer who butchers his own cattle and sells the meat and the hide separately.

I do not intend at this time to make an extended argument upon this question. We are all familiar with the fact that the stock-raising industry has suffered as much, if not more, than any other industry since the termination of the war. There were times when the price of hides was so low and the competition was so great from South American countries that it did not pay to skin the carcass of a cow.

The fact that the cattle industry has improved to some extent in the last year does not affect the necessity for such a duty. While the cattle industry has improved, it has not improved to any extent by comparison with other industries, and is constantly subjected to the dangers incident to the dumping of South American meats and hides upon our market. Let me again quote from the speech of the distinguished Senator from South Dakota upon this very subject. In that address he said:

Now, we find appearing again before that committee the representatives of the Livestock Association of America. Mr. E. B. Speller, of Fort Worth, Tex., representing Texas and Southwest Cattle Raisers' Association, appeared before the committee. He made this remarkable

statement, the facts of which are well known to producers of cattle throughout America:

"As to what benefit the tariff on cattle and hides would be to the livestock producers, I see it in this way: We know that in Argentina, Brazil, New Zealand, and other countries they produce livestock, cattle, and sheep in very large quantities. Stock producers of those countries are the big packers of this country. They can throw on our markets at any time they desire enough beef to demoralize our beef market and they can throw upon our market at any time enough mutton to demoralize our mutton market. That is not speculation; that is not what we believe, but it is what we have seen done time and again in the past. We ask for those people who are struggling to try to remain in business, to rehabilitate their business, that they will be given the benefit of the tariff that will take away the danger of having their market destroyed in that way."

Then Mr. Prior, representative of the American Livestock Association, took the stand. In his testimony as to the needs of the cattle industry, he was interrupted by Senator Smoot—

"Senator SMOOT. Mr. Prior, will you tell me briefly just what you want so that I can have it here to refer to quickly?

"Mr. PRIOR. That you enact a duty of 20 per cent ad valorem on all cattle and 20 per cent duty on hides imported into this country."

Did the livestock producers of this country receive an ad valorem duty of 20 per cent upon cattle and a 20 per cent duty upon hides? Oh, no.

Mr. SMOOT. But they would have received it if the Republican Party had been able to control the situation. The duty on hides was defeated here on the floor of the Senate. I have voted for every duty on hides which has been proposed since I have had an opportunity to vote on tariff bills.

Why was the Republican Party unable to control the situation on the floor of the Senate with regard to the proposed tariff duty upon hides? The party had no trouble in controlling the tariff duties upon the manufactured articles which have been referred to by the Senator from South Dakota. The Republican Party had no trouble in providing for a tariff duty on aluminum, which has aided in the creation of a monopoly. The Republican Party was in control of the United States Senate at the time, and, in addition to that, substantially every western democratic Senator voted for such proposed amendment placing a duty upon hides.

Now permit me to turn to my amendment that I introduced and intended to propose to the revenue bill providing for a tariff duty of 30 cents an ounce upon the importation of silver into the United States.

The production of silver in the United States during the calendar year 1926 was 62,718,462 ounces. The importation of silver during the calendar year 1926 as to value was $69,595,936. The average price paid for that silver so imported was $0.624 an ounce, so the total number of ounces imported in 1926 was 111,000,000 ounces plus. The exports of silver from the United States during the calendar year 1926 were 147,000,000 ounces plus.

Now let us see what the domestic consumption of silver was during the fiscal year ending June 30, 1927. I use these figures because I have not the figures for the calendar year 1926. The fiscal year takes in the last half of 1926 and the first half of 1927, and there would be no material difference in the figures as applying to the fiscal year and the calendar year.

There was used for subsidiary coins in that fiscal year $7,622,161 worth of new silver. The average price per ounce paid for the silver was $0.5767. The number of ounces coined from such silver was 13,200,000 ounces. During the calendar year 1926 there was used in the arts new silver to the amount of 29,407,601 ounces. The result of these figures is as follows:

	Ounces
American production	62,718,462
American consumption	42,607,601

So 111,000,000 ounces of foreign silver competed with the 62,000,000 ounces of domestic silver in the local market for 42,607,601 ounces of silver. The price was thus beat down during the calendar year of 1926 to $0.624 per ounce and during the fiscal year ending June 30, 1927, to the price of $0.5767 per ounce.

Testimony was given before the Senate Commission of Gold and Silver Inquiry in 1924 by experts in the silver industry that the actual cost of producing an ounce of silver at that time was 70 cents. The cost at the present time is approximately the same. It means that a mine that produces only silver can not operate, and many mines throughout the mining area have been compelled to close down. The production of silver in the United States would practically vanish if it were not for the fact that silver is found associated with ores that are mined for copper or lead or zinc. As silver is associated with these other metals in the rock, the silver is naturally separated through the process of separating other metals from the rock. So we have some production of silver. It must be also remembered that mines whose ores have been chiefly valuable for their copper or lead or zinc contents have been able to pay a profit in many cases because of the silver content of such ores. When the price of that silver has dropped below a certain point then the profits on such ore has ceased and therefore such copper and lead and zinc mines have been compelled to close down by reason of the low price of silver.

The question arises, What should be the price of silver? Let us take the 13,200,000 ounces of new silver that was purchased by the Treasury Department during the fiscal year ending June 30, 1927, to ascertain its value. The Treasury Department paid for the 13,200,000 ounces $7,622,161, or, in other words, at the rate of $0.5767 an ounce. It manufactured that silver into dimes, quarters, and halves and sold those dimes, quarters, and halves to banks and to commercial houses for the sum of $18,216,000. In other words, the Government purchased the silver for $0.5767 an ounce and sold it to banks and business houses of the country in the form of subsidiary coins at the rate of $1.38 plus an ounce. The result of the transaction was that the Government made on the transaction a profit of $10,593,839. The users of subsidiary coinage made no profit on the low price of silver, and the producer was compelled to accept a loss on his production.

Now, let us see the effect of foreign competition upon the domestic silver market. Outside of the United States most of the silver produced in the world is produced in Mexico. In fact, our importations of silver are chiefly from Mexico. The average wage in the metal mines of the United States is about $5 a day for an eight-hour day for each miner. What are the wages of miners in Mexico?

Northern Sonora, ₱5.27 daily; Chihuahua, ₱4; Coahuila, ₱2.85; Lower California, ₱3.45; Guanajuato, ₱1.66; Jalisco, ₱2.07; Zacatecas, ₱2.88; Hidalgo, ₱3; Oaxaca, ₱1.68; Michoacan, ₱2.10; Guerrero, ₱1.64; and State of Mexico, ₱1.65.

These figures are given in Mexican money, or based upon the peso. The peso has a value at the present time of about 46 cents on the dollar. In northern Sonora most of the mining is copper mining. The silver is chiefly produced in the other States of Mexico. Eliminating northern Sonora, the average daily wage paid the miner in Mexico is 2.45 pesos, which translated into American money means $1.03. Even if we include the wages paid in northern Sonora, it makes very little difference in the figures, as the average daily wage would then be 2.95 pesos, or $1.36.

Now, this cheap Mexican silver is imported into this country free of duty to compete in the local market with American production. The tariff act of 1922 took care of aluminum, lead, and zinc. Here is the provision with regard to lead, being paragraph 392 of the tariff act, which reads as follows:

PAR. 392. Lead-bearing ores and mattes of all kinds, 1½ cents per pound on the lead contained therein: *Provided*, That such duty shall not be applied to the lead contained in copper mattes unless actually recovered: *Provided further*, That on all importations of lead-bearing ores and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores or mattes by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

PAR. 393. Lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, antimonial scrap lead, type metal, Babbitt metal, solder, all alloys or combinations of lead not specially provided for, 2⅛ cents per pound on the lead contained therein; lead in sheets, pipe, shot, glazier's lead, and lead wire, 2⅝ cents per pound.

A similar provision is made with regard to zinc. I do not contend that foreign ores, bullion, or mat containing silver shall be excluded from entry into this country for the purpose of reduction and refining and the subsequent export of the silver.

I simply ask that the amendment be in exactly the same form as the amendments with regard to lead and zinc. If such amendment with regard to silver were adopted, then there would be at the present time a local market for approximately 68 per cent of American production. Of course, as to the surplus, American producers will have to compete in the market of the world with the production of Mexico and other countries.

The history of the production and consumption of silver in the United States clearly indicates that it will only be a short time when the consumption of silver in this country will equal domestic production.

Mr. DILL. Mr. President, the farmers' organizations of some of the Western States have coined a slogan, "Tariff for all or tariff for none." Early in the present session the Senate passed a resolution expressing its judgment that the tariff rates on manufactured articles used by the farmers should be reduced, but the House of Representatives has failed to heed that resolution. The amendment offered by the Senator from Minnesota [Mr. SHIPSTEAD] proposes to raise the tariff rates upon commodities produced on the farm. Since we are retaining the profiteering tariff rates on the manufactured goods that the farmers must buy, I can find no defense for refusing the farmers adequate tariff rates on the things which they produce. While I would not ordinarily vote for tariff rates as high on some products as is proposed by this amendment, I feel that, under the circumstances, with no chance to reduce the tariff rates on the commodities which the agricultural producer must buy, I should, in justice to him, vote for higher tariff rates on the things which he produces.

The tariff on poultry and eggs is very badly needed by the producers of poultry and eggs on the Pacific coast. They face the competition with the Chinese eggs that are imported there not only in the shell but in frozen condition and in dried form, and are entitled to the increases provided by this amendment.

The producers of cherries, the producers of onions, the producers of milk and butter are all in need of protection if they are to pay the prices which they are compelled to pay for the manufactured goods under the profiteering tariff rates which protect many of them. So, because of the fact that we can not obtain a just revision of the tariff, I believe this amendment, if adopted, would tend to equalize conditions, I believe also that the only way we can bring home to the consuming masses of the great cities of this country the injustice and the unfairness of the profiteering tariff duties on manufactured goods is to give an equally high protection to the producers of farm products in this country. Of course, this would increase the price of farm products to them, just as the tariffs on manufactured products increases the cost of manufactured goods to the farmers. For these reasons, briefly stated, I shall vote for the amendment.

Mr. WALSH of Massachusetts. Mr. President, I present certain statistical information relative to the agricultural products covered by the amendment of the Senator from Minnesota [Mr. SHIPSTEAD].

I ask that the correspondence and tables prepared by the United States Tariff Commission, showing the proposed rate, the present rate, and the percentage of increase of the proposed rate over the present rate; and also tables showing the percentage of imports to total production. I shall not take the time of the Senate to discuss this amendment, for it is inconceivable that such a sweeping increase in tariff duties would be adopted without extensive study and public hearings by a committee of the Senate.

The PRESIDING OFFICER. Without objection, the tables and correspondence will be printed in the RECORD.

The matter referred to is as follows:

UNITED STATES TARIFF COMMISSION,
Washington, May 4, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: Receipt is acknowledged of your letter of April 18 requesting certain statistical information relative to the products named in the Shipstead amendment.

Inclosed you will find a table showing, for the products named, the proposed rate, the present rate, and the per cent of increase of the proposed rate over the present rate.

The additional data requested in reference to the per cent of imports compared with the production of these articles during the last three years, and the imports of them since the last tariff law was enacted, are being compiled so far as practicable. In many cases production statistics are not readily available.

Sincerely yours,

JOHN F. BETHUNE, *Secretary.*

SHIPSTEAD AMENDMENT

Comparison of proposed rates with present rates

Product	Proposed rate	Rate under the tariff act of 1922	Actual increase of proposed rate over present rate	Per cent of increase of proposed rate over present rate
Paragraph 85:				
Starch, potato	3 cents per pound	1¾ cents per pound	1¼ cents per pound	71.43
All other starches, n. s. p. f.	1 cent per pound	1 cent per pound		
Paragraph 707:				
Milk, fresh	6½ cents per gallon	2½ cents per gallon	4 cents per gallon	160.00
Milk, sour	3 cents per gallon	1 cent per gallon	2 cents per gallon	200.00
Buttermilk	do	do	do	200.00
Cream	60 cents per gallon	20 cents per gallon	40 cents per gallon	200.00
Paragraph 708:				
Milk, condensed or evaporated, unsweetened	4 cents per pound	1 cent per pound	3 cents per pound	300.00
Milk, condensed or evaporated, sweetened	4½ cents per pound	1½ cents per pound	do	200.00
All other condensed or evaporated milk	4 cents per pound	1⅝ cents per pound	2⅜ cents per pound	190.91
Whole-milk powder	9 cents per pound	3 cents per pound	6 cents per pound	200.00
Cream powder	10 cents per pound	7 cents per pound	3 cents per pound	42.86
Skimmed-milk powder	4 cents per pound	1½ cents per pound	2½ cents per pound	166.67
Malted milk	40 per cent	20 per cent	20 per cent	100.00
Compound or mixtures of or substitutes for milk or cream	do	do	do	100.00
Paragraph 709:				
Butter	16 cents per pound	8 cents per pound	8 cents per pound	100.00
		12 cents per pound [1]	4 cents per pound	33.33
Oleomargarine and other butter substitutes	8 cents per pound	8 cents per pound		
Paragraph 710: Cheese and substitutes therefor	7½ cents per pound but not less than 40 per cent.	5 cents per pound but not less than 25 per cent.	2½ cents per pound 15 per cent.	[2] 50.00
		7½ cents per pound but not less than 37½ per cent. [1]	2½ per cent	[3] 6.67
Paragraph 711:				
Poultry, live	9 cents per pound	3 cents per pound	6 cents per pound	200.00
All other live birds valued at $5 or less each (except bobwhite quail)	50 cents each	50 cents each		
All other live birds valued at more than $5 each	20 per cent	20 per cent		
Paragraph 712:				
Birds, dead, dressed or undressed—				
Poultry	12 cents per pound	6 cents per pound	6 cents per pound	100.00
All other	8 cents per pound	8 cents per pound		
All the foregoing prepared or preserved in any manner, n. s. p. f.	45 per cent	35 per cent	10 per cent	28.57
Paragraph 713:				
Eggs of poultry in the shell	14 cents per dozen	8 cents per dozen	6 cents per dozen	75.00
Whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved, n. s. p. f.	10 cents per pound	6 cents per pound	4 cents per pound	66.67
Dried whole eggs, dried egg yolk, and dried egg albumen	30 cents per pound	18 cents per pound	12 cents per pound	66.67
Paragraph 723:				
Buckwheat, hulled or unhulled	40 cents per 100 pounds	10 cents per 100 pounds	30 cents per 100 pounds	300.00
Buckwheat flour and grits or groats	One-half of 1 cent per pound.	One-half of 1 cent per pound.		

[1] By presidential proclamation, under section 315 of the tariff act of 1922.
[2] Specific.
[3] Ad valorem.

SHIPSTEAD AMENDMENT—continued

Comparison of proposed rates with present rates—Continued

Product	Proposed rate	Rate under the tariff act of 1922	Actual increase of proposed rate over present rate	Per cent of increase of proposed rate over present rate
Paragraph 760:				
Oil-bearing seeds and materials—				
Castor beans	One-half of 1 cent per pound.	One-half of 1 cent per pound.		
Flaxseed	80 cents per bushel of 56 pounds.	40 cents per bushel of 56 pounds.	40 cents per bushel of 56 pounds.	100.00
Copra (par. 1626 under the tariff act of 1922)	3 cents per pound	Free	3 cents per pound	300.00
Poppy seed	32 cents per 100 pounds	32 cents per 100 pounds		
Sunflower seed	2 cents per pound	2 cents per pound		
Apricot kernels	3 cents per pound	3 cents per pound		
Peach kernels	do	do		
Soya beans	One-half of 1 cent per pound.	One-half of 1 cent per pound.		
Cottonseed	One-third of 1 cent per pound.	One-third of 1 cent per pound.		
Paragraph 761:				
Grass seeds—				
Alfalfa	8 cents per pound	4 cents per pound	4 cents per pound	100.00
Alsike clover	do	do	do	100.00
Crimson clover	3 cents per pound	1 cent per pound	2 cents per pound	200.00
Red clover	8 cents per pound	4 cents per pound	4 cents per pound	100.00
White clover	8 cents per pound	3 cents per pound	5 cents per pound	166.67
Clover, n. s. p. f.	6 cents per pound	2 cents per pound	4 cents per pound	200.00
Millet	1 cent per pound	1 cent per pound		
Timothy	2 cents per pound	2 cents per pound		
Hairy vetch	do	do		
Spring vetch	1 cent per pound	1 cent per pound		
All other grass seeds, n. s. p. f.	2 cents per pound	2 cents per pound		
Paragraph 769:				
Potatoes, white or Irish	80 cents per 100 pounds	50 cents per 100 pounds	30 cents per 100 pounds	60.00
Potatoes, dried, dehydrated or desiccated	2¾ cents per pound	2¾ cents per pound		
Potato flour	2½ cents per pound	2½ cents per pound		
Paragraph 771: Turnips	50 cents per 100 pounds	12 cents per 100 pounds	38 cents per 100 pounds	316.67
Paragraph 777:				
Hay	$6 per ton	$4 per ton	$2 per ton	50.00
Straw	$1 per ton	$1 per ton		

UNITED STATES TARIFF COMMISSION,
Washington, May 10, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: In further reference to your letter of April 18, we have the pleasure of transmitting herewith in tabular form some of the information requested in the second paragraph of your letter.

This information is contained in two tables inclosed herewith. One of these tables shows for the five years from 1923 to 1927, inclusive, the value of imports of products included within the provisions of the amendment offered by Senator SHIPSTEAD on April 16, 1928, to the revenue bill. The second table shows for the year 1926 imports compared with production of the articles or products covered by the same amendment. The data in this second table are not readily available and some time has been required for their accumulation. We are therefore transmitting them for the one year which has been completed and, if you so desire, will complete for the years, say, 1924 and 1925, as rapidly as may be practicable. It would be almost impossible to get any adequate or satisfactory production figures as yet for 1927.

The imports indicated in the tables herewith inclosed are in each case net imports—that is, imports for consumption duty paid.

Very truly yours, JOHN F. BETHUNE, *Secretary.*

Value of imports of products included in the Shipstead amendment
(During period of tariff act of 1922)

Products	1923	1924	1925	1926	1927
Paragraph 85:					
Starch, potato	$352,161	$378,985	$418,670	$599,038	$1,006,173
All other starches, n. s. p. f.	32,116	71,596	59,880	136,869	98,854
Paragraph 707:					
Milk, fresh	866,425	818,960	1,225,061	1,245,392	748,166
Milk, sour, and buttermilk	17,060	8,626	17,002	6,852	31,095
Cream	4,744,955	6,141,231	7,591,025	8,050,912	7,606,071
Paragraph 708:					
Milk, condensed or evaporated, unsweetened	324,107	142,371	66,748	129,227	176,689
Milk, condensed or evaporated, sweetened	588,464	691,387	471,565	36,263	22,999
All other condensed or evaporated milk	51,912	8,653	210,438	218,315	86,258
Whole milk powder	128,263	155,074	151,190	355,541	488,767
Cream powder	410			985	3,435
Skimmed-milk powder	245,822	84,771	352,601	322,180	236,430
Malted milk, compounds or mixtures of, or substitutes for milk or cream	7,799	6,497	930	3,057	330
Paragraph 709: Butter and substitutes	7,543,698	6,958,372	2,553,219	2,389,387	2,873,177
Paragraph 710:					
Cheese and substitutes therefor—					
At specific rate	963,515	1,142,673	905,543	2,875,531	3,140,219
At ad valorem rate	18,948,647	16,644,912	16,654,048	17,500,368	21,560,298
Paragraph 711:					
Poultry, live	276,304	337,139	440,451	472,162	388,164
All other live birds valued at $5 or less each	526,083	579,299	710,847	857,367	938,125
Bobwhite quail				15,818	17,690
All other live birds valued at more than $5 each	14,635	27,618	32,205	47,773	48,912
Paragraph 712:					
Birds, dead, dressed or undressed—					
Poultry	497,711	428,900	865,036	2,003,322	994,245
All other	91,244	222,548	56,419	49,447	116,680
All the foregoing, prepared or preserved in any manner, n. s. p. f.	296,230	309,318	240,270	299,418	363,440
Paragraph 713:					
Eggs of poultry in the shell	109,564	108,821	137,190	103,665	74,808
Whole eggs, egg yolks, and egg albumen, frozen or otherwise prepared, n. s. p. f.	974,065	1,820,354	3,312,419	3,071,283	1,205,434
Whole eggs, egg yolks, and egg albumen dried	2,620,244	3,856,631	5,085,625	4,970,093	3,963,833
Paragraph 723:					
Buckwheat, hulled or unhulled	252,275	346,193	306,137	74,632	51,866
Buckwheat, flour, and grits or groats	2,822	2,220	2,139	3,615	2,537
Paragraph 760:					
Oil bearing seeds and materials—					
Castor beans	3,040,858	3,790,112	4,840,512	3,380,842	4,295,207
Flaxseed	48,956,956	30,038,040	39,682,722	40,940,619	38,416,260
Copra (paragraph 1626 under tariff act of 1922)	13,477,469	12,857,226	18,018,056	23,513,066	20,641,189
Poppy seed	634,688	421,535	388,919	536,942	565,354

Value of imports of products included in the Shipstead amendment—Continued

Products	1923	1924	1925	1926	1927
Paragraph 760—Continued.					
Oil bearing seeds and materials—Continued.					
Sunflower seed	$187,889	$28,103	$11,670	$8,444	$33,222
Apricot and peach kernels	1,191	331	13,676	15,452	314
Soya beans	147,559	152,579	150,780	148,099	162,642
Cottonseed	943,406	1,399,485	804,668	759,624	168,728
Paragraph 761:					
Grass seeds—					
Alfalfa	1,173,865	1,263,132	536,722	868,734	718,764
Alsike clover	834,310	964,773	1,798,548	1,287,337	1,347,401
Crimson clover	553,270	305,376	321,165	238,329	167,879
Red clover	764,662	2,874,231	2,450,552	3,088,859	1,533,341
White clover	374,455	389,625	472,019	334,726	217,777
Clover, n. s. p. f.	592,343	774,203	455,568	752,823	521,115
Millet	90,671	25,901	17,890	27,087	31,954
Timothy	9	515	344	5,204	1,270
Hairy vetch	155,229	180,225	185,559	182,036	181,785
Spring vetch	40,555	39,828	22,422	45,760	44,066
All other grass seeds, n. s. p. f.	1,181,126	934,492	1,067,671	1,162,837	969,798
Paragraph 769:					
Potatoes—					
White or Irish	1,064,006	699,390	2,943,121	8,200,038	5,015,576
White or Irish, from Cuba	1,255	12,846	24,979	97,883	172,047
Dried, dehydrated, or desiccated	174	32	477	83	2,189
Flour	4,913	3,289	2,259	4,238	14,391
Paragraph 771: Turnips	472,000	690,985	743,674	596,059	668,334
Paragraph 777:					
Hay	1,502,348	3,167,569	1,978,050	3,374,586	1,108,810
Straw	102,591	149,425	120,415	149,468	143,122

Source: Foreign Commerce and Navigation of the United States.

UNITED STATES TARIFF COMMISSION, STATISTICAL DIVISION, *May, 1928*

Imports compared with production of products included in the Shipstead amendment, 1926

[In thousands: i. e., 000 omitted]

	Unit of quantity	Production	Net imports	Per cent net imports are of total production
Paragraph 85:				*Per cent*
Starch, potato	Pound	[1] 10,128	19,167	189.25
Starch, corn	do	[1] 854,125	(4)	.28
All other starches, n. s. p. f.	do	[1] 10,055	2,386	
Paragraph 707:				
Milk and cream, fresh [2]	Gallon	6,560,116	68,805	1.05
Sour milk and buttermilk	do	(7)	25	
Paragraph 708:				
Milk, condensed or evaporated—				
Unsweetened	Pound		1,321	
Sweetened	do	1,733,504	344	.24
All other	do		2,477	
Whole-milk powder	do	10,768	1,563	14.52
Cream powder	do	331	6	1.81
Skimmed-milk powder	do	91,718	3,809	4.15
Malted milk and compounds, mixtures or substitutes for milk and cream	do	20,673	12	.06
Paragraph 709:				
Butter	do	1,451,766	[3] 6,727	.40
Oleomargarine and other butter substitutes	do	242,560		
Paragraph 710: Cheese and substitutes	do	427,416	75,871	17.75
Paragraph 711:				
Poultry, live	do	(5)	2,108	
All other live birds valued at $5 or less each (except bobwhite quail)	Number	(5)	512	
All other live birds valued at more than $5 each	do	(5)	4	
Paragraph 712:				
Birds, dead, dressed and undressed—				
Poultry	Pound		5,947	
All other [4]	do	600,000	95	1.09
All the foregoing prepared or preserved in any manner	do		470	
Paragraph 713:				
Eggs of poultry in the shell	Dozen	2,120,000	298	.01
Whole eggs, egg yolks, and egg albumen, frozen or otherwise prepared or preserved, n. s. p. f.	Pound	92,041	18,516	20.12
Dried whole eggs, dried egg yolks and dried egg albumen	do	(5)	[6] 40,641	
Paragraph 723:				
Buckwheat	Bushel	12,922	89	.69
Buckwheat flour and grits	Pound	[1] 47,873	98	.20
Paragraph 760:				
Oil bearing seeds and materials—				
Castor beans	Pound	(7)	100,796	
Flaxseed	Bushel	19,459	22,316	114.68
Copra	Pound	(8)	457,599	
Poppy seed	do	(7)	5,177	
Sunflower	do	(7)	249	
Apricot and peach kernels	do	(7)	56	
Soya beans	do	837,000	3,728	.45
Cottonseed	do	15,978,000	58,951	.37
Paragraph 761:				
Grass seeds—				
Alfalfa	do	57,000	4,951	8.69
Clover (all varieties)	do	47,820	39,428	82.45
Millet	do	(7)	1,160	
Timothy	do	(7)	37	
Hairy vetch	do	(7)	2,224	
Spring vetch	do	(7)	1,425	
All other, n. s. p. f.	do	(7)	8,657	

[1] 1925 figures latest available.
[2] Cream converted to a milk basis.
[3] Imports of butter substitutes included in butter.
[4] Game birds.
[5] Dried eggs converted to a liquid basis for comparison with frozen eggs.
[6] Less than 500 pounds.
[7] Not available.
[8] No domestic production.

Imports compared with production of products included in the Shipstead amendment, 1926—Continued

	Unit of quantity	Production	Net imports	Per cent net imports are of total production
Paragraph 769:				*Per cent*
Potatoes, white or Irish	Bushel	356,360	5,647	1.58
Potatoes, dry dehydrated	Pound	(7)	(6)	
Potato flour	do	(7)	109	
Paragraph 771: Turnips	do	(7)	96,584	
Paragraph 777:				
Hay	Ton	96,362	354	.37
Straw	do	(7)	28	

[6] Less than 500 pounds.

[7] Not available.

UNITED STATES TARIFF COMMISSION, STATISTICAL DIVISION, *May, 1928*

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. REED of Missouri. Let the amendment be stated.

Mr. LA FOLLETTE. The amendment has already been stated. It is an exceedingly long amendment. It took 10 or 15 minutes to read it in the first instance.

Mr. REED of Missouri. I simply wanted the amendment stated by its title or catchwords. I did not mean to have it all read.

The PRESIDING OFFICER. The amendment will be stated, as suggested by the Senator from Missouri.

The principal legislative clerk proceeded to summarize the amendment.

Mr. REED of Missouri. That is sufficient.

Mr. President, I simply wish to say a word about this amendment. I appreciate the spirit in which the Senator from Minnesota has offered it; but the difficulty with this and similar measures is that they relate to articles which we export rather than import. It is true that in the fluctuations of business, and because of peculiar conditions, a few products of every conceivable kind come into the United States, but they can have no material effect when a much larger volume of the same articles is moving out of the United States in response to world conditions.

The wheat farmer can not get relief by tariff duties upon wheat when he must sell his surplus of wheat—and a very large surplus—in the markets of the world in competition. All these efforts to benefit the farmer—or nearly all of them—by levying tariff duties upon commodities which are not imported in sufficient quantities really to affect prices are vain proposals.

One trouble with the farmer—not all of the troubles that affect him—is that he can not buy in the market at the same level where he sells. What is being attempted is to bring the farmer up to the same level of protection that the manufacturer receives, but the two positions are diametrically opposite. The manufacturer wants to keep goods out of this country that otherwise would come in. This amendment proposes to keep out agricultural products that will not come in. So the farmer can not, by having tariff rates upon commodities that will not come in and which he must export, reach the price level of the manufacturer who can keep out articles that would come in, that would be imported, and then, having succeeded in keeping those possible imports out, be able to organize combinations back of the tariff wall and control the prices in the domestic market. That is the trouble with all of these schemes.

The Senator from Minnesota as much as any man in this Chamber wants to help the farmer, and wants to equalize these artificial inequalities, but it can not be done by an increase of tariff duties upon farm products because we ship them out instead of importing them.

There are instances, of course, where small quantities come in, as I said. I asked the Senator about one of these items. I think he stated that 20,000,000 dogen eggs had been shipped in from China; but the production in this country in 1895 or 1896 was 1,800,000,000 cases, so that the importation was an infinitesimal amount, and our exportations were very much larger.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I do.

Mr. BORAH. With reference to eggs particularly, if there were no tariff at all upon eggs does the Senator think that the importation would be limited to 20,000,000?

Mr. REED of Missouri. Yes; I do. I do not think it amounts to anything.

Speaking broadly, and leaving out the question of particular items, I do not think this is any way to get a result. I think there is a way to get a substantial result, and that is to confer upon the farmer the right to purchase in the market where he sells, and that is the purpose of an amendment that I propose to press when this amendment is out of the way.

So if I cast my vote against this amendment, it is done for the considerations I have just named. It is not the way to help the American farmer in any practical way. It is a subterfuge that is being put upon the American farmer by those who in some instances—I do not apply that to anyone in this Chamber—want to perpetuate the present tariff iniquities.

As long as the farmer can be led to believe that he will receive aid in this way, he can still be induced to vote for a party or a policy which means the maintenance of the present outrageous tariff. It is time that he was given to understand that the trouble with him is that he buys on one market level—a level promoted, created, and enforced by law—and that he must sell upon an entirely different and lower level, one that is created by productive and economic conditions.

I am perfectly willing to vote; but, Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. REED of Missouri and Mr. SHIPSTEAD called for the yeas and nays.

The yeas and nays were not ordered.

Mr. SHIPSTEAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Mayfield	Smoot
Barkley	Fletcher	Moses	Steck
Bingham	Gerry	Norbeck	Steiwer
Blaine	Greene	Norris	Stephens
Borah	Hale	Nye	Swanson
Bratton	Harrison	Oddie	Thomas
Brookhart	Hawes	Pine	Tydings
Bruce	Hayden	Pittman	Vandenberg
Capper	Heflin	Reed, Mo.	Walsh, Mass.
Caraway	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	La Follette	Robinson, Ind.	Warren
Cutting	Locher	Schall	Waterman
Deneen	McKellar	Sheppard	Watson
Dill	McMaster	Shipstead	
Edge	McNary	Shortridge	

The VICE PRESIDENT. Fifty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. REED of Missouri. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Washington [Mr. JONES], and will vote. I vote "nay."

Mr. SWANSON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I do not see him in the Chamber, and I therefore withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from North Carolina [Mr. SMITH] to the Senator from Massachusetts [Mr. GILLETT], and will vote. I vote "nay."

Mr. LAFOLLETTE (when Mr. WHEELER's name was called). I desire to announce that the junior Senator from Montana

[Mr. WHEELER] is absent because of a death in his family. He has a general pair with the junior Senator from Idaho [Mr. GOODING].

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I am advised that if he were present he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. BINGHAM. I have a general pair with the Senator from Wyoming [Mr. KENDRICK]. Not knowing how he would vote, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CARAWAY. My colleague [Mr. ROBINSON of Arkansas] is unavoidably absent. If he were present, he would vote "nay."

Mr. EDGE (after having voted in the negative). I have a temporary pair with the Senator from New York [Mr. COPELAND]; but I am informed that if the Senator from New York were present he would vote as I have voted, so I will permit my vote to stand.

Mr. HARRISON. The senior Senator from North Carolina [Mr. SIMMONS] is necessarily detained. If present, he would vote "nay."

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is unavoidably absent.

Mr. HEFLIN. My colleague [Mr. BLACK] is unavoidably absent. While he favors an increase in the rates on some of the things listed in this amendment, feeling as I do on that subject, he would vote "nay" if present.

Mr. SWANSON. My colleague [Mr. GLASS] has been momentarily called from the Chamber. He is paired against this amendment. If present and at liberty to vote, he would vote "nay."

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Rhode Island [Mr. METCALF] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Michigan [Mr. COUZENS] with the Senator from Georgia [Mr. HARRIS];

The Senator from Kentucky [Mr. SACKETT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

The result was announced—yeas 13, nays 44, as follows:

YEAS—13

Borah	La Follette	Nye	Vandenberg
Brookhart	McMaster	Pittman	
Capper	Norbeck	Schall	
Dill	Norris	Shipstead	

NAYS—44

Ashurst	Fess	McKellar	Smoot
Barkley	Fletcher	McNary	Steck
Blaine	Gerry	Mayfield	Steiwer
Bratton	Greene	Moses	Stephens
Broussard	Hale	Oddie	Swanson
Bruce	Harrison	Pine	Thomas
Caraway	Hawes	Reed, Mo.	Tydings
Curtis	Hayden	Reed, Pa.	Walsh, Mass.
Cutting	Heflin	Robinson, Ind.	Walsh, Mont.
Deneen	Johnson	Sheppard	Waterman
Edge	Locher	Shortridge	Watson

NOT VOTING—37

Bayard	George	Keyes	Simmons
Bingham	Gillett	King	Smith
Black	Glass	McLean	Trammell
Blease	Goff	Metcalf	Tyson
Copeland	Gooding	Neely	Wagner
Couzens	Gould	Overman	Warren
Dale	Harris	Phipps	Wheeler
du Pont	Howell	Ransdell	
Edwards	Jones	Robinson, Ark.	
Frazier	Kendrick	Sackett	

So Mr. SHIPSTEAD'S amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

CONSTRUCTION AT MILITARY POSTS

The Vice President laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

PULLMAN SURCHARGE

Mr. MAYFIELD. I ask to have a short editorial on the Pullman surcharge appearing in the Washington Post this morning printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PULLMAN TICKET GRAFT

Elimination of the Pullman surcharge is proposed in a bill sponsored by Senator ROBINSON of Arkansas, which has been approved by the Senate Committee on Interstate Commerce. The measure proposes an amendment to the interstate commerce act making it unlawful for a railroad to charge a higher rate than that applying in a day coach for travel on parlor or sleeping cars. The only exception is made where the railroads themselves own sleeping cars.

The Pullman surcharge is a relic of the war days and should have been abolished long ago. No valid reason exists why the railroads should get this particular form of graft from Pullman passengers. The railroads provide nothing in the way of service in return for this charge. The occupant of a Pullman does not arrive at his destination a single minute before his fellow travelers in the day coaches. If anything, the use of Pullmans benefits the railroads by increasing travel and spreading the traffic load out over the 24 hours of the day.

The Pullman Co., which provides the additional comforts, has never benefited from the surcharge. In order to keep its own skirts clean it is specifically stated on every Pullman ticket that the additional 50 per cent is paid to the railroads. The carriers have resisted successfully the abolition of this excess payment. It is easy to understand that they do not wish to surrender a source of revenue which is 100 per cent profit. The rates which the Pullman Co. charges are all that may be justly exacted. Anything above that amount is a polite form of highway robbery.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. MCMASTER. Mr. President, on behalf of my colleague, the senior Senator from South Dakota [Mr. NORBECK], I offer the following amendment.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 206, after line 2, insert a new section as follows:

SEC. 441. TAX ON CALL LOANS.

Schedule A of Title VIII of the revenue act of 1926 is amended by adding at the end thereof a new subdivision to read as follows:

"8. Call loans: Drafts, checks, promissory notes, or other evidences of indebtedness, payable at sight or on demand, evidencing a loan made by any person engaged in the business of making call loans, 5 cents if the face value is not more than $100, and for each $100, or fractional part thereof, of face value, 5 cents."

Mr. MCMASTER. Mr. President, if this amendment were adopted on the promissory notes or other evidence of indebtedness given for transactions in speculation on the stock exchange, the tax would amount to $2,000,000 a year, providing those promissory notes or other evidences of indebtedness should run for a period of one year, but if they should mature in 60 days, on an average, the amendment would raise revenue of $12,000,000 a year.

There has been a wild orgy of speculation on the stock exchange during the last two or three years. Hundreds of millions of dollars of profits have been made, and to anyone who is familiar with the past history of the stock exchange, while many hundreds of those millions of dollars to-day are in the hands of what are called the "lambs," it will be a period of only a short time when there is going to be a frightful shakedown

in the stock market and in the value of stocks, and those profits again are going to revert to the rich and be safely stored in their strong boxes.

Mr. President, I can not see any reason why a tax of 5 cents per $100, and for each hundred dollars in addition thereto, should not be levied in reference to this speculation. There are other amendments pending here in the interest of the farmers that are going to require a certain amount of money to be refunded from the Treasury of the United States, and the adoption of this amendment will add $12,000,000 a year to those revenues. It would therefore seem to me that the amendment ought to be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. HARRISON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Mississippi offers the following amendment, on page 243, after line 21, to insert a new section as follows:

SEC. 706. Commissioners of the Court of Claims: The salary of the commissioners of the Court of Claims provided for in the act entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," approved February 24, 1925, as continued in force by Public Resolution 4, Seventieth Congress, approved January 11, 1928, shall after the date of the enactment of this act be at the rate of $7,500 a year.

Mr. SMOOT. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McMASTER. Mr. President, I offer another amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 245, after line 16, insert the following:

SEC. —. AMENDMENT TO TARIFF ACT OF 1922.

The tariff act of 1922 is amended by adding after section 313 thereof a new section, to read as follows:

"SEC. 313a. The Secretary of Agriculture is authorized and directed to designate primary markets for each of the following: Grains, cotton, livestock, tobacco, fruits, nuts, vegetables, and any other agricultural product which the Secretary of Agriculture deems advisable. After the designation of any primary market for any such product any producer or shipper of such product shipping for export any quantity thereof through a primary market shall be paid a compensatory allowance equal to the transportation charges paid on such product from the primary market to the most convenient port. Such allowances shall be paid out of the revenue from customs, and a sum sufficient for such purpose is hereby reserved, set aside, and appropriated from the revenue from customs for each fiscal year in a special fund to be administered by the Secretary of Agriculture to carry out the provisions of this section. Such allowances shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of transportation charges and exportation as the Secretary of Agriculture may prescribe. In designating primary markets for any agricultural product under this section the Secretary of Agriculture shall, so far as practicable, avoid the creation of discrimination against other primary markets for such product."

Mr. McMASTER. Mr. President, this amendment, with two or three other amendments which are pending at the present time, are what might be called "farmer amendments," amendments which are calculated to confer distinct advantages and benefits upon the farmers of this country. What seems strange to me is that farmer amendments, and the discussion of those farmer amendments, and the disposition of those amendments, must be crowded into a few hours on Saturday night, disposed of by 12 o'clock to-night, and discussed in the stifling atmosphere of the Senate, which prevails after the intense heat of the day. Such apparently is the treatment that is accorded to the farmers of the country and matters in which they are interested.

The purport of this amendment is to incorporate into the tariff act of 1922 the principle of the drawback system, conferring distinct advantages and benefits upon the farmers of this country. The privilege of the drawback system has been enjoyed for many years by the manufacturers of this country.

The drawback system permits the manufacturers to import raw materials from foreign lands free of duty, provided such raw materials are converted into manufactured products that are intended for export, notwithstanding the fact that those raw materials may be produced and are produced upon American farms.

The drawback system does more than that. It permits manufacturers to import manufactured articles from foreign lands free of duty, provided a finishing process is applied to those manufactured products, and they are intended for export. Thus, when the manufacturer desires to compete in foreign lands in competition with cheap foreign materials and cheap labor, under the drawback system he is permitted to import into this country those raw materials and cheap European labor which may be used in the manufacture of products which are intended for export.

When the farmers of America, however, produce a surplus crop, they must produce that surplus crop under the high costs of American production. There is no drawback system for the farmer. There is no drawback system which permits him to import cheap European material. There is no drawback system which permits him to import cheap labor to be used in the production of his surplus crop. When the American packer cures meat for export, he may import salt free of duty for that purpose, but when the farmers feed that same salt to their cattle, and those cattle are intended for export, the farmers must pay a duty upon that salt.

Do Senators think they can impose this one-sided Machiavellian system upon the farmers of this Nation without a protest? Do they think the farmers of this country are going to submit to that injustice like dumb beasts in the field?

It is inconceivable that any legislative body would inflict that injustice upon the agricultural interests of the country. Those who contend for the retention of this policy without further application must of necessity use sophistry to sustain their contention. Of course, it is claimed that the principle applies to all alike, but everyone knows that a farmer can not import a half-grown bale of cotton or a half-grown bushel of wheat or corn and apply a finishing process here, because God Almighty produces cotton and corn and wheat, but it requires high-priced materials and high-priced labor to aid Providence in the production of that cotton and corn and wheat. Therefore the principle of the drawback system can not be applied to the farmer in the same manner that it can be applied to the manufacturer. But the good to be obtained, the advantages to be derived through the rebating of freight rates to the farmers of the country are identical in principle with the advantages that are derived by the manufacturers through the drawback system.

The principle of the drawback system is fair and just when applied impartially and fairly to all classes alike, but it is a vicious and reprehensible and indefensible policy when its benefits are reserved for only a favored few. The total production of agricultural products amounts to about $12,000,000 a year, but each one of those dollars is worth only 89 cents. Therefore $1,200,000 has been exacted from the farmer through tariff juggling and through other governmental devices.

The adoption of this amendment, the purpose of which is to rebate freight rates upon agricultural products from the primary markets to the seaports upon such agricultural products as are intended for export, will amount to about $100,000,000 a year to be rebated out of the tariff revenues of the country. That $100,000,000, which would be rebated to the farmers under that system, is simply rebating to them the taxes which, through tariff duties, they have paid upon the necessities of life which have been employed in the production of that surplus crop.

It is contended that this is a tax bill to which under no circumstances must an amendment of this nature be attached. No matter if the amendment would confer great advantage upon the great mass and proportion of our population, still there shall be no farmer amendment attached to the bill. It is true that those who pay income taxes pay campaign bills. The farmers do not pay campaign bills. What a glorious record it is for us to go before the farmers of the country and point with pride to the fact that we have reduced the taxes upon corporations; that we have reduced the taxes upon those whose incomes range from $30,000 to $5,000,000 a year; that some Senators have voted to reduce taxes upon high-priced theater tickets, upon prize fights, and upon country clubs. But what shall we say to the 4,000,000 farmers in the country whose annual income is only $235 after they have paid their running expenses? The tax bill does not affect one-tenth of 1 per cent of the farmers of the country save only in the rebating of the excise taxes upon automobiles.

It is intimated, of course, that if any amendment like this were to be attached to the bill it would receive the presidential veto. If the amendment will confer a distinct advantage upon a population of 30,000,000 in this country, then why not pass the bill over the presidential veto? Do those of us who come from the agricultural section, who represent the cotton growers and the

grain and wheat growers, the producers of livestock and the producers of vegetables and fruit, think that that great class of the population will be more pleased at our voting for the reduction of taxes upon corporations and more pleased at our voting for the reduction of taxes upon those whose incomes range from $20,000 to $5,000,000 a year, that they will be more pleased at our voting to reduce the taxes on high-priced theater tickets and prize fights and country clubs, than they would be pleased at our voting to rebate freight rates upon their export agricultural products, thereby establishing for them the principle of the draw-back system? If so, then, of course, we should vote against this amendment. To give to the manufacturers of the country the privilege of the draw-back system and deny to the farmers of the country is unfair, un-American, and unpatriotic.

Surely no one can claim that the amendment is economically unsound. If it is economically unsound then the whole principle of the drawback system is economically unsound. If it is economically sound to pass laws permitting the railroads to increase their freight rates to earn between 5 and 6 per cent upon their investment, is it economically unsound to rebate certain freight rates to the farmers in order that they may earn a greater income upon their investment? As I said, the rebates under the amendment are the rebates that the farmers of the Nation have paid into the Treasury of the United States through the tariff upon those necessities of life which they have actually employed in producing the surplus crop.

Mr. President, in examining the bill, if we analyze it carefully, we will find in reality that all we have done is to rebate about $200,000,000 of profits to those who are in very comfortable circumstances. The only thing that we have done in the bill for the farmers of the country is to rebate the taxes upon that poor, pitiful little income of $235 a year.

I say to you, Mr. President, that it is reported that the President is going to veto the McNary-Haugen bill. That means that Congress is to adjourn without enacting one single piece of legislation for the advantage of the agricultural interests of the country. I say to you that if that is going to be the case, bitterness is going to be written into the hearts and the minds of the farmers of the country, and words can not describe the brutal indifference of the Federal Government toward that great agricultural population of 30,000,000 people who believe in our form of government, who in the past and who to-day constitute the backbone of our civilization. I say to you that if the Senate passes a tax bill which includes practically $200,000,000 of rebates of profits to those who are in comfortable circumstances, and does nothing for the farmers, then every farmer in America ought to have this tax bill framed and hung on the walls of his home. Above the bill he should put the inscription, "In God we trust," and below it he should put the words "Dedicated to the memory of the conservers of the public weal. Dedicated to the memory of those who voted to exempt our family income of $235 a year from all taxation."

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The question is on the amendment proposed by the Senator from South Dakota.

Mr. McMASTER. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. BLAINE. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, I ask if there has been any business transacted since we last had a quorum call.

Mr. McMASTER. Yes. I have introduced two amendments since then.

Mr. FESS. And there has been a vote.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Smith
Barkley	Fletcher	Mayfield	Smoot
Bingham	Gerry	Moses	Steck
Blaine	Glass	Norbeck	Steiwer
Borah	Greene	Nye	Stephens
Bratton	Hale	Oddie	Swanson
Brookhart	Harrison	Pine	Thomas
Broussard	Hawes	Pittman	Tydings
Bruce	Hayden	Reed, Pa.	Vandenberg
Capper	Heflin	Robinson, Ark.	Wagner
Curtis	Johnson	Robinson, Ind.	Walsh, Mass.
Cutting	La Follette	Schall	Walsh, Mont.
Deneen	Locher	Sheppard	Warren
Dill	McKellar	Shipstead	Waterman
Edge	McMaster	Shortridge	Watson

The PRESIDING OFFICER. Sixty Senators having responded to their names, there is a quorum present. The question is on the amendment proposed by the Senator from South Dakota [Mr. McMASTER].

Mr. McMASTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. In his absence I withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. Not knowing how he would vote on this question, I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am advised that if present he would vote "nay." Therefore, I am free to vote, and I vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the senior Senator from Washington [Mr. JONES], who is unavoidably detained from the Senate. I transfer that pair to the junior Senator from Utah [Mr. KING], and vote "nay."

Mr. WARREN (when his name was called). I again announce my pair and withhold my vote.

The roll call was concluded.

Mr. GLASS. I am advised that my pair the senior Senator from Connecticut [Mr. McLEAN] if present would vote as I intend to vote on this question. Therefore, I am at liberty to vote, and vote "nay."

Mr. EDGE. I have a general pair with the Senator from New York [Mr. COPELAND]. I am advised, however, that if present he would vote as I propose to vote, and I vote "nay."

Mr. CURTIS. I desire to announce that the Senator from Nebraska [Mr. NORRIS] is necessarily absent attending a committee meeting.

I also desire to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. BLACK];

The Senator from Michigan [Mr. COUZENS] with the Senator from Georgia [Mr. HARRIS];

The Senator from Kentucky [Mr. SACKETT] with the Senator from West Virginia [Mr. NEELY]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 14, nays 44, as follows:

YEAS—14

Blaine	Johnson	Norbeck	Shipstead
Brookhart	La Follette	Nye	Steck
Capper	McMaster	Pittman	
Dill	McNary	Schall	

NAYS—44

Ashurst	Fletcher	Mayfield	Steiwer
Barkley	Gerry	Moses	Stephens
Borah	Glass	Oddie	Swanson
Bratton	Greene	Pine	Thomas
Broussard	Hale	Reed, Pa.	Tydings
Bruce	Harrison	Robinson, Ark.	Vandenberg
Curtis	Hawes	Robinson, Ind.	Wagner
Cutting	Hayden	Sheppard	Walsh, Mass.
Deneen	Heflin	Shortridge	Walsh, Mont.
Edge	Locher	Smith	Waterman
Fess	McKellar	Smoot	Watson

NOT VOTING—36

Bayard	Edwards	Jones	Phipps
Bingham	Frazier	Kendrick	Ransdell
Black	George	Keyes	Reed, Mo.
Blease	Gillett	King	Sackett
Caraway	Goff	McLean	Simmons
Copeland	Gooding	Metcalf	Trammell
Couzens	Gould	Neely	Tyson
Dale	Harris	Norris	Warren
du Pont	Howell	Overman	Wheeler

So Mr. McMASTER's amendment was rejected.

Mr. FLETCHER. Mr. President, I offer the amendment, which I ask the clerk to read.

The VICE PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The CHIEF CLERK. On page 194, after line 26, it is proposed to insert a new section, as follows:

SEC. 405. SUITS TO ENJOIN COLLECTION OF ESTATE TAX.

Notwithstanding the provisions of section 3224 of the Revised Statutes (prohibiting suits to enjoin the collection of an internal-revenue tax) the executor of any decedent dying before or after the enactment of this act may institute and maintain a suit in the proper district court for the purpose of enjoining collection of the estate tax imposed by Title III of the revenue act of 1926, if such suit is brought solely on the ground that such tax is invalid because of the provisions of section 301 (b) thereof (providing for credit against the Federal estate tax of the amount of State inheritance taxes paid, up to 80 per cent of the amount of the Federal tax), and if the State of which such decedent was a resident joins as a petitioner; and for the purposes of such suit such State shall be considered as a proper party.

Mr. SMOOT. Mr. President, I hope the amendment will not be agreed to.

Mr. FLETCHER. Mr. President, I am not going to discuss the amendment further than to observe that in the case of Florida against Mellon the Supreme Court held that there was no authority to file the petition to test the validity of this provision of the estate tax law. One ground on which that decision was made was that we have a statute which forbids any suit being brought to enjoin the collection of a tax. This amendment merely allows a State and the executor of an estate to come into court and raise the question as to whether we are passing laws that are constitutional or not. That is all. I ask for a vote on the amendment.

Mr. SMOOT. Mr. President, it simply overrules the decision of the Supreme Court.

Mr. FLETCHER. It authorizes what the Supreme Court says we can not do now; this amendment authorizes that to be done. It merely permits the State and an executor to raise that question to determine whether or not we are passing laws that are contrary to the Constitution.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. FLETCHER. I offer another amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 243, after line 6, it is proposed to insert the following as a new section:

SEC. —. REAL ESTATE SALES IN 1924–1926.

If in the return of a taxpayer for the taxable year 1924, 1925, or 1926 there was included income from the sale of real estate, and part of the consideration received upon such sale consisted of evidences of indebtedness, and it appears that the fair market value of such evidences of indebtedness, on the date of the enactment of this act, is less than 50 per cent of their face value, then, at the request of the taxpayer, the tax for such taxable year shall be redetermined, so far as relating to the income from such sale, substituting the fair market value of such evidences of indebtedness on the date of the enactment of this act for their fair market value on the date of their receipt by the taxpayer.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. FLETCHER. I offer another amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 231, it is proposed to strike out lines 11 to 16, inclusive, and in lieu thereof to insert:

(3) May issue a certificate of partial discharge of any part of the property subject to the lien if there is furnished to the collector and accepted by him a bond, in an amount not to exceed double the fair market value of the taxpayer's interest at the date of said bond, in such part or portion of the whole property sought to be released, such bond to be conditioned upon the payment, within the time therein prescribed, of the full amount of the taxpayer's interest in the property released, toward the satisfaction of the outstanding tax liability, and to be in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon as may be specified in the regulations.

On page 232, after line 6, add subdivision reading as follows:

"(g) All bonds authorized by this section shall run in favor of the United States of America."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. REED of Missouri. Mr. President, who is the author of the amendment?

The VICE PRESIDENT. The amendment was offered by the Senator from Florida.

Mr. REED of Missouri. I should like to have it explained.

Mr. FLETCHER. The amendment provides for what is practically being done now by regulation. The regulations of the department permit a taxpayer to satisfy a portion of a tax lien that may exist on a large area of property and allow him to sell a portion of the property, upon paying a certain amount of the tax and giving bond for the remainder; that is all. It is practically carrying out the regulation which is being enforced, only it is being done by regulation rather than by law.

Mr. SMOOT. Mr. President, briefly stated—and I shall not take more than a minute of the time of the Senate—the amendment imposes upon the collector the tremendous and impossible task of determining a taxpayer's interest in the property which is sought to be released from the tax lien. Not only must the collector appraise the value of the land, but he must determine the validity of all outstanding mortgages and other liens, which is an impossibility.

Mr. REED of Missouri. I am interested in knowing as to that. The Senator from Florida states that it is now being done, while the Senator from Utah states that it is an impossibility. That presents an interesting question as to just how the impossible is now being done, and of course I am bound to credit both these distinguished Senators with absolute adherence to the truth.

Mr. SMOOT. I think the Senator from Florida is mistaken when he says it is being done by the department. I will say that there are a number of cases that have gone to the courts, so that the question is being brought to attention, but, so far as the department is concerned, it is not acting in the way suggested.

Mr. REED of Missouri. If it is impossible to be done, how could a court do it?

Mr. SMOOT. I am not saying what the court will decide, but I do not think that the court will decide that it can be done.

Mr. REED of Missouri. If it can not be done, why is it that the department is now trying to do it. I should like to hear further from the Senator from Florida.

Mr. SMOOT. I am quite sure that the department is not even trying to do it.

Mr. FLETCHER. It is a case where the Senator from Utah and the Senator from Florida are not so far apart when all the circumstances are understood. His view is that it is impossible to carry out a law like this for the reasons he has mentioned; but undoubtedly in particular cases, in individual cases, they have been doing this very thing.

Of course, if it were put on the statute books, it might involve some cases where it would be very difficult to do it, and if it went into a formal regulation it might be impossible to do it. I do not know but that I made a mistake when I said they were doing by regulation what I am asking to have go into the law; but they are doing it in practice in individual cases. I am quite sure of that.

Mr. SMOOT. Not in the department.

Mr. FLETCHER. They are permitting a thing like this, and there is nothing wrong about it:

If a man has a tract of land, for instance, perhaps divided into lots, and an assessment is made against him, all of his property is covered by a lien for his tax that is spread on the records. This whole tract of land is covered by the lien. He can not sell a lot of it. He can not sell an acre of it. The tax is more than he is able to pay; but he can sell a portion of the area that he owns and get enough money to pay a good portion of the tax. This would permit him to pay on account of the tax. It would let the collector go and value it—and he does that now; he makes an estimate of the value of property when he wants the tax collected, and gives time on a portion of the tax—but that does not release the property. Therefore, the owner can not dispose of the property because there is a blanket lien over all of it. This would permit him to sell a lot, and, out of the proceeds of that lot, pay on account of the tax and then take a bond for the rest of the tax.

Mr. SMOOT. The departments have gone this far in a case like that: They are perfectly willing to release the lien, providing a bond is given for the whole of it, and then they can sell it as they please; but the bond is given before the lien is released.

Mr. FLETCHER. Yes.

Mr. SMOOT. Why should it be otherwise?

Mr. FLETCHER. I think that is what this amendment does.

Mr. BORAH. Mr. President, I want to ask the Senator from Missouri if the explanation is satisfactory to him?

Mr. REED of Missouri. Mr. President, I have listened to this colloquy, these explanations, and I am still absolutely in the dark.

I am first told that a thing is impossible. I am next told that it is being done. As nearly as I can make out, it is being done in individual cases, but not according to an established rule. Then, are we to understand from that that the depart-

ment has a rule which it applies in certain cases but does not apply in others?

Mr. SMOOT. No one said that, Mr. President.

Mr. REED of Missouri. Is that the understanding of the Senator from Utah?

Mr. SMOOT. The Senator said that it is the practice in the department, wherever there has been a lien upon the whole of the property, to release the lien upon the property providing the owner of the property would give a bond outside, so that the department would be perfectly secure.

Mr. REED of Missouri. Why should not that be enacted into a rule of law?

Mr. SMOOT. The bill provides for that now.

Mr. REED of Missouri. Do I understand that the Senator from Florida, in this amendment, has provided for something that is already in the bill?

Mr. SMOOT. No; I did not say that. I said it provided for just such a situation as the Senator was stating and asking why we did not do it.

Mr. REED of Missouri. I did not ask about any particular situation. I asked about a general condition, which I understand now to be that there is no rule of law, but that the decision in these cases varies according to the opinion or desire of some departmental clerk.

Mr. SMOOT. No, Mr. President; the bill now pending before the Senate provides that wherever a bond is given for the full amount of the tax upon the property, there is no lien upon the property.

Mr. REED of Missouri. Can the Senator call my attention to that provision?

Mr. SMOOT. Yes; if the Senator will look on page 231, lines 11 to 16, inclusive, he will find the law; and then the amendment to that is the amendment that the Senator from Florida is offering.

Mr. BORAH. Mr. President, this raises a very serious question. It seems to me it had better go over until Monday.

Mr. SMOOT. No; next month.

Mr. REED of Missouri. We do not know what calamity may happen to the country in the next month.

Mr. FLETCHER. Of course, anyone who does not want any reduction of taxes at all is perfectly willing to have the bill go over. I can understand that.

Mr. REED of Missouri. Mr. President, I am talking seriously about this matter. It did assume a rather humorous aspect a few minutes ago, when we were told that a thing was impossible, and yet was being done. Now the Senator says that there is a radical difference between the proposition contained in the amendment and the text of the bill.

Mr. SMOOT. There is.

Mr. REED of Missouri. Yet a moment ago he told us that the proposition contained in the amendment was already in the bill.

Mr. SMOOT. Oh, no; the Senator is mistaken. I never said that. I said that the proposition the Senator stated was not in the bill, but that the proposition I stated was in the bill, and I told the Senator where it was in the bill.

Mr. REED of Missouri. Then the proposition of the Senator from Utah is different from the proposition of the Senator from Florida?

Mr. SMOOT. Certainly.

Mr. REED of Missouri. Then the proposition of the Senator from Florida does add something to the bill?

Mr. SMOOT. It adds something to the bill.

Mr. REED of Missouri. And yet the argument of the Senator from Utah a moment ago was that the amendment was useless, because it was already in the bill.

Mr. SMOOT. Oh, no; the Senator is mistaken again. The Senator from Utah never made such a statement. The Senator from Utah said he was opposed to the amendment proposed by the Senator from Florida.

Mr. REED of Missouri. And did not the Senator from Utah give as a reason that the cases cited by the Senator from Florida were already covered by the provisions of the bill?

Mr. SMOOT. No; I did not. I never made any such statement.

Mr. REED of Missouri. What was the statement of the Senator? I am asking seriously. I understood the Senator that way.

Mr. SMOOT. I said that the case of the Senator from Missouri, not the Senator from Florida, was in the bill.

Mr. REED of Missouri. I did not put any case.

Mr. SMOOT. The Senator does not think he did, but I know that he did.

Mr. REED of Missouri. That I put a case?

Mr. SMOOT. Yes; the Senator put a case himself. Then I said that what the Senator said, in answer I think to the Senator from Florida, was in the bill, on such and such a page of the bill.

Mr. REED of Missouri. That is so lucid that I think I ought to understand it, but I confess that I can not. I am sure that is a very clear statement of the situation.

Mr. President, I do not care to discuss this matter; but I should like to know now what the difference is between the proposition of the Senator from Florida and the proposition contained in the bill. If the Senator from Florida can make that plain, I shall be obliged to him.

Mr. FLETCHER. Mr. President, there is a provision in the bill for the issuing of certificates of discharge, as referred to by the Senator from Utah.

Mr. REED of Missouri. Will the Senator cite me to that provision?

Mr. FLETCHER. It is on page 231.

Mr. REED of Missouri. I thank the Senator.

Mr. SMOOT. Paragraphs (2) and (3), on page 231.

Mr. FLETCHER. Yes; paragraphs (2) and (3).

Paragraph (2) provides that the collector—

> May issue a certificate of release of the lien if there is furnished to the collector and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified in the regulations.

That enables him to make a regulation that covers some conditions that are unknown now. We do not know what the regulations will be.

Paragraph (3) provides that the collector—

> May issue a certificate of partial discharge of any part of the property subject to the lien if the collector finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the liability remaining unsatisfied in respect of such tax and the amount of all prior liens upon such property.

So the very thing that the Senator from Utah, as I understood him, said was impossible, because it would put enormous burdens upon the collector, is the thing that he can do here. He has to go out and appraise this property and find the market value of it now, under the law.

I have provided, in the proposed amendment, on page 231, to strike out lines 11 to 16. That is the third provision. The third provision is:

> May issue a certificate of partial discharge of any part of the property subject to the lien if the collector finds that the fair market value of that part of such property—

Under the law now he has to go and look at the property, and ascertain the fair market value—

> remaining subject to the lien is at least double the amount of the liability remaining unsatisfied in respect of such tax and the amount of all prior liens upon such property.

He has to do that now. That is the main responsibility and the principal amount of work that the collector must do.

I say, instead of that, that the collector—

> May issue a certificate of partial discharge of any part of the property subject to the lien if there is furnished to the collector and accepted by him a bond, in an amount not to exceed double the fair market value of the taxpayer's interest at the date of said bond, in such part or portion of the whole property sought to be released, such bond to be conditioned upon the payment, within the time therein prescribed, of the full amount of the taxpayer's interest in the property released, toward the satisfaction of the outstanding tax liability, and to be in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified in the regulations.

I think that is quite different. Then I provide in the next paragraph that these bonds shall read, instead of to the collector, to the United States of America. That is the kind of bond that we ought to be taking, it seems to me, instead of a bond to the collector. These bonds ought to read to the United States; and I think this would simplify matters, and would be better than paragraph (3) as set out in the bill.

The Senator thinks not; apparently the department thinks not. I can not see that it imposes any greater responsibility or any more work upon the collector than the paragraph as it is written in the bill. It permits the giving of this bond. Instead of being the fair market value of that part of the property remaining subject to the lien, it is the fair market value of the interest of the owner in the property.

Mr. SMOOT. Nobody knows what that is.

SEVERAL SENATORS. Vote! Vote!

Mr. REED of Missouri. Mr. President, I do not think we need to get impatient about these matters at all. I take it that this is an important provision or it would not be presented in this bill by the department. It is perfectly manifest to me that the proposal made by the Senator from Florida is infinitely to be preferred over the one contained in the bill, and that the two provisions are radically different.

Of course, there are two purposes to be served. One is to permit the owner of the property to transfer a part of that property without being compelled to pay the taxes upon every portion of it. The second proposition is to secure to the Government payment of the taxes which may be due. The scheme devised in the plan of the department is a very cumbersome one, and I do not think would be accepted as a good plan by any business organization. A certificate of release of the lien may be furnished and accepted.

Mr. FLETCHER. Paragraph 3, page 231, is the one I want to strike out, and to insert this instead.

Mr. REED of Missouri. It reads:

> May issue a certificate of partial discharge of any part of the property subject to the lien if the collector finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the liability remaining unsatisfied in respect of such tax.

The fair market value of that part of the property remaining subject to a lien is not the true test. The interest of the taxpayer is the true measure, and we are asked to adopt a false yardstick to begin with. The amendment which is proposed by the Senator from Florida recognizes the fact that the only thing that can be held by the Federal Government is the interest of the taxpayer in the property, and provides the very simple method of escaping all of the circumlocution, all of the appraisements, all of the investigations, if the taxpayer will furnish a good bond in double the amount of tax liability upon the particular property to be released, in which case the property may be released from the tax.

It seems to me that the proposition made by the distinguished Senator from Florida, who is known to be not only a faithful legislator but a learned lawyer, is very much better than this plan that has been devised down in the department by some clerks, who probably could not obtain a position at home and hence came down to Washington to rule and govern the rest of mankind.

I do not think that for the sake of saving a few moments of time, or a few hours of time, for the sake of driving this bill through to a speedy adjournment, there is any necessity of slumming over the importance of this work. Perhaps the most important bill that has been before this Congress is this very bill.

We were told initially that a very large amount of tax reduction was to be accomplished, and that it would be so accomplished as to relieve the burdens now resting upon industry, commerce, and individuals. We have witnessed a spectacle here which, to my mind, is an almost complete repudiation of the promises made. We have taken the tax off amusements and have kept the tax upon industry, upon labor, and the products thereof. We have cut down the proposed reduction, and so diminished it by taking the tax off luxuries—for amusements are luxuries—that there will be no substantial reduction upon the incomes of the people who earn their incomes by hard labor, labor of brain and labor of brawn.

When we get through with this wonderful tax reduction it will be found that whereas we have an enormous surplus no real benefit has come to the overburdened taxpayers of the land. Even a man who wants to go to a moving-picture show will not escape the payment of this tax that has been ostensibly remitted, for the moving-picture magnate in every case charges all the traffic will bear, and he will simply continue to add the tax to the admission price.

The purchaser of an automobile will just buy an automobile a little bit quicker, and likely enough the tax reduction will find its sepulchre in a failure to reduce prices in the future where otherwise they might be reduced, because the automobile manufacturer charges all the traffic will bear, and yet permit him to market his machine.

So I might go through with this bill. It has afforded no genuine relief, and when the slight reductions are distributed through incomes they will be so small as to be inconsequential. The people who need tax reduction are the great mass of men and women who have earned a small competence by long years of industry, and who, by toil and labor, have reached the point where their income of each year comes within the brackets of the tax law, where they are heavily burdened by virtue of an onerous and unjust tax.

This tax reduction is a farce, a laughable, humorous sort of farce. It does not exactly provoke an explosion; it produces a smile of contempt. We were told in the first instance that we must not reduce taxes because the income would not permit more than a very slight reduction. As has been well said on this floor, as was well said by the Senator from Mississippi, we have been told that for seven long years. In every instance the Treasury Department has been found to be the poorest guesser that has ever walked across the face of this good earth. If the Treasury was not guessing honestly, then it was deliberately misleading. A little mistake of three or four hundred million dollars has never occasioned to the Treasury Department any embarrassment or produced the slightest faint auroral dawn of a blush. It has repeated its statements the next year, and when they were found to be false and misleading it has continued to repeat them in the year following.

For seven long years this performance has proceeded, and now we find a Congress which, instead of lifting the burden from the shoulders of industry, the great producing class, takes the tax off the things that are not necessary, lifts the tax from those expenditures that are made voluntarily, with the absolute certainty that in the end about all the people will have will be an increase in the returns of these amusement magnates. Against them, of course, I have no antipathy. They want to make money, and there is no criticism for that reason. Of course, if the tax can be lifted from that industry, and they can pocket that which the Government has heretofore received, they will be entirely content, and no one can blame them. The blame must rest upon those whose duty it is to guide the interests of the people of the United States.

I am reminded, as I speak of this discrimination, of an instance presented during the late war. We were levying taxes for the purpose of carrying on the war. We laid our tribute upon everything, it seemed to me, if not in heaven above, at least in the earth beneath. We taxed the clothing that the people wore.

We taxed all of their amusements. We did not forget the children. We taxed the doll which the little infant hugged to its bosom. We taxed the rattle with which it amused itself. We forgot nothing except chewing gum. The reason why we exempted chewing gum was because Mr. Wrigley was interested in the chewing-gum business and was the financial agent of the Republican Party.

Mr. SMOOT. That was during the Democratic administration.

Mr. REED of Missouri. Yes; but it was done by Republican management. Wrigley was exempted. Chewing gum was exempted when everything else was taxed. Nobody could tell why. I protested at the time for the sake of the preservation of the teeth of the American people, for chewing gum has destroyed more teeth than all the dentists who have been born since the first pair of forceps was invented. I did not understand why the delicate sensibilities and sympathies of great statesmen were aroused for this particularly obnoxious thing that Wrigley was selling. But when I read the list of campaign contributions before and after, I understood then that gum was exempt because the proprietor of the iniquitous production had paid his money not to the Federal Government, but to the same committee that Mr. Will Hays afterwards enriched by contributions which were the price of the soul of a Cabinet member and a bribe that brought about the transfer of the treasure lands of the people of the United States.

We pile up these surpluses and, as I showed the other day, to the astonishment of my distinguished friend and illustrious namesake, the Senator from Pennsylvania [Mr. REED], some of the bonds of the Government had been redeemed at 114, at a premium of $14 on each $100. The records, I do not hesitate to state, will show that at about the same time or shortly before or thereafter we had been issuing certificates of the Government and borrowing money. Who got the graft? I am not inclined to make wild charges, but I say that for the Federal Government to go into the public market and pay $114 for a $100 obligation was never justified by any honest reason.

That is the department which dictated these tax laws. I have no confidence in it. I have no confidence in any department presided over by any man who receives $50,000 of bonds corruptly obtained and secreted the fact. I have no confidence in any department headed by a man who gathered together the political harpies of his State, welded them into a political machine and contributed the first $75,000 of a corruption fund, headed the organization that raised $2,000,000 to purchase the nomination for the office of United States Senator, headed the organization that bought 50,000 men and women in the city of Pittsburgh alone on election day at $10 a head, who witnessed them standing in line for six days as they

approached the pay window to receive the price of their citizenship and honor, and who then proclaimed that the collection of this money was as honorable as the collection of money for a church of Almighty God. I have no confidence in that department of our Government. Its assertion of a fact amounts to no more to me than the ashes blown by the idle winds.

When they write a provision of law and send it here and tell us to swallow it, when we are told that we can stay here until 12 o'clock midnight, that we can continue here through the early hours of the Sabbath morning, that we must take this bill without discussion because it comes from this sacred source, I protest.

What is the reason why the amendment offered by the Senator from Florida [Mr. FLETCHER] is not a good amendment? No one has given us a reason for destroying it. It may not be the most crucial or vital, but the distinguished Senator from Utah [Mr. SMOOT] waves the wand and says, "It does not bear the brand of the Treasury. The real name is not blown in the bottle. Somebody from the Treasury had another scheme, and that settles it." Well, it does not settle it for me. The Treasury has been indicted upon this floor by the Senator from Michigan [Mr. COUZENS], indicted in language which demanded a repudiation and which, if charged against an honest man, would have brought an indignant reply and an insistence upon investigation. But the Treasury head paid no more attention outwardly than he would to the appeals of a debtor for a little more time to pay a note.

I do not know whether the people will ever arouse themselves to conditions. Robbery may be so long reduced to a system and so long suffered that the people come to regard it as one of the adversities of life which must be endured, and so reach out their hands to invite the gyves. But, as I look back through some of the pages of history and turn to view the great multitude of honest folk who make up the population of our land, I can explain the anomaly of their nonresistance in only one way. They are so honest and sincere themselves that they find it difficult to believe their representatives can be guilty of base betrayal.

Witness if you please, this spectacle: A tariff tax is levied for war purposes away back in Civil War times. It is recognized as a burden and, along with other taxes, it is expected that relief will come when the expenses of the war have ended. But, when the war is over and all other tax burdens are gradually being reduced, there come forward certain industries and state that they demand the retention of the tariff in order that they may increase their profits.

The American people are lulled into a condition of nonresistance by the argument that this tax will remain but a few years while the infant industries are gathering strength in their limbs and power to withstand the opposition from abroad; but the youngest of those infants is now 75 years of age and they stand astride this continent. They are the most powerful organizations of the earth. They have planted themselves in foreign countries; they have established industries in the very lands against which they claim they are unable to compete. They manufacture and ship abroad billions of dollars worth of goods and sell them in foreign lands for a great deal less than they sell to the American people.

They told us that they desired this tariff in order to protect the American workman against the wicked pauper labor of Europe. Then for 20 years, with that protestation upon their lips, they hired agents to comb the slums of Europe and to import here under contract people who were little better than slaves and to drive them into the factories to take the places of the American workmen whom they had asserted they desired to protect. They told us they would create a home market for all agricultural products, but the farmer to-day must, as he did 50 years ago, find a market for his great surplus in other lands, and the price of that surplus fixes the price at home.

They told us they would compete with each other as soon as they became strong, and that there would be a reduction in prices because of competition, but they did not compete; they conspired and combined and fixed an arbitrary price which they extorted from a people denied the privilege of buying in the markets of the world, although they must there sell their products. They gathered to themselves immense fortunes, and they perpetuated their law of graft and privilege by great contributions to keep in office the party that had bartered its soul to them for these campaign contributions.

Let me give the few Members of the Senate who remain here an illustration, not out of the realms of fancy but from the cold archives in which the facts are recorded. The Payne-Aldrich law was devised by gentlemen who desired to serve these interests. It was before the Finance Committee of the Senate for consideration. The American Woolen Manufacturers' Association sent its own private secretary to the city of Washington and had him employed secretly by the Finance Committee of the Senate. In that capacity he reported to his employers in New England, the manufacturers, daily. From them he daily, and even hourly, received his orders and instructions. They told him exactly how much tariff they demanded should be levied upon each article made of wool, and he reported back the efforts he was making to control the committee. From day to day that went on; and I produced before a committee of this body the original letters and telegrams. At the end of this performance he was able to report to the men who had sent him here that he had caused to be written into the bill every single demand and desire they had expressed.

They took him home, gave him a great banquet, eulogized him for his magnificent work in behalf of this private industry, raised his salary, and enshrined him among their saints.

Here was an instance of a private concern, through its own agent, illegally and infamously employed, writing into the laws of this land the particular amount of loot it desired to levy upon the entire American public. There is no more damnable chapter written of the secret machinations of government than this thing I have told of. Yet we have grown so accustomed to robbery that the recital does not arrest the interest of the Members of the Senate, although it may drive the distinguished chairman of the committee to bury his nose in a newspaper.

Mr. ASHURST. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Arizona.

Mr. ASHURST. I do not wish to take the Senator from Missouri from the floor, but I must propound a question to the Senator from Utah [Mr. SMOOT], who is in charge of this pending bill, the tax bill. I have consumed no time in the discussion of this tax bill; certain circumstances for obvious reasons have precluded me from attempting any discussion of the bill; but I have offered an amendment to this bill which was printed in the RECORD of yesterday's proceedings. It is an exact rescript of House bill 13039, which passed the House of Representatives on the 16th of last April and which is the World War veterans' bill. It embraces subjects important to the World War veterans.

I am anxious that this veterans' bill should pass, and I can not omit to use every care and precision to see that the bill shall pass the Senate, and if the distinguished Senator who is now in charge of the tax bill, the chairman of the Senate Committee on Finance, will give me satisfactory assurances that as soon as this tax bill shall be passed through the Senate he will call his committee together and will consider this House bill to which I have referred and the hospital bill and favorably report them, I am then willing to withdraw this amendment, because I have faith in his promises. If, however, the Senator is unable to give me such assurance that these veterans' bills will be reported at an early date, I shall insist upon my amendment going into this bill. I make this inquiry in the interest of time.

Mr. SMOOT. All I can say is that just as soon as the pending bill shall be out of the way I am going to call the Finance Committee together for the purpose of considering World War veterans' legislation, and among the bills that will be considered by the committee is the one to which the Senator has referred. I can not, however, say what the committee will do.

Mr. ASHURST. I realize, of course, that I could not, and that the Senator from Utah could not commit nor bind his committee; but I fear I might be guilty of remissness if I permitted this opportunity to pass without securing some expression on these two veterans' bills, and for this reason: Thousands of World War veterans from other States came into Arizona to seek relief from that dread scourge, tuberculosis. These afflicted veterans came into Arizona from every State in this Union, and my colleague and I and the Representatives from Arizona are and should be alert to secure relief for them; indeed, we are really carrying the burden of other States in this vital matter. If the Senator from Utah will call the Committee on Finance together and that committee will consider and report the veterans' bills, I shall be content not to offer them as amendments to the pending tax bill.

Mr. SMOOT. I will assure the Senator that I shall call the committee together, and I will assure him that his bill will be considered by the committee.

Mr. ASHURST. With the permission of the Senator from Missouri, I desire to make a statement, so that this subject may be thoroughly understood.

My amendment proposes about as follows:

Section 1 of the bill amends section 19 of the act by establishing a uniform statute of limitations for suits on contracts of insurance. At the present time, under the conformity act, the statutes of limitations of the various States apply. The periods of limitations in these statutes vary from 3 to 20 years, the average being 6 years. The committee believes that the average statute of limitation, namely, six years, should be

applied to these suits, with an additional year from the date of passage of this amendatory act for all suits. In computing the limitation period it is provided that the time from the date of filing claim for insurance benefits to the date of disallowance of the claim by the director shall not be included. Further, it is provided that the period of limitation shall not run during the time a person is under legal disability or is rated as incompetent by the bureau, and that such person shall have three years from date of removal of disability in which to sue. The amended section is made applicable to suits which have been heretofore rejected under the State statutes of limitations, pending suits, as well as future suits.

Section 2 of the bill, as amended, amends section 21, subdivision 2, of the World War veterans' act, to provide authority in the Director of the United States Veterans' Bureau for the payment of the expenses of original appointments of guardians, curators, and conservators of incompetent beneficiaries. At the present time the law provides for the payment of such expenses incident to any investigation or court proceeding for the removal of a guardian, curator, or conservator, who has not properly executed the duties of his trust, and the appointment of a new guardian, curator, or conservator, but it is not within the power of the director to secure the appointment of such a fiduciary in the first instance and pay the expenses of the proceeding. The cost of this item is estimated at $164,000 per annum.

Section 3 of the bill, as amended, amends section 28 of the World War veterans' act, as amended, under which authority now exists for waiver of recovery of payments from any beneficiary, who, in the judgment of the director, is without fault on his part and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, by the substitution of the word "person" for the word "beneficiary." Under the language of this section at present, as construed by the bureau and the Comptroller General, the word "beneficiary" does not comprehend persons who are not legal beneficiaries under the statute; for instance, in a case where, upon the evidence submitted, the bureau has paid insurance or compensation to a person who was alleged to be the widow of an ex-service man, but who, it subsequently appears, was not his widow for the reason that prior to her marriage to the veteran he was married to another woman from whom he was not legally divorced, recovery can not be waived because the woman, not being the veteran's widow, could legally not be a beneficiary within the meaning of that term as used in the World War veterans' act, as amended. It is obviously unjust, however, to attempt to recover in such a case, both the payee and the bureau being without fault. The substitution of the word "person" for the word "beneficiary" will cure the situation. There is also included language to the effect that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The purpose of this amendment is to relieve disbursing officers from liability on their bonds through payments made through error, the recovery of which has been waived under authority of section 28. At the present time the Comptroller General holds that, although recovery may be waived in so far as the payee is concerned, the disbursing officer is nevertheless liable under his bond for the erroneous disbursement. It is estimated that this would result in an immediate cost of $218,500 and an annual cost of $84,850 thereafter.

Section 4 of the bill, as amended, adds a new section to Title I of the World War veterans' act, as amended, to be known as section 34, and to provide authority for the director to enter into private contracts for the services of translators without regard to the civil service laws and the classification act of 1923. This amendment is included to enable the director to procure the translation of correspondence from foreign languages into English, and English into foreign languages, by the piece, where the foreign language is unusual and so seldom encountered in the administration of the bureau as not to justify the hiring of a translator on a salary basis. The director has found it economical to enter into private contracts in such cases rather than to employ a regular translator at an annual salary, but the Comptroller General has held that such procedure is unauthorized. It is estimated that the cost of this provision would be approximately $300. The amendment is made retroactive to June 7, 1924, in order that translators who have heretofore performed services under this arrangement may be reimbursed.

Section 5 of the bill, as amended, adds a new section to Title I of the World War veterans' act, 1924, as amended, to be known as section 35, and to provide authority for the purchase of transcripts of the record, including the evidence of trial of litigated cases. This section is recommended by the bureau in order that in the future review of such cases the bureau would have the full benefit of evidence adduced at trial. It is estimated that this amendment will cost approximately $10,000 per year.

Section 6 of the bill amends section 201, subdivision (1), of the statute, which now provides an allowance of $100 plus $7 for a flag to drape the casket in cases where a veteran dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body, so as to provide for the payment of $107 in all cases in which the director, in his discretion and with due regard to the circumstances of each case, may decide that the sum should be allowed. Provision is also made that the director may make contracts for burial and funeral services without regard to the laws providing for advertisement and acceptance of the lowest bid, in order that the director shall be no longer bound by the law requiring him to accept the lowest bid offered, but, on the other hand, may accept the bid which will provide the best funeral within the amount allowed for burial and funeral expenses. Further provision is made so as to permit payments under contracts heretofore made on this basis by the director in an effort to provide respectable burials, but which have been disallowed by the Comptroller General.

This section of the bill also proposes to amend subdivision (3) of section 201 by the addition of a new proviso authorizing the payment of compensation to children after the age of 18 years, and until completion of education or training, where such children are or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by them and approved by the director. This allowance is to be continued until such children reach the age of 21 years, or terminate their attendance at school. It is estimated that this provision would result in a total increased cost to the Government of $1,007,900.

Section 7 proposes to amend section 202, subdivision (7), first paragraph, by increasing the amount of compensation now paid to disabled veterans, who have no dependents and who are being maintained by the Government in hospitals, from $20 to $30 per month. This amendment would result in an increased cost to the Government of $699,000 annually.

Section 8 of the bill proposes to amend subdivision (12) of section 202, by substituting the word "may" for the word "shall," so as to give the director discretion in making apportionments of compensation where the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person. At the present time the language of this subdivision is mandatory and leaves no discretion in the director as to whether an apportionment shall be made regardless of the circumstances in the case. The object of the amendment is to permit the director to inquire into the reasons for the separation, and to make apportionments only in those cases where the facts warrant, and although it places on the bureau the functions of a court of domestic relations it nevertheless is important from the standpoint of justice to those veterans who are separated from their wives through the misconduct of the latter, that the law no longer contain a mandate requiring apportionment in favor of a wife without regard to the circumstances of the separation. There would be no increased cost due to this amendment.

Sections 9 and 10 of the bill provide for the repeal of sections 206 and 209 of the statute, which now contain limitations on filing claim and proof thereof. It is estimated that the repeal of these two sections will result in an increased cost to the Government of $3,342,516 the first year.

Section 11 of the bill adds a proviso to section 212 of the World War veterans' act, to provide that where the widow, child, or children of a deceased veteran are entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, the rates of compensation shall be the same as now paid to widows and children who are receiving compensation under the World War veterans' act, as amended. This amendment is proper in view of the fact that the dependents of veterans who died of injuries received during the period of time covered by the war risk insurance act, but not between April 6, 1917, and July 2, 1921, the period of the World War as defined by the World War veterans' act, are now paid at the rate provided by the old statute. It is fair to put all these dependents on the same basis. This amendment will result in an increased cost to the Government of $12,000 annually.

Section 12 amends section 300 of the act by removing the restriction on the designation of a beneficiary for converted insurance to a permitted class. The permitted class of beneficiaries will still remain in the statute in so far as yearly renewable term insurance is concerned. The committee is of the opinion that in view of the fact that the insured under converted insurance is paying an ample premium for the pro-

tection afforded he should be given the same right with regard to designating a beneficiary or changing a beneficiary as he would have under a commercial insurance policy. This amendment will make unnecessary the amendment providing that trustees be included among the permitted class of beneficiaries for converted insurance. There will be no additional cost attached to this amendment.

Section 13 of the bill amends section 301 of the act merely to make the provisions of that section conform to the amendatory section removing the permitted class of beneficiaries for converted insurance and to permit reconversion of converted insurance to policies of a lower premium rate, other than the five-year term, where the insured is in good health. Evidence was produced to show that immediately following the war many men bought endowment policies which carry a high premium rate; they are now finding it impossible to continue the premiums on these policies, and it was believed that by permitting them, if they are in good health, to transfer to a lower premium-rate policy they would be able to continue the insurance. No additional cost will result under this amendment.

Section 14 of the bill adds a new section to the act to be known as section 310. This section authorizes the granting of converted insurance to any man who has heretofore applied, or has been eligible to apply, for either yearly renewable term or converted insurance if he is now in good health and submits evidence to this effect satisfactory to the director. The committee believes that this amendment will not only be beneficial to the veterans but also to the United States Government life converted insurance fund, as it will permit men in good health to take out converted insurance and thereby increase the number of good risks carrying this form of insurance.

Section 15 of the bill adds a new section to the act to be known as section 311. Evidence was presented to the committee showing that under the present law many veterans had been rated temporarily totally disabled for long periods of time and then rated permanently and totally disabled. As a result of this, in many instances the policy lapsed before the permanent total disability was effective, and no insurance was payable. The committee believes that it was the intention of Congress that cases of this kind should be payable, and in order to insure that the benefits might be paid this amendment is recommended. The effect of the amendment is this: It leaves the two previous maturing factors for insurance, namely, death or total disability, as they are. It adds an additional maturing factor, namely, wherever an insured has been totally disabled for 12 months the benefits shall be payable from the beginning of total disability during the continuance of such total disability. The amendment is only made retroactive in those cases where there has been a period of total disability followed by a rating of permanent total disability. It does not cover retroactively cases of men who previously have been rated temporarily totally disabled but who have since recovered. A special proviso is included protecting applications, reinstatements, and conversions heretofore made. The cost of this section is figured at $9,200,000 for term insurance and $450,000 for converted insurance.

The total increased cost of this entire bill for the first year is estimated at $5,632,346.

The figures given in this report are the official figures furnished by the Veterans' Bureau. I am equally desirous that the hospital bill shall be passed by the Senate and I do not believe a dissenting vote will be cast if a vote could be had.

Mr. BRUCE. Mr. President, will the Senator yield to me?

Mr. ASHURST. The Senator from Missouri has yielded to me, and I must not abuse his privilege.

Mr. BRUCE. I just wanted to ask the Senator to submit to an interruption.

Mr. ASHURST. I can not, Mr. President, because I have not the floor.

Mr. BRUCE. Oh, I see. There seems to be no tax-reduction clause in the Senator's amendment, however. The tax that the Senator is discussing is the tax that mortality imposes on us all?

Mr. ASHURST. Yes.

Mr. BRUCE. That is the only relationship it has to the pending bill, is it not?

Mr. ASHURST. Yes, sir; and the tax which I fear I am imposing upon the patience of the Senate, for which I make due apology, but I intend so far as may be within my power to have these veterans' bills considered and passed by the Senate.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. ASHURST. Permit me, first, to say this:

I had introduced this amendment to this tax bill; but in order to save time, because it would not be pardonable in me to take much of the time of the Senate under the particular circumstances which surround me, but I have had assurances from the Senator from Utah, the chairman of the Finance Committee, that he will assemble his committee and will report the bills for veterans of the World War, and if I can have the assurance of the able Senator from Pennsylvania [Mr. REED] that he will join with the Senator from Utah in favorably reporting these two soldier relief bills, I shall not delay the pending bill.

I know that no ex-service man has ever appealed in vain for justice to the Senator from Utah or the Senator from Pennsylvania. I do not intend that anything shall happen here hereafter which will make me fairly subject to the charge of having failed to try to secure soldier relief legislation.

Now, may I have such assurances from the Senator from Pennsylvania?

Mr. REED of Pennsylvania. Mr. President, as soon as the tax bill is out of the way I hope the Senator from Utah will assemble the subcommittee and the full Committee on Finance, and will take immediate action on the hospitalization bill.

Mr. ASHURST. H. R. 13039?

Mr. REED of Pennsylvania. Yes; and I hope and I believe that it will be reported substantially without amendment——

Mr. ASHURST. That the two soldier bills will be reported?

Mr. REED of Pennsylvania. And that it will be agreed to by the Senate.

Mr. ASHURST. Both bills?

Mr. REED of Pennsylvania. As soon as it is reported out; but, Mr. President, the longer we delay action on the tax bill, the longer we are postponing action on the hospitalization bill for the veterans; and that prompts me to ask the Senator whether he is filibustering against the Boulder Dam bill?

Mr. ASHURST. I would not dream of doing such a thing. [Laughter.] Mr. President, I am so humiliated that I scarcely know how to make reply. Just think how horrible it is that the Senator should conjure up from the figments of his imagination any such thing as that!

But, abandoning facetiousness, I am content when these two Senators—the Senator from Utah and the Senator from Pennsylvania—assure me that they will bring in these bills which the ex-service men want passed; and I ask permission to withdraw my amendment.

Mr. SMOOT. I do not want any misunderstanding. If the committee will agree to report the bill favorably, it is going to be reported out; but, as I said before, I can not promise that it will be, because I have had no expressions from the committee. But the very day this bill is out of the way I am going to call the Finance Committee together for the consideration of the bill.

Mr. ASHURST. Then, obviously, the best service I can render now to the ex-service men of the country is to say no more, and sit down and allow this tax bill to pass.

Mr. WATSON. The Senator is correct.

Mr. ASHURST. I thank the Senator from Missouri for yielding to me.

Mr. BRATTON. Mr. President——

Mr. REED of Missouri. I have the floor, Mr. President.

Mr. BRATTON. Will the Senator from Missouri yield for a moment?

Mr. REED of Missouri. Yes.

Mr. BRATTON. Supplementing what the Senator from Arizona has said, I introduced some weeks ago a bill dealing with the ex-service men. It is S. 4252. It amends what is called the $50 provision governing ex-service men diagnosed as arrested tuberculosis. It is an important bill, and it is supported by abundant merit. I want to ask the chairman of the Committee on Finance what he proposes to do with regard to considering that bill at the same time that he considers the bills to which the Senator from Arizona has referred.

Mr. SMOOT. There are some eight or 10 bills affecting veterans of the World War pending now in the Finance Committee. At that meeting nothing will be considered with the exception of bills affecting the veterans of the World War; and I am hopeful of having each of those bills considered. If it can not be done at one meeting, I am going to call a meeting the following day, and I want them to be considered by the committee.

Mr. BRATTON. And this bill, along with the others, will be considered then?

Mr. SMOOT. Yes; I will say to the Senator that it will be.

Mr. BRATTON. Mr. President, I join the Senator from Arizona in the statement that the best service that can be rendered to the ex-service men is to refrain from lengthy discussion of the matter now, in order that the pending bill may be disposed of at the earliest moment; and with that in view I shall refrain from discussing the situation further. But the

bill dealing with ex-service men of arrested tuberculosis must receive consideration before we adjourn.

Mr. CARAWAY. Mr. President, may I ask the Senator from Utah a question? There is a bill pending to enlarge the hospital at Hot Springs. That is before the Senator's committee, I take it?

Mr. SMOOT. And that is one of the bills that are going to be considered. I have not heard a single Senator object to the passage of the hospitalization bill, and I think it is unanimously agreed by everybody that it ought to be the first of the bills reported to this body.

Mr. ASHURST. I thank the Senator.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED of Missouri. What is the purpose for which the Senator rises?

Mr. HOWELL. I wish to offer an amendment to the pending bill.

Mr. REED of Missouri. And discuss it?

Mr. HOWELL. Yes, sir.

The PRESIDING OFFICER. The Chair will state that there is an amendment pending now.

Mr. REED of Missouri. Very well, Mr. President. Out of consideration for the Senator from Nebraska I will at this time yield the floor, in order that we may vote upon the pending amendment, and that the Senator from Nebraska may present his amendment.

SEVERAL SENATORS. Question!

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. FLETCHER].

Mr. BRUCE. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 231, it is proposed to strike out lines 11 to 13, inclusive, and to insert in lieu thereof the following:

(3) May issue a certificate of partial discharge of any part of the property subject to the lien if there is furnished to the collector and accepted by him a bond, in an amount not to exceed double the fair market value of the taxpayer's interest at the date of said bond, in such part or portion of the whole property sought to be released, such bond to be conditioned upon the payment, within the time therein prescribed, of the full amount of the taxpayer's interest in the property released, toward the satisfaction of the outstanding tax liability, and to be in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified in the regulations.

Also, on page 232, after line 6, it is proposed to add a subdivision reading as follows:

(g) All bonds authorized by this section shall run in favor of the United States of America.

The PRESIDING OFFICER. The question is on agreeing to amendment offered by the Senator from Florida.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Locher	Shortridge
Barkley	Fletcher	McKellar	Smoot
Bingham	Gerry	McMaster	Steiwer
Blaine	Gillett	McNary	Stephens
Borah	Glass	Mayfield	Swanson
Bratton	Greene	Moses	Thomas
Brookhart	Hale	Neely	Tydings
Broussard	Harris	Norbeck	Vandenberg
Bruce	Harrison	Nye	Wagner
Capper	Hawes	Oddie	Walsh, Mass.
Caraway	Hayden	Pine	Walsh, Mont.
Curtis	Heflin	Pittman	Warren
Deneen	Howell	Reed, Mo.	Watson
Dill	Johnson	Reed, Pa.	
Edge	La Follette	Sheppard	

Mr. CURTIS. I desire to announce that the Senator from Nebraska [Mr. NORRIS] is detained in a committee meeting.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, there is a quorum present.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. DILL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. The Senator from Washington moves at the proper place to insert:

SEC. —. That the tariff act of 1922 is hereby amended as follows: Strike out paragraph 1660 of section 201 and insert at the end of paragraph 401 of section 1 a new paragraph, as follows:

"401A. Shingles and cedar lumber, 25 per centum ad valorem. Any paragraph or part of paragraph of the tariff act of 1922 in conflict herewith is hereby repealed."

Mr. DILL. Mr. President, this amendment to the tariff act is desirable and necessary if the great cedar lumber and shingle industry of the United States is to continue in the Northwest; and in order that I may explain it, let me call attention to the fact that the present tariff act must be considered in connection with the tariff levied on lumber and shingles in Canada. The United States has a tariff on the importation of logs, and Canada has a tariff on the exportation of logs. In addition to that, Canada restricts the exportation of logs so that American manufacturers find it practically impossible to secure logs in Canada.

If the American manufacturer of cedar lumber and shingles ships them into Canada, he must pay a sales tax there. The result is that the shingles and cedar lumber produced in the United States are barred from the Canadian market. On the other hand, the cedar lumber and shingles made in Canada, from logs costing from two to six dollars less per thousand, are sold in the United States without any import taxes whatsoever, or any tax of any kind. Thus this tariff act operates to destroy the cedar lumber business and the shingle business of this country. Owing to the fact that there is no tariff we are prohibited from appealing to the President successfully to have the tariff raised, because there is no tariff to raise.

I am not going to take the time of the Senate to discuss this question at any length, but I urge this particular tariff for the reason that the lumber and cedar industry of the Northwest, in competition with the Canadian lumber business, is being destroyed because of the combined tariff acts of the two countries. We at least ought to have reciprocal tariff relations in this great industry, and since the passage of the tariff law of 1922 laying an import tariff on logs, the shingle mills of the Northwest have been closing, until to-day more than half those that were formerly running are closed and the others are in danger of bankruptcy.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. DILL. Yes.

Mr. REED of Pennsylvania. If I gather the Senator's point correctly, it is that the cost of production of these shingles is less in Canada than in America.

Mr. DILL. Yes; the cost of production is less and the cost of the logs is less.

Mr. REED of Pennsylvania. The cost of the raw material to them is less than it is to us?

Mr. DILL. And, in addition to that, they have an export tax on their logs that formerly came to our mills.

Mr. REED of Pennsylvania. That adds to the cost to the American mill?

Mr. DILL. Absolutely.

Mr. REED of Pennsylvania. And the Senator, therefore, thinks that a tariff is justified for the protection of the American mills?

Mr. DILL. I do, because of the conditions stated.

Mr. REED of Pennsylvania. If I should prove to the Senator's satisfaction that the cost of the manufacture of pig iron in Germany, France, and Belgium was similarly less than the cost of making it here, would the Senator approve a protective tariff on pig iron?

Mr. DILL. I want to say to the Senator that I am in favor of tariffs that protect American industry to the point of competition, but not that protect them to the point of profiteering, as some of the present tariff rates do.

Mr. REED of Pennsylvania. If the Senator knew that half the furnaces along the Atlantic coast were closed down, as half the shingle mills in Washington are, would he then be in favor of a protective tariff on iron?

Mr. DILL. If the conditions are such as they are in the shingle industry I certainly would.

Mr. REED of Pennsylvania. Surely; assuming that my hypothesis is correct.

Mr. DILL. I want to say this to the Senator, that the Republican Party has failed to meet the needs of this country above everything else in failing to revise the tariff at this session.

Mr. REED of Pennsylvania. And the Senator, as a Democrat, advocates a higher protective tariff on shingles than we have put on?

Mr. DILL. We have no tariff at all on shingles.

Mr. REED of Pennsylvania. He advocates that we put one on?

Mr. DILL. I do. I believe in a reciprocal tariff. If the Canadian market were open and the American market were open, even with the oriental labor of Canada and even with the cheaper lumber production, we might compete with them; but the trouble is that our own law operates against us, and when you add that to the Canadian tariff law it is practically destroying the business, and our mills have no chance under these circumstances. When we had free trade between both countries, our shingle mills and our lumber mills survived, although they suffered, but when Canada put a tariff on our products that went in there and put an export tariff on logs we added a tariff on the very logs that would come into this country. Thus we added to the very objections that Canada set up by the laws which she passed by adding a tariff on logs coming into this country.

Mr. GLASS. Mr. President, it seems to me it is a question of the survival of the people who have to buy lumber. Not longer ago than last week I paid $30 a thousand for common oak fencing plank, which 10 years ago I bought for $12.

Mr. REED of Pennsylvania. Does the Senator mean he does not agree with the Senator from Washington that we should have a protective tariff on shingles?

Mr. GLASS. No; nor with General Hancock when he said the tariff was purely a local issue.

Mr. REED of Pennsylvania. The Senator's party seems to be divided on this question of protecting the shingle industry of Washington.

Mr. GLASS. Unhappily, it is.

Mr. DILL. I want to remind the Senator that the present condition which exists in the cedar lumber and shingle industry is not one of protective tariffs at all. It is a case of the necessity of reciprocity. If we had a reciprocal condition, we might endure, but the trouble is that the condition which we have is not only not reciprocal, but we have added a tariff against ourselves, in addition to the tariff which the Canadians have levied against the logs coming into this country.

Mr. BORAH and Mr. BRUCE rose.

The PRESIDING OFFICER. Does the Senator from Washington yield, and if so, to whom?

Mr. DILL. I yield to the Senator from Idaho, who rose first.

Mr. BORAH. I was going to say that we have no tariff upon shingles at the present time, and that fact has not at all reduced the price we pay for shingles. The Canadian has no difficulty in placing his own price on the article which he ships into this country.

Mr. DILL. And the Canadian production has increased 400 per cent, while American production has decreased about 16 per cent.

Mr. FLETCHER. Suppose we should take the duty off logs?

Mr. DILL. I think that would help; but I want to say to the Senator that the present condition has so weakened and destroyed the lumber industry that it would be very difficult to get back on the basis we were on before the 1922 law was passed, and there would still be an export tariff by Canada.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BARKLEY. Does the fact that there is an export duty on logs shipped out of Canada tend in any way to equalize this difference to which the Senator has referred?

Mr. DILL. It tends to accentuate the difference, because our mills can not get the logs out of Canada they formerly could get at the low price at which they are sold in Canada. We have an import tariff on logs, and Canada has an export tariff on logs, and they cost us from two to four dollars a thousand extra because of those duties.

Mr. BARKLEY. Are these logs kept from coming in by reason of both the export tax and the import tax?

Mr. DILL. They can not come in in any great numbers. If they do, the cost of production of shingles here is so high that we can not compete with the shingle manufacturers in Canada, who ship here free.

Mr. BARKLEY. So that if a log gets into the United States from Canada, it is taxed before it starts, and after it gets here?

Mr. DILL. Exactly so; it is taxed before it leaves Canada, and taxed on its way in here. A more unjust tariff could not be created than has been created against the cedar-lumber industry in connection with Canada.

Mr. GLASS. That being so, if shingles are taxed twice, how are people who buy shingles getting along?

Mr. DILL. They are not being taxed twice.

Mr. GLASS. The exporter of logs in Canada pays a tax over there, and we exact a tax over here.

Mr. DILL. They make the shingles over there and ship them out, and there is no export tax on shingles, and there is no tariff on shingles coming into this country.

Mr. BORAH. The high prices which we are paying for shingles is for Canadian shingles. The American mills have been closed down. The high prices which we are paying we are paying to the foreigner.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BLAINE. I have no doubt but that the Senator has given some attention to the amendment which I propose to offer to the revenue bill. That amendment will permit logs of fir, spruce, cedar, or western hemlock, which now bear a dutiable rate of $1 per thousand feet, to enter the United States on a reciprocal trading basis, providing that Canada, for instance, which imports those logs into the United States, will take back agricultural products in value equal to the value of the logs. Would not that afford great relief?

Mr. DILL. I may say to the Senator that Canada not only would not export logs to this country, but Canada has a law which specifically forbids the exportation of logs, and when they started to enforce that law they put an export tariff on logs to prevent their being shipped into this country. Canada is trying to keep logs in her own country, and to have them manufactured there, and has placed an export tariff on them to keep them for that purpose.

Mr. BLAINE. If the amendment I propose were adopted and became the law of this country, is it not reasonable to suppose that Canada would repeal her export tariff in order to receive the benefit of the tariff reduction, when Canada needs particular agricultural products which she does not produce in exchange for her logs? Is it not reasonable to assume that will be the policy of the Canadian Government in the interest of her own people?

Mr. DILL. I do not know whether it would or not. The history of the Canadian tariff does not indicate that Canada would repeal the export tariff law.

Mr. SHORTRIDGE. May I ask the Senator from Wisconsin how we are going to put export duties on American products under the Constitution?

Mr. BLAINE. I do not propose to put export duties on American products. I propose to have a reciprocal trading privilege in commodities, which is, after all, the only substantial relief that can be given to agriculture. I expect to debate this proposition after I have offered my amendment.

Mr. REED of Pennsylvania. Will the Senator indicate to us what agricultural product it is that Canada stands in need of?

Mr. BLAINE. I do not know about Canada, but I know that the trade of the world will demand our principal agricultural products if we can break down the tariff wall that keeps out the manufactured products.

Mr. DILL. Mr. President, I can not yield for a debate in my time between the Senator from Pennsylvania and the Senator from Wisconsin.

Mr. REED of Pennsylvania. I did not realize the Senator was so hurried. I am sorry.

Mr. DILL. I am not so hurried, but I do not want to be taken entirely away from the discussion of my own amendment.

I am not in favor of a tariff on raw materials as such anyhow. What I am proposing is a tariff on manufactured products that come in from other countries to compete with manufactured products that could be made in this country, even with the tariff we have on logs, and their export tariff also, because if we had a tariff protecting us against the manufactured products of Canada we would then be able to produce our own shingles at such a profit that our mills could continue in business.

Mr. BARKLEY. Mr. President——

Mr. DILL. I yield to the Senator from Kentucky.

Mr. BARKLEY. I have considerable sympathy with the Senator from Washington in the position he has taken about this matter, but does he think it is wise to attempt to amend the tariff law by piecemeal in the form of amendments on a tax bill?

Mr. DILL. I recognize the force of the Senator's question, and there is much to be said for it. But here is a great industry, one of the greatest industries in the country, and the great industry of the great Northwest. More shingles are produced in the States of Washington and Oregon than in all the rest of the United States. The present situation is such that the industry is being destroyed. It has been impossible to get the House of Representatives to open up the tariff question. Owing to that fact, I know of no way to do it except by offering an amendment here. We are told that the President will veto the bill if there is a tariff schedule on it. I can not believe that. Here is a case where a great industry is being destroyed. The

Tariff Commission can not reach it. It can be reached only by Congress and we are told we must wait two more years, but by that time we will have no more business left.

Mr. BARKLEY. The Senator's idea is that the President will not veto the bill if the tariff amendment raised the tariff, but he would veto it if the tariff amendment lowered the tariff?

Mr. DILL. I can see why the President might object to a tariff schedule as such on the revenue bill. But I consider this an emergency situation, in which the people of my State have invested $50,000,000, and the annual production of which nearly equals that amount. It is being destroyed, and destroyed by the tariff laws of the country to-day, operating, as they do, with the tariff laws of Canada.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. DILL. I yield.

Mr. SMOOT. The Senator knows that when the tariff act of 1922 was under consideration the Honse refused to put a duty upon shingles. When the bill came to the Senate, the Senate put a duty on shingles. The bill then went to conference. I think the duty upon shingles was about the last thing on which the Senate conferees had to yield. The House said they would not yield. I think the Senator at that time was a Member of the House or had just left the House.

Mr. DILL. No. I had left the House some three years before, involuntarily.

Mr. SMOOT. I know it was not very long before. That is the history of shingle legislation. I know at that time, in 1922, there was a majority of the Senate in favor of putting a duty upon shingles.

Mr. DILL. I have no quarrel with the statement of the Senator from Utah, because I was not here.

Mr. BARKLEY. Is that the session of Congress in which the membership of the Republican Party was about two to one over the Democrats in the House?

Mr. DILL. It was a very great majority.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. DILL. I yield.

Mr. BORAH. The Senator from Kentucky is correct about that being the condition. It only illustrates again the statement of General Hancock that "the tariff is a local issue."

Let me say that the Senator from Washington is correct in stating that this industry is literally being destroyed. It is a demonstrable fact. Anyone who wishes to examine into the subject can determine in a very short time that it is being destroyed by reason of the fact that it can not compete with Canada in the production of shingles. They destroy our industry, and, being in control of the market, fix their own price.

Mr. DILL. And that is because of the tariff laws of the two countries operating from both sides against our own manufacturers.

Mr. GLASS. Mr. President, if the Senator will permit me——

Mr. DILL. I yield.

Mr. GLASS. I have on my desk right now a huge pile of telegrams telling me the peanut industry is being destroyed in Virginia by competition, but I voted against the proposition of putting a tariff rider on the revenue bill. I do not believe we ought to do that sort of thing.

Mr. BORAH. It is not that the Senator from Virginia so much objects to putting a tariff rider on a revenue bill as that he does not believe in putting a tariff on anything.

Mr. GLASS. Oh, yes, I do; but not too high.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

Mr. DILL. I yield to the Senator from Florida.

Mr. FLETCHER. It is perfectly apparent there is great need for a revision of the tariff.

Mr. DILL. That need existed long ago. The Republican Party is in control of both the House and Senate. The Senate has passed a resolution asking for tariff revision. The Republican leaders of the House refuse to permit tariff revision, and now when I offer an amendment to save a great industry being destroyed by the log tariff and free-shingle schedules of the 1922 tariff act passed by a Republican Congress I am told it is improper legislation on a revenue bill, and Republicans will defeat this amendment, no doubt. I am doing all within my power, and if I fail it will be because Republicans refuse to vote for this tariff amendment.

Mr. FLETCHER. I would have been glad to vote for some of the provisions in the amendment offered by the Senator from Minnesota [Mr. SHIPSTEAD] and the amendment offered by the Senator from South Dakota [Mr. MCMASTER], but from what the Senator has now said it is perfectly evident that there ought to be a revision of the tariff. Whether we are ever going to get it or not I can not say, but it is a real need. It is embarrassing to endeavor to legislate in a revenue bill on the subject of the tariff. I have difficulty there. But plainly there is a real need throughout the country for a complete revision of the present tariff.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BRUCE. I can not agree with the Senator from Florida that there is any need for a revision of the tariff, certainly not at a single blow, because the special tariff investigating committee, appointed by the Senate, has been looking into the question of tariff duties now for a great many months; and I am very much delighted to be able to say that a majority of that committee are in favor of reporting the expediency of the reorganization of the Tariff Commission in such a manner as to clothe it with the power to recommend duties; that is to say, deliberately to consider each and every case of an application for a tariff duty that may be presented to it and to suggest a tariff rate as the result of its deliberations, subject, of course, to the ratification of Congress.

I think that I can say that I was the member of the commission who suggested that idea in the first instance, and I have been very much gratified to find that all the members of the commission, with one possible exception, are in favor of it. Now that I have seen these divisions of opinion to-night on the subject of the tariff, I am more strongly impressed than ever with the importance of our creating a commission of that kind; that is to say, a commission with a long enough tenure and a large enough compensation to have something of the aloofness and dignity that give such prestige to the Interstate Commerce Commission, and with power to do nothing less than look into every grievance such as the Senator from Washington is presenting to us to-night, and recommend the duty that it might think that the situation called for, subject to the ratification of Congress.

Mr. DILL. I shall not talk longer on this subject. I recognize the objections of Senators regarding the placing of a tariff rider on the tax bill, but I wanted to present these facts briefly. I had hoped the Senate might recognize this as such a great emergency for a great industry in my part of the country, an industry that is being destroyed, and will be replaced only at a tremendous cost in the future after the mills have been allowed to run down and be closed, and the labor organizations that run them dissipated, that it seemed to me I was justified in making this plea.

Mr. FESS. Mr. President, will the Senator yield for a question?

Mr. DILL. Certainly.

Mr. FESS. The Senator will recall that in 1913, in the Underwood bill, when shingles were on the free list, there was a very spirited discussion in the House representing the idea the Senator is now representing, but that all the argument was strongly the other way. Then, in 1922, when it came up again in the House, the argument was very strong again to put shingles back on the dutiable list.

Mr. DILL. But the trouble was that the law of 1922 put a tariff on logs, and at the same time Canada put an export tariff on logs and enforced the law that had been on the statute books.

Mr. FESS. I recognize that.

Mr. DILL. The shingle mills had been struggling along as best they could and were competing with the Canadian mills, but when that added burden was placed on them they could not stand it, and more than half of them have been closed up and the other half are almost in bankruptcy now.

Mr. FESS. Then in 1922 the shingle industry was in a very bad condition in the Northwest——

Mr. DILL. That is true.

Mr. FESS. And the argument was presented to relieve the situation by a reduction of the tariff.

Mr. DILL. But their condition was prosperous then compared to what it is now.

Mr. FESS. I would like to join the Senator and would like to vote to put shingles on the dutiable list if it were not that it seems to me we ought not to do it on the tax bill. That is the only reason.

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a statement by Mr. A. C. Edwards, chairman of the committee of the United States cedar industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

THE UNITED STATES CEDAR INDUSTRY

By A. C. Edwards, of Everett, Wash., committee chairman

The vital act affecting the American cedar industry was that of 1922, which placed a tariff on the import of logs when shipped to American mills for manufacture by American workmen and still retained shingles and cedar lumber on the free list.

Prior to 1922 the forestry act of Canada had not been enforced. That act reads as follows:

"All timber cut on Crown lands or on granted lands after the 12th day of March, 1906, or on lands under preemption record, shall be used in the Province, or manufactured in the Province, into boards, deals, joists, shingles, or other sawn timber, or into wood pulp, or paper, except as hereinafter provided; and all logging or manufacturing camps or premises used or occupied for any purpose of or in connection with the cutting or manufacturing of such timber shall be located in the Province."

A subsequent provision of the act permits log exportation under rigid restrictions.

The United States permits free export of American logs and free import of foreign shingles and cedar lumber.

If American mills ship shingles or lumber to Canadian markets they are charged sales or import taxes, with the result that American shingles and cedar lumber are effectually barred from all Canadian markets. No American shingles and lumber to any extent, if at all, is even being offered for shipment to Canadian markets.

Prior to 1922 American log buyers entered Canadian log markets and bought in equal competition with Canadian mill operators, save that Canadian manufacturers were given slight preferences. Since the enactment of the present tariff act, Canadians, seeing the advantage afforded by the American log tax, secured the enforcement of the forestry act, and Canada now charges an export tax on logs, rigidly restricts log exportations, and even completely prohibits shipments of logs to American manufacturers. Such Canadian logs as are granted export privileges are chiefly inferior grades. See Tariff Commission's report, page 13.

OPERATIVE EFFECT AND RESULTS OF ACTS MENTIONED

The tariff imposed on log importations raised log prices in the United States and lowered log costs in British Columbia. There is frequently a log shortage in American markets and generally a log surplus in the log markets of Canada.

The raising of American log prices and lowering of Canadian log costs forced manufacture of shingles and cedar lumber to Canadian mills and necessitated curtailment of production in American mills.

Prior to the enactment of the 1922 tariff act, and subsequent to 1913, Canadian gain in production of shingles totaled 251 per cent over 1913. To and including 1925 the total gain in production in Canada over 1913 is more than 400 per cent.

Charging a tariff on the import of logs, an unmanufactured product, and granting a free and unrestricted entry of shingles and cedar lumber, a finished product, equals the granting of United States tariff protection to foreign manufacture to prevent American competition in the production of shingles and cedar lumber for American consumption.

Fully 90 per cent of all shingles and cedar lumber manufactured in British Columbia is shipped to and sold in the markets of the United States.

These conditions have caused and are causing annual shutdown periods in the American mills of approximately 33 per cent of the usual working period each year. This means an annual wage loss to American cedar workers of about $10,000,000, and this same general total of an annual loss has continued since 1923. Lesser annual losses were sustained for the preceding years, subsequent to 1913. As a general total wage loss to American workmen it is safe to assert that it easily equals $80,000,000. It is therefore easily ascertainable that as a result business curtailment has run into the hundreds of millions.

There are still approximately 10,000 men engaged in the cedar industry in Washington, Oregon, and Idaho, even after the extermination of half of the American cedar industry. These men are all white, nearly all American, and the great majority are men of families.

Shingle-mill values have depreciated until at present they are being offered for sale at 10 cents on the dollar of cost, with no purchasers at that figure.

A number of Washington shingle-mill owners are planning to go before the boards of equalization in their respective counties and ask reduction in assessments to a total not to exceed 5 to 10 per cent on the cost values of their plants. They will submit proofs that their mills can not be sold for such amounts, and that conditions are so adverse they are unable to operate except at great losses.

Due to idleness of mill employees, business stagnation has prevailed, and as a consequence land and farm values have decreased in many instances more than 50 per cent.

The great timber resources of the Northwest are being removed under conditions that allow no profit, either to logger, manufacturer, or laborer. The result is none are given a profit with which to build and establish other lines of industry to take the place of timber when that shall have been exhausted. As a final consequence it will some day be found that the Pacific Northwest has been congressionally forced to devastate its timber resource and is left with insufficient other industries to continue its progress.

ORIENTAL EXCLUSION ACT

Granting free and unrestricted importation to orientally produced products to compete with American like products effectually annuls the American exclusion act. This is as it affects the American cedar industry. In view of the import tax on logs it even gives the oriental an actual preference over the American workman, for it has forced idleness to American workmen and double-shift operations to the mills of a foreign country employing more than 50 per cent of orientals as workmen in their cedar mills.

Charge has been made that orientals are employed in American mills. That charge is absolutely false. Careful search and inquiry has been made to ascertain if orientals were ever employed in American cedar mills. To date not even one instance of the employment of one oriental in any American cedar mill has been found.

There are not now and never have been any orientals employed in the American cedar mills.

INDUSTRY PRODUCTION

The cedar industry of Washington, Oregon, and Idaho, even after half of the industry has been forced out of business, and notwithstanding the usual annual curtailments that are forced by reason of adverse conditions, still produce a product in shingles having an annual value close to $23,000,000 and afford an annual pay roll of about $19,975,000. The difference between product value and pay roll represents cost of standing timber.

Annual shingle production is approximately 7,000,000,000. Annual cedar-lumber production is about 15,000,000 feet, of a value of about $5,000,000. This item, too, represents actual pay roll, save as to cost of timber standing in the woods, and is based on decreased productive figures caused by periods of forced idleness.

THE PRESENT SITUATION

The situation now confronting the shingle and cedar-lumber industry of Washington, Oregon, and Idaho is the most serious ever known.

Approximately 35 per cent of all shingle mills are at present idle or have curtailed their productive capacity. Some of the combination mills cutting both shingles and cedar lumber have greatly reduced shingle production.

A few mills are being dismantled and the machinery sold for junk. Others are holding on in the hope that congressional relief will yet be afforded in time to save them from bankruptcy.

There are more idle millworkers than ever known before, except in general shut-down periods; and in all principal Northwest cities there are more "For rent" and "For sale" signs than in any previous period in the past 30 years.

Merchants and business interests are complaining more generally than for many years, and the number of failures reported is considerably in excess of the average.

So far as ascertainable, practically all Canadian shingle mills are operating full capacity, with a very large percentage of such mills working double shifts. Two of the larger Canadian mills are at present temporarily closed for repairs.

GOVERNMENT REVENUE LOSSES

By reason of the free importation of shingles and cedar lumber to the United States, the Government is annually losing more than $2,000,000, and during the past year the United States Government has reduced cedar stumpage prices to mills purchasing Government timber, thus entailing further losses of revenue to the Government.

Canadian manufacturers have just as free access to American markets as do Americans, but they pay no American taxes and in no way share governmental expenses. They are, therefore, even more privileged in our own American markets than are American manufacturers.

The Department of Commerce shows the imports of Canadian shingles to the United States, from 1913 to and including 1925, to total 24,047,327,000 shingles. Canadian admitted production, as shown by figures given to the Tariff Commission, totals for the same period 25,120,000,000 shingles. If the Canadian admitted-production figures were true it would mean they exported to United States markets 95.8 per cent of all shingles manufactured.

THE TARIFF COMMISSION'S REPORT

The report of the United States Tariff Commission on the United States shingle industry verifies every claim ever made by the shingle industry.

American shingle manufacturers claim American log costs are higher than Canadian log costs. This is substantiated by the Tariff Commission's report on page 11, showing an average American excess log cost over Canadian logs of $2.25. The excess shown in 1922 was $3.09, and in the first six months of 1926 was $2.52.

The commission's report, on page 21, shows 45 per cent of oriental labor in the Canadian cedar mills. Canadian statistics admit a total of 54 per cent of oriental workmen in their cedar mills.

The Tariff Commission's report, pages 22 and 23, shows that wages paid in the United States are higher than the wages paid in the shingle mills of British Columbia. The difference in wages, shown by the report, extended to an operative basis, equals about 7 cents per thousand shingles in favor of Canada.

Notwithstanding the commission found these lower log costs and lower wages, the several comparable tables on pages 36 to 44 show practically no difference in cost of manufacture between the United States and Canada. In other words, by a mere process of comparison the labor and log differences have been made to almost totally disappear. They actually compare out of existence that which was found to exist and which was duly reported.

It is utterly, wholly, and completely impossible, by a mere process of comparison, to eliminate the differences in log costs and lower wages. Facts must exist after comparison in the same proportion as they were in existence prior to comparison, and the very fact that they have been made to magically disappear thoroughly proves the fallacy of the commission's comparable theory.

SCALING AND GRADING OF LOGS

The Tariff Commission implies the American log scales are more liberal, but admits: "A log 24 feet long and 18 inches in diameter contains under the Scribner (American) rule 320 board feet, whereas the same dimensions under the British Columbia scale gives only 311 board feet." Page 8.

If the scale rule is honestly used there can be no question but what Canada would have the advantage in the scale, but it is well known that Canada scales one way for export trade and another way for home trade. Practically every American buyer of Canadian logs is well aware of this fact, and this charge is conclusively proven by the statistics contained in the 1927–28 British Columbia Lumber Trade Directory, page 149, which reports shingle cuts from government tests as follows: On No. 2 logs, 10.60; No. 3 logs, 8.60; and No. 1 logs, 11.06. American manufacturers are well content if they can average a cut of 10,000 shingles per 1,000 feet from the American scale.

Under the Canadian system scalers are government employees and test cuts are made at the direction of the forest branch to give fairness to both logger and manufacturer, with results as shown. Seemingly the Tariff Commission failed to secure this information.

Special attention is asked to Table 17, page 51, of the Tariff Commission's report. It will be noted by comparing this table with figures of import reported by the Department of Commerce of the United States as follows:

Year	Tariff Commission's report shows Canadian production	Department of Commerce report Canadian exportation to the United States
	Thousands	*Thousands*
1922	1,826,000	2,318,492
1923	1,894,000	2,579,836
1924	2,537,000	2,567,748
1925	2,685,000	2,513,257

This evidences the Canadian information obtained by the Tariff Commission failed in its correctness, and without correct information it could not be expected the Tariff Commission could make true findings as to facts. There is no probability of exporting millions more shingles for a period of several years than are produced.

PHENOMENAL COINCIDENCES

The Tariff Commission found an average difference of $2.25 on log costs, and the wage table, extended to an operative basis, shows a difference of nearly 7 cents per thousand shingles in favor of British Columbia production. This totals over 31.5 cents per thousand shingles as an advantage in cost of production in favor of British Columbia. By taking the total amount of shingles, as shown by Department of Commerce records to have been shipped to the United States, and ascertaining and apportioning costs on this total, the result then found equals within a half cent per thousand shingles the exact 31.5 cents per thousand shingles seemingly lost by the commission in its comparable tables.

Another still stranger coincidence is the fact that by adding 10 per cent to the total amount of shingles shipped to United States markets in an effort to obtain a nearly true production total for British Columbia and then determining and apportioning costs on that amount, the result then shown in favor of British Columbia is 50 cents for each thousand shingles, and this is the difference that cedar-industry experts have claimed for years as an actual advantage existing in favor of British Columbia manufacturers, figured on an extra-clear basis. The commission seemingly found total costs but not total production.

It can not be contended that these deductions afford indisputable proof of the errors in the comparable tables of the commission, but it is certainly phenomenal that in dealing with billions of shingles and millions of dollars, with numerous processes of additions, multiplication, and division to apportion and determine costs in each instance the final results should each come within half a cent of the differences shown in the Tariff Commission's report and what for years has been claimed by manufacturers who have made a life study of the situation.

CANADIAN AND AMERICAN LOG COSTS

British Columbia log prices generally average from $4 to $6 less per 1,000 feet of log than the prices obtained for logs on Puget Sound. This is verified from the Tariff Commission's report, page 12, Table 5–B, but the difference in grading logs is confusing to one not informed as to the usual run of No. 3 logs in both American and Canadian rafts. At the time the shingle investigation was made by the Tariff Commission it is an indisputable fact that good logs were being sold in British Columbia log markets at $12 per 1,000 feet of log.

GENERAL AVERAGING OF DIFFERENCES

Summing up all differences, taking into consideration all grades of shingles and logs and cedar lumber, and extending and averaging to an operative basis, the average difference in favor of British Columbia will be found to be within a few cents of 20 per cent ad valorem on all grades of shingles and cedar lumber.

HIGHER PRICES FOR CANADIAN SHINGLES

The report of the commission asserts higher prices are paid for Canadian shingles than for American shingles, but does not tell all the facts with reference to these higher prices. They could have ascertained that higher commissions were paid for the sale of Canadian shingles, and that higher discounts were allowed, with the final result that American manufacturers receive about the same price as Canadian manufacturers. They could have also ascertained that some American manufacturers are obtaining higher prices than some Canadian manufacturers. The grades being sold and purchased and guaranteed by their producers most vitally affect the differences in prices where differences exist.

IMMATERIAL FACTORS ASSIGNED AS CAUSES FOR INDUSTRY DEPRESSION

The commission assigns as reasons for the depression of the shingle industry composite roofings, fire-insurance ratings, antishingle ordinances, poor marketing methods, lack of proper trade connections, and other immaterial items.

The United States shingle industry was perfectly able to cope with any of its legitimate competitors, but is not now and probably never will be able to compete as long as the existing tariff act discriminates against the American industry in favor of a foreign nation, oriental labor, and its foreign competitor. That is competing in the face of governmental opposition, and the cedar industry has tried long enough to admit that it can't be done.

EFFECT OF A TARIFF TO ULTIMATE CONSUMER

It will probably be claimed that if a tariff is added to shingles the amount of that tariff will be passed on to the ultimate consumer. Hundreds of retail dealers have written the industry, advising stability of prices, favoring a shingle tariff, to the end that stability of shingle prices may be effected, and stated the profits asked by such retailers are sufficient to absorb any price increase to manufacturers and labor.

The prices noted in the Tariff Commission's report, on page 67, verifies the claim of the cedar industry that no increase in price will be passed to the ultimate consumer, as it will be noted from the retail prices quoted by the commission they average about double the delivered price to the detail dealers.

Shingle prices per thousand shingles to manufacturers at present are: Stars, $1.90; clears, $2.05; perfects, $2.75; and royals, $8.50. To ascertain the average delivered price add $1.25 per thousand shingles for freight to clears and perfects. See page 66, commission's report.

UNITED STATES CEDAR INDUSTRY.

Mr. WATSON. Mr. President, may I ask the Senator from Washington a question?

Mr. DILL. Certainly.

Mr. WATSON. I am curious to know whether or not all of the raw material out of which shingles are made has been exhausted in his part of the country so that the raw material must come from Canada.

Mr. DILL. No. A large part of it comes from the United States, but a large number of the mills are on the Puget Sound area and the logs are shipped in, and the fact that they can not get logs there to supplement the local supply has been one of the causes of the breakdown of the industry.

Mr. WATSON. So there is no sufficient supply of raw material in our own country to meet the American demand?

Mr. DILL. I would not say there is not a sufficient supply, but I would say it is not always an economical supply under present conditions.

Mr. WATSON. Mr. President, I have no desire to continue the discussion, but I notice that when the Fordney-McCumber bill was under discussion and was put on its passage in the Senate the question arose on striking out the rate of 50 cents a thousand on shingles levied in the House bill. On that question

there were 49 yeas and 19 nays. I have no desire to thrust a partisan discussion into the question at all, but I want to remind my friend that nearly all of the yeas were Democratic, and only one Democrat, the Senator from Louisiana [Mr. BROUSSARD] voted in the negative. I voted in the negative against striking off a tariff of 50 cents on shingles.

The next vote came on the motion of the Senator from Idaho [Mr. BORAH] to place a duty of 25 cents a thousand on shingles. Nineteen voted in the affirmative, one of whom was the Senator from Wyoming [Mr. KENDRICK], the only Democrat so voting. The negatives were Republicans and Democrats, but all of the Democrats in the Senate voted "nay" with the exception of the Senator from Wyoming [Mr. KENDRICK]. So that the Republican Party's record on the proposition is still straight, and we can stand for a tariff on shingles.

Mr. DILL. I must remind the Senator that the Republican Party had control of both House and Senate by a tremendous majority in 1922, and that party must take the responsibility for that bill; it can not be saddled onto the Democrats.

Mr. WATSON. However that may be, it was an industry in the Senator's section of the country, and all of us who cared to do so and who believed in the protective tariff as a fundamental proposition voted to keep a tariff on shingles, and the Senator's party voted the other way. I am very glad to welcome my friend into the ranks of the protectionists. I hope that he will find a permanent abiding place among us.

Mr. DILL. I am not worried about being called a protectionist or being called a "tariff Democrat" or anything of that kind. It is not a question of "tariff Democracy" with me, but a question of justice and a square deal to the lumber industry of the Northwest.

Mr. WATSON. I understand that.

Mr. DILL. I believe in standing for what I think is for the best interest of the country and of my State, and I do not propose to allow myself to be led away by having attention called to some particular vote on some particular amendment. The tariff act is the product of the Republican Party in both House and Senate. That party had enormous majorities, and they can not get behind the minority of Democrats, who may not have voted for a certain provision or on a particular question as I might think they should have voted. I refuse to have such roll calls held up as an excuse for not blaming the Republicans for the present situation. I did not bring parties into this discussion, and I do not care to have the question considered as a party question.

Mr. WATSON. I want now to pay a little attention to what my friend from Maryland said a moment ago. He wants to have the Tariff Commission empowered, without any reference whatever to the American Congress, to fix tariff rates; in other words a commission not elected by the people, not responsible to the people, and which the people can under no conditions remove, unless they change the administration, is to do the work that has been entrusted to Congress.

Mr. BRUCE. Mr. President, the Senator has not correctly stated my position. The thought was that the Tariff Commission should be clothed with full power to prescribe tariff duties, but subject to congressional ratification. In other words, the Tariff Commission would be a congressional commission, but it would have the opportunity for deliberate investigation and for the employment of expert aid in arriving at its conclusions that Congress, independently of such a commission, would not have in arriving at its conclusions.

Mr. WATSON. That is the very object for which the Tariff Commission was created, I will say to my friend.

Mr. BRUCE. No. Tariff duties are only raised or lowered by the President under the flexible clause of the tariff act. Agreeable to the suggestion to which I have been referring, the President would be eliminated altogether from the making of tariff duties and the Tariff Commission would be reorganized and its members, as I have said, would receive a larger compensation than they receive now because their present compensation, I think, is insufficient. The members of the commission would also have a longer tenure and would be given full power, subject to congressional ratification, to deal with each and every tariff situation whatever that situation might be and to recommend to Congress the proper duty for meeting it.

Mr. WATSON. The object of the creation of the Tariff Commission as originally designed was to have an expert body that would find the difference between the cost of production here and abroad when the Republican Party was in power and a protective tariff law was to be enacted. The facts and the information were then to be given to Congress for the action of Congress. That was the very idea, but the suggestion later came in to empower the Tariff Commission with the authority to raise or lower rates by submitting their recommendations to the President after finding the facts.

I am opposed as an individual to permitting any commission not elected by the people, not responsible to the people, not removable by the people to arrange or fix a tariff rate or otherwise to levy taxes in the United States. For a thousand years our ancestors fought for the glorious privilege of taxing themselves, and in reality the fundamental on which the Revolutionary War was based was the principle of taxation without representation. Now are we going to begin a system that will take from Congress the power to tax the American people?

Mr. BRUCE. I do not agree with the Senator at all, because Congress, under my plan, would still have the power to adopt or to reject duties recommended by the Tariff Commission and reported to it; Congress would have complete control.

Mr. WATSON. That is precisely what the Tariff Commission does now, I would say to my friend.

Mr. BRUCE. No.

Mr. WATSON. Its duty is to recommend to Congress when we get ready to pass a tariff bill the rates that it has found are the proper rates. Of course, it also does other things.

Mr. BRUCE. Practically all it does is to look into the question of the difference between the cost of production in this country and abroad and then report to the President, so as to give the President the opportunity to act, under the flexible clause of the tariff act, to raise duties or lower duties.

Mr. WATSON. That is under the flexible provision of the tariff act only.

Mr. GLASS. I think practically all the members of the commission do is to draw their salary.

Mr. BRUCE. I can not agree with the Senator as to that.

Mr. WATSON. The Senator from Maryland has stated what was the initial object in creating the Tariff Commission. The original design of the men who formulated the Tariff Commission provision—and I happened to be one of them—was that the Tariff Commission should find the facts, report the facts to Congress when a tariff bill was to be passed; it was to have no other function. Then we enacted the flexible provision, and, in my judgment, diverted the Tariff Commission from its original purpose and design.

Mr. BRUCE. I will simply say that I have taken some little interest in the subject, and I know that it has been very carefully considered by the committee. It was originally composed of two Democrats and three Republicans, and the conclusion that has been reached by the committee is that of the whole committee, with the exception of a single member, who says that he is not ready as yet, at any rate, to unite in the conclusion arrived at by the majority of the committee.

Mr. WATSON. It is well-nigh impossible for this to be a nonpartisan Tariff Commission. If Republicans are appointed they are protectionists, and if Democrats are appointed they are for a revenue tariff.

Mr. GLASS. Real Democrats can be appointed on the commission.

Mr. BRUCE. I will say that when they are appointed to that commission it does not make one particle of difference whether they are Democrats or Republicans; in some measurable degree, at any rate, they are bound in the very nature of things to be protectionists.

Mr. WATSON. I wish that were true; it is theoretically true——

Mr. BRUCE. It has proved to be true.

Mr. WATSON. Oh, no; it has proved to the contrary, because the Tariff Commission has been at warfare within its own ranks until—I need not mention what has been done.

Mr. NEELY. Until the President stacked the commission.

Mr. WATSON. We had to get rid of some members of the commission and send them abroad to other positions.

Mr. BRUCE. That has been due to a great variety of causes, in my judgment. There was no occasion for it.

Mr. BORAH. Mr. President, I wonder if we can have a vote on this amendment.

Mr. WATSON. We can, so far as I am concerned.

Mr. GLASS. Mr. President, there may be a vote taken on the amendment as soon as I thank the Senator from Indiana for calling attention to the fact that the Democrats of 1922 adhered to the fundamental principles of the party in better style than they have ever done since.

Mr. WATSON. And probably better than they ever will again.

Mr. BRUCE. Mr. President, I have not had an opportunity to say what I want to say because I have been interrupted so frequently. When I say that the members of the Tariff Commission all become protectionists I do not mean that they become protectionists in the sense of being in favor of rapacious or exorbitant duties. What I mean to say is that into the views of every man who finds himself on that commission, whether he be a Democrat or a Republican, must enter in

some degree, though in many instances only a limited degree, the element of protection. That has been true of all tariff duties fixed by Congress. A striking illustration is the case of a member of the commission that I had the honor of having appointed to the commission myself.

I refer to Mr. Alfred P. Dennis, of the State of Maryland. If a Democrat is to be found within the confines of the United States, he is one; if there is a man to be found in the United States who is bitterly antagonistic to extortionate tariff duties, he is the man. And yet at the same time it has become a part of his duty and is in harmony with his convictions, I should say, to make the proper allowance for differences in costs of production abroad and in this country.

Mr. GLASS. And I want to say to the Senator from Maryland that no man that I know has more emphatically stated than he that the Tariff Commission as constituted is perfectly useless.

Mr. BRUCE. He is in favor of that commission being reorganized and of its being clothed with such power as to accomplish the objects that I have in view.

Of course, I am not surprised that this suggestion is not satisfactory to my friend the Senator from Indiana, because we all know he is a high protectionist. I will not say the highest of the high——

Mr. WATSON. I am pretty well up.

Mr. BRUCE. I will not go into relative altitudes as respects protectionists, but he is a high protectionist and there have been Members of the House and Members of the Senate that I could term "exorbitant protectionists." I have not that sort of protection in mind, but I have in mind a moderate, reasonable measure of protection in special cases, which practically all the Democrats that I have ever been thrown into association with favor in one degree or another when it comes to an industry in their own communities.

Mr. GLASS. That is the same thought that was advocated by Alexander Hamilton when he favored the upbuilding of our infant industries.

Mr. BRUCE. Well, the Tariff Commission should not have anything to do with the building up of an infant industry. That is beyond the scope of its power, of course; but it should have a right to look into competitive conditions of every sort and to contrast costs of production abroad with such costs in this country and to suggest to Congress tariff duties that would not rob the masses of the people or do any injustice to them and would yet afford at least moderate protection to our domestic industries where protection was needed at all.

There may have been a time when the ideas that I have been expressing may not have been regarded as sound Democratic ideas, but they are rapidly becoming so, because I will say that so far as the Tariff Commission—which was created by a Democratic administration—is concerned, there is no difference, so far as I know, between the Democratic members on it with regard to this question; and the opposition, so far as there is any Republican opposition, is, in my judgment, due to the fact that a certain element of the Republican Party does not want any deliberate, measured investigation of any kind made into the operations of the tariff, and behind them stand a lot of greedy, rapacious manufacturers whose idea is to come down to Congress and by pressure in one form or another, or by jugglery in one form or another, or by misrepresentation in one form or another to secure the very highest duties that they possibly can, without reference to the interests of the great mass of the people.

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of the evening's business the Senate take a recess until 11 o'clock on Monday.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Is there objection?

Mr. BORAH. I should like to ask a question in connection with the Senator's request. When is the conclusion of this evening's business to be?

Mr. SMOOT. I do not know.

Mr. NEELY. I want to ask when this evening's business is going to begin and not when it is going to conclude. The Senator starts at the wrong end; there has not been anything done as yet.

Mr. SMOOT. I make that request, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Washington [Mr. DILL].

Mr. DILL. I ask for the yeas and nays.

Mr. GLASS. Mr. President, pertinent to this question, is there not somebody to stand here and speak for the consuming public? I venture to say that there are 20,000 people who buy shingles to every one who manufactures shingles, and they are the poor people of the country who buy shingles. The rich and well-to-do do not roof their houses any longer with wooden shingles; they use slate; they use terra cotta; they use the expensive manufactured materials. I repeat, it is the poor people who buy the shingles.

Mr. BORAH. Even those poor people are now buying shingles from Canada and are paying as much as they did before.

Mr. GLASS. I do not know whether they are buying shingles from Canada. It would appear to me that the transportation charges alone would preclude their buying shingles from Canada. The amendment which has been proposed would simply help a few border communities; it would not help the general public.

Mr. BORAH. Mr. President, it would help those and those only, practically, who manufacture shingles in the United States. If the Senator will take the time to look into the matter, he will find that the price of shingles has not gone down, as the mills in the State of Washington have closed. The Canadian manufacturers charge as high a price and are charging the price which we are now paying. We are not getting any of the benefit by reason of the fact that the shingles are being manufactured in Canada.

Mr. REED of Missouri. But if this proposed tariff duty were levied, and the mills were opened in this country, why would they be able to open?

Mr. BORAH. They would be able to open because that would exclude the introduction of shingles from Canada.

Mr. REED of Missouri. That is to say, that would exclude the introduction of shingles from Canada; but that still would not enable them to open unless they raised their price.

Mr. BORAH. They undoubtedly would have to raise their price.

Mr. REED of Missouri. Very well.

Mr. BORAH. But let me put it the other way: Prior to the time the mills were closed down we were paying no higher price for shingles in the West than we are paying now, after the mills have closed down.

Mr. REED of Missouri. Exactly; but let us follow that out for just a moment. I do not want to disagree from my friend from Idaho. We have agreed so many times. We have a condition to-day——

Mr. BORAH. If we can get the shingles in this country for the same price, we ought to manufacture them in this country.

Mr. REED of Missouri. Oh, yes; if we can get them for the same price.

Mr. BORAH. The history of the shingle industry in the Northwest shows that the transfer of the business to Canada did not lower the price.

Mr. REED of Missouri. Let us see why that was. Let us take it as it is now, and settle one question at a time.

The mills of the United States have the right to make shingles. The only reason why they can not make shingles is because the Canadian shingles are sold cheaper than the mills of the United States can make them. Therefore, the mills of the United States are closed. Therefore, the mills of the United States can not open until they raise the price. Therefore, if we pass a law to enable the raising of the price, the people of the United States will have to pay that increased price.

Mr. BORAH. When the mills in Washington are closed down there is no competition, and therefore Canada fixes her own price.

Mr. REED of Missouri. But the mills did not close down until the price was lowered; and the mills can open the minute the price is raised.

Is not this the fact? I am not very familiar with the Canadian tariff law, but I have been talking with the Senator from Washington.

We had free trade in logs and in shingles both ways. The United States did the idiotic thing of putting a tariff upon logs shipped in from Canada. Of course, when it did that, it protected some standing trees in this country; but it put a burden upon our own manufacturers which made their raw materials cost more. Then Canada put a tariff upon the exportation of those logs, and that meant that our mills could not get logs unless they paid two tariffs—one which we had levied and one which Canada levied—and it was the conjunction of those two things that closed our mills.

Now, it is proposed to remedy this artificial evil by what?

Mr. GLASS. By pyramiding it.

Mr. REED of Missouri. Yes; by pyramiding it; that is to say, by putting a tariff upon the Canadian manufactured product—to wit, the shingles—so that our mills can open, and pay the tariff levied by Canada upon the logs, and pay the tariff levied by the United States upon the logs, and collect the

whole business from every man who has to put a shingle on his roof.

Is it not manifest that what we ought to do is to repeal our tariff upon the logs coming in from Canada, and let them come in, and let our mills operate, and to proceed further along sensible lines and say to the Canadian Government—of course, we can not do it as a legislative body, but our administrative department can—"We will let your logs come in free if you will agree to let our shingles come in free"? Thus our mills could open, and we would all get cheaper shingles.

It seems to me that we are trying to meet an evil which we inaugurated by adding to it another evil. That is not the way to get at the matter, in my judgment. It is a mistake to pyramid these charges, as the Senator from Virginia said. When we get through, who pays them? The people of the United States pay them. The great consuming public pays them.

I should like to see these mills opened. It just so happens that for many years my firm has represented a great lumber-manufacturing concern; but I am not willing to open the mills of this country at the expense of the American people when the mills have been closed by the idiotic legislation of this Congress shutting out logs.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. DILL].

Mr. DILL. I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. NEELY. Mr. President, a point of order. I protest that the demand for the yeas and nays was not sustained; and I ask for a count on that.

The PRESIDING OFFICER. Those who second the demand for the yeas and nays will raise their hands. [After a pause.] A sufficient number have seconded the demand. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], and withhold my vote. If I were at liberty to vote I should vote "nay."

Mr. WARREN (when his name was called). I have a standing pair with the junior Senator from North Carolina [Mr. OVERMAN]. I am informed that if that Senator were present he would vote "nay." If I were at liberty to vote I should vote "yea." I withhold my vote.

Mr. WATSON (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH]. I am informed that if present he would vote "nay," and therefore I desire to vote. I vote "nay."

The roll call was concluded.

Mr. DILL. My colleague [Mr. JONES] is absent because of illness. If he were present, he would vote "yea."

Mr. NEELY (after having voted in the negative). When my name was called I voted "nay." I have a pair with the senior Senator from Kentucky [Mr. SACKETT]; but I am informed that if he were present he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. GLASS. Being informed that the Senator with whom I am paired would vote as I shall vote, I vote "nay."

Mr. EDGE. Announcing the same pair with the Senator from New York [Mr. COPELAND], and being informed that he would vote as I shall vote, I vote "nay."

Mr. BINGHAM. Has the junior Senator from Wyoming [Mr. KENDRICK] voted?

The VICE PRESIDENT. The junior Senator from Wyoming has not voted.

Mr. BINGHAM. I have a pair with that Senator; and, as he is not present, I withhold my vote.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I am told that if he were present he would vote "nay." I am unable to obtain a transfer, and therefore I regretfully withdraw my vote.

Mr. GERRY. I desire to announce that the Senator from Utah [Mr. KING] is necessarily detained on important business.

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Alabama [Mr. BLACK]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 13, nays 41, as follows:

YEAS—13

Borah	Johnson	Pittman	Vandenberg
Brookhart	La Follette	Shipstead	
Capper	McNary	Shortridge	
Dill	Nye	Steiwer	

NAYS—41

Ashurst	Gerry	McKellar	Smoot
Barkley	Gillett	Mayfield	Stephens
Blaine	Glass	Moses	Thomas
Bruce	Greene	Neely	Tydings
Caraway	Hale	Norbeck	Wagner
Curtis	Harris	Oddie	Walsh, Mass.
Cutting	Harrison	Pine	Walsh, Mont.
Deneen	Hayden	Reed, Mo.	Watson
Edge	Heflin	Robinson, Ark.	
Fess	Howell	Robinson, Ind.	
Fletcher	Locher	Sheppard	

NOT VOTING—40

Bayard	Edwards	King	Schall
Bingham	Frazier	McLean	Simmons
Black	George	McMaster	Smith
Blease	Goff	Metcalf	Steck
Bratton	Gooding	Norris	Swanson
Broussard	Gould	Overman	Trammell
Copeland	Hawes	Phipps	Tyson
Couzens	Jones	Ransdell	Warren
Dale	Kendrick	Reed, Pa.	Waterman
du Pont	Keyes	Sackett	Wheeler

So Mr. DILL's amendment was rejected.

Mr. ROBINSON of Arkansas (at 10.45 p. m.). Mr. President, I move that the Senate take a recess in pursuance of the order previously made.

Mr. JOHNSON. Upon that I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is absent. Not knowing how he would vote in this instance, I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Michigan [Mr. COUZENS], and vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote if present, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the senior Senator from Nebraska [Mr. NORRIS], and vote "nay."

The roll call was concluded.

Mr. EDGE. I transfer my pair with the senior Senator from New York [Mr. COPELAND] to the senior Senator from Vermont [Mr. DALE], and vote "nay."

Mr. WARREN. I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the junior Senator from Colorado [Mr. WATERMAN], and vote "nay."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from Kentucky [Mr. SACKETT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Alabama [Mr. BLACK]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 23, nays 34, as follows:

YEAS—23

Ashurst	Fletcher	Locher	Thomas
Barkley	Gerry	McKellar	Tydings
Bratton	Harris	Reed, Mo.	Wagner
Broussard	Harrison	Robinson, Ark.	Walsh, Mass.
Bruce	Hawes	Sheppard	Walsh, Mont.
Caraway	Hayden	Stephens	

NAYS—34

Bingham	Fess	Mayfield	Shipstead
Blaine	Gillett	Moses	Shortridge
Borah	Greene	Norbeck	Smoot
Brookhart	Hale	Nye	Steiwer
Capper	Howell	Oddie	Vandenberg
Curtis	Johnson	Pine	Warren
Cutting	La Follette	Pittman	Watson
Deneen	McMaster	Reed, Pa.	
Edge	McNary	Robinson, Ind.	

NOT VOTING—37

Bayard	George	McLean	Smith
Black	Glass	Metcalf	Steck
Blease	Goff	Neely	Swanson
Copeland	Gooding	Norris	Trammell
Couzens	Gould	Overman	Tyson
Dale	Heflin	Phipps	Waterman
Dill	Jones	Ransdell	Wheeler
du Pont	Kendrick	Sackett	
Edwards	Keyes	Schall	
Frazier	King	Simmons	

So the Senate refused to take a recess.

Mr. HOWELL. Mr. President, I send to the desk an amendment, which I offer.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 237, after line 6, to insert the following:

(e) All claims, rebates, refunds, compromises, set-offs, and credits in any form whatsoever allowed by the Commissioner of Internal Revenue in excess of $10,000 on account of income taxes shall be audited by the General Accounting Office the same as other expenditures of the Government, notwithstanding the provisions of any other law.

Mr. HOWELL. Mr. President, the expenditures of practically every department of government are audited, no matter how small the items may be. There is an exception, however, in connection with the Bureau of Internal Revenue in the Treasury Department.

Mr. HARRISON. Mr. President, will the Senator yield just for a question?

Mr. HOWELL. I yield.

Mr. HARRISON. May I ask the Senator from Utah, in the time of the Senator from Nebraska, how long he expects the Senate to remain in session to-night? May I say, prefacing that, that the Senator is aware that we have been here since 11 o'clock this morning, it is now 11 o'clock, within an hour of Sunday, and there are a good many more of these amendments. There have been no delays, so far as this side of the aisle is concerned, may I say to the Senator; on the contrary, I think a majority have voted against all of these tariff amendments. Can we not get a unanimous-consent agreement now that we will vote on the measure Monday, so that we can get at least a little sleep? If we can not, will not the Senator give us some idea when the other side is going to make a motion to recess to-night?

Mr. SMOOT. I think the sentiment on this side of the Chamber is that they desire to act on the bill to-night.

Mr. HARRISON. Evidently so, and the desire over here among a great number of Senators is to act, but that is an impossibility. Everybody knows that.

Mr. SMOOT. Oh, no.

Mr. HARRISON. I did not know that anyone here would think we could act to-night on these amendments, in view of the threats of certain Senators and the desire of certain Senators to speak. Does the Senator expect the Senate to run longer than 12 o'clock to-night?

Mr. SMOOT. I think it will take us that long to pass the bill.

Mr. BRUCE. Mr. President, I desire to serve notice on the Senator, the chairman of the Committee on Finance, that as far as one of these amendments is concerned, I should myself take up enough time in relation to it, in conjunction with other Members of the Senate interested in that particular amendment, to make it impossible to bring this bill to a vote to-night.

Mr. MOSES. Does the Senator mean before sunrise?

Mr. BRUCE. I should say before sunrise.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. ROBINSON of Arkansas. Is it the purpose of those in charge of the bill to carry the consideration of the bill over Sunday? I think all will agree that I have exerted every effort within my power to facilitate the final disposition of the bill. What is the consideration that would impose the indecent purpose to force the Senate, after having been in session already for 12 hours, to continue in indefinite session? Is that the purpose of those in charge of this bill? If it is, I want to be informed of it.

Mr. SMOOT. I have no such purpose, as far as I am concerned.

Mr. FLETCHER. Can we not get consent to vote at 2 o'clock Monday?

Mr. CURTIS. If we can, I hope such an agreement will be reached. We would not lose any time if we should meet at 11 o'clock Monday morning and vote by 2. If we pass this bill to-night, and adjourn, we will put in two hours on the calendar Monday morning, and we could save just as much time by recessing until 11 o'clock Monday morning. I ask unanimous consent——

Mr. REED of Pennsylvania. Is the Senator about to propose a definite time for a final vote on the passage of the bill?

Mr. CURTIS. To fix the time, so that we can vote not later than 2 o'clock.

Mr. REED of Pennsylvania. On the bill and all amendments?

Mr. CURTIS. Yes.

Mr. HARRISON. Will not the Senator offer the unanimous-consent request that was offered once before, with the limitation on debate upon each amendment and the bill? Put it at five minutes, if you want to do so.

Mr. CURTIS. I ask unanimous consent that when the Senate recess to-night it recess until 11 o'clock on Monday——

The VICE PRESIDENT. That has already been agreed to.

Mr. CURTIS. I want to repeat it in the way I have stated, because I wish to submit with it another request, which is that general debate close upon this measure at 1 o'clock on Monday; that after 1 o'clock debate to be limited to 10 minutes on the bill and 10 minutes on amendments, and that we vote at 2 o'clock on the passage of the bill.

Mr. REED of Pennsylvania. Does that mean that 10 minutes' debate will be permitted on each amendment?

Mr. CURTIS. After 1 o'clock.

Mr. REED of Pennsylvania. Then if more than six amendments are offered before that hour, after the first six the amendments have to be voted on without debate.

Mr. CURTIS. I propose a final vote at 2 o'clock. That will give two hours for general debate, from 11 to 1, and then after 1 o'clock debate will be limited to 10 minutes on all amendments and 10 minutes on the bill, up to 2 o'clock.

Mr. BROOKHART. Why not five minutes after 1 o'clock?

Mr. ROBINSON of Arkansas. Mr. President, I suggest to the Senator from Kansas that he modify his proposal so that there may be a measure of debate upon all amendments which may be proposed. The limitation, so far as I am concerned, could be made quite brief. I would suggest that after the hour of 2 o'clock debate be limited to five minutes on the part of each Senator on any amendment that may be pending or that may be proposed.

Mr. CURTIS. That will be satisfactory.

Mr. ROBINSON of Arkansas. There are some Senators who have waited quite patiently for the opportunity to offer amendments, amendments that will require some discussion, and I think it would be better procedure to include that provision.

Mr. CURTIS. The modification is satisfactory to me, but I think it ought to be made at 1 o'clock instead of 2, because we will have two hours of general debate from 11 o'clock to 1.

Mr. ROBINSON of Arkansas. I have no objection to the change.

Mr. REED of Pennsylvania. That will be satisfactory to me.

Mr. BLAINE. Mr. President, I can not agree to a five-minute limitation on amendments. The debate has been going on for two and a half weeks or more. There are two important amendments remaining on the table, one presented by the Senator from Missouri [Mr. REED] and the other presented by myself. In my opinion those are the most important amendments which have been offered to the bill from the standpoint of the people of the country. To limit debate upon such important propositions to a few minutes after all the time that has been wasted is a proposition to which I can not consent. In all fairness it ought not to be asked.

Mr. CURTIS. Mr. President, I understood the Senator earlier in the evening to state that 35 minutes would be sufficient time for him to debate the one amendment in which he is interested. If that is so, I will ask unanimous consent that after 1 o'clock debate be limited to 15 minutes on the bill and 20 minutes on any amendment, and that after 2 o'clock debate be limited to 5 minutes.

Mr. BLAINE. Then if the debate continues up to 2 o'clock, which, of course, would be the case, the same purpose is served

as under the former request. Everyone offering an amendment after 2 o'clock is practically excluded from engaging in the debate.

Mr. CURTIS. I understood the Senator to state that there are two important amendments on which he wanted time. My proposal would give three hours for those two important amendments. It does seem to me we could come to a vote on those two amendments in that time after all the debate we have had heretofore.

Mr. BLAINE. The amendment submitted by the Senator from Missouri is the amendment before the Senate. I know, or at least I have a right to believe, that the entire time will be consumed in the discussion of that amendment, with all the interruptions that are bound to occur. Therefore, the amendment which I have proposed will practically be submitted without any debate whatever.

Mr. SMOOT. Perhaps the Senator from Missouri would agree now upon taking a vote on his amendment at a particular time?

Mr. BROOKHART. I suggest that two hours, from 11 to 1 o'clock, be allowed for the amendment of the Senator from Missouri, and then one hour to the Senator from Wisconsin on his amendment, and that then the five-minute limitation be applied.

Mr. SMOOT. Provided the Senator from Wisconsin wants that length of time.

Mr. JOHNSON. Mr. President, I will give my consent to a vote at 2 o'clock, or possibly a short time thereafter, if it may be agreed that we shall vote upon the bill and every amendment at that time and dispose of the bill entirely. That is the only consent that I will give.

Mr. CURTIS. Would the Senator consent to a final vote at 3 o'clock?

Mr. JOHNSON. I am willing to say 3 o'clock if discussion of the bill be closed at that time and final action taken on it, and we then go on with the unfinished business. Let that be the understanding.

Mr. CURTIS. Mr. President, I ask unanimous consent——

Mr. BRUCE. Just a moment. As I have said, one of the amendments is a proposition in which I feel a very considerable degree of interest. That is the amendment relating to the field deputy internal revenue collectors. I do not ask for much time on it. If I can be assured that I shall have 10 minutes on it, I will ask nothing more.

Mr. CURTIS. The Senator would have 10 minutes under the proposed agreement.

Mr. BRUCE. That is all right.

Mr. CURTIS. Mr. President, I ask unanimous consent——

Mr. BRUCE. Just one moment further. Does not the Senator think his request ought to be broad enough to exclude the consideration of any other subject during the time we are going to devote to the bill?

Mr. CURTIS. I think that ought to be done.

Mr. BRUCE. It has been done heretofore.

Mr. CURTIS. I think no one ought to offer any bills or suggestions for unanimous consent to do anything, but let us go on and get rid of the tax bill.

Mr. GLASS. Mr. President, may I ask if that proposition includes the Pope and prohibition? [Laughter.]

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business this evening it take a recess until 11 o'clock Monday morning; that general debate proceed on the amendment to be offered by the Senator from Missouri [Mr. REED] until 12 o'clock and on the amendment offered by the Senator from Wisconsin [Mr. BLAINE] until 1 o'clock; and that from that time on debate be limited to 10 minutes on each amendment and 15 minutes on the bill, and that the bill be voted upon at not later than 3 o'clock.

Mr. REED of Pennsylvania. Mr. President, reserving the right to object, I have just counted the number of amendments on the clerk's desk. There are 26 amendments which have been printed and are lying on the table, not yet acted on. I have two amendments which have not yet been printed. I have no doubt many other Senators have a considerable number.

The effect of the proposed unanimous-consent agreement, or the latter part of it requiring a vote at not later than 3 o'clock, would be to impose the gag rule on about 20 of the 26 amendments. I am perfectly willing to agree to a five-minute limitation, but it is not fair to do otherwise. We have seen it happen in the past where amendments are read and voted down with a roar by the Senate that does not know even what is in the amendment that is voted on.

Mr. CURTIS. The Senator from California [Mr. JOHNSON] said he would not consent that the vote should be taken later than 3 o'clock. I think that every Member of the Senate already has his mind made up how he is going to vote on each one of the amendments yet to be considered, and there will not be a vote changed by any discussion or argument that may be presented.

Mr. ROBINSON of Arkansas. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. The question is on agreeing to the amendment submitted by the Senator from Nebraska [Mr. HOWELL].

Mr. HOWELL. Mr. President, the expenditures of every department of Government, or nearly every department of Government, are audited by the Comptroller General, no matter how small the purchases may be. However, that is not true of a division of the Treasury Department, the Bureau of Internal Revenue. Although the expenditures made by that department have involved billions of dollars, there is no audit whatever by the Comptroller General to determine whether the expenditures are made according to law or in accord with regulations.

Section 3220 of the Revised Statutes, as amended by section 1111, act of February 26, 1926, authorizes the Commissioner of Internal Revenue to remit, refund, and pay back all taxes erroneously or illegally assessed or collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount or in any manner wrongfully collected.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. HOWELL. I yield.

Mr. SMOOT. I will say to the Senator that I am perfectly willing to accept the amendment and let it go to conference. There is considerable merit in the amendment and I would like to have it go to conference and be considered there.

Mr. HOWELL. If the amendment is accepted, it is unnecessary for me to say more.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. HOWELL].

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I send to the desk an amendment which I offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 36, line 24, strike out "$20,000" and insert "$30,000," so as to read:

(3) "Earned net income" means the excess of the amount of the earned income over the sum of the earned income deductions. If the taxpayer's net income is not more than $5,000, his entire net income shall be considered to be earned net income, and if his net income is more than $5,000, his earned net income shall not be considered to be less than $5,000. In no case shall the earned net income be considered to be more than $30,000.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

Mr. BRUCE. Mr. President, I move that we take a recess until 11 o'clock on Monday next. It is perfectly obvious that this assemblage is going to pieces in a few minutes and that we are all engaged in an absolutely futile task in remaining here at this hour.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland.

Mr. MOSES. Let us have the yeas and nays on the motion of the Senator from Maryland.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the senior Senator from Iowa [Mr. STECK] and vote "yea."

Mr. NEELY (when his name was called). On this vote I am paired with the senior Senator from Kentucky [Mr. SACKETT]. I do not know how he would vote if he were present. Therefore I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Michigan [Mr. COUZENS] and vote "nay."

Mr. SWANSON (when his name was called). I transfer my pair with the senior Senator from Washington [Mr. JONES] to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. WARREN (when his name was called). I transfer my pair with the Senator from North Carolina [Mr. OVERMAN] to the junior Senator from Colorado [Mr. WATERMAN] and vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Nebraska [Mr. NORRIS] and vote "nay."

The roll call was concluded.

Mr. EDGE. Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE].

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Alabama [Mr. BLACK]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 16, nays 42, as follows:

YEAS—16

Ashurst	Fletcher	Harrison	McKellar
Broussard	Gerry	Hawes	Reed, Mo.
Bruce	Glass	Hayden	Tydings
Caraway	Harris	Locher	Walsh, Mass.

NAYS—42

Barkley	Fess	Moses	Shortridge
Bingham	Gillett	Norbeck	Smoot
Blaine	Greene	Nye	Steiwer
Bratton	Hale	Oddie	Swanson
Brookhart	Heflin	Pine	Thomas
Capper	Howell	Pittman	Vandenberg
Curtis	Johnson	Reed, Pa.	Wagner
Cutting	La Follette	Robinson, Ark.	Warren
Deneen	McMaster	Robinson, Ind.	Watson
Dill	McNary	Sheppard	
Edge	Mayfield	Shipstead	

NOT VOTING—36

Bayard	Frazier	McLean	Simmons
Black	George	Metcalf	Smith
Blease	Goff	Neely	Steck
Borah	Gooding	Norris	Stephens
Copeland	Gould	Overman	Trammell
Couzens	Jones	Phipps	Tyson
Dale	Kendrick	Ransdell	Walsh, Mont.
du Pont	Keyes	Sackett	Waterman
Edwards	King	Schall	Wheeler

So the Senate refused to take a recess.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I shall not take three minutes to explain this amendment. At the present time we are following the policy that is followed in Great Britain of allowing a slight reduction in the tax where a part of the income of the taxpayer is earned income instead of income from investment.

Mr. BRUCE. May I interrupt the Senator from Pennsylvania a moment?

Mr. REED of Pennsylvania. I yield to the Senator from Maryland.

Mr. BRUCE. Does the Senator really think, in the present state of exasperation of a large part of the Members of the Senate, that his amendment will receive any fair consideration? I do not.

Mr. REED of Pennsylvania. I should be sorry to believe so, because I do think that the Senate is sincerely desirous of disposing of this bill; and, in spite of the exasperation that most of us share, I believe that the Senate still preserves a large part of its wisdom.

Mr. BRUCE. I will say this: If there were any disposition to filibuster now on this bill, if there were any desire to obstruct its passage, I would not have said what I did; but there is not; it is simply a question of whether we are going to continue in session to-night or are going to proceed like rational beings on Monday instead of unduly protracting our proceedings to-night. I venture to say that no amendment that is offered by the Senator from Pennsylvania or by any other Senator is going to get the measure of consideration that it deserves in the present state of mind of a large portion of the Members of the Senate.

Mr. REED of Pennsylvania. The Senator has just made his effort to recess without success. I should like, by taking less than three minutes, to explain the amendment. I think the explanation will convince the Senator that the Senate is still willing to consider amendments seriously if they are seriously proposed.

Mr. BRUCE. I expect to vote "nay," I will tell the Senator frankly.

Mr. REED of Pennsylvania. Very good. If we may just postpone frivolity for a moment I should like to explain what the amendment means.

Mr. BRUCE. It is not frivolity; I assure the Senator it is gravity of the most pronounced description.

Mr. REED of Pennsylvania. Mr. President, have I the floor?

The VICE PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. REED of Pennsylvania. Mr. President, at the present time we are permitting a slight reduction in tax, where the taxpayer shows that his income is earned by the rendition of personal service. The minimum is $5,000; that is to say, every taxpayer whose income is $5,000 or more is presumed conclusively to have earned the first $5,000 of it; and if, as a matter of fact, he can show that he has earned more than that, then he is permitted a reduction amounting to one-fourth of the tax on such income as he has up to $20,000. The sole purpose of the amendment is to increase that maximum permissible earned income of $30,000.

The reason that Congress has set a maximum is that it has been cautious to prevent an abuse of the privilege by permitting imaginary salaries to be paid by corporations to their officers. It has been found that the present limitation is not abused. We are all agreed that the principle is sound, and therefore I offer the amendment to raise the maximum from $20,000 to $30,000. The loss in revenue entailed by this would be comparatively slight, and it would redound to the benefit of those taxpayers who are contributing to the upbuilding and the welfare of the country by actual effort and not merely sitting passive and receiving an unearned income.

Mr. BRUCE. Mr. President, it is perfectly obvious that this amendment is going to be followed by another and another and another until practically the crack of doom. I trust that the Senate will have an opportunity to consider each and every amendment that may be offered for the rest of the night at a later stage of our proceedings, but I trust that every amendment that is offered under such unreasonable conditions as those under which this amendment is being pressed now will be voted down.

Mr. SMOOT. Mr. President, I will say that the committee was opposed to this amendment and voted against it; and I see no reason why it should be adopted.

Mr. REED of Missouri. Mr. President, I should like to say a word seriously to the Senate on this matter.

There ought to be a great distinction between the income that a man acquires by his labor from day to day and the income which he derives from invested capital or from something that he inherits. The injustice of the rule as applied is that it works hardship particularly to all classes of professional men.

Two men start out in life at the same time. Neither of them possesses any capital. One of them engages in the mercantile business and the other enters a profession, whether it is law, medicine, teaching, engineering, or any other profession. Generally neither of them makes a large sum of money to begin with, but the one who engages in the merchandising business as soon as he acquires an income is allowed before he pays any income tax to deduct 6 per cent upon his capital.

The man whose capital is in his brain does not secure any such exemption or allowance. The man who is in the profession generally goes along for a number of years, barely making a living; his capital is his gradually increased knowledge and reputation; but he is allowed nothing of an exemption upon that capital. The other man who is engaged in the mercantile business continues to increase the goods upon his shelves; his capital is there all the time, and he obtains the exemption of 6 per cent.

Mr. SMOOT. To what 6 per cent does the Senator refer?

Mr. REED of Missouri. No surtax is paid on any income until 6 per cent has been deducted.

Mr. SMOOT nodded in the negative.

Mr. REED of Missouri. Why does the Senator from Utah shake his head. What does he mean?

Mr. SMOOT. I do not know what the Senator means by a deduction of 6 per cent.

Mr. REED of Missouri. I mean to say that any corporation is allowed to earn or was granted an allowance of 6 per cent upon the capital that it has invested.

Mr. SMOOT. The excess profits tax, I will say to the Senator, has been repealed; of course, he knows that; but the Senator, I think, has confused that with the income tax. As to corporations, they pay the regular rate imposed under the bill, and there is no 6 per cent deduction.

Mr. SWANSON. Mr. President, if the Senator will allow me, I think I can explain what the Senator means. I think he has in mind the fact that if a taxpayer receives dividends from a corporation which itself has paid the tax the normal tax is not assessed on the dividends so paid.

Mr. SMOOT. That relates to an individual.

Mr. SWANSON. Yes; to an individual.

Mr. REED of Missouri. That is what I had in mind, although I may have expressed it awkwardly. After a period of years—and this is the particular part I want to stress—the professor in the school who has obtained a reputation, the writer who has obtained a reputation, or the lawyer, or the doctor, or the engineer, has arrived at a period where he begins to earn, whereas in the past he earned but little. When that period arrives they find the taxes loaded upon them very heavily because their income is income that has increased suddenly and within a few years; but all the years of the past, when they earned but a small income, are not taken into account.

Mr. President, it seems to me that these classes of people ought to be encouraged.

There is another feature which is akin to what I spoke of. Take the lawyer: He may work upon a case for 10 years. It may be a case that is of such character that he can not obtain any fee until the case is concluded. Then he suddenly receives the fee all in one year. He can not distribute it over the years that are past. Upon the income of that year he pays an enormous tax, and the next year he may earn but little. There is no arrangement in our tax law by which earnings of that character can be distributed over a period of years, because they would have to be set up on the taxpayer's books from year to year, and that can not be done in those cases.

What is true of the lawyer is true of the doctor, or may be true of him. It may be true of the engineer; and to allow this moderate amount of exemption, it seems to me, is only fair and proper.

Mr. LA FOLLETTE. Mr. President, I desire to say only a few words in support of the amendment offered by the Senator from Pennsylvania.

In my judgment, the theory of permitting deductions for earned income is sound. The only reason for placing a limitation upon it is the difficulty in administration, which every person who has studied the subject recognizes. It does seem to me that permitting an earned-income deduction up to $30,000 is just when one considers the difference in the amount of money which is paid by the professional worker or the industrial worker and the amount paid by the person who derives his income from bonds and stocks. The deductions are four or five times larger for the latter class than for the individual who obtains his income from professional pursuits. Therefore, I hope the amendment offered by the Senator from Pennsylvania will prevail.

Mr. REED of Pennsylvania. I call for the yeas and nays upon the amendment.

The yeas and nays were not ordered.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. SMOOT. Now I want to suggest once again a unanimous-consent agreement.

I ask unanimous consent that on Monday the Senate meet at 10 o'clock instead of 11; that between 10 and 11 o'clock the amendment of the Senator from Missouri [Mr. REED] be considered; that between 11 and 12 o'clock the amendment of the Senator from Wisconsin [Mr. BLAINE] be considered; that after 12 o'clock speeches be limited to five minutes upon any amendment, and five minutes upon the bill, and that we vote upon the bill not later than 3 o'clock.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. REED of Missouri. Mr. President, I should like to have the Senator modify that request. I have explained to the Senator that I do not want to be in the position of objecting unless I am forced to do so. I am not taking the arbitrary position that the Senate has to do a particular thing by a particular hour.

I have explained that I wanted time for the consideration of an amendment which I present, which involves a principle which I think is of great importance, and which I know several Senators desire to discuss. I reluctantly consented earlier in the evening to an arrangement which would have left a maximum of two hours for the consideration of that amendment. The amendment of the Senator from Wisconsin [Mr. BLAINE] I believe to be generally of the same character. I hope the Senator can change his proposition so that there can be an hour and a half allowed, if it is taken, for the amendment I have suggested.

Mr. SMOOT. The Senator from Wisconsin [Mr. BLAINE] told me earlier in the evening that he would not want more than a half hour; and, if that be the case, then of course we could have an hour and a half for the amendment of the Senator from Missouri, and a half-hour for the amendment of the Senator from Wisconsin.

Mr. REED of Missouri. Put another half hour in there, and then the Senator from Wisconsin and I will divide the time. We will agree on it.

Mr. SMOOT. I will ask the Senator from California [Mr. JOHNSON], shall we make it 3.30?

Mr. JOHNSON. I will agree, sir, to 3 o'clock.

Mr. REED of Missouri. Mr. President, when any Senator—and I am as good a friend as the Senator has—will not yield 30 minutes in the interest of the desires of others——

Mr. JOHNSON. Wait a minute, Mr. President. If we begin to indulge in crimination and recrimination, we will get nowhere.

Mr. REED of Missouri. We are not going to indulge in any crimination.

Mr. JOHNSON. I hope the Senator will not, with me.

I have stood here, sir, for three weeks. I have stood here, yielding to every request that has been made of me in the endeavor to accommodate every Senator upon this floor. There is not a thing which has been asked of me in that three weeks with which I have not complied in order to accommodate Senators.

I have in my charge a measure the importance of which, in my opinion, transcends even the importance of the tax measure. On that measure we are entitled to a vote. I am facing difficulties of which the Senator is aware. I am facing a filibuster which has been already threatened concerning that bill.

I need every hour of the time that it is possible to secure between now and adjournment in behalf of that bill. It is because of its importance, and because up to this moment I have never denied a request of anybody, that I am endeavoring to insist now upon every conceivable hour that may be accorded that measure.

That is the reason why I have done as I have. This is the first time that I have ever objected, in 12 years of service in this body, to a unanimous-consent agreement. This is the first time in 12 years, sir, that I have not yielded my own desires to those of my fellows and those of my colleagues. But, now, sir, I have reached the point where to yield further yields the lives of 60,000 people, in my opinion, and yields a measure that demands at the hands of this body some sort of action. That is the reason for the attitude that I have assumed.

Mr. REED of Missouri. And, Mr. President, all that depends upon 30 minutes!

Mr. JOHNSON. No; it does not all depend upon 30 minutes at all.

Mr. REED of Missouri. That is the only point that I asked the Senator to concede—to make it 3.30 instead of 3.

Mr. JOHNSON. You may have your 3.30. I will yield to you, as I have yielded to you before. Take your 3.30, and we will have unanimous consent, if you desire, that we vote at 3.30 Monday afternoon; but at 3.30 Monday afternoon let it be understood that the Boulder Dam bill will go upon this floor; and then I want the consideration of the Senator from Missouri in the endeavor ultimately during the week to get a vote before this body.

What a horrid thing it is that a measure like this shall be filibustered out of existence in one session, and then in another session shall be threatened with a filibuster and shall be jockeyed until the very last day of the session!

I have no desire to complain of anybody. I have not whined about the situation in which I find myself. I have not in any way or in any shape criticized anybody; but I have reached the limit, sir. I want to go forward with this bill, and we ought to go forward with it; and the Senate ought to accord us a right to have a vote upon it.

Mr. DILL. What is the grievance of the Senator?

Mr. REED of Missouri. Mr. President, the Senator from California does not mean to say that I have thrown any obstacle in the way of his bill I am sure.

Mr. JOHNSON. Oh, I am not saying that you have thrown any obstacles in its way.

Mr. REED of Missouri. Neither at this session nor at the last session.

Mr. JOHNSON. But let me recall the situation to the Senator.

Here is an amendment of the Senator that is pending—an amendment that was presented days ago. What would one of the rest of us have done, I ask the Senator from Missouri? We would have come into this body days ago, presented our amendment, argued it, and argued it to the limit that we desired. The Senator from Missouri I do not complain about, nor do I criticize him at all because of his methods; but his methods are that he may take what time he desires in this legislative body; and he arrogates to himself, it seems to me, privileges that are not accorded to other Members of the body.

I ask neither rights nor privileges from this body. I ask only that it be a body that dare legislate where there is a great

Power Trust spending $400,000 to prevent the passage of this bill by the Congress of the United States. I ask no favor of any man. I ask only that I be given a right to have a vote in this body; and that is why every hour now is so precious upon this measure.

Mr. REED of Missouri. Mr. President, I can not understand the attitude of the Senator at all. I shall not waste any time trying to understand it.

The amendment that I introduced was written and introduced on yesterday. It was worked out after some consultations. I have tried to get it up during the day. I have desired a full discussion. When it was explained to me that the Senator was so anxious about his bill, I agreed willingly to an arrangement which would have limited the discussion far beyond what I thought it ought to be. I am agreeing to a further limitation; but I asked the Senator if he would not concede 30 minutes.

Mr. JOHNSON. I have told you that I would.

SEVERAL SENATORS. Regular order!

Mr. REED of Missouri. Very well. Then why should the Senator lose his temper in discussing this matter with me? I supported his bill before.

Mr. JOHNSON. I am not losing my temper with the Senator from Missouri. I have lost my patience, I admit; but it is not losing my temper with the Senator from Missouri or any other man.

Mr. REED of Missouri. Very well.

Mr. JOHNSON. Now, I concede 3.30.

Mr. DILL. Mr. President, some other men in this body have been kept here this long. I think we had better stay; and I do not see any reason why we should have a vote at 3.30.

SEVERAL SENATORS. Regular order.

Mr. SMOOT. Does the Senator object?

Mr. DILL. I shall object; yes.

Mr. ASHURST. Mr. President, I crave the indulgence of the Senate for a moment, and say to my good friend from California that his attitude neither intimidates nor convinces.

The Senator, with his histrionic ability, says that the lives of 60,000 people are about to be destroyed; but when I offered an amendment in the committee to appropriate $30,000,000 to save his people he voted against it. Then he complains that the lives of people in his State are about to be overwhelmed, when he voted against my amendment that would have appropriated as a free gift, nonreimbursable, $30,000,000! Edwin Booth and Richard Mansfield pale into insignificance in histrionic ability compared to the simulated zeal of my good friend from California.

Now, he says something of the Senator from Missouri claiming special rights. The Senator from Missouri voted against me on the Boulder Dam bill last year. His piercing sword and his keen thrusts are felt on my breast, not in my back, thank God! because the Senator from Missouri never struck a foe in the back or below the belt in his life. It is with great regret that I see that he is not going to support me this time; but I will say for the Senator from Missouri that he is right in claiming the privileges of the floor.

The Senate of the United States is a forum of freedom, the only one in America, the only one in the world. Sir, I suppose you have in your vest pocket a cloture petition. When the cloture is called and applied to the Boulder Dam bill, then the Senate is no longer a forum of freedom, but is the refuge of cowards. The Boulder Dam bill would destroy the State of Utah and destroy the State of Arizona, and if the Senator's constituents in Imperial Valley shall be overwhelmed by the floods of wrath from the Colorado River, he ought to feel some compunction of conscience for voting against my amendment to appropriate $30,000,000 to save them.

Mr. President, I apologize for taking even this much time. Let the man who voted against his own constituents explain that. He says, "No; I will not take flood water for my people in the Imperial Valley unless and until the Federal Government at its expense gives to us potable water and hydroelectric power." He inveighs against the Power Trust. I have no apology for the Power Trust—none in the world. That there is a lobby here against Boulder Canyon is most true. That there is an insidious lobby here against Boulder Canyon is true. That there is a more insidious lobby here for Boulder Canyon is also true.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HEFLIN. If the Senate takes a recess now, or adjourns until Monday, the tax bill will then be before the Senate until it is disposed of?

The PRESIDING OFFICER. The Senate has already agreed to take a recess until 11 o'clock on Monday.

Mr. HEFLIN. I am asking if the tax bill will be before the Senate when we meet on Monday to the exclusion of all other business.

The PRESIDING OFFICER. If the Senate takes a recess, it will be.

ADDITIONAL REPORT OF A COMMITTEE

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes, reported it without amendment and submitted a report (No. 1246) thereon.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I ask unanimous consent to change the order as to the hour of meeting on Monday so that when we recess to-night we shall recess until 10 o'clock Monday morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I have no desire, and I do not think it well, to keep the Senate in session for this bill or any other after 12 o'clock. We have some executive business which ought to be looked after, and I move that the Senate proceed to the consideration of executive business.

On a division, the motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 11 o'clock and 52 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, May 21, 1928, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 18 and May 19 (legislative day of May 3), 1928

DIRECTOR WAR FINANCE CORPORATION

George R. Cooksey, of the District of Columbia, to be a director of the War Finance Corporation for a term during the life of the corporation but not exceeding four years. (Reappointment.)

MEMBER UNITED STATES SHIPPING BOARD

Samuel S. Sandberg, of California, to be a member of the United States Shipping Board for a term of six years from June 9, 1928, vice Philip S. Teller, term expired.

UNITED STATES CIRCUIT JUDGES

John H. Cotteral, of Oklahoma, to be United States circuit judge, eighth circuit, vice Walter H. Sanborn, deceased.

Xenophon Hicks, of Tennessee, to be United States circuit judge, sixth circuit. An additional position created by the act approved May 8, 1928.

REAPPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICERS

To be brigadier general, Adjutant General's Department Reserve

Brig. Gen. Thomas Edward Hambleton, Adjutant General's Department Reserve, from July 17, 1928.

To be brigadier general, Auxiliary Reserve

Brig. Gen. Edward Orton, jr., Auxiliary Reserve, from September 27, 1928.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major generals

Brig. Gen. Paul Bernard Malone, from June 27, 1928, vice Maj. Gen. Thomas Q. Donaldson, to be retired from active service June 26, 1928.

Brig. Gen. Charles Dudley Rhodes, from September 5, 1928, vice Maj. Gen. William S. Graves, to be retired from active service September 4, 1928.

To be brigadier generals

Col. Lytle Brown, Corps of Engineers, vice Brig. Gen. Paul B. Malone, nominated for appointment as major general.

Col. Charles Evans Kilbourne, Coast Artillery Corps, from September 1, 1928, vice Brig. Gen. Alfred W. Bjornstad, to be retired from active service August 31, 1928.

Col. Hamilton Smith Hawkins, Cavalry, vice Brig. Gen. Charles D. Rhodes, nominated for appointment as major general.

POSTMASTERS

CALIFORNIA

George P. Comings to be postmaster at Ramona, Calif., in place of H. J. Woodward, resigned.

Charles B. Randall to be postmaster at Kerman, Calif., in place of C. B. Randall. Incumbent's commission expired April 3, 1928.

Peter D. McIntyre to be postmaster at Blythe, Calif., in place of P. D. McIntyre. Incumbent's commission expired January 9, 1928.

Harry A. Canfield to be postmaster at Bellflower, Calif., in place of G. M. Brown. Incumbent's commission expired January 9, 1928.

FLORIDA

Gladys F. Tierney to be postmaster at Hialeah, Fla., in place of L. F. Randall, removed.

ILLINOIS

Alta Winn to be postmaster at Saybrook, Ill., in place of A. B. Thompson. Incumbent's commission expired January 7, 1928.

Lyle E. Wilcox to be postmaster at McLean, Ill., in place of L. E. Wilcox. Incumbent's commission expired May 14, 1928.

James W. Corwine to be postmaster at Lincoln, Ill., in place of J. H. Boyd. Incumbent's commission expired January 7, 1928.

KANSAS

Charles J. Roy to be postmaster at Wilsey, Kans., in place of M. E. Brown, deceased.

Charles T. Murray to be postmaster at Isabel, Kans., in place of C. T. Murray. Incumbent's commission expired March 13, 1928.

KENTUCKY

Ruby M. Wood to be postmaster at Salt Lick, Ky., in place of R. M. Wood. Incumbent's commission expires June 6, 1928.

Gertrude Berry to be postmaster at La Center, Ky., in place of Gertrude Berry. Incumbent's commission expired May 14, 1928.

Trilby A. Russell to be postmaster at Kevil, Ky., in place of H. C. Mann. Incumbent's commission expired June 22, 1926.

Edgar Renshaw to be postmaster at Hopkinsville, Ky., in place of Edgar Renshaw. Incumbent's commission expires May 23, 1928.

John M. Burkholder to be postmaster at Crofton, Ky., in place of J. M. Burkholder. Incumbent's commission expired May 14, 1928.

Edna W. Morin to be postmaster at Alexandria, Ky., in place of E. W. Morin. Incumbent's commission expired May 14, 1928.

LOUISIANA

Jesse L. Beasley to be postmaster at Harrisonburg, La. Office became presidential July 1, 1927.

Isidore A. Currault to be postmaster at Westwego, La., in place of I. A. Currault. Incumbent's commission expired January 7, 1928.

James M. Coan to be postmaster at Sicily Island, La., in place of J. M. Coan. Incumbent's commission expires June 5, 1928.

Fred E. Callaway to be postmaster at Jonesboro, La., in place of F. E. Callaway. Incumbent's commission expired January 7, 1928.

Edward S. Rogers to be postmaster at Berwick, La., in place of E. S. Rogers. Incumbent's commission expires May 19, 1928.

MAINE

Stella L. Hill to be postmaster at Northeast Harbor, Me., in place of S. L. Hill. Incumbent's commission expires June 4, 1928.

Henry W. Perry to be postmaster at Fort Fairfield, Me., in place of H. W. Perry. Incumbent's commission expires June 6, 1928.

MINNESOTA

Eda M. Ashbaugh to be postmaster at Murdock, Minn., in place of E. M. Ashbaugh. Incumbent's commission expired December 19, 1927.

MISSISSIPPI

William L. Jansen to be postmaster at Okolona, Miss., in place of F. J. McDonnell. Incumbent's commission expired May 11, 1926.

NEBRASKA

Thomas Werner to be postmaster at Humphrey, Nebr., in place of L. A. Lewis, removed.

George W. Nicholas to be postmaster at De Witt, Nebr., in place of G. W. Nicholas. Incumbent's commission expires June 6, 1928.

NEW HAMPSHIRE

Everett F. Tozier to be postmaster at Salmon Falls, N. H., in place of E. F. Tozier. Incumbent's commission expires June 4, 1928.

NEW YORK

Ralph F. Spaulding to be postmaster at Piermont, N. Y., in place of F. di M. Spaulding, resigned.

Warren C. Edgar to be postmaster at New Hamburg, N. Y., in place of S. E. Harris, resigned.

Harold V. Mulford to be postmaster at Hopewell Junction, N. Y., in place of H. V. Mulford. Incumbent's commission expired May 5, 1928.

Erwin Smith to be postmaster at Annandale-on-Hudson, N. Y., in place of Erwin Smith. Incumbent's commission expires June 4, 1928.

NORTH CAROLINA

Julia B. Greer to be postmaster at Moravian Falls, N. C., in place of J. B. Greer. Incumbent's commission expired May 5, 1928.

OHIO

Henrietta Bennett to be postmaster at Tippecanoe City, Ohio, in place of C. E. Bennett, deceased.

Earl W. Starkey to be postmaster at Flushing, Ohio, in place of E. W. Starkey. Incumbent's commission expires June 4, 1928.

PENNSYLVANIA

Walter D. Lewis to be postmaster at Ulysses, Pa., in place of W. D. Lewis. Incumbent's commission expires June 5, 1928.

Martin T. Weaver to be postmaster at Strasburg, Pa., in place of M. T. Weaver. Incumbent's commission expires June 6, 1928.

Ella Hill to be postmaster at Roulette, Pa., in place of Ella Hill. Incumbent's commission expires June 5, 1928.

Ray K. Garman to be postmaster at Lemoyne, Pa., in place of R. K. Garman. Incumbent's commission expired February 15, 1928.

Samuel M. Carnell to be postmaster at Dott, Pa., in place of S. M. Carnell. Incumbent's commission expired March 22, 1928.

Ruth S. Waters to be postmaster at Dallas, Pa., in place of R. S. Waters. Incumbent's commission expired January 8, 1928.

Clifford G. Chase to be postmaster at Butler, Pa., in place of C. G. Chase. Incumbent's commission expires June 4, 1928.

William C. Drager to be postmaster at Boiling Springs, Pa., in place of W. C. Drager. Incumbent's commission expires June 6, 1928.

SOUTH CAROLINA

James H. McCord to be postmaster at Hodges, S. C., in place of J. H. McCord. Incumbent's commission expired March 27, 1928.

SOUTH DAKOTA

Rose B. Flahart to be postmaster at White Lake, S. Dak., in place of R. B. Flahart. Incumbent's commission expired February 8, 1928.

C. Albert Zeitner to be postmaster at Mission, S. Dak., in place of C. A. Zeitner. Incumbent's commission expired May 17, 1928.

TEXAS

Ben M. Vick to be postmaster at Valentine, Tex., in place of B. H. Stewart, deceased.

Charles A. Quails to be postmaster at Post, Tex., in place of C. A. Quails. Incumbent's commission expired May 14, 1928.

UTAH

John McPhee to be postmaster at Salt Lake City, Utah, in place of Ralph Guthrie. Incumbent's commission expired February 8, 1927.

Hans P. Ipson to be postmaster at Panguitch, Utah, in place of H. P. Ipson. Incumbent's commission expires June 4, 1928.

William S. Anderson to be postmaster at Moroni, Utah., in place of W. S. Anderson. Incumbent's commission expires May 19, 1928.

VIRGINIA

Thomas R. Cocks to be postmaster at Prospect, Va., in place of H. T. Ferguson. Incumbent's commission expired February 8, 1928.

McClung Patton to be postmaster at Lexington, Va., in place of McClung Patton. Incumbent's commission expires May 19, 1928.

WASHINGTON

Rose M. Illy to be postmaster at Uniontown, Wash., in place of R. M. Illy. Incumbent's commission expired May 14, 1928.

WEST VIRGINIA

Charles B. Wright to be postmaster at Minden, W. Va., in place of W. B. Murray, resigned.

WISCONSIN

Clyde C. Harris to be postmaster at Waupun, Wis., in place of Dena Kastein, resigned.

Orestes K. Hawley to be postmaster at Baldwin, Wis., in place of O. K. Hawley. Incumbent's commission expired April 21, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19 (legislative day of May 3), 1928

MEMBER OF UNITED STATES SHIPPING BOARD

Hutch I. Cone.

COLLECTOR, INTERNAL REVENUE SERVICE

Joseph S. MacLaughlin to be collector of internal revenue for the first district of Pennsylvania.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be second lieutenants

Robert G. Ballance.
Charles B. Mitchell.
Kenneth H. Weir.
Frank C. Croft.
Perry O. Parmelee.
Arthur F. Binney.
John J. Heil.
Max W. Schaeffer.
Clovis C. Coffman.
Ernest E. Pollock.
Thomas G. Ennis.
Wilson T. Dodge.
Charles Popp.
Boeker C. Batterton.

POSTMASTERS

ARIZONA

Walter Runke, Flagstaff.

IOWA

Theodore B. Satory, Albert City.
William M. Bausch, Ashton.
Albert A. Emigh, Atlantic.
Royal E. Hutton, Bancroft.
John J. Ethell, Bloomfield.
Harry Aitken, Clearfield.
Joseph M. Jacobs, Delta.
Mary E. Coy, Farragut.
Rose M. Fischbach, Granville.
Louis C. Giencke, Guttenberg.
Henry W. Huibregtse, Hull.
Harvey S. Powers, Iowa Falls.
Howard H. Tedford, Mount Ayr.
William A. Grummon, Rockwell.
Ira Soop, Sanborn.
Lyle J. McLaughlin, Schaller.
Harry M. Harlan, Sigourney.
Ralph Hunte, Springville.
Cora B. Alberty, Thornton.
Marion H. Barnes, Wapello.

KANSAS

Gerald G. Smith, Burr Oak.
Henry B. Lawton, Kiowa.
Hiram W. Joy, Quinter.
Lloyd Van Metre, Sublette.
Michael Fischer, Tipton.

MAINE

Louis F. Higgins, Ellsworth.

MASSACHUSETTS

Charles H. Sawyer, Northampton.
Philip Morris, Siasconset.
Stephen C. Luce, Vineyard Haven.

MICHIGAN

Hazel M. Foster, Baldwin.

MISSOURI

Charles A. Mitchell, Clinton.
Harry H. Forman, Shelbyville.

NEW HAMPSHIRE

Ralph E. Messer, Bennington.
Eleazer F. Baker, Suncook.

NORTH DAKOTA

James N. McGogy, Ashley.
Austin R. Johnson, Wildrose.

OKLAHOMA

Wilmer C. Brown, Kingfisher.
Samuel C. McAdams, Minco.
James F. Bethel, Muldrow.

TENNESSEE

Rennie G. Connelly, Lyles.
Lonnie A. Jernigan, Manchester.
Garfield Russell, New Tazewell.
Belle Whittenburg, Ooltewah.
William G. Leach, Huntingdon.

TEXAS

E. Leon Donner, Hereford.
Mabel E. Bryant, Rockport.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 19, 1928*

The House met at 12 o'clock noon.

The Rev. William Pierpoint, pastor of the McKendree Methodist Church, offered the following prayer:

Almighty God, our Heavenly Father, the Father of all mercies, we come unto Thee in humility and with gratitude for Thy many gifts to us. We thank Thee that Thy blessings have ever been upon us to enrich us, and we have ever been the recipients of Thy mercy and of Thy grace. Help us as we come to Thee to realize that while Thou hast given unto us health, prosperity, and peace, that greatness consists not in the things which we possess, but greatness consists in being able to contribute unto all mankind of the blessings which Thou hast given unto us. We pray that Thy blessings may be upon our country and that Thy guiding eye may continue to be over it and that Thy mercy may ever be extended to it. Bless, we pray Thee, those in authority over our country; give unto all, our Father, into whose hands have been vouchsafed the keeping of our national greatness Thy wisdom, Thy understanding, and Thy grace. Help them in all their deliberations, that they may so honor and glorify Thy name that Thy smiling favor may ever be upon them. Pardon us, we pray Thee, wherein we may have transgressed Thy law, and help us forever to have that forgiving spirit wherein we shall in turn merit forgiveness from Thee. Grant this with all the blessings that may enrich our lives. We ask in the name and for the sake of our Lord and Savior, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate refuses to reconsider its vote on the passage of the bill (H. R. 11479) entitled "An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians."

The message also announced that the Senate refuses to reconsider its vote on the passage of the bill (H. R. 12632) entitled "An act to provide for the eradication or control of the European corn borer."

The message further announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3554. An act to authorize the Public Health Service and the National Academy of Sciences jointly to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes; and

S. J. Res. 156. Joint resolution to stay proceedings for the condemnation of squares 727 and 728 in the District of Columbia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9495) entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture."

The message further announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) entitled "An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes," further

insists upon its amendments to said bill, requests a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. MOSES, Mr. PHIPPS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. J. Res. 39. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China; and

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam.

PERMISSION TO ADDRESS THE HOUSE

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that on next Thursday, after the reading of the Journal and the disposition of matters on the Speaker's table, I may be permitted to address the House for 15 minutes.

Mr. CHINDBLOM. Reserving the right to object, will the gentleman state the subject?

Mr. McCLINTIC. I have information showing that the War Department is paying a salary to the person who brought charges against the misuse of my frank and I want to present some information along that line.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MEETING OF ELECTORS

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7373) providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes, and agree to the Senate amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 7373, with a Senate amendment, and agree to the Senate amendment. The gentleman will state he acts by authority of his committee?

Mr. GIFFORD. Yes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

LEASING OF PUBLIC LANDS FOR AVIATION PURPOSES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I move to take from the Speaker's table the bill (H. R. 11990) to authorize the leasing of public lands for use as public aviation fields, with Senate amendments, and agree to the Senate amendments.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

LANDS OF CERTAIN MEMBERS OF THE FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of an act approved May 10, 1928, entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes" (Public, No. —, 70th Cong., 1st sess.), be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That on and after April 26, 1931, the allotted, inherited, and devised restricted lands of each Indian of the Five Civilized Tribes in excess of 160 acres shall be subject to taxation by the State of Oklahoma under and in accordance with the laws of that State, and in all respects as unrestricted and other lands: *Provided,* That the Indian owner of restricted land, if an adult and not legally incompetent, shall select from his restricted land a tract or tracts, not exceeding in the aggregate 160 acres, to remain exempt from taxation, and shall file with the Superintendent of the Five Civilized Tribes a certificate designating and describing the tract or tracts so selected: *Provided further,* That in cases where such Indian fails, within two years from date hereof, to file such certificate, and in cases where the Indian owner is a minor or otherwise legally incompetent, the selection shall be made and certificate prepared by the Superintendent for the Five Civilized Tribes; and such certificate, whether by the Indian or by the Superintendent for the Five Civilized Tribes, shall be subject to approval by the Secretary of the Interior; and, when approved by the Secretary of the Interior, shall be recorded in the office of the Superintendent for the Five Civilized Tribes, and in the county records of the county in which the land is situated; and said lands, designated and described in the approved certificates so recorded, shall remain exempt from taxation while the title remains in the Indian designated in such approved and recorded certificate, or in any full-blood Indian heir or devisee of the land: *Provided,* That the tax exemption shall not extend beyond the period of restrictions provided for in this act: *And provided further,* That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres."

Mr. LEAVITT. Mr. Speaker, I offer an amendment. In line 6, page 1, insert after the word "numbered" the figures "360."

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 1, line 6, after the word "numbered," insert the figures "360."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AUTOMOBILE INSURANCE BILL

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to the bill H. R. 9688, the automobile insurance bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, on January 19, 1928, I introduced H. R. 9688, a bill to provide security for the payment of compensation for personal injuries and death caused by the operation of motor vehicles in the District of Columbia, and for other purposes.

This bill is patterned after the Massachusetts law, with certain necessary adaptations to conditions in the District of Columbia. No disinterested person can argue that an irresponsible automobile driver has any place on our streets and highways. If he is irresponsible in driving he will likewise be irresponsible in the settlement of any damage claims which may result from his driving. This law has been in operation in Massachusetts for a year and a half, and all official evidence tends to show that it has been most advantageous.

Nearly all of the States have under consideration some form of insurance against automobile casualties. I predict that in the course of a very few years every State in the Union will require automobile drivers to assume financial responsibility for accidents due to their carelessness. It will not do for Congress to neglect the interests of the people in the District of Columbia in this direction.

Hearings have been held by one of the subcommittees of the District of Columbia Committee on House bill 9688. The proponents of the bill represented the public interest and the opponents represented the selfishness of those engaged in the automobile business. In view of the early adjournment of Congress it was mutually agreed that the subject should not be pressed until Congress reconvenes in the fall. At the last hearing of the subcommittee its chairman, Congressman UNDERHILL, of Massachusetts, gave assurance that strenuous efforts would be made to secure action on this important measure at the next session. In the meantime further study will be given to the best practical solution of this pressing problem as regards its application to the District of Columbia. A survey can also be made of legislation which has been suggested in the various States so that when Congress reconvenes the committee may have available complete evidence in the premises.

I can assure the people in the District of Columbia who have shown an interest in the bill of my best efforts at the proper time to convince Congress of the need of this or similar legislation. The day is not far distant when an irresponsible driver of a powerful engine will not have unrestricted use of the streets and highways of the District. It is to be hoped that those interested in the bill will make note of the expectation of prompt action next December and be prepared to support the measure, either individually or through their civic organizations.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT NEW ORLEANS, LA.

Mr. DENISON. Mr. Speaker, by instructions of the Committee on Interstate and Foreign Commerce I call up the bill (S. 4229) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., authorized by act of Congress approved April 17, 1924, to be built by the city of New Orleans, a municipal corporation existing under the laws of the State of Louisiana, its successors and assigns, through its Public Belt Railroad Commission, is hereby extended five years from the date of the approval hereof: *Provided*, That it shall not be lawful to continue the construction of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT RANDOLPH, MO.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11338) authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo., with Senate amendment, and agree to Senate amendment.

The Senate amendment was read and agreed to.

A DECADE IN CONGRESS UNDER REPUBLICAN DOMINATION

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject "A decade in Congress under Republican domination."

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, I am serving my tenth year in Congress and feel that a few observations as to the obstacles I have encountered are proper.

I was officially sworn in May 19, 1919, nine years ago to-day. President Wilson was still in the White House, but the Republicans had gained control of the Congress. They have held that control until this time. We Democrats have been and are at their mercy. Absolutely no bill can pass over the objection of the solid Republican forces. No bill can even be taken up in the House if only three or four leading Republicans on their steering committee object to it. Ofttimes when a bill is taken up we get some Republicans to break ranks and help the Democrats put on some good amendments. Ofttimes party lines disappear and Democrats and Republicans vote on both sides of a matter. I have heard Members criticized for voting with the Republicans.

When they vote on both sides of a measure we must vote with them or not at all. I am glad to vote with them when they vote my way. The only way we Democrats can pass any laws is by getting Republican help. Sometime ago a man in my district, who likes baseball, asked me if I did not like the great congressional game. I said yes; but I would like it so much better if I could help play the game with the Democrats in power. I then said to my friend, "How would you like a game of baseball if your side could not catch a single ball, hit a single ball, or make a single run without the consent of the other side?" My friend admitted he would not at all like any such a game. I then told him that we Democrats are up against just such a situation with the Republicans in power.

Mr. Speaker, it is so easy for one not in Congress to feel that if he should ever enter here, his appearance will be the occasion of great acclaim and he will come great wonders to perform. A new Member is soon disillusioned. He is instantly confronted with his helplessness. He can talk, introduce bills, listen, and learn, but if his party is not in power he is almost as helpless as a baby in the matter of securing the passage of worth-while legislation of his own.

Sometime ago I saw two very good pictures. One was of a new Member of Congress leaving his home town for Washington. He looked to weigh a thousand pounds or more. There were a dozen or more of his friends trying to get him on the train. He was too wide and entirely too high to even get on the platform of the train, much less get in at the door. The next picture showed his arrival in Washington. Like the "nigger's" catfish he had "shrunk up." He appeared to weigh about 10 pounds. The top of his hat did not quite reach the bottom step of the train coach from which he had just alighted. Well, it is not quite this bad, but please do not get the idea that a new Member finds nothing to do. The trouble is he finds everything to do, is handicapped on every side, and does not know how, when, or where to begin. He must begin at the A B C's of a new school course—a course which he can never complete, but in which he becomes more learned and more proficient as he stays here and labors hard for 5, 10, 20, or even 40 years, if he should live and serve as long as "Uncle" Joe Cannon.

Who are the great men in Congress? They are those who have been here 15, 20, and 25 years. They came here as young men and are now gray with age but wise in legislative matters. The great Members of the past became powerful not so much because of their great ability but because of their long service and years of legislative training. Great ability does not enable one to hurry to the front over the well-fixed rules of seniority in force here. The greatest orators of the country came here and like the rest of us must talk, study, introduce bills, offer amendments, and take their time waiting. Very few men get through the world "on flowery beds of ease" because of their ability. Many, many more with only reasonable ability succeed by staying on the job and working while others play. A Member of Congress can never become very helpful if he does not stay on the job, it matters not how much ability he may possess.

Many of the best Congressmen here are men of reasonable ability who endeavor to honestly give their folks conscientious service by staying on the job while others, ofttimes of greater ability, attend the ball games, play golf, go to shows, or indulge by day and night in the various social functions here. While failure awaits the more book-learned and mentally gifted Congressmen who indulge themselves in pleasures of a great city, a splendid success is sure to come to the Member of reasonable ability and hard-earned education, with the welfare of his constituents at heart, who stays on the job and studies by day and night the great problems of his people. Nothing but success can eventually come to the hard worker of even reasonable ability, while failure is written on every act of the man, even of great ability, who puts pleasure ahead of the service of his folks.

I repeat for a Member to become powerful here he must stay on the job, serve many years, have a reasonable amount of sense, and, above all, have at heart the welfare of the people who elect him from term to term. The very worst men here are the men of great ability who have become powerful by long service and yet who represent the big interests and the powerful monopilistic forces. It is most unfortunate for the common people that some of the ablest men in Congress—lawyers, if you please—represent the Power Trust, the Steel Trust, and other trusts just as fully as any lawyer ever represented a client in a courthouse.

Many of them represented big interests before they came; they represent them here and will continue to represent them when they leave here, unless they are shipped home in a box. The big interest paid them big fees before they came, paid them even larger amounts of money as campaign donations while they were running, and will continue to pay as "campaign contributions" just what they may wish to call for as the price for the betrayal of men, innocent women, and children—yes; for the betrayal of all humanity.

These Members in many cases are wealthy themselves and own stock in the big corporate interests which they represent so well here. Many other Members are not rich, but have represented as a lawyer the great trusts until they feel that any sort of exploitation of the people by the monopolies is but a higher form of patriotism. Then, again, the money of the big trusts elected them, the subsidized big dailies help keep them in, and in the future they are assured of the support of the money, big dailies, and every known and unknown agency of the trusts and big rich. They are loyal to their masters. They represent the crowd who elected them. They do not care for the voters personally. Money is their god. They proceed on the theory that money has elected them and will reelect them. There is a limit on the amount of money a candidate for Congress can legitimately spend. There is no limit on what the big interest spends for him and tells him about after the election. Enormous amounts of money, running to several times the salary of Members of Congress, are devoted and spent in an effort to get certain men elected. Why? Simply because the big interests expect and get returns a thousandfold.

The first and primary duty of many campaign managers of congressional candidates is to receive donations in amounts beyond that allowed by law and do the criminal campaign stunts of which the candidate may wish to plead ignorance. By the way, I have never had any one man as a campaign manager. I have succeeded very well so far with the whole

people whom I humbly seek to represent as my campaign managers. I have never felt like I needed a manager bad enough to put myself under too many political obligations to any one man.

I kind of feel like a fellow who must have a manager to help him run for office will need a manager to help him vote, make appointments, and discharge the duties of the office. Then, why not elect the manager to begin with if he is to feel he is the brains of the performance. I am not criticizing the selection of managers in state-wide or nation-wide elections when one man must have help in the way of handling legitimate publicity, and so forth.

I have on a few occasions had people come to me during a campaign and want to know who my manager was so they could see him. I told them I was the manager, and if the good people elected me I would still be the manager after I took office. You know a manager ofttimes makes promises which the candidate is expected to fulfill after election, and then some managers want to keep on managing the candidate even after he is elected. I have many many times felt good when I realized that I had no one political manager to tell me of obligations to corporations who made donations or gave help. There is a wonderful freedom in feeling that all the people elected you and that your duty demands loyalty to the whole people, and only them.

It is very seldom, if ever, money is offered to a Congressman outright for a vote or his help. I have never personally known of such an offer. They go after a fellow in a different way. They secure the help of many by selecting the candidate whom they are sure will do their bidding and then put up whatever money may be necessary to elect him. Of course, many Members are elected on whom the big interests have no strings. Well, such a Member is not permitted to represent his folks without a continuous warfare being made to capture him, and if he can not be taken in, then ofttimes he is marked for defeat. He gets invitations to come into the social swim, join clubs, attend so-called swell dinners where a few blistered English peas, stale chicken decorated with pin feathers, and other similarly unpalatable food is served in a smoke-filled room to a crowd of folks listening to a lot of jazz—so-called music—and cheap jokes. The Member and his folks get invitations to other social functions, such as dances, where they do not dance much, and dress parades where they do not dress much, and high society generally where the women puff their cigarettes, tilt their disdainful noses, paint profusely to hide the palor of their indifferent stare, and lacking modesty do not blush, but bring the blush of shame to modesty's cheek and the crimson of disgust to the face of decent men and women.

A Member who enjoys this kind of thing is soon taken over and in a little while feels his social obligations drawing him, and feels that these people with whom he enjoys so many hours are pretty good folks after all and that he ought not to fight them and ought to vote with them or perhaps just not vote at all.

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

For my part I do not attend such functions, nor any other entertainment where the enemies of my people are seeking to get me under obligations which would in the least deflect my service from the people who elected me. Then, again, I don't enjoy at all any such performances. I have received hundreds of invitations to free dinners and suppers, all of which I have ignored. Why should I attend? Why do they want me? They never asked me before I was elected. If I was defeated they would not invite me the day after I left Congress. They never invited any of my folks; why did they ignore my folks? I know why they want me and other Members of Congress. They hope to get us in line to jump when they say jump. They want us to feel kindly toward them. They want to come in between us and the folks we represent. They want to lead us into their way of thinking. They intend to bombard us with letters, literature, and come to see us sometime in behalf of their ideas and want us to be in a receptive mood so our minds will be as "clay in the potter's hand." And we hear from them ever and anon. They come into our office and approach us in all kind of ways. If the Member is from a farming district, they begin by telling him a certain bill in which they are interested is about to ruin the farmers, and so on. Although they never farmed a day in their lives, they make great protestations of their love for the farmer. All this on their part is, of course, the very basest of deception.

Just at this point I find it very interesting to ask them a few questions. Thus I force them to admit whom they represent and who is paying them as lobbyist to endeavor to mislead Members of Congress. When they are forced into the open it is very easy to see that they are for certain selfish interests regardless of the consequences to others. They then ofttimes come back by suggesting that I have probably received several letters and telegrams advocating their side and none from my farmer friends in opposition. This is true in almost every case. The big-moneyed interests are active all the time in behalf of their nefarious schemes. They always send more telegrams, write more letters, and have an army of paid lobbyists to dog the steps of Members of Congress in behalf of the bills they wish passed.

My farmer friends very seldom write me in behalf of a farm-relief measure. They do not have to. It is not necessary. I am for them body, heart, and brain, and will do all I can for them as long as I stay here in spite of all the wiles of those who oppose them and in defiance of all the bombardment of all who would destroy them. Thus the big interests try to elect their crowd. If they fail in this, they try to enmesh them in the social whirl or through their clubs or other activities of big-city life. If all this fails, they seek to scare us into doing their will by a bombardment of letters, telegrams, and such other methods as their paid lobbyists may desire.

Failing in all of this, they turn the bloodhounds of certain big dailies loose on our trail, and, if possible, defeat us and elect in our place some one who will do their bidding. I have been sorely criticized for my stand against Sunday desecration, for my fight against measures which sought to protect the criminal negro rather than the white women of the South and the Nation, and also because of my fight in behalf of the ultimate consumers and the farmers, and against the profiteers of the Nation. Especially is a Member subjected to a terrific bombardment by the newspapers here in Washington if he is not willing to betray the common people who elected him and vote just as the lobbyist of the big interest say vote. The big Washington papers are vultures of the press. A Member will never go very wrong if he simply does the things the Washington papers object to. If I found all the Washington papers supporting a measure I favored, I would be almost sure I was mistaken about my position. Here are a few of their inconsistencies.

When seeking enormous appropriations from Congress they say Washington is the Nation's Capital and should be improved by the money of the whole Nation. When an effort is made to pass some regulation to make Washington a law-abiding city, the papers say Congress is attempting to interfere with the District of Columbia and that the rest of the Nation has nothing to do with what happens here. They want the Government in business for the profiteer, but not for the common folks. They favor price fixing for everybody except the farmer. A few dollars spent for the farmer is wasteful extravagance, but millions stolen by their crowd is true patriotism. They worry over the safety of a rapist and make no decent defense of women and children. They desire to govern others, but do not wish to govern themselves. They subject women and children accused of small offenses to the scourge of pitiless publicity and heroize the most brutal of criminals. They seem to think that freedom of the press means the right to suppress the truth and oppress the right.

The conduct of Washington papers toward Members of Congress who do not do their bidding is simply a cheap form of blackmail. But let me further discuss the handicap of serving as a Democrat with the Republicans in majority in the House.

Not a single bill of importance bearing the name of a Democrat has passed during the last 10 years. No such bill bearing the name of a Democrat will pass while the Republicans stay in power. If a Democrat introduces a good bill and it becomes popular, it is copied and reintroduced in the name of a Republican. This is done so the Republicans will get all the credit for the measure. The big bills always bear the name of the Republican chairman of the committee which considers the bill. The Esch-Cummins Railway Act bears the name of the chairmen of both the House and Senate committees. This is also true of the Fordney-McCumber Tariff Act and the McNary-Haugen bills. The Volstead Act only bears the name of the then chairman of the Judiciary Committee of the House.

This explains why no big bill bearing the name of a Democrat has passed Congress since I came to Congress. Many people do not understand how Members get committee assignments. Up to a few years ago the Speaker appointed the committees and was ofttimes called the czar of the House. That day is gone and no longer are new committees made up at each session, as in the case of the State legislatures. Now, when a man is appointed on a committee, he stays on that committee as long as he stays in Congress, unless he resigns. The man on the side of the party in power who has been on the committee the

longest is the chairman of the committee as a matter of seniority.

Thus, in order for a Member to become chairman of a committee, he must get on and stay on the committee until all who are on when he first gets on either are defeated, die, or resign, and furthermore he must wait until his party comes back into power. For instance, Congressman J. R. Walker, of my district, came to Congress and went on the great Judiciary Committee, but he could not be chairman even though the Democrats were in power, for there were several Democratic Members on the committee ahead of him. He retired from Congress before he had a chance to be chairman of his committee.

In fact, if he had stayed in until now he would never have been chairman, for the Republicans have been in ever since he left. But if he had stayed in and was elected again this year, and if the House goes Democratic, he would next session be the chairman of the great Judiciary Committee after 16 years' service. He would be one of the most powerful men of the House and in position to do much more for his district than any new Member could do without waiting for a similarly long service.

I have never had a chance to get on the committee which Mr. Walker left, because when I came Mr. Wise, of the fifth Georgia district, had been in Congress longer than I and wanted this committee, and under rules of seniority of force in Georgia delegation he got it. When Mr. Wise retired Alabama got it, and Georgia has never been able to get a member on that committee since.

Each State does not have a Member on every committee. There are some big committees on which Georgia has no Members. Nearly every Georgia Member would rather be on the Committee on Agriculture than any other committee, and yet Georgia has no Member on that committee. Congressman Lee was on that committee, but when he was put on appropriations Mr. FULMER, of South Carolina, got on agriculture, and so Georgia will probably not get a Member on that committee unless the Democrats win this fall. If this happens we will get a larger number of Democrats on all committees and a Georgian will likely get on agriculture.

I should rather be on Agriculture than any other committee, and if I come back and the Democrats win, I stand a good chance. If all the Georgia Members come back there will be six who have been here longer than I have and five for a shorter period. Six will be entitled to choose ahead of me, but probably all of these will keep what they have, as they all will either be chairmen or very high on important committees. One hates to give up a high rank or chairmanship and go near the foot on a new committee. There is only one Member between me and the chairmanship of the Committee on Irrigation and Reclamation, and I understand he will probably become chairman of another committee, and thus make me chairman of the important Committee on Irrigation and Reclamation.

This committee has jurisdiction of drainage and reclamation in my district and the South. It would be the first time the South ever had a chairman of that great committee, and could not but mean the putting of the South on a parity with the rest of the Nation in drainage and reclamation.

Of course, if I got this chairmanship after all these years of waiting I would not give it up for another committee, with me going to the foot or near the foot, unless I thought I could render better service on the new committee. All would depend, for instance, on what happened in connection with the Committee on Agriculture. There are eight Democrats on that committee. If most of these went off by going on other committees or otherwise, and the Democrats were increased to the majority members of 14, and if 10 or 12 new members were appointed, all having been in Congress less than 10 years, I could afford to go on, for I would rank ahead of the new members, and thus be near the top.

The seniority rule applies in all committee assignments. When I first came here I found that we first had to find what could be secured for Georgia, and then Mr. Upshaw and I had to take what was left after 10 older Georgia Members had their choice. It takes years of service here to become qualified as a good legislator, and it takes even more time to get a good place on a good committee.

When Congressman Brantley retired and Mr. Walker came in, he could not at all begin where Mr. Brantley left off. Mr. Walker had to patiently begin at the bottom, which he did and builded nobly for six years. But I could not save his splendid work when I came. Down at the bottom I had to start and attempt to build again the rights of my district to preferences in legislation by reason of the long service of its Member. Now, if I quit, the results, in so far as committee assignments are concerned, of 10 years of effort and waiting will go with me and all must be done over again.

Just think of it, if the Democrats win this fall and Mr. Brantley had remained in Congress, he would be at the very top, being probably Speaker and next to the President of the United States in matters of national legislation. If Mr. Walker had remained, he would be chairman of one of the most powerful committees of the House.

There is no other place where length of service is so valuable as here. A Member easily adds to his usefulness 100 per cent every additional term. Many Members are twenty times as powerful as other Members. Why? Simply because they have been here twenty times as long as the other Members. The district that is always changing never gets the best services. The districts which keep Members in for long periods get the very best service and, in fact, their Members run the Congress.

Before I came to Congress I had an idea all speeches were printed free for Members and that speeches should not be mailed out free. The Member pays for the actual printing of speeches but gets free mail service. This free mail service is the franking privilege which is ofttimes criticized. It is ofttimes abused, as are all privileges, but it is very essential to our form of government. It is the privilege of the common people. The wealthy Member does not need free mail service. He would gladly pay postage if he was only able to prevent the Congressmen of small means using their frank as a protection of the common people. The man who receives large campaign contributions from the big interests and who has the big daily press back of him could absolutely destroy the Member of small means if he had no way to get his views and position in matters before the country.

The Member doing the will of the big rich would have unlimited money and newspaper publicity to hold him up to public gaze as a hero. The Member voting with the common people, if he was not rich, would be ridiculed out of office by the subsidized press of the Nation and would not be able to even fight back. With the franking privilege a Member can vote for the poorest of the poor, and with $100 each month out of his salary he can let his people know the truth about his record in spite of newspapers and all others attacking him. It is hard enough now for a poor man to vote and fight for the common people and stay in Congress, even with a franking privilege. He would be absolutely helpless without the RECORD and free mail service.

Should a man make a report of his work to his employer? If so, Members of Congress should make reports constantly to the people whom they are serving. Some never make reports to their people. They only have to report to the big boss who put up their campaign funds. Others have nothing good to report and, therefore, remain silent. I very much favor Members keeping their folks fully advised as to the Members' views and record in Congress. The franking privilege enables a Member to defend himself against false newspaper propaganda, and thus enables him to vote his conviction regardless of the position of the big press. I am glad to send my speeches and statements to my people and thus give them an opportunity to see if I am truly fighting for the right. I shall probably spend over $1,000 of my salary this year sending out speeches and remarks. Should I send out my remarks? Practically all other Members are letting the people know of their record and their views on various matters. Are my people entitled to the same consideration from their Congressman? I am sure they are. Are my remarks as worthy of distribution as others that are sent out? I hope so.

Many people have an idea that the congressional frank is the property of the Congressman. This is erroneous. It is intended that the frank be used for the people whom a Member represents. Let me illustrate what I mean. I intend to have printed in the CONGRESSIONAL RECORD at the request of the Brunswick Board of Trade and the Young Men's Club of Brunswick an address delivered by the Hon. R. W. Dunlap, Assistant Secretary of Agriculture, and have approximately 10,000 copies of the speech reprinted, folded, and placed in envelopes with my frank and sent to these organizations at Brunswick. These organizations can mail these speeches to whomsoever they please and without postage. Any person in my district can get me to print in the RECORD his remarks, and I can have them reprinted at actual cost of printing and sent to him in "frank" envelopes, and he can mail out a carload if he wishes. Of course, the Member is duty bound to only have printed and distributed under his frank matter he approves and which he believes is beneficial to the people of the country.

This explains another thing which is often misunderstood. The CONGRESSIONAL RECORD has long since ceased to be only a

record of what happens in Congress. It now contains a record of the congressional proceedings, and is also a periodical in which Members have printed their views and the views of their friends on various matters. By printing these extensions in the RECORD we get them before the country almost as well as if delivered, and we can then mail them free or let our friends do so. If Congress stayed in session day and night all the time, all the Members would not have time to express all they wish to get before Congress and the country. All Members who are working 100 per cent efficiently have their views printed in the RECORD and also deliver them on the floor. On the subject of farm relief, for instance, during the last six months I have made a half dozen or more speeches on the floor, I have printed several extensions of my own and of editors and others with whom I agree. I have talked farm relief over the radio. I talk farm relief every way, everywhere, and every time I get a chance. It is easy to talk, and I hope soon to help talk results out of Congress for the farmers.

Some weeks ago, when the Mississippi flood control bill had the right of way for the whole week, I was working day and night to get an amendment on the McNary-Haugen bill to prevent the levy of a tax on leaf tobacco on the floor in the warehouses when sold by my farmers. I was for the flood control bill. I did not want to talk on it as others living along the Mississippi, and who had studied the matter more, wanted all the time. I wanted to talk against the tobacco tax. I could have gotten time to talk on the flood situation but not against the tobacco tax. I could wait until next week, when the farm bill would be up, and get a little time. I knew I would not get much time, as Members who have been here longer than I and hold higher places on the committee would get most of the time. There would be hundreds of Members wanting time and many getting absolutely none. What was I to do? I did as I have always tried to do. I did the best I could. I got a permit to print in the RECORD a written argument against the tax. Therefore, the next morning I had that written argument against the tax on the desk of every Congressman, Senator, Cabinet member, and the President. I then saw every Congressman and Senator I could and argued against the tax and begged them to read my printed argument in the RECORD.

When the bill did come up I offered three amendments, all against this tobacco tax and other tax features, and made several speeches on the floor in support of my amendments. Ofttimes we can not do as we wish and must content ourselves with doing the best we can. This statement would be entirely too long were I to discuss all I would like to get before my people.

Mr. Speaker, since I am being sorely attacked, I feel I should briefly mention more specifically my humble efforts during my service here. I feel my best efforts are rarely worthy of the praise of others, and therefore come with apologies when I offer to mention them. I much prefer for others to tell of my labor in their behalf, and therefore shall mention only that which those I have helped may not know or happen to remember.

I know that specific results are remembered, but many people do not realize nor remember the toil and effort ofttimes necessary to bring to fruition our fondest longings. For instance, about six years ago there was much said about tax-exempt securities. The papers were full of it. Democratic and Republican Presidents had recommended the abolition of tax-exempt securities. Cabinet members favored the move, and it seemed everybody in Congress and out were against tax-exempt securities. The resolution passed Congress by more than two-thirds vote. The handful of us that spoke and voted against it were laughed at and sorely criticized. A few of us accepted our temporary humiliation, followed the bill to the Senate, and enlisted there the aid of Senator Thomas E. Watson, of Georgia, and others and defeated the bill. It came up again in the House; we fought it with all our might and defeated it. It is now absolutely dead, and I believe will never be resurrected. The small crowd was right, or we could never have been able to whip the whole big newspaper, political, and financial combine of the country. If this bill had ever passed, all bonds issued in the future would have been taxable, and consequently would have been sold for about $10 on the hundred less. The bonds would be taxable where owned in New York and other money centers. The loss would have come to the struggling community seeking to build a schoolhouse or to build a new courthouse or to make any other public improvement.

I made two long speeches against the bill. It has been said these are the best speeches I ever made. A few of us turned the tide. I only did my best, and claim only an humble portion of the credit for helping save nearly one-tenth of the cost of all new school buildings, courthouses, and other improvements made by bond-financed programs. The interest on all farm loans would have advanced if this bond-taxing resolution had been written into our Constitution. The defeat of this resolution helped every man, woman, and child in my district. Of course, it would take many days to tell in detail of all our contest. We have several every day on minor details and on major matters. I shall later mention a list of things I have done, giving a general idea of my work and how I vote.

Just here let me say the hardest work I do is when Congress is not actually in session. I used to wonder why Congress did not meet before 12 o'clock noon. I know now that it is because there is three and more times as much as a Member can do of a morning without Congress being in session. There are always several big committees in session. All this spring I tried to attend all farm-relief hearings from 10 to 12 of a morning. Many mornings two of my committees were in session with a dozen or more Post Office, Veterans' Bureau, and other matters pressing at the same time. Each day's mail would ofttimes bring one or two more days' work. All I could do was to work my office force full capacity, use the telephone all I could, and put in from 7 of a morning to 11 and 12 at night with scarcely enough time to eat.

I have spent many months here while Congress was not in session and have always been busy. Last summer I gained several big World War veterans' cases, meaning thousands of dollars to worthy veterans or their people. I now want to go home just as soon as this Congress adjourns, but I have not the heart to do it until I handle a dozen or more small cases and four large ones in each Atkinson, Appling, Berrien, and Brooks Counties. I hope to collect at least $40,000 for my people out of these four cases. If I stay 10 days on these a dozen more matters will come up before I get away. Finally, I will just have to select a day to go, get on the train, and leave part to be handled by my secretary. I shall not give the names of thousands of persons I have helped individually as veterans, officials, or otherwise. I leave that for them to mention as they may wish.

It would require too much time to mention the bills I have helped or fought. Let me simply attempt to make some general observations which will furnish a basis for my people to determine whether my record should be approved or not:

First. I have never missed a record vote on any matter expect when providentially absent.

Second. Have always put my work here ahead of every form of entertainment.

Third. Have worked and studied much harder than ever before in my life, ofttimes working until midnight.

Fourth. I often work on one bureau matter many, many hours, just as a lawyer does with a most difficult lawsuit.

Fifth. I feel that I am the paid counsel of the common people of my district and do my best to give them value received.

Sixth. I have always tried to vote and act on all matters just as the majority of my people would tell me to vote if they were here and familiar with all the facts.

Seventh. I have always felt I truly represented my people, for my people are their people and their folks are my folks, and I feel their thoughts and desires are my thoughts and desires.

Eighth. I have always felt that all the people of the district were my friends, as I have been several times elected without opposition and certainly had no ill will for a single individual who voted against me when I had opposition.

Ninth. I have never been unduly under obligations to anyone for campaign funds. No money was ever made up for me except some of my Douglas people made up a little money 10 years ago to buy some stamps and envelopes for me.

Tenth. I have never accepted any money other than my salary for anything I have done as Congressman, and have never received any campaign funds since my first election, and am not asking or expecting any now.

Eleventh. I have always refused all money for expenses or otherwise for speeches made in my district at schools or on other programs. I have permitted my hotel bill and railroad fare to be paid for speeches made near Washington, but never any fee.

Twelfth. I have acquired 10 years' experience and knowledge of congressional matters, enabling me to do five times as much as I knew to do when I came here.

Thirteenth. If the Democrats gain the House this fall I will be chairman of one of the major committees and in position to do for my people many times more than a new man could possibly do.

Fourteenth. I have always fought for cheaper fertilizers for the farmer. I helped to defeat a tariff on potash and saved the farmers millions.

Fifteenth. I am fighting for cheaper fertilizers at Muscle Shoals and cheaper electrical power for the ultimate consumer everywhere.

Sixteenth. I have labored most earnestly to eliminate unnecessary middlemen and to help the farmers to name the prices of the products of their toil.

Seventeenth. I have given special attention to farm relief, and have introduced a bill which I honestly believe is the best farm bill ever written.

Eighteenth. I have made in Congress many farm-relief speeches and have endeavored by years of study to become familiar with the many, many farm-relief ideas and proposals.

Nineteenth. I have come nearer passing than ever before a reasonable Sunday rest bill for the Nation's Capital.

Twentieth. My efforts here have caused preachers and the best people generally not only to select me to sponsor a Sunday bill for them but has caused them to fight with me.

Twenty-first. I have always endeavored to mail out all the speeches, and so forth, that I could afford to pay for, after making necessary payments to those I owe, and for expenses of my family.

Twenty-second. I have made many speeches which I have not been able to mail out; for instance, those in my efforts for farm relief,. in my contest in behalf of better prices for school, road, and other improvement bonds, and also several against social equality of the white and colored races.

Twenty-third. I helped to secure numerous small appropriations for various matters and secured the passage of many bills of a local nature.

Twenty-fourth. After much opposition in Congress I secured a Federal court for Waycross, in my district, thereby honoring Waycross with the distinction of being the first and only city in Georgia to become the headquarters of a second Federal court in the same congressional district. My district has twice as many Federal court grounds as any other congressional district in Georgia, and the people therefore can attend to their Federal court affairs much more quickly and cheaper than heretofore.

Twenty-fifth. Have fought for appropriations for post-office buildings for small cities in my district, but have met the same defeat as other Democrats. The only post-office building built in my district since the war was constructed in Douglas by an appropriation obtained by Mr. Brantley, and on a site I sold to the Government while Mr. Walker was in Congress.

Twenty-sixth. I have sought for 10 years to get a line up to pass a bill to construct the St. Marys-St. Marks Canal. Nothing like this could be put over for the South in face of the so-called Coolidge economy program. If the Democrats win this year, I believe this canal can be built. If the Republicans win, with Hoover the civil engineer, our chances will be good. I shall do my best in either event.

Twenty-seventh. I have always worked for river and harbor improvements for my district and shall continue to do so.

Twenty-eighth. I oppose a high tariff generally, but work for a tariff on products of my people to offset so far as possible the tariff on what they buy.

Twenty-ninth. I am bitterly opposed to the usurpation of the rights of the States by the Federal Government and deplore the passing of rights of the people to bureaus and bureau chiefs.

Thirtieth. I have fought the spoils system at every opportunity.

Thirty-first. I fought and made speeches against the settling of the Italian and other foreign debts in such a way as to donate to these countries millions and millions of dollars of the people's money.

Thirty-second. The eighteenth amendment is a part of the Constitution of the United States. I am sworn to uphold and defend it. In Congress I have consistently voted for its faithful and efficient enforcement. I stand for the enforcement of the law.

Thirty-third. I favor the repeal of section 15 (a) of the Esch-Cummins Transportation Act and the restoration of "a reasonable rate" as a basis of rate making. I voted against the Esch-Cummins bill. Freight rates on agricultural products and commodities which the farmer must buy are too high. I favor a survey of the whole rate structure with a view to its readjustment to meet present conditions.

Thirty-fourth. The Federal Government, because of its interest in post and military roads has a distinct interest in the maintenance of highways. Federal aid has always had my active support. It shall be my policy to advocate the extension of Federal aid in proportion to the advancement of road-building programs throughout the United States.

Thirty-fifth. For many years the salaries of postal employees and carriers were much lower than those of others in Government employ. I have voted for the adjustment of salaries to equalize them. The efficiency of the Postal Service should be maintained.

Thirty-sixth. In Congress I have supported restrictive immigration legislation. The conditions in Europe following the World War demanded that the United States protect its own interests and those of its people by preventing an influx of aliens. I voted against Japanese immigration and took an active part in preventing the administration from handling that question by a "gentlemen's agreement." To have tolerated such a policy would have given immigration the color of being an international question. It is purely a domestic question, subject alone to the action of Congress and the American people. No other nation nor foreign influence has any right either to dictate or suggest to the people of the United States what their policy shall be with reference to immigration.

Thirty-seventh. I have left off some large committee assignments I could have secured so as to stay on the committee dealing with drainage and so as to make a fight to give the wet lands of the South the same help given in the way of irrigation to the lands of the West. I feel the logical time is at hand to put the South on a parity with other sections in matters of drainage and otherwise.

Thirty-eighth. I have fought to save for the people the great God-given assets, such as Muscle Shoals, the public forest, the oil properties, and so forth.

Thirty-ninth. I have endeavored to legislate on the theory that if the common people are prosperous their prosperity will inure to the benefit of all rather than on the theory that if the rich are made richer that in some mysterious way enough will ooze through the pockets of wealth for the common folks.

Fortieth. I have been true to the common people. As God gave me to see the right I have labored for the man of toil in shop, factory, and farm, and for the common people everywhere. I have done my best. My conscience is clear.

Mr. Speaker, of course I can not mention in a few minutes all that I have done in Congress in nearly 10 years. We all realize that the World War more than doubled the duties of Members of Congress. Hundreds of claims come to Members which we are glad to handle. Nevertheless, much time is required. Congressmen are no longer lawmakers only. We have become the general counsel for the people of our district. I am glad it is this way. We stay in closer touch with our people. We know more fully their cares when they write us for help in every possible trouble. Our people have honored us. We are getting a fair salary. We should render the most efficient service possible. No Member can personally handle all that comes through his office if he stayed here all the time and never put any time at all on the matter of making laws. Necessarily much is gained by an efficient, conscientious secretarial force. I am most fortunate in this respect. Mrs. Nanna G. Cross, formerly Miss Nanna Griffin, of Valdosta, sister of Mr. Newton Griffin, of Valdosta, and aunt of Mrs. Governor Hardman, has charge of my office work in Washington. She has been in Washington handling departmental work for nearly 30 years and knows more about the work here than most Congressmen. With her experience and mine we are able to dispose of many important matters much more efficiently and with one-tenth of the time required by any new Member and new office force. Honestly, I do not believe any congressional office in Washington handles the matters submitted more efficiently than mine.

I am not claiming this credit; it is largely due to the efficiency and painstaking efforts of Mrs. Cross. I purpose keeping my office open here all the year for the transaction of the business of my people as long as I stay in Congress, and as long as Mrs. Cross consents to remain in charge. Most Members close their office when Congress adjourns. Some discharge part of the secretarial help. I find that the very best service can be given by my office remaining open all the while.

My brother, Mr. Henry L. Lankford, of Pearson, is my clerk, and as such handles matters for me in Georgia the year round. He pays out of his allowance the salary of from one to three persons here to help in the office, address envelopes, and do whatever other work is required. He gives special attention to me in my efforts to serve the people when I am home, hauling me in his car and doing whatever else is required in his capacity as my clerk. He at all times shows to me in my congressional efforts the loyalty not only of an employer, but that of a brother, even thought ofttimes he saves nothing out of his salary as my clerk.

Mr. Speaker, I hesitate to mention a personal matter which I feel has been unnecessarily emphasized by those who seek to get the attention of the public away from the real merits of my official record. I would not at this time mention that which has caused me more embarrassment and forced on me more

sleepless nights than all else if I did not feel that it would not be fair for my entire record here to be misunderstood because of a wrong impression of me.

It is being urged that I should not be given full credit for my services here and am not entitled to future confidence of my people, because I have not been able since I came to Congress to pay all I owed when I was first elected. Let me frankly confess I still owe part of what I owed 10 years ago. I have paid court cost, attorneys' fees, interest, taxes, and loan commissions and cut the principal down to less than one-fifth of the original amount. In spite of more hospital and doctor bills than ever in all my life before, and thousands of dollars spent keeping my wife and three children in the West for the last three years on account of my son's illness, I have averaged paying about half my salary on my debts every month. Many Congressmen say they can not live on their salary. My family and I get along on one-half of mine, and I pay the other half to my creditors. I have not owned an automobile since I came here. I do not intend to spend money I can possibly avoid while I am owing money that is justly due and unpaid.

I have always arranged for all rents of properties in which I am interested to be collected by some agent and go directly to those holding liens against the property. Four or five hundred dollars per month is now going on my debts, and if God gives me life and strength, I hope to get out in less than three years more. I have not paid out since I came to Congress simply because I have not had time with my present income. Before I was first elected I lost some money on corporate stocks and built an office building costing $32,000 of borrowed money. That building alone has cost me over $15,000 out of my salary since I came to Congress. I have never received one cent net out of it. I hope, though, in the near future to get it where it will pay me a profit each month. Even though it has been a burden to me, this building has yielded to my city, county, and State over $10,000 in taxes since it was built.

A large part of what I now owe is practically unsecured, but I hope to pay every dollar of it, nevertheless. I have paid all my indebtedness over and over in embarrassment and remorse of conscience, but I want to see the happy day when once again I can know that I do not owe a dollar that is past due and unpaid. My people trusted me and elected me when I owed five times what I now owe. I have done my best to prove worthy of that trust in service and in a serious effort to pay what I owe. I have had no income except my salary and a small amount in rents. I could have gone into bankruptcy, but that would not have paid what I owe. I am struggling to pay out, and feel I should not be condemned for not being quite out yet.

Some have criticized me for buying a home and a little other property here. When I came here I was determined not to buy anything, as I already owed too much. I soon found though that it would cost me much more to rent than it would to buy with a small cash payment and monthly installments. In fact, I gave up an undesirable apartment at $145 a month, paid $500 cash on a house and began to pay $125 a month installment. I rented the upstairs at $65, so I was actually saving $80 a month by buying and getting a little paid on a piece of property. That piece of property is still paying for itself. In brief, the property I bought here is paying for itself, and I have been able to pay more on my debts down in Georgia than I could have paid if I had kept on paying big rents rather than buying.

I heard the other day that some one said I owned some property in California. That is good news to me. I did not know of my good fortune. Honestly, I do not own any land anywhere. I am trying to pay for some. I never at any time bought any land anywhere except down home and here.

I apologize again for this diversion. I felt I owed it to my people to advise them of the facts.

Mr. Speaker, I feel that my hardships in life have not disqualified me to represent my people. In my heart I know that I owe everything I am or ever hope to be to the common people of my district. I can never repay them. No man who has not lived with them and suffered with them knows the agonies of mind and body that they have endured. No man who is not in fullest accord with my people can truly represent them. On every hand, every hour, I am reminded of the unfair economic systems and discriminatory laws which deprive the people of my section of a just return for their efforts. I know how these systems and laws enslave them and their children, and still I remember my people's fortitude, patience, and patriotism.

It is my humble prayer as their Representative and as one who is in sympathy with their every heart throb that, they having endured all and suffered all, receive all that is justly theirs.

EDMUND F. HUBBARD

The SPEAKER laid before the House a message from the President of the United States, which was read, as follows:

To the House of Representatives:

H. R. 10139, entitled "An act for the relief of Edmund F. Hubbard," is hereby returned without my approval. Attached hereto is a letter from the Secretary of War giving reasons why the bill ought not to become a law. If this bill stood alone it might not be of enough importance to warrant adverse action on the part of the President. It is one of a considerable number of bills which have been passed, two of which have already reached me. These cases for reinstatement involve the review of very careful action which is always taken when men are retired or discharged from the Army, and I can see no reason for passing special bills for relief of this kind.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

Mr. TILSON. Mr. Speaker, I do not see a member of the Military Committee here, and I move that the message be referred to the Committee on Military Affairs.

The motion was agreed to.

The objections of the President were ordered to be spread upon the Journal.

GEORGE R. ARMSTRONG

The SPEAKER laid before the House another message from the President of the United States, which was read, as follows:

To the House of Representatives:

H. R. 4664, entitled "An act for the relief of Capt. George R. Armstrong, United States Army, retired," is hereby returned without my approval. Attached hereto is a letter from the Secretary of War setting out reasons why this bill ought not to become a law. If it stood by itself it might not be important enough to warrant a veto. It is a bill, however, of a series which have been passed, two of which have already reached me, and taken in its connection with others of a like nature I am unable to give it my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

Mr. TILSON. Mr. Speaker, I move that the message be referred to the Committee on Military Affairs.

The motion was agreed to.

The objections of the President were ordered to be spread upon the Journal.

COWLITZ TRIBE OF INDIANS

The SPEAKER laid before the House another message from the President of the United States, which was read, as follows:

To the House of Representatives:

I am returning herewith H. R. 167, "An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act," without my approval.

These claims amount to approximately $1,584,800, which represents the value, at $1.25 per acre, of 1,267,840 acres of land in the aboriginal possession of the Indians.

In returning S. 1480, without my approval, I said:

These claims are not based upon any treaty or agreement between the United States and these Indians, nor does it appear to me that they are predicated upon such other grounds as should obligate the Government at this late day to defend a suit of this character. The Government should not be required to adjudicate these claims of ancient origin unless there be such evidence of unmistakable merit in the claims as would create an obligation on the part of the Government to admit them to adjudication. It seems to me that such evidence is lacking.

The same objections apply to this bill—H. R. 167. I am compelled, therefore, to withhold my approval of this bill.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The objections of the President were ordered to be spread upon the Journal.

Mr. LEAVITT. Mr. Speaker, I move that the message be referred to the Committee on Indian Affairs.

The motion was agreed to.

COORDINATION OF PUBLIC-HEALTH ACTIVITIES IN THE GOVERNMENT

The SPEAKER laid before the House another message from the President of the United States, which was read, as follows:

To the House of Representatives:

Herewith is returned without approval H. R. 11026, a bill to provide for the coordination of the public-health activities of the Government, and for other purposes.

This act, in my opinion, is so framed as to undertake to take away and limit the constitutional authority of the President to make appointments. I have been furnished with a memorandum by the Attorney General, in which I concur, that is as follows:

This act contravenes section 2, Article II, of the Constitution of the United States, in that it creates offices of the United States to be filled by appointment by the President, with the advice and consent of the Senate, and at the same time not only limits the choice for appointees to such offices to persons who possess the qualifications of passing an examination conducted by a board of officers convened by the Surgeon General of the Public Health but also limits the choice among individuals possessing such qualifications to persons who are recommended by such board and by the Surgeon General, thereby attempting to vest in such board and in the Surgeon General participation in the executive function of appointment of officers of the United States, which function can be vested in and exercised only by the President, with the advice and consent of the Senate, the President alone, the courts of law, and heads of departments.

I am not unmindful of the primary purpose of this bill to coordinate the public-health activities of the Government, and the importance of enlarging the facilities of the Public Health Service to enable it to deal more effectively with Federal health problems.

Under the provisions of the act of January 4, 1889, medical officers of the Public Health Service are appointed by the President, by and with the advice and consent of the Senate. In the bill under consideration it is proposed to extend this method of appointment to include sanitary engineers, medical, dental, and other scientific officers, including pharmacists engaged on comparable duties, selected for general service and subject to change of station. At the present time sanitary engineers are serving as civil-service employees, and dentists are serving under reserve appointments. While the bill does not provide for new personnel, it is my understanding that approximately 100 sanitary engineers, dental, medical, and other scientific officers, now on the Public Health Service rolls, will be eligible for appointment to a regular commissioned status, divided about equally among the classes named.

For some time past there has been a definite movement among various groups of Government professional and scientific employees toward militarization of their respective services, and I am impelled to oppose this movement from the standpoints of both economical administration and public policy. From an economic standpoint the method of appointment of the civilian personnel should be such that the force of Government employees can be increased or decreased as the needs of the service or condition of the Treasury makes necessary. But more important still, I do not believe that permanency of appointment of those engaged in the professional and scientific activities of the Government is necessary for progress or accomplishment in those activities or in keeping with public policy. If this were the only objection, I might have been inclined to overlook it, though I feel it is one that ought to be corrected in the preparation of any new legislation. The unconstitutional feature, of course, I could not overlook.

The Secretary of the Treasury, who has administrative supervision of the Public Health Service, in 1927 stated to your body his belief that legislation for the unification of the method of appointment of professional personnel, in so far as it would give a military character to the Public Health Service, was unnecessary in the civilian service of the Government, and that there should be eliminated from the legislation any provision which gives a military status to officers or employees of the service engaged in scientific pursuits.

The other provisions of the bill have my entire approval, and if the unconstitutional feature should be removed and the militarization feature removed I should be pleased to approve it.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The objections of the President were ordered to be entered upon the Journal.

Mr. PARKER. Mr. Speaker, I move that the message be referred to the Committee on Interstate and Foreign Commerce.

The motion was agreed to.

NIGHT WORK IN THE POSTAL SERVICE

The SPEAKER also laid before the House a further message from the President of the United States, which was read, as follows:

To the House of Representatives:

Herewith is returned, without approval, H. R. 5681, a bill to provide a differential in pay for night work in the Postal Service.

Night work has always been a necessary and characteristic feature of employment in the Postal Service, and notwithstanding the continuous campaign that has been carried on by the Post Office Department for a number of years, with some measure of success, to induce the public to mail early in the business day rather than just before its close, it is evident that the expeditious distribution, dispatch, and delivery of the mails will continue to require the greater part of postal work to be performed between the hours of 6 o'clock in the evening and 6 o'clock in the following morning.

It is estimated that the provisions of the bill now returned would add $6,456,000 to the present annual cost of the Postal Service. The operating deficit in postal revenues for the fiscal year ended June 30, 1927, payable from the general fund of the Treasury derived from taxes, duties, and miscellaneous receipts, was over $31,500,000. For the fiscal year 1928 it is estimated that the deficit will be about $32,400,000, and for the fiscal year 1929 about $28,300,000. There is now pending before the Congress a bill (H. R. 12030) revising postal rates. As passed by the House of Representatives it is estimated that the bill will cause an annual decrease in postal revenues, and a corresponding further increase in the postal deficit, based on current mailings, of $13,585,000. As passed by the Senate it is estimated that the bill will cause an annual decrease in the revenues and a corresponding further increase in the deficit of $38,550,000.

With these figures before me I am not disposed further to increase the burden on the taxpayers of the country for the maintenance and operation of the Postal Service, especially in view of the very substantial increases in pay given postal employees under the so-called postal reclassification act, approved February 28, 1925. Moreover, it is my understanding that a proposal to establish a night-work differential was considered by the proper committees of Congress in connection with the reclassification legislation, and eliminated by them because of the substantial flat-rate increases in pay that had already been agreed to and which were subsequently included in the reclassification act. If night work in the Postal Service has any basis whatever for a differential in pay, the action of the committees referred to would indicate that the present-pay schedules include it.

It should be recalled that the postal-pay increases which I approved caused an increase in the Budget for 1926 of about $65,000,000. Every committee that approached me urged that this increase be granted because of certain night work that was involved in the duties of the postal clerks. It is well known that the pay received by those so employed is in excess of that which is paid for corresponding work in private enterprise. While I believe in good wages, they can only be advanced as our economic position improves. The burdens of the war debt have to be borne by all our people. The almost irresistible tendency of Government expenditure is to mount higher and higher. All increases which are not absolutely necessary ought not to be incurred. The officials of the Government who are charged with the conduct of its affairs ought not to yield to constant and organized clamor for increases in pay, unless they are justified by the clearest evidence.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The objections of the President were ordered to be spread upon the Journal.

Mr. LAGUARDIA. Mr. Speaker, I move that the consideration of the President's veto message be postponed until Tuesday next.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. SWING. Mr. Speaker, will that be open to debate?

The SPEAKER. It will be in exactly the same situation on Tuesday next that it is now. It will be open to debate unless the previous question is ordered.

The motion of Mr. LAGUARDIA was agreed to.

ALLOWANCES FOR RENT, ETC., FOURTH-CLASS POSTMASTERS

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

Herewith is returned, without approval, H. R. 7900, a bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes.

The bill would necessitate an increase of approximately $2,865,000 in the annual postal expenditures, based upon the aggregate compensation of postmasters of the fourth class for the fiscal year 1927. This amount would be increased or decreased as the compensation of postmasters for the fiscal year 1929 increases or decreases.

It is well known that fourth-class post offices are generally carried on in connection with the private business of the postmasters, usually in country stores, and are regarded as beneficial to the business. The space occupied is ordinarily insignificant and the location of the post office in the storerooms seldom involves additional expense for rent, light, and fuel.

The compensation of postmasters of the fourth class was materially increased by the act of June 5, 1920; again by the act of July 21, 1921; and again by the act approved February 28, 1925. In the debates preceding the passage of these acts the fact that postmasters at offices of the fourth class are required to furnish at their own expense quarters, including light and fuel, was brought out. It is not improbable, therefore, that part of the increase in compensation granted by these acts was due to the fact that the postmasters are required to furnish these facilities.

I believe that postmasters of fourth-class post offices are now reasonably compensated and, therefore, am not in favor of the additional compensation which this bill provides for.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The SPEAKER. The President's message will be spread at large upon the Journal.

Mr. LAGUARDIA. Mr. Speaker, I move that the consideration of the President's veto message be postponed until Tuesday next.

Mr. UNDERHILL. Mr. Speaker, what is the purpose of this motion? Is it so that we may be deluged by telegrams from various parts of the country, or is it for the purpose of expediting business?

The SPEAKER. The Chair would hardly regard that as a parliamentary inquiry. The question is on the motion of the gentleman from New York to postpone the consideration of the President's message until Tuesday next.

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 138, noes 53.

So the motion was agreed to.

SAN FRANCISCO AND THE HETCH HETCHY GRANT IN YOSEMITE NATIONAL PARK

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and in doing so to insert certain letters and opinions of the Attorney General and some extracts of proceedings.

The SPEAKER. The gentleman from Michigan asks unanimous consent to revise and extend his remarks, and in connection therewith to insert certain letters and opinions of the Attorney General and other matters. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the generous grant of important rights in one of our greatest national parks to meet the water needs of one of our greatest cities, the failure of that city to carry out its obligations under that act, its unwarranted and unnecessary interference with the administration and use of the park, and the conversion to private profit of water power stipulated as only for public use—these are the things I wish to bring to your attention to-day.

I do so not only in the hope that the situation outlined may be aided by thus challenging national attention to it but in order that the experience of the Federal Government in this instance may warn us of the care and conservatism that should govern us in any grant of the Federal domain for local benefit, and the stringency of the safeguards requisite to adequately protect the public interest.

There was a time when the words Hetch Hetchy were as common sounds in this Chamber as McNary-Haugen, Muscle Shoals, or Boulder Dam. The cause they represented, water supply for the city of San Francisco through construction of reservoirs in Yosemite National Park, had sufficient force to cause action upon it by this House in the first session of the Sixty-third Congress, in September, 1913, the opening special session of the Wilson administration. In that session a resolution of the caucus of the Democratic Party, the majority party, limited the business of the session to appropriation bills, the revision of the tariff, and the enactment of the Federal reserve banking act. So great was the pressure of the Hetch Hetchy legislation that it won a place on that select program. Against it John Muir, Robert Underwood Johnson, and other nature lovers of national repute and influence were arrayed and their pronouncements brought nation-wide protests from women's clubs and others against the alleged despoilment of one of our greatest national parks.

That was my first session as a Member of this House and the whole controversy made a lasting impression upon me, so that I have personal knowledge of the subject I am discussing.

I am bringing to-day to your attention the shocking breach of faith by the city and county of San Francisco in its subsequent conduct in connection with the grant then secured from the Federal Government, a breach of faith threefold in character, involving (1) failure to construct roads and trails and convey lands that were expressly stipulated conditions of this grant, (2) undue interference with the administration and use of the Yosemite National Park for proper and essential park purposes, and (3) diversion of power to the profit of a private company in violation not only of the whole spirit of the act but its express terms.

THE CONTEST OVER THE HETCH HETCHY GRANT

The Hetch Hetchy bill was based upon the alleged desperate necessities of the city of San Francisco for additional water supply. In opening the debate upon it in the House, Hon. Scott Ferris, then chairman of the Committee on the Public Lands, which reported the bill, said:

> This bill, as the committee knows, is known as the San Francisco Hetch Hetchy waterworks bill. The committee has been convinced by conversations had with Secretary Lane, with city officials of San Francisco, and conversations and hearings had with 11 Members of Congress from California, that the city of San Francisco is suffering from a water famine. (Vol. 50, CONGRESSIONAL RECORD, p. 3894, August 29, 1913.)

He quoted a letter from Secretary Lane dated May 29, 1913, which stated:

> The newspapers and others are keeping it as quiet as possible, but the situation is one of emergency and of actual distress.

Hon. John E. Raker, who introduced the bill, said to the House:

> San Francisco urgently needs an additional supply of water. The city is confronted by an emergency. Practically one-third of the municipality is without an adequate water supply. The condition is so grave that the water company now supplying the city has advertised in all the papers, warning the people not to wash down their steps, sprinkle their lawns, or otherwise waste water. (RECORD, p. 3900, vol. 50.)

Such was the need that was proclaimed. To meet this, it was proposed to grant—

> to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California—

And so forth.

Most important was the right to build a great dam 300 feet high to create in Hetch Hetchy Valley of the Yosemite National Park a tremendous water-storage reservoir.

This Hetch Hetchy Valley, some 20 miles from the famed Yosemite Valley, was thus described by John Muir at that time:

> The Hetch Hetchy Valley is a wonderfully exact counterpart of the great Yosemite, not only in its cliffs and waterfalls and peaceful river, but in the gardens, groves, meadows, and camp grounds of its flowery, park-like floor. (Letter of June 27, 1913, quoted, RECORD, p. 3973, vol. 50.)

Many Members of the House were gravely concerned by such allegations of despoilment of a national park. The bill was, on the other hand, vigorously urged by the entire California delegation (see letter of August 1, 1913, Exhibit A), supported by the unanimous report of the Committee on the Public Lands, was approved by the Departments of the Interior and of Agriculture, and ably championed in the House by Chairman Ferris and Representatives Raker, Julius Kahn, and William Kent, of California, FRENCH, of Idaho, Thomson, of Illinois, and others.

So positive and explicit were the claims made as to the need for water and the assurances given in debate as well as the terms attached to the grant in the bill, that we were satisfied to give the city its reservoir. The city was desperate and had no other feasible source, the beauty of the park would not be disturbed but would be enhanced and made accessible to the many instead of restricted to the few, the limited sanitary requirements would not only not interfere with use of the park area but campers would be encouraged and places made available for them, beautiful scenic roads and trails to be provided by San Francisco in return for the grant would open a new park area of charm and beauty, and all was for the superior public interest, nowhere was private profit to be served. And so we voted for Hetch Hetchy and it became law. The following present Members of the House were among those voting for the bill: ASWELL, BELL, BUCHANAN,

BYRNS, COOPER of Wisconsin, CRAMTON, CRISP, CURRY, DICKINSON of Missouri, DOUGHTON, DYER, EVANS of Montana, FRENCH, GARNER of Texas, GARRETT of Tennessee, JOHNSON of Washington, KELLY, LINTHICUM, McLAUGHLIN, MAPES, MONTAGUE, NELSON, of Wisconsin, OLDFIELD, POU, RAYBURN, RUBEY, SABATH, SINNOTT, STEDMAN, SUMNERS of Texas, TAYLOR of Colorado, TEMPLE, WINGO, WOODRUFF. Present Members of the House voting against the bill were BRITTEN, COLLIER, and GARRETT of Texas.

FIFTEEN YEARS HAVE PASSED

Now, it is 15 years later. San Francisco has built the dam and many miles of waterway, but not one drop of water from Hetch Hetchy has ever been used to augment the water supply for San Francisco, and until the past few weeks no serious move made in that direction. Power has been developed and in direct and open violation of the grant is sold to a private power company. The roads have not been built and in response to the official demand of the Secretary of the Interior for compliance with the grant the city questions the character and extent of the roads required. And not only does the city served by the grant fail to perform its promises to make new park areas accessible to the public but by high-handed, entirely unjustified interference in park administration it has sought to virtually exclude the public from fishing and camping in the Tuolumne watershed, approximately half to two-thirds of the great Yosemite Park area.

THE OBLIGATION TO BUILD ROADS AND TRAILS

The Raker Act provided in section 9 (p) that certain roads and trails should be built in the Yosemite National Park. Under date of July 7, 1927, Hon. Hubert Work, Secretary of the Interior, made formal demand upon the city and county of San Francisco—

to require performance by them of all matters required of them in the act of December 19, 1913—

Including construction of these roads and trails. (See Exhibit B.) To this the city replied, October 13, 1927 (see Exhibit C), urging that roads of the type called for, estimated to cost $1,628,500, were not contemplated by the act. In conference it was urged that—

the road and trail provisions in the act were included merely for the purpose of having the city provide roads and trails for patrol purposes in connection with the administration of the park but not for tourist travel.

The gentleman from California [Mr. WELCH], who was for a long time a member of the board of supervisors of San Francisco County, was then present and was understood to have that point of view. At the time of his departure for Washington, November 30, 1927, the San Francisco Chronicle stated:

Congressman WELCH, whose familiarity with the Raker Act and the whole Hetch Hetchy project comes from his long service as a supervisor here, is out to do battle with Stephen Mather, Director of National Parks, and those who want to force San Francisco to expend more than a million dollars for Hetch Hetchy road construction. San Francisco taxpayers should not be forced to pay thousands of dollars for boulevards in Hetch Hetchy when only wagon roads and trails were contemplated when the Raker Act was passed by Congress.

San Francisco raises the question as to what the Raker Act required. Those who were here at the time or those who will read the record can have no doubt. The city agreed in 1913:

(p) That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smoths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands, for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions.

I might call attention at this time to the map which I have here. It is a map of the Yosemite National Park. The part of the park best known is the valley of the Merced. The valley of the Hetch Hetchy, affected by the legislation that I am discussing, is up here, some 20 miles away. Gentlemen will note that the great area of the Yosemite National Park as shown on this map, the greater part of which is scarcely ever seen by anyone, and some of which has never been visited.

Mr. COOPER of Wisconsin. Mr. Speaker, if the gentleman will permit, will he kindly indicate in what direction San Francisco is from the section of the map he has been referring to?

Mr. CRAMTON. Here is a road to Stockton, and here is a road to Merced. San Francisco would be off in this direction, a distance of 160 miles, as I recall it.

Those roads and trails specified in the act are vital to the proper development of Yosemite National Park, tremendously needed now with the great increase of attendance there. The attendance, chiefly of Californians, has trebled in two years, and last year was 490,000 people.

Mrs. KAHN. That is at Yosemite Valley.

Mr. CRAMTON. Yes; necessarily the visitors would go to this valley because of the lack of roads and other developments to enable them to get into these other areas, but the situation is considered so important that in the Interior appropriation bill for the year 1929 there is carried an authorization for the creation of a commission that is now at work studying the problems of the Yosemite Park with a view to working out some way to get the visitors out of this congested area so that they may enjoy the tremendous areas there are throughout all the rest of the park. In that development the construction of these roads by San Francisco is a necessary part. But do not let anyone get the idea that the Federal Government is sitting back and leaving it all to San Francisco to do. We have expended and authorized for roads in that park $2,023,000, and the program in the future that is under way will call for something like $11,000,000 more. But the little $1,600,000 that San Francisco promised to open up this area is what I am talking about now.

The records of the past fully sustain the Secretary of the Interior and absolutely disprove any such contentions as San Francisco now urges. The brief submitted to the Committee on the Public Lands of the House by San Francisco, signed by Percy V. Long, the city attorney; the statements made before the Public Lands Committee by Engineer O'Shaughnessy and by Franklin Lane, former city attorney of San Francisco and then Secretary of the Interior; the report to the House by Congressman Raker, the introducer of the bill; the speeches of Judge Raker, Chairman Ferris, and Congressman Julius Kahn, of San Francisco, in the House, and of Senator KEY PITTMAN, who led the fight for the bill in the Senate, all expressly urged the value of these roads and trails in developing that section of the park for public use. Not only that, but those gentlemen who led the fight for San Francisco construed the language of the act as leaving the character of the improvements entirely to the discretion of the Secretary of the Interior, promised automobile roads and stated such roads and trails would cost from $500,000 to $1,000,000. The roads that would have cost from $500,000 to $1,000,000 in 1913 would naturally cost more than $1,600,0000 to-day.

Mr. O'Shaughnessy told the Public Lands Committee that San Francisco submitted itself entirely to the discretion of the Secretary of the Interior "as to the character of these improvements"—said they were ready to pay $1,000,000 for roads.

He said in the hearings:

Mr. GRAHAM. The road, of course, would be located especially with a view to exposing the scenery and beauty of the place?

Mr. O'SHAUGHNESSY. It would. In this connection, I will say that there is a gentleman here in the Government service, Mr. Marshall, in the United States Geological Survey, who made the map that you see, the Government map, who has made a special study of this project, and I have been in touch with that gentleman and his views and suggestions, and I can safely pledge the city that whatever line of development these people choose for the expenditure of this money for the roads and trails we will be glad to comply with.

Further on in the hearing, speaking of a possible road on the south side of the reservoir, Mr. O'Shaughnessy stated:

About one-half of that [road] it is proposed to discontinue, as the people who desire to preserve the park requested that we omit a part

of that road, and there is a qualifying clause put in this bill that this road shall be built so far as directed by the Secretary of the Interior. We submit ourselves entirely to his direction and discretion as to the character of these improvements.

And this Mr. O'Shaughnessy, who then said, "We submit ourselves entirely to his direction and discretion," now contests against the directions of the Secretary of the Interior and the very reasonable exercise of discretion on which it is based.

City Attorney Long in his brief said that San Francisco proposed in return for the grant—

to build at its own expense a magnificent system of roads and trails which will make one of the most beautiful scenic parts of the Sierra, now reached only by tedious journeys afoot, or on mule back, generally accessible to the public.

Franklin K. Lane, former city attorney of San Francisco, and then Secretary of the Interior, emphasized to the Committee on Public Lands that the city of San Francisco was undertaking—

to construct and maintain roads, trails, and bridges, which will practically result in a great enlargement of the park areas of the high Sierra by making them more safely and easily accessible.

I have at hand the report in 1912 on the Hetch Hetchy proposal by John R. Freeman, employed by the city of San Francisco for that purpose—

the result of two years personal study on the part of Mr. Freeman, working with a staff of skilled engineers, as the mayor states in the letter of transmittal.

This was the foundation on which San Francisco built its case before the departments and before Congress. Illustrations, full page, therein on pages 6, 10, 12, 13, 16, 17, 18, 19, and others feature the proposed scenic roads. In connection with views from Norway the engineer states:

It was while touring on certain of these Norwegian roads that the engineer developed his plan for a scenic road in the Hetch Hetchy.

The report details proposed roads—

a first-class, well-surfaced wagon road—the quality of roadbed equal to that of the State highways. The city proposes to build and maintain a scenic road along both shores of the proposed Hetch Hetchy Lake. This road * * * equal in permanence and surface to the State highways.

Under the Freeman report the proposition of San Francisco was a paved scenic highway all the way around the reservoir, and there are the pictures.

I read from the legend underneath the picture, on page 6:

Showing also the proposed scenic road around the lake.

Anyone who desires to consult the other full-page, halftone engravings is at liberty to do so.

That was the proposition of San Francisco—a scenic road all the way around that great reservoir. Congress decided not to have that road, but said there should be a road or trail on the north side, and the Secretary of the Interior has called on the city of San Francisco to construct that at a cost of $43,500, so that really what could not be built probably for about a million dollars they are getting out of for $43,500.

But to say that Congress did not have in mind automobile roads or such a program as the Secretary of the Interior now calls for is ridiculous and has placed San Francisco in the position of ungracious quibbling about performance of its own promises, after being saved $20,000,000 by the Hetch Hetchy grant.

It is important not only that San Francisco build the roads, but that the San Francisco attitude toward the Hetch Hetchy use of Yosemite National Park be changed, an attitude which no doubt is not fairly representative of the thought of the best people of that great city, but is at least officially so representative.

Let us look at the record as to the promises made.

The report of the committee, which always has great weight with the House, summarized the provisions of the bill, and stated—

these roads will cost the city of San Francisco $500,000 to $1,000,000—

and would be built subject to the approval and direction of the Secretary of the Interior. The report further urged—

the city proposes to expend more than a million dollars in making the sublime scenery of the Hetch Hetchy and Yosemite accessible to people of small means and limited leisure.

Chairman Ferris, of the Public Lands Committee, told the House San Francisco agreed to construct improvements "which aggregate approximately $1,000,000."

The analysis of the bill distributed by the promoters of the legislation, and inserted twice in the RECORD by Judge Raker—RECORD, page 3911—and by Representative Thomson had this comment on section 9 (p) as to roadbuilding:

The routing of these roads and trails was made by Mr. Marshall, of the Geological Survey, who surveyed the Hetch Hetchy Valley and is familiar with all the scenic and topographical conditions there. These roads will cost the city of San Francisco $500,000 to $1,000,000, and are to be turned over, free of charge, to the United States. This is one of the important considerations, and carries compensation to the Government for the rights of way granted. The construction of these roads will make the Hetch Hetchy Valley accessible and will provide a convenient and easy way for mountaineers to reach the higher parts of the Sierra. The paragraph also contains a requirement that the grantee shall provide a water supply for camp purposes at the Meadow camping place, a third of a mile from Hetch Hetchy. It is also provided that all trail and road building shall be done subject to the approval and direction of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions.

Judge Raker promised "boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley, and also the remainder of this territory that is in the watershed of this valley," and that San Francisco would build and maintain roads as specified that would cost "in the neighborhood of $1,000,000," and spoke of the "beautiful road to the Hetch Hetchy Valley." (See Exhibit D.)

Congressman Julius Kahn emphasized that the grant would save San Francisco $20,000,000; that the United States should be willing to do this because of the burdens left on the city by the great fire. He stated the burdens placed on the city in the bill were heavier than he thought they ought to be, but "we do accept it with all its burdens," and that San Francisco would live up to the spirit and letter of the bill.

Congressman FRENCH, of Idaho, a member of the committee that reported the bill, expressed the understanding of Congress, when he said that under the terms of the bill there would be constructed—

roads and trails at a cost of many hundreds of thousands of dollars.

In the Senate the full report of the House committee was printed in the RECORD, and these promises so much emphasized there had great weight in getting the bill through.

Senator KEY PITTMAN, of Nevada, who was a leader in behalf of the bill, said the bill provided that San Francisco should—

build such roads and boulevards as will allow the people of all this country to get into the valley with wagons or automobiles, by foot or on horseback; to go up the boulevards to the top of the peaks, which are 8,500 feet high, drive around the border of that lake, and see all the beauties of that great national park.

These statements, made in behalf of San Francisco and construing the terms of the act when the grant was sought and accepted, can not be repudiated and ignored by any community that has a proper regard for its reputation. They are conclusive and demonstrate that the Secretary of the Interior is only performing his absolute duty when his demand is made. The fact that the Federal Government has so long delayed in calling upon the city for performance does not justify repudiation, but, rather, should serve to expedite compliance by reason of the great consideration that has been shown.

December 14, 1927, the Solicitor for the Interior Department filed an opinion in which he advised the Secretary of the Interior:

I therefore conclude and advise you that the city and county of San Francisco is obligated to construct and maintain, in the manner prescribed by the Raker Act and subject to your direction and approval, such roads and trails over the routes specified in the act as will render those portions of Yosemite National Park adjacent thereto easily accessible to the public under such conditions of travel as existed or could reasonably have been foreseen in 1913. In requiring construction of roads of that character you will be exercising the discretion vested in you by the Congress and the city in the manner intended by those bodies when the Raker Act was passed and the grant accepted.

In response to the request of the Secretary of the Interior under date of December 19, 1927, for his opinion on this and other questions arising under the Raker Act, the Attorney General has within the past few days given an opinion to the same effect. (See Exhibit E.) The position of the Secretary of the Interior is thus fully sustained by the law officers of the Government and insistence by him on compliance with its roadbuilding obligations by San Francisco will no doubt soon bring results.

SANITATION AND ADMINISTRATION

The distressing thing, however, is that San Francisco not only seeks to escape from performance of its promised road

and trail development of this great area but has shown frequently a disposition to interfere with development of the area by the Federal Government and its use by the general public. Engineer O'Shaughnessy seems to have the feeling that San Francisco's use of the park is primary and the public use of the Tuolumne watershed is secondary. That was demonstrated last spring, when notices were posted in the park prohibiting fishing in any waters above the intakes at Hetch Hetchy Reservoir, Lake Eleanor Reservoir, and Early Intake. Press notices were given out that—

all camping and fishing in the watersheds of the upper Tuolumne region will be discontinued this summer.

Here is one notice. It was taken down by a park ranger and at my request sent here. The posted notice was as follows:

Notice: No fishing is allowed above the intakes of our water supply at Early Intake, Lake Eleanor, Hetch Hetchy Reservoir.

M. M. O'SHAUGHNESSY, *City Engineer.*

A number of these notices were posted in this Tuolumne watershed, which is drained by the Hetch Hetchy Reservoir. It drains from this northern boundary of the park down to the divide. This Tuolumne area is the watershed that supplies the Hetch Hetchy. It covers from one-half to two-thirds of the total area of Yosemite National Park, and this is the area in which it was claimed that the granting of this reservoir to San Francisco would not interfere with the use of the national park by the public. It is in that area that the city engineer of San Francisco posted his notice forbidding any fishing in those waters. And he went further in his assumption of jurisdiction over the national park. He went further. First, notices were given out that all camping and fishing in the upper Tuolumne region would be forbidden this summer. All camping and fishing in this great Tuolumne region were forbidden on the word of the city engineer of San Francisco. I have read the posted notice.

I have here also a copy of a letter from O'Shaughnessy to the superintendent of parks. I read:

DEPARTMENT OF PUBLIC WORKS,
BUREAU OF ENGINEERING,
City and County of San Francisco, April 18, 1927.

Mr. W. B. LEWIS,
Superintendent Yosemite National Park, Calif.

MY DEAR MR. LEWIS: You have no doubt been advised in the conference with Secretary Mather, of the National Park Department, last year, that it was resolved that no fishing be permitted either on Cherry or Lake Eleanor.

We are going to observe the rule strictly.

Very truly yours,

M. M. O'SHAUGHNESSY,
City Engineer.

No consent had been given by the Park Service to any such "resolve" of San Francisco.

The effort made to interfere with legitimate public use of this area and the effect of such publicity on the public are further illustrated in the following:

WAR DEPARTMENT,
SAN FRANCISCO GENERAL INTERMEDIATE DEPOT,
QUARTERMASTER SECTION,
Fort Mason, San Francisco, Calif., May 17, 1927.

Mr. LEO K. WILSON,
Editor Fish and Game, the Chronicle, San Francisco, Calif.

DEAR SIR: Reference inclosed clipping from a local daily of yesterday's issue, will you please advise if the locality referred to embraces the Tuolumne Meadows in Yosemite Park?

I spent a week last summer at Soda Springs in Tuolumne Meadows and had intended returning there this year, but am in doubt as to whether this so-called "treaty" covers that portion of the park.

I presume this prohibition is effective only in the Grand Canyon of the Tuolumne, but would be pleased if you would verify same and advise through your valuable and interesting column.

Very truly yours,

T. M. STACK.

[Inclosure]

TUOLUMNE CAMPING DISCONTINUED BY PACT

All camping and fishing in the watersheds of the upper Tuolumne River will be discontinued this summer.

This is a result of a treaty between the city of San Francisco and the Department of the Interior, National Park Service, in which the city asked that all recreational sports in that district be stopped in order that the city's water supply may be kept pure.

The city asked that "all recreational sports" in half or two-thirds of the Yosemite National Park should be stopped in order that the city water supply may be kept pure. They not only ask it, but without warrant they carry to the newspapers of California the statement that it was in pursuance of a pact.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. REED of New York. I am very much interested in the gentleman's statement. What are you going to do about it? That is what I am interested in.

Mr. CRAMTON. Well, as to the three proposiitons, I make a suggestion as to each one. As to the first one, the building of roads, the Secretary of the Interior has made his demands, and San Francisco must now do, tardily and ungraciously, that which they should have done gladly and willingly some time ago.

As to sanitation, San Francisco should take its hands off the administration of Yosemite National Park.

These posted and published notices were an unwarranted attempt to eliminate public use of one-half of the entire Yosemite National Park. The very answer of the city attorney of San Francisco, John J. O'Toole, to the Secretary of the Interior, under date of October 13, 1927, which appears in the appendix of my remarks, sets up the claim of jurisdiction over a portion of the park area to inforce sanitary regulations when it is urged that certain lands can not be conveyed to the United States because "it is our contention that these lands are required for use by the city sanitary control of the reservoir."

The amazing thing about these interferences in park administration by officials of San Francisco in the name of sanitation enforcement is that the city of San Francisco has no right to any sanitary restrictions whatever in the Yosemite Park until its reservoirs are used for water supply, and they are not now and have not been as yet so used. And even when the reservoirs are used for water supply there is not a word in the act to justify any interference with fishing or camping in the park. The only sanitary restrictions on use of the Yosemite Park area imposed by the Raker Act are in section 9 (a), reading as follows:

(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute, the waters within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early Intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

That is to say, (1) the restrictions named are not effective so far as the Raker Act is concerned until the reservoir is used "as a source of water supply"; (2) the only restrictions are elementary ones enforced in any event by park regulations and do not interfere necessarily with camping and fishing; and (3) if San Francisco wants at any time further protection of its water supply in this reservoir it shall itself—

install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantees as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BARBOUR. Right there the gentleman is talking about something that I am very much interested in. I would like to ask the gentleman if there was any authority given to San Francisco for posting notices on the upper Tuolumne?

Mr. CRAMTON. There was not.

Mr. BARBOUR. I have received communications from my district about those notices. I wanted to know, at that time, what the authority was.

Mr. CRAMTON. There was no authority whatever. Not a word. Let me repeat that the act carried certain sanitary regulations but it provides that those regulations are only to be effective when the reservoir is used as a source of water supply, and it is not yet so used, and even when it is so used there is no authority for any restriction of camping or fishing in the park. I have already read those provisions. The only sanitary provisions in the act do not interfere with camping and fishing if people conduct themselves as the park authorities would require them to do anyway.

As to the statutory provisions on sanitation, get this: You must remember, in order to appreciate this, what the situation was. There was a nation-wide protest throughout the country against despoiling the park and interfering with the camping and fishing. I was one of those who had a sensitive ear to that kind of a demand. Before we voted we wanted to be reassured. We were reassured, and we voted for the bill, in part, because section 9a read, in part:

> Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

It is amazing that the act contains these express provisions that specifically provide against any such notice as that posted by the engineer.

Mr. REED of New York. A great mass of the public did not know but what it was official. What will the Gvernment do to let people know and go into the park?

Mr. CRAMTON. The gentleman from California [Mr. BARBOUR] has said that the people in his district were kept out of the park by those notices. I made a statement in Yosemite last October that I understand the newspapers of Fresno, where Mr. BARBOUR lives, and of Stockton and Los Angeles were kind enough to print. San Francisco papers, however, would not give the people of that city this reliable information that the people want to know about. The public should be reassured that camping and fishing rights are not restricted by those notices, and the Park Service has made every effort to reassure them.

Mr. WELCH of California. I know the gentleman stated he did not want to be interrupted, but inasmuch as he has yielded to others may I ask him to yield to me?

Mr. CRAMTON. I yield to the gentleman from California.

Mr. WELCH of California. May I ask, in all fairness, whether the gentleman is attempting to create the impression here to-day that San Francisco is opposing fishing within the entire Yosemite Valley Park?

Mr. CRAMTON. Oh, no.

Mr. WELCH of California. Or within the restricted area?

Mr. CRAMTON. Within the Tuolumne watershed.

Mr. WELCH of California. A very restricted and small area.

Mr. CRAMTON. A very large area, at least half of the area of the park.

Mr. WELCH of California. No; it is not one-half or one-third of the area of the park.

Mr. CRAMTON. When you speak of the Tuolumne watershed you speak of this area [indicating on map], and when you look at the map you can see how much territory is included. But if it was only one square inch the city attorney of San Francisco exceeded his authority grossly when he posted that notice and sent out press notices, because he has no jurisdiction or authority over one square inch of the park area. However, the area represented was many hundreds of square miles.

Before the grant San Francisco sought to quiet any alarms as to exclusion of fishermen or campers from the park. The Freeman report (p. 33) says:

> Any statement that the use of the Hetch Hetchy for domestic water-supply storage would probably cause the exclusion of tourists and campers from the watershed tributary thereto is utterly without foundation, and those who suggest it set up a fanciful standard of their own for San Francisco, far more rigorous than is found needful by sanitary science or called for by experience in the study of water-borne disease, and far more rigorous than is in force for the drinking-water supplies of Boston, New York, Los Angeles, Seattle, Portland, Oreg., or Portland, Me., Glasgow, Manchester, Birmingham, or so far as is now known, any city in the world either with or without filtration works. The public wagon road to Half Moon Bay crosses the Crystal Springs Reservoir of the present San Francisco supply on the division dam.

And the official analysis of the bill said of section 9a:

> These sanitary regulations were prepared by experts of the United States Government and Mr. Allen Hazen and Professor Whipple, and are approved by the Board of Army Engineers, the Secretary of the Interior, the Director of the Geological Survey, and others. It is intended that the use of the watershed shall be free to campers and visitors, and that no onerous or prohibitive sanitary regulations shall ever be imposed. The sanitary experts assert that the storage of water in the Hetch Hetchy Reservoir will insure adequate purity, and the Government officials assert that the regulations herein are only those required by common decency and for the protection of campers themselves; and further, these regulations are practically identical with the rules now in force in the Yosemite National Park.

In the preliminary study leading up to this the Geological Survey pointed out the importance of settling this matter "at the outset," since otherwise—

> Camping will be suppressed and the national park will become merely the preserve of the city in everything except legal title.

And the question was settled at the outset in the Raker Act, and San Francisco has no control over this area, and only the most ordinary sanitary decencies are required, with no restriction on camping and fishing in this great region. The city of San Francisco has sought to treat this region as a "mere preserve of the city," but without any legal authority whatever, and it is to be hoped that such officious but unauthorized interference will not continue.

I will say to the gentleman from New York [Mr. REED] I am hoping that such a statement as I am making will challenge the attention of Congress to this situation and will help to end the things I am complaining of.

Mr. REED of New York. I have no doubt it will accomplish great good, but it seems to me the Government ought to take some action by posting notices in convenient places, so that the public coming to the park can see they have the right to go in there. I am wondering whether there has been any attempt on the part of the officials of San Francisco to punish in any way people who did go in there and camp.

Mr. CRAMTON. They have not gone as far as to send anybody to jail, because I think even Mr. O'Shaughnessy recognizes his limitations to that extent.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. W. T. FITZGERALD. What provision has the Government made for the purification of the water in the park itself? Of course, the danger to San Francisco can easily be eliminated.

Mr. CRAMTON. I will say to the gentleman that I did not want to take the time to discuss that matter, but, as the gentleman is an eminent physician, he will be interested in the statement of the restrictions which the act itself makes, which I have above inserted. Of course, the Park Service has its regulations for the protection of the public in the use of water in the park, and it enforces those regulations, but I have not them all at hand.

At the same time the city of San Francisco administers its works in the Hetch Hetchy area with gross disregard of proper sanitation. They flooded Lake Eleanor Reservoir without removal of cow stables, privies, barns, manure piles, and so forth. The garbage from the present camp is thrown throughout the season into the spillway at Lake Eleanor, to remain there undisturbed and offensive until the spring freshets carry it down the stream. The sewage from the dry toilets and otherwise in the Hetch Hetcky camp to-day is drained direct into Hetch Hetchy Reservoir. Supreme disregard is given by the reservoir authorities for the rights of campers who would drink these waters. Proper penalties should be imposed on any such violations of park sanitation regulations hereafter.

UNLAWFUL EXPLOITATION OF POWER

The third matter I desire to bring to your attention is the exploitation of the power development for private profit in violation of the whole intent of the act, its express provisions, and all assurances given Congress at the time the act was passed.

In the travel of this water from the Hetch Hetchy Reservoir to the city of San Francisco tremendous power possibilities are involved. The whole project was being urged not as a power proposition but as a water-supply question. It was being urged as a grant desired to meet the public necessity, not to make possible private profit. Necessary development of the water power was recognized as a proper incident and an important economy for the water-supply project, but every assurance

was given by the advocates of the legislation and every precaution possible was taken by Congress to insure that such power development and such important economies should inure solely to the public benefit and not to enrich the coffers of any private company. The act says, section 6:

That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided*, That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States.

That sections states as plainly as can be stated, first, that San Francisco is prohibited from ever selling either the water or the electric power to any private concern for resale, and, two, that upon any sale in violation of that provision the entire Hetch Hetchy grant reverts to the Government of the United States. There has been such sale to a private corporation, the Pacific Gas & Electric Co., and the Hetch Hetchy grant has been thereby voided. On demand of the Secretary of the Interior a suit must be brought by the Attorney General to carry out the provisions of the Hetch Hetchy act. If such suit should be brought, as it ought to be brought if the city of San Francisco continues its defiance of the terms of the act, there is no question in my mind but what the courts would find that the Hetch Hetchy grant had reverted to the United States. The city of San Francisco has for several years had a contract with the Pacific Gas & Electric Co. by which that private company buys the entire output of the Hetch Hetchy power and resells same to the industries and people of San Francisco, and so forth. That contract brings the city of San Francisco a net revenue of about $2,000,000 a year, as will be noted by the following item, which appeared in the San Francisco Examiner December 11, 1927:

HETCHY POWER NETS $190,224

San Francisco's revenue from Hetch Hetchy power since August, 1925, amounted to $5,258,509.18 yesterday with the receipt by the board of public works of a check for $190,224.20 from the Pacific Gas & Electric Co.

The latter sum represents the earnings of the power system for the month of November.

The finance and public utility committees of the board of supervisors are about to start an inquiry into the possibility of obtaining an increase in the rate paid by the company.

While San Francisco realizes $2,000,000 a year from this sale of Hetch Hetchy power they have sold their rich birthright for a mess of pottage. Their own industries and their own people must buy back this same power at figures which yield the Pacific Gas & Electric Co. handsome profits. The capitalization of this profitable contract of the Pacific Gas & Electric Co. with the city of San Francisco is illustrated in the following advertisement which appeared in newspapers in Minneapolis, Minn., in connection with offer of stock in same company:

WHERE DRINKING WATER SUPPLIES POWER

When San Francisco sought a new supply of drinking water from the Tuolumne River in Yosemite National Park, 150 miles away, engineers reversed the usual procedure.

Instead of spending huge sums to furnish pumping power, they trapped the water as it plunged down the mountain, ran it through a powerhouse, and used the electricity it generated to light homes and furnish power for industries.

The pure mountain water, dammed up in the Hetch Hetchy Reservoir, is released as needed into an 18-mile tunnel. It roars then through great pipes that stretch down the slope like a toboggan slide and does its work in the turbo-generators before it continues, impelled by the force of gravity, in a 137-mile aqueduct to the faucets of the Pacific coast metropolis.

Thus the power and light industry is turning to a double use one of nature's greatest resources.

It is another step in the progress of electricity. And its significance is in its economy. It is simply further evidence of stability and security that is daily attracting conservative investors to the securities of well-managed power and light companies.

We offer Pacific Gas & Electric Co. 1st and ref. mtf. 5 per cent. Due 1955, at 99¾; yield over 5 per cent.

NORTHLAND SECURITIES CORPORATION,
Ground Floor Security Building, Minneapolis, Minn.

This adroit advertisement, that would leave the intending investor in Minneapolis somewhat confused as to the relationship between San Francisco and the Pacific Gas & Electric Co., closes with the statement that the San Francisco water-supply program is—

further evidence of stability and security that is daily attracting conservative investors to the securities of well-managed power and light companies.

This unlawful contract with the private power company is as much a violation of the intent and spirit of the charter of San Francisco as it is of the Raker Act, and the people of San Francisco with this wealth of pure water and electric energy under their control have seen their city officials make a political football of the whole Hetch Hetchy problem, delay many years in availing of the water supply, and ignore any effective steps for public utilization of the water power in accordance with Federal law and city charter.

There is no real difference of opinion as to the meaning or effect of section 6 of the Raker Act, which I have quoted. Col. Allen G. Wright, as counsel for the San Francisco Chamber of Commerce, rendered an opinion on the legality of the Hetch Hetchy power disposal under date of December 18, 1923, in which he said:

It is my opinion * * * under the terms of that act of Congress known as the Raker Act, San Francisco has no authority to sell or lease its Hetch Hetchy electric energy to any person or private corporation for resale, or, in other words, to wholesale it.

September 9, 1923, Mayor Rolph and other prominent officials or citizens of San Francisco, on the eve of an election, expressed themselves as follows on this question:

I do not believe the wholesaling of power to a corporation would be legal as I read the Raker Act. * * * As long as I am in office no such transfer of the peoples' rights, property, and profits will take place with my consent. I would as soon consider wholesaling Hetch Hetchy water to the Spring Valley Co. for resale to the citizens at Spring Valley's rates as to follow a similar course in disposing of Hetch Hetchy electrical power. (Mayor Rolph, September 9, 1923.)

If the city should transfer to the Pacific Gas & Electric Co., or any other company, corporation, or individual, its power developed at Hetch Hetchy, not only would we lose the right to the power, but our water rights as well would be forfeited. (Matt I. Sullivan, former chief justice Supreme Court of California, September 9, 1923.)

The report of the citizens advisory committee to the supervisors, October 22, 1923, advised that the disposal of Hetch Hetchy to a private corporation for purposes of resale is forbidden by law and that under the Raker Act the city is mandated to distribute the power to its own people.

The SPEAKER pro tempore (Mr. ELLIOTT). The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for 15 additional minutes, with the expectation of getting through in that time or less.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. I quote from Hon. James D. Phelan, former mayor of San Francisco and former United States Senator:

Under no circumstances should we abdicate our sovereign right and farm out our taxes and our rates.

He said that on September 9, 1923; and in a speech before the Commonwealth Club of California a few weeks later he said, referring to the Raker Act:

An agency is clearly against the letter and spirit of the Federal act. The Raker Act is stringent in its provisions. It provides that, in accepting that grant, which we have accepted, we can not give or lease to any other person or individual or corporation for resale the commodity which we will enjoy. I remember very well that Congress had no doubt in the matter. The intent was to give us this in such form—and Congress had the right, remember, to make its own conditions, notwithstanding what may be the provisions of the charter of San Francisco—that no supergovernment, that no invisible government, that no trust or other power could ever take it away from us by our own consent, complaisance, or, indeed, corruption, without the consent of Congress. The existing corporations have offered $2,000,000 annually for the electric power released at our Moccasin Creek plant. We are told 214,060,000 kilowatts are available January 1, 1925, but under their schedules they would collect $8,800,000 for it. The proposition is illegal as well as unconscionable; we can not entertain it.

But the city administration, pledged not to entertain it, did entertain it, and the contract is now in effect. I quote from Hon. RICHARD J. WELCH, now a Member of Congress, but then, on September 9, 1923, when this statement was made, a member of the board of supervisors of San Francisco County:

That the city must and should distribute its own power directly to the citizens is absolutely clear. San Francisco has asserted herself in favor of municipal ownership, and I do not believe that our charter will permit us to sell power to a corporation even temporarily. It will be practically impossible to complete any steps toward buying or building ourselves a distributing system by the time that the Hetch Hetchy power is available for use, but the dangers of disposing of the power at wholesale are just as serious.

Mr. WELCH of California. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WELCH of California. I want to say that is absolutely correct, and I stand for the same principle and the same policy to-day.

Mr. CRAMTON. I am very glad to know that.

Mr. WELCH of California. And those who betrayed San Francisco's trust and were responsible for selling the power to the Pacific Gas & Electric Co., which is a part of the Hydroelectric Power Trust of the United States, were driven from office, and I took the platform and helped to drive them from public office. [Applause.] Since that time, three years ago, San Francisco has had the Pacific Gas & Electric Co. and the Great Western Power Co. before the Railroad Commission of the State of California, condemning their properties for the purpose of carrying out the provisions of the Raker Act.

Mr. CRAMTON. I am glad to know the gentleman's position, but whoever went into office or whoever was driven out of office there has been no proposition submitted to the people of San Francisco to raise the money or provide the wherewithal for either acquiring or building a distributing system, and day after day the illegal contract continues. The Secretary of the Interior sought an opinion July 20, 1925, from the Attorney General with reference to the effect of section 6 upon the Pacific Gas & Electric Co. contract. The Attorney General with great agility "passed the buck" back to the Secretary of the Interior in an opinion of August 5, 1925, a copy of which I attach as an appendix to my remarks. (See Exhibit F.)

A study of the debates of Congress leaves no doubt that the Pacific Gas & Electric Co. contract is a gross violation of the assurances that were given Congress and the purpose that Congress had in approving the Hetch Hetchy grant.

The late Representative William Kent was then a Member of the California delegation and his support of this measure had much to do with its passage.

The gentleman from Wisconsin [Mr. COOPER], the gentleman from Idaho [Mr. FRENCH], and all the older Members will remember Mr. Kent as an outstanding progressive in this House, and there is no doubt that his support of this measure helped greatly in securing its passage.

He said (vol. 50, p. 3991, CONGRESSIONAL RECORD, 1913):

Mr. Chairman, I should like to suggest to the gentleman from Indiana, Mr. Gray, that this bill is strictly drawn in the public interest; that there is no possibility of selfish gain; and that no corporation or individual can obtain any benefit whatsoever from this bill. It is for the benefit of the people of California.

And, later, I had written here that he would not have promoted its passage if he thought otherwise, and then I found this speech which he made in that same symposium before the Commonwealth Club of California in 1923, where he said this:

Section 6 of the Raker Act was not put in by accident. It was a deliberate attempt to draft a contract whereby any future short-sighted or sordid government of San Francisco could not divest the people of the bay region from the beneficence of the congressional grant.

At first it seemed that the good faith of the city in carrying out its end of the contract should be taken for granted, but later on a lawyer on the committee, named Taylor, of Arkansas, objected to the lack of a penalty clause in section 6, and so on the floor of the House introduced the reversion clause which you will find in the act as passed, though not in the quoted draft published and circulated by those who are apparently acting for private interests against the people of San Francisco and the bay cities.

It may be that the language is clumsy, but the meaning is clear, as is the intent, and there is no possible excuse for this cheap pettifogging and subterfuge as to its meaning. It means definitely what we contend for it, that the use of Hetch Hetchy Valley and the privileges granted across the public domain shall revert to the Government in the event of private interests being permited to resell property right in water power, which Congress by contract with responsible city officials directed should be applied to the welfare of the citizens. You will find in the hearings a statement of the meaning of section 6 by City Attorney Long that it meant simply and only direct municipal ownership.

He said further:

I have been almost maddened with the thought of what we went through during that hot summer in fighting for the public of this town, now to think that there comes a time when there seems to be a proposition to throw it down and sell it out.

Then he goes on to refer to the support of Gifford Pinchot and himself, and says:

Reverting to the history of the passage of the bill, you can recall the tremendous fight made by the power companies with the hoodwinked help of the nature lovers. The combination was very strong. If it had not been for Gifford Pinchot, the leading apostle of conservation and one of the most efficient of those who respect and revere nature—if it had not been for my standing as a conservationist, the bill never could have passed, for we secured by our indorsement many votes that were stampeded by the reckless representations made of park destruction.

Mr. TAYLOR of Colorado. Will the gentleman yield? Who was that?

Mr. CRAMTON. Hon. William Kent, former Member of this House, and who has so recently died. Then he speaks of the signing of the bill by the President:

After the bill had passed those of you familiar with the transaction remember the message of President Wilson, who in signing the bill said that he relied upon the judgment of men in whom he had confidence as against the general argument for the parks. When I went to the White House to ask the President to sign the bill I met Mr. Robert Underwood Johnson coming away.

In the prepared analysis of the bill to which I have referred, which was inserted in the RECORD by Judge Raker, it is said:

That section 6, acquiesced in by the grantee, was designed to prevent any monopoly or corporation from hereafter obtaining control of the water supply of San Francisco.

And the provision in question referred to electric energy as being on the same basis with water.

Mr. Thomson, of Illinois, in his speech in behalf of the bill urged that—

Under the provisions of section 6 the grantee can not assign its right acquired under this bill to any private corporation and can not sell water or electric energy to any private corporation or individual for the purposes of resale.

In the course of the debate Mr. Mann asked Mr. Raker:

This bill provides that property rights shall not be sold; but suppose they are sold, what will happen?

Mr. Raker replied:

My conviction is that under the provision of the law they are forfeited.

Further in the course of the debate, page 4093, Mr. Helm, of Kentucky, asked a question of Mr. Ferris, of Oklahoma, chairman of the committee in charge of the bill, question and answer being as follows:

On page 4093 (vol. 50, CONGRESSIONAL RECORD) the following occurred:

Mr. HELM. What they can sell to the citizens of San Francisco they can sell to a corporation organized by a group of San Francisco men, could they not?

Mr. FERRIS. Oh, no; because there is an express provision to the effect that they can not resell the power in any way. They can sell for use only with a positive restriction against sale for any resale purposes of any sort.

The Secretary of the Interior, who has for the past two years been giving highly commendable attention to this subject, should call now upon the Attorney General to bring a suit that would end this diversion of power to private profit.

The present relations between the park administration and our privileged tenant in the park, San Francisco, are intolerable and can not be permitted to continue.

San Francisco came to Congress begging for a water supply and constructed instead two power plants. Hetch Hetchy is not yet used as a water supply. Power is being sold and the proceeds of $2,000,000 alleviate the San Francisco tax rate. The existing contract for sale of power is a direct violation of the terms of the act, and the grant has in reality reverted to the Government of the United States under section 6 of the act. It only remains for a competent court to so declare. If San Francisco can not properly cooperate with its generous landlord, the relationship had better cease, and the Federal Government resume exclusive use of the park area.

I will only close as I began by saying that I have brought this to your attention in the hope, first, that publicity may help to cure the evils that exist, and also as a warning to this House that whenever we are granting away the public domain Congress

owes it to the people to see that the safeguards put around the grant are explicit, mandatory, and adequate to protect the public. [Applause.]

APPENDIX

EXHIBIT A

WASHINGTON, D. C., *August 1, 1913.*

DEAR SIR: The Public Lands Committee of the House, after two months' painstaking investigation, unanimously reports in favor of the use of the Hetch Hetchy Valley in the Yosemite National Park as a reservoir site for San Francisco.

The use of this valley is also approved by the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, the Chief of the Reclamation Service, the Chief of the Geological Survey, the Chief Forester, and by Gifford Pinchot, former Chief Forester.

The irrigationists, who have prior rights on the Tuolumne River, also desire this bill passed, as they are assured water, which they would not otherwise obtain.

The Hetch Hetchy Valley is an inaccessible canyon, 30 miles from the Yosemite Valley proper. The San Francisco project proposes to make this an accessible mountain lake, with roads and trails leading to the high Sierras.

The only opposition to this project comes from a small number of well-intentioned persons who wish to have the valley remain in the state of nature. You no doubt will receive protests from these people. Members of the California delegation in the House earnestly request you to not prejudge this proposition in favor of the nature advocates, and earnestly request you to read the hearings before the Public Lands Committee and the committee report which will accompany the bill. We feel that with the full facts before you San Francisco's request will be granted. The city needs this water supply and the completed project would be of inestimable benefit to one-fourth of the population of the State of California.

Sincerely yours,

JOHN E. RAKER,
DENVER S. CHURCH,
JULIUS KAHN,
JOHN I. NOLAN,
WILLIAM KENT,
CHAS. W. BELL,
J. R. KNOWLAND,
WILLIAM KETTNER,
WM. D. STEPHENS,
C. F. CURRY,
E. A. HAYES,

Representatives from California.

EXHIBIT B

THE SECRETARY OF THE INTERIOR,
Washington, July 7, 1927.

THE CITY AND COUNTY OF SAN FRANCISCO,
San Francisco, Calif.

GENTLEMEN: The act of December 19, 1913 (38 Stat. 242), under which the city and county of San Francisco was granted valuable rights of way and reservoir sites within the limits of the Yosemite National Park, in California, included, among others, the following obligations of the grantee:

Section 7 of the said act provided in part as follows:

"That for and in consideration of the grant by the United States as provided for in this act the said grantee shall assign, free of cost to the United States, all roads and trails built under the provisions hereof; * * *."

Section 9 of the act stated:

"That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated."

By paragraph (p) of section 9 of said act it was provided:

"That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch, past Harden Lake, to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture, in the Stanislaus National Forest, and the Secretary of the Interior, in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe or otherwise provide a good and sufficient supply of water for camp purposes at the meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions."

Paragraph (q) of said section 9 provides in part:

"That the said grantee * * * shall reimburse the United States Government for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed."

By paragraph (t) of said section 9 it is provided:

"That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act."

Paragraph (u) of section 9 of the act of December 19, 1913, contains the following:

"* * * *Provided, however,* That the grantee shall at all times comply with and observe on its part all the conditions specified in this act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof for the purpose of enforcing and carrying out the provisions of this act."

On September 14, 1925, the Director of the National Park Service appeared before the board of supervisors of the city and county of San Francisco and outlined the requirements of the Government as to roads, and again, at a conference held October 2, 1926, with the city engineer and other officials of the city and county, the director again stated the requirements of the United States as to roads in the national park.

The city and county of San Francisco have not complied with the requirements of the grant hereinbefore set forth, and in accordance with the provisions of the act of December 19, 1913, I hereby make a formal request in writing that the following action be taken at once by the said city and county:

(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road.

(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor, via McGill Meadow, so as to render the route available for motor travel.

(c) Construct a road of not less than 18 feet in width and with grades of not to exceed 8 per cent from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel.

(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof.

(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon.

(f) Before proceeding to construction of the works herein required, the city and county must secure approval, by the Secretary, of the specifications for said works, to be followed by the construction contractor or party, as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed.

(g) The grantee shall make arrangements for the reimbursement of the United States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed, in accordance with the provisions of section 9 (q) of the act of December 19, 1913.

The requirements expressed in this notice are not to be construed as in anywise releasing the city and county of San Francisco from constructing, at such future time as may be prescribed by the Secretary, a road or trail from Lake Eleanor into Cherry Valley, nor is this notice and the matters required therein to be construed as an abandonment of the right to require additional trails or roads, pursuant to the provisions of paragraph (p) of section 9, requiring the grantee to construct "such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior."

It likewise appears that as to the lands listed below the grantee has for more than six months ceased "to use such lands for the purpose of construction or repair under the provisions of this act" (the Raker Act), and hence that such lands should be conveyed to the United States, as provided by section 9 (t) of said act. The lands which appear to occupy this status are:

(a) The east half of northwest quarter, the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 32, township 1 north, range 20 east.

(b) The southeast quarter of section 9; the south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and the northwest quarter of the southeast quarter of section 10; the southwest quarter of the northwest quarter and north half of the south half of section 11; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 16, all in township 1 north, range 20 east.

(c) The south half of the northeast quarter, the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 34; the southwest quarter of the northwest quarter, the west half of the southwest quarter, and the southeast quarter of the southeast quarter of section 35; and all of section 36, township 2 north, range 19 east.

(d) The southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the east half of the southwest quarter of section 12, township 1 north, range 19 east.

(e) The southwest quarter of the northwest quarter and the northwest quarter of southwest quarter of section 19, township 2 north, range 21 east; the southeast quarter of the northeast quarter of section 24, township 2 north, range 20 east.

(f) The southwest quarter of the northeast quarter, the south half of the northwest quarter of section 5, the southeast quarter of the northeast quarter of section 6, all in township 1 north, range 21 east.

Under authority of section 9 (t) of the act of December 19, 1913, a formal request is hereby made that "a good and sufficient title, free from all liens and incumbrances of any nature whatever," as to each of the described tracts and any other lands occupying the same status be conveyed to the United States.

The purpose of this letter is to require of the city and county of San Francisco performance by them of all matters required of them by the act of December 19, 1913; and the enumeration herein of certain of those matters is not intended to and must not be regarded as waiving performance of any other required acts or as excepting such other required acts from the operation of this notice.

Very truly yours,

HUBERT WORK, *Secretary.*

EXHIBIT C

CITY ATTORNEY,
San Francisco, October 13, 1927.

Hon. HUBERT WORK,
Secretary of the Interior, Washington, D. C.

DEAR SIR: Under date of July 7, 1927, you issued a formal notice to the city and county of San Francisco the purpose of which, as stated in said notice, was to require of the city and county of San Francisco performance of all the matters required of the said city and county by the act of December 19, 1913, commonly known as the Raker Act.

In the notice quotation is made from several sections of the act relative to the obligations of the city imposed thereby, following which the statement is made that the city and county of San Francisco has not complied with the requirements of the grant as set forth in the act and referred to in the notice, and request in writing is then made of the city and county that the following specific action be taken at once:

"(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road.

"(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadows so as to render the route available for motor travel.

"(c) Construct a road of not less than 18 feet in width and with grades of not to exceed 8 per cent from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel.

"(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof.

"(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon.

"(f) Before proceeding to construction of the works herein required, the city and county must secure approval by the Secretary of the specifications for said works, to be followed by the construction contractor or party as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed.

"(g) The grantee shall make arrangements for the reimbursement of the United States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed in accordance with the provisions of section 9 (q) of the act of December 19, 1913."

Provision is made in the notice that the expression of the above specific requirements is not to be construed to release the city and county of San Francisco from constructing at such future time as may be prescribed by the Secretary a road or trail from Lake Eleanor into Cherry Valley, nor is it to be construed as an abandonment of the right to require additional trails and roads pursuant to the provisions of paragraph (p) of section 9, requiring the grantee to construct "such roads and trails made necessary by this grant and as may be prescribed by the Secretary of the Interior."

You also direct attention to several parcels of land which it is stated the city has for more than six months ceased to use for the purpose of construction or repair under the provisions of the Raker Act, and request is made that these lands as well as any other lands occupying a similar status be conveyed to the United States free from all liens and encumbrances.

Following the receipt of this notice, Mr. Stephen T. Mather, Director of the National Parks, appeared before the board of supervisors in San Francisco, and, while admitting that he could not commit the Secretary, outlined his views as to what the Department of the Interior considered were the obligations of the city under the Raker Act and indicated the order in which he—and it is presumed the Department of the Interior—desired the city to proceed to carry out its obligations, and indicated the estimate of cost of doing this work to meet the requirements or standards of construction which the department would adhere to for the roads to be built. Following is the list of obligations in the desired order of accomplishment and the estimated costs as set forth by Mr. Mather:

Project No. 1: Transfer city-owned lands to United States (acres)	2,632.94
Project No. 2: Construct trail north side of Hetch Hetchy Reservoir to Tiltill Valley and Lake Vernon, 21 miles (estimated cost)	$43,500
Project No. 3: Construct Harden Lake Road, 12 miles (estimated cost)	480,000
Project No. 4: Construct Lake Eleanor Road, 14 miles (estimated cost)	800,000
Project No. 5: Reconstruction and surfacing Hetch Hetchy Road, 9 miles (estimated cost)	270,000
Surveys	35,000
Total estimated cost	1,628,500

At the meeting at which Mr. Mather appeared, exception was taken to Mr. Mather's interpretation of the terms of the Raker Act with respect to the city's obligation, and a resolution was introduced and adopted referring the entire subject matter to the public utilities committee of the board of supervisors with the thought that an understanding might be reached between the representatives of the city and the representatives of the Yosemite National Park or the Department of the Interior relative to the city's obligations.

Such a meeting was held and was attended by the superintendent of the Yosemite National Park, Mr. Lewis, and one of his assistants. At this meeting Mr. Lewis stated that he had no authority to speak for the Secretary of the Interior in the matter, and so after a brief discussion it was decided to submit to the Interior Department a statement of the city's position in the matter. Briefly, this may be summed up as follows:

The city of San Francisco has not at any time sought and does not now seek to evade any of its just obligations under the provisions of the Raker Act. Until the receipt of this notice of date July 7, 1927, no written or formal request had ever been made by the Secretary of the Interior for the construction of any of the roads outlined or for the transfer of any of the lands listed. Exception is taken to the implied thought contained in the notice, that the city and county of San Francisco has not carried out any of its obligations as imposed by the Raker Act. This is contrary to the facts, as will appear in the discussion relative to the specific requests outlined in the notice. The several specific requests will be taken up in their order and the city's contentions in regard to each set forth:

"(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road."

The city has constructed a road from Hog Ranch to Hetch Hetchy, with roadbed 22 feet in width, on a 4 per cent grade, which was originally used as a railroad grade, from which, through an understanding with your office, the rails were temporarily removed and the surface prepared so that the grade might be used for vehicular travel until such time as it might be again necessary to relay the rails, in accordance with letter from the Secretary of the Interior and resolution of the board of supervisors. More than $200,000 was expended in the construction of this roadbed, which must be credited to work which the city has done in carrying out its obligations as to the construction of this particular road. In Mr. Mather's list this is listed as project No. 5, in the order of desirability, and his estimate of the cost of doing the work which he believes is necessary is $270,000. This road is now in satisfactory use, accommodating approximately 35 automobiles per day during the season. Inasmuch as the road is constructed on excellent line and grade, it would appear that he contemplates that this expenditure, which is equivalent to 31½ cents per square foot, would be made almost solely for paving, corresponding possibly to an 8-inch concrete surface. It is the contention of the city that the proper interpretation of the Raker Act, adopted in 1913, which calls for a wagon road from Hamilton, or Smiths Station, along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca, or Hog Ranch, and to the Hetch Hetchy Dam site, does not require the construction of a road along these 9 miles of a higher standard than the main-traveled roads with which is connects and forms a part, as in existence or immediately contemplated at the time of the adoption of the Raker Act.

"(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadows, so as to render the route available for motor travel."

Relative to this request, the provision of the Raker Act is that the city construct a road or trail to Lake Eleanor and Cherry Valley via McGill Meadows.

Under date of October 13, 1916, the city submitted to the Department of the Interior a map outlining the proposed road from Hetch Hetchy to Lake Eleanor, showing the alignment thereof, together with survey notes showing the the proposed grades. These plans and the location of the road were approved by the Secretary of the Interior under date

of December 30, 1916. This road was constructed and utilized by the city for handling approximately 6,000 tons of freight to Lake Eleanor by motor trucks. The grades on it are superior to the Big Oak Flat Road, one of the main roads leading into Yosemite Valley and over which one would travel in going from Yosemite Valley to Lake Eleanor. This road has been maintained by the city at its expense since its construction. It is the city's contention that this road has been built with the approval of the Secreary of the Interior as one of the obligations of the Raker Act, and that it was not the intent of the Raker Act to impose upon the city the continual improvement of the standards of roads constructed in conformity with the act at the time of its adoption.

"(c) Construct a road of not less than 18 feet in width, and with grades of not to exceed 8 per cent, from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel."

The provision of the Raker Act as to this particular road is "a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian."

The city has already advanced the sum of $6,000 to the national park authorities to be expended on surveys to be made by the United States Bureau of Good Roads for the location and construction of this road. These surveys are being made along lines of even a higher standard than that which has been set forth in the notice. The city recognizes its full obligation to construct a road between these points along such location as may be approved, but contends that the intent of the Raker Act does not contemplate a road of a higher type of construction, particularly as to grade, width of roadbed, and character of surface than that existent on the two main roads which it connects, namely, the Big Oak Flat Road, the wagon road constructed by the city from Hamilton to Hog Ranch, and the Tioga Road. The city recognizes that the Government now is contemplating the construction of a new main highway into the Yosemite Valley, of which this road would form a link. It is the city's contention that if this is the intent of the Government, the reasonable obligation of the city under the terms of the Raker Act would be to contribute toward the cost of such a road a sum of money equivalent to the cost of constructing a road along the route indicated, of grades, width, and type of surface as existed on connecting roads at the time of the adoption of the Raker Act. I am advised that such a road could be built by the city at a cost not to exceed $250,000, and I would recommend the appropriation by the city of such sum toward the construction of any higher standard road on this location in lieu of this particular obligation.

"(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof."

The city does not question in any way this obligation, and in accordance with your request will proceed to make the necessary surveys and submit them to your office with the necessary specifications for the approval of the Secretary. These surveys will be made as soon as the weather conditions will warrant.

"(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon."

No exception is taken to this requirement. Surveys for this will be made at the same time as the surveys contemplated under (d) above mentioned.

"(f) Before proceeding to construction of the works herein required, the city and county must secure approval by the Secretary of the specifications for said works, to be followed by the construction contractor or party as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed."

It is the contention of the city that all roads and trails heretofore constructed have been constructed subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions, and that the general plans were approved by the Secretary of the Interior, and all instructions or directions issued to the city at the time of the construction of the road were observed in the manner of doing the work and carrying out the same. In the future the city will be glad to comply with your request that formal approval and acceptance be secured.

"(g) The grantee shall make arrangements for the reimbursement of the Unted States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed, in accordance with the provisions of section 9 (q) of the act of December 19, 1913."

The city of San Francisco has at its own cost and expense maintained all roads and trails built by it under the provisions of the Raker Act, except that during the past season Mr. Mather and the superintendent of the Yosemite National Park requested that they be allowed to maintain the road from Mather to Hetch Hetchy as a part of their road-maintenance work. The city has never at any time failed to meet any obligation as to reimbursement of the Government for the maintenance of any of these roads.

With regard to the request for the conveyance of lands as provided by section 9 (t) of the act the following lands are listed in the notice as being those whch should be conveyed to the United States under the provisions of section 9 (t) of the act.

"(a) The east quarter of northwest quarter, the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 32, township 1 north, range 20 east.

"(b) The southeast quarter of section 9; the south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and the northwest quarter of the southeast quarter of section 10; the southwest quarter of the northwest quarter and east half of the south half of section 11; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 16; all in township 1 north, range 20 east.

"(c) The south half of the northeast quarter, the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 34; the southwest quarter of the northwest quarter, the west half of the southwest quarter, and the southeast quarter of the southeast quarter of section 35; and all of section 36, township 2 north, range 19 east.

"(d) The southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the east half of the southwest quarter of section 12, township 1 north, range 19 east.

"(e) The southwest quarter of the northwest quarter and the northwest quarter of southwest quarter of section 19, township 2 north, range 21 east; the southeast quarter of the northeast quarter of section 24, township 2 north, range 20 east.

"(f) The southwest quarter of the northeast quarter, the south half of the northwest quarter of section 5; the southeast quarter of the northeast quarter of section 6; all in township 1 north, range 21 east."

The lands described under item (a) are generally referred to as the Canyon ranch tract, comprising 160 acres. Proper conveyance of this land to the United States will be made immediately. The lands covered in item (b) are those commonly referred to as the Hetch Hetchy Reservoir lands, and those in item (c), Lake Eleanor Reservoir lands, involving 720 acres and 920.35 acres, respectively. The provisions of the Raker Act, section 9 (t) relative to the conveyance of lands reads:

"Shall convey to the United States * * * to any and all tracts of land which are now owned by said grantee within the Yosemite National Park * * * not actually required for use under the provisions of the act."

It is the contention of the city that these lands which were acquired by the city for reservoir purposes are actually in use or are required for use under the provisions of this act. A large portion of these lands are at the present time submerged, and a further part lies between the present flow line of the reservoir and the flow line of the ultimate development of the same, and a comparatively small remaining portion lies along the margin of the reservoir, and it is our contention that these lands are required for use by the city for sanitary control of the reservoir. In view of this, it is the contention of the city that these Hetch Hetchy Reservoir lands and the Lake Eleanor Reservoir lands are not to be considered as lands which the city is required to convey to the Government under the terms of the act.

Item (d) covers what is known as the McGill Meadow tract, involving 160 acres. Item (e) covers the Lake Vernon land, involving 121.49 acres. These two tracts were acquired by the city in a single transaction by deed dated January 8, 1918, four years after the adoption of the Raker Act, and as they were not in our possession at the time of the passage of the Raker Act, it is our contention that we are in no way required to convey them to the United States. Both of these tracts are, moreover, required for future use by the city in connection with the project.

Item (f), Tiltill Valley lands, 160 acres. The west 40 acres of this land are required for use by the city in connection with its future operations. The remaining 120 acres will be conveyed to the United States Government under the provisions of the act immediately.

In conclusion, I wish to assure you that it is the intention and desire of the city to cooperate in every reasonable way with the Secretary of the Interior and the national park authorities in the carrying out of what may be determined as the just terms of the Raker Act. I would impress upon you, however, that the Hetch Hetchy project is far from complete. The original $45,000,000 voted for its construction prior to the passage of the Raker Act have been expended, $10,000,000 more have been voted, and $24,000,000 must be voted within the next year, after which possibly four years will elapse before water from the Hetch Hetchy can be brought into San Francisco, and that during this long period of construction the city has been and still is under a heavy burden of bond interest, and it is our desire that a definite program be mapped out so that the uncompleted obligations may be carried out in such manner and at such time as will avoid at this time large capital expenditures for any roads which are not at present actually required to link up with the Federal or State road program.

May I ask that you give consideration to the contention of the city in the several matters and modify your requests with regard to the specific matters to conform to what may be considered as a reasonable interpretation of the act?

Respectfully,

JNO. J. O'TOOLE, *City Attorney.*

EXHIBIT D

Hon. John E. Raker on roads and trails, volume 50, CONGRESSIONAL RECORD, page 3902:

"I want, Mr. Chairman, to call the attention of the committee further to this fact, that this bill provides for roads to be built by the city and county of San Francisco from the public highway into the valley, the Hetch Hetchy Valley. They say there is a trail around the Hetch Hetchy Valley. The city and county of San Francisco, under this grant, are to build the road up to the dam, around the lake, and from there north to the Tioga Road, which is a public road leading across the mountains to the State of Nevada. It will also build a trail up to the Tiltill Valley, where the city and county of San Francisco now own 160 acres of land, an ideal place for hotels and camp sites. They will build a road from there through the valley to Smiths Peak, and a trail from the main road around the Hetch Hetchy on to Lake Eleanor, and then to Cherry Creek. The city and county of San Francisco will keep up these roads from now until the crack of doom. To-day about 25 to 75 people per year visit the Hetch Hetchy Valley. You must go in on the trail and on burro back to get there. Instead of that, you will have one of the scenic roads of the world built to this valley; and instead of having barren cliffs on either side you will have boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley and also the remainder of this territory that is in the watershed of this valley. They will make it accessible, and make accessible the Tuolumne Meadows, which are about 40 miles beyond, where there are about 1,500 acres which will be accessible to campers. That part of the floor of the valley which is now owned by the city and county of San Francisco, about 780 acres in extent, could now be fenced, and the Government could be prevented from using any of that part of the floor of the valley. But instead of that they say they will build roads where people can go and see this beautiful lake, as well as the rest of the park.

"They will turn over the 160 acres of land which they now own at the Tiltill Valley for camping purposes. They will make accessible Lake Eleanor, which is to-day inaccessible except to a few who go there by trail. They will turn over the Cherry Creek Valley in the same way all that they do not use for reservoir purposes, and there is a good deal of it. So that instead of destroying the scenery and preventing the people going in there, this valley will be made more beautiful with a road in, through, and about it, with the camping ground made accessible and turned over to the use of the public instead of being, as now, controlled by a municipal corporation. Those who have seen the lakes in the mountains can not but believe that Lake Hetch Hetchy will be more beautiful than anything there to-day. Lake Louise, in Canada, which is but a pond of water with a snow-capped mountain in front of it, a rugged mountain on one side, and a rugged mountain covered with trees on the other, is one of the most famous bits of scenery in the world. The very colors of the rainbow are reflected in that lake, and people go from all over the world to behold its beauty. It will be the same with this lake in the Hetch Hetchy Valley, which is to-day inaccessible. As for the rocks, there are grander and larger rocks to be seen in the Yosemite Valley. You can see them almost anywhere; but this bill proposes to make accessible that which to-day is inaccessible. Professor Grant said in relation to Lake Louise, 'I would like to go to heaven. I do not want to go to hell; but if I can not go to heaven, send me to Lake Louise.' And it will be the same with Lake Hetch Hetchy when it is completed."

Hon. Scott Ferris, on roads and trails:

"Now, much has been said in opposition both in the press and by correspondents concerning this proposition. Many of you have received circular letters from people who actually believe and in good faith think that this will destroy the park. Now, I desire with such emphasis as I have to deny that it will destroy the park in any sense. On the contrary, I believe it will improve the park. As the matter now stands only rich and well-to-do people can visit the park at all. It is an expensive proposition to journey there. You have to go on burros, pack trains, etc., and there is no railroad or street-car line that would enable you to go in any other way except by pack train. San Francisco concurs in this bill, and this bill exacts of the people of San Francisco as a condition precedent to build street-car lines and roads and trails and railroads, so that the poor can visit the park. The improvement will really make a park in reality of what is now the roughest country God ever made.

"In addition to that, they must construct roads surrounding this lake, so that the people can go in there and view the scenery in the higher Sierra of California. I said before and I repeat, that San Francisco will have to pipe this water 142 miles."

EXHIBIT E

DEPARTMENT OF JUSTICE,
Washington, May 16, 1928.

SIR: I have the honor to acknowledge receipt of your letter of December 19, 1927, in which you request my opinion on certain questions arising under the act of December 19, 1913 (ch. 4, 38 Stat. 242), commonly referred to as the Raker Act.

The Raker Act granted to the city and county of San Francisco, a municipal corporation in the State of California (hereinafter referred to as the city), certain public lands and lands in the Yosemite National Park and the Stanislaus National Forest, and rights of way and other rights, in connection with the city's project for conveying water for domestic purposes and uses to the city and other municipalities and water districts, and constructing and operating electric plants. The grant was made on certain terms and conditions set forth in the Raker Act. Paragraph (s) of section 9 of the act provided:

"That the grantee shall file with the Secretary of the Interior, within six months after the approval of this act, its acceptance of the terms and conditions of this grant."

It is stated in the opinion of the solicitor of your department, a copy of which was sent me with your letter, that the city formally accepted the provisions of the Raker Act, and it follows that the act should be regarded as setting forth a contract which is binding upon the city. Indeed the city attorney, in his letter of October 13, 1927, a copy of which also was sent me with your letter, does not question that the provisions of the Raker Act are binding upon the city, although he raises certain questions as to the proper construction of the act. The questions upon which you desire my opinion relate to these matters of construction, and I therefore proceed to consider separately each of your questions and the provisions of the Raker Act applicable thereto.

1. Your first question is as follows:

"Does the Raker Act entitled the Secretary of the Interior to prescribe the kind and quality of roads and trails required to be built and maintained by the city and county of San Francisco?"

Paragraph (p) of section 9 of the Raker Act provides as follows:

"That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also, leading from said scenic road or trail, a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture according to their respective jurisdictions."

It seems clear that the provision that all trail and road building and maintenance by the city in the Yosemite National Park shall be done subject to the direction and approval of the Secretary of the Interior authorizes the Secretary to prescribe the kind and quality of roads and trails required to be built and maintained by the city, subject, however, to the implied condition that the decision of the Secretary must not be arbitrary or unreasonable and must be consistent with the intention of the parties at the time the Raker Act was passed and its provisions were accepted by the city. The act provides for the construction of roads, and it must be assumed that these roads were to be such as would meet the needs of the public then existing and such future public needs as could reasonably be anticipated.

The city attorney does not appear to question that the Secretary of the Interior has general authority to prescribe the kind and quality of roads and trails to be built by the city, but seeks to place a limitation upon the exercise of that authority in addition to the limitation indicated above, stating:

"It is the contention of the city that the proper interpretation of the Raker Act, adopted in 1913, * * * does not require the construction of a road * * * of a higher standard than the main traveled roads with which it connects and forms a part, as in existence or immediately contemplated at the time of the adoption of the Raker Act."

The short answer to this contention is that there is absolutely nothing in the Raker Act to justify the inference that the roads to be constructed need be no better than those with which they connected. If Congress had regarded the connecting roads as satisfactory and had intended that they should serve as models for the roads to be constructed, it would have been easy to insert a provision to that effect. Instead

of such a provision, the matter was left to the direction of the Secretary of the Interior. It follows that the Secretary was authorized to require the construction of roads adequate for the needs of the public existing or reasonably to be foreseen at the time the Raker Act was passed and accepted without regard to the standard of the connecting roads. It may be that the obligation of the city under the Raker Act goes further and extends to the construction of roads adequate for the actual or foreseeable needs of the public at the time the roads are built, but as it does not appear that you contemplate requiring the construction of roads of any higher standard than would have been required at the time the act was passed and accepted, and as I am not informed concerning the causes for the delay in construction of the roads, I pass over this question without expressing my opinion thereon.

2. Your second question is as follows:

"Does the Raker Act entitle the city and county of San Francisco to retain ownership of any lands owned by it in 1913 within the Yosemite National Park, except those lands actually flooded or to be flooded by reservoirs created pursuant to said act or otherwise occupied by constructed works of the project?"

Paragraph (t) of section 9 of the Raker Act provides as follows:

"That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title, free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act."

Your question amounts in substance to a request for a definition of the phrase "tracts of land * * * not actually required for use under the provisions of this act" as used in the foregoing paragraph. The phrase seems to me to be self-explanatory and incapable of further general limitation. I am unable to say that there may not be lands actually required for use under the provisions of the Raker Act, although not "actually flooded or to be flooded, by reservoirs created pursuant to said act, or otherwise occupied by constructed works of the project."

However, it appears from the letter from the city attorney of San Francisco and the opinion of the solicitor for your department that your question relates to two distinct types of lands, with respect to which there is controversy between you and the city. The first type is described by the city attorney as lying "between the present flow line of the reservoir and the flow line of the ultimate development of the same." The second type consists of lands lying along the margin of a reservoir, which the city contends "are required for use by the city for sanitary control of the reservoir."

With respect to lands of the first type, it should be noted that section 2 of the Raker Act required the city within three years after the passage of the act to file a map or maps "showing the boundaries, location, and extent of said proposed rights of way and lands required for the purposes" of the project contemplated by the act, subject to change by filing additional map or maps before the final completion of any of the work, and that section 5 contained the following provision:

"* * * That the construction of the aforesaid works shall be prosecuted diligently, and no cessation of such construction shall continue for a period of three consecutive years, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work or of some integral and essential part thereof, or that there has been a cessation of such construction for a period of three consecutive years, then he may declare forfeited all rights of the grantee herein as to that part of the works not constructed, * * *."

It is apparent that the act contemplated prompt determination of the scope of the proposed project and diligent prosecution of the construction thereof. It is my opinion that the city is entitled to retain all lands within the ultimate development of its reservoirs as contemplated by the maps of the project filed in accordance with the act, subject only to possible forfeiture if the construction is not prosecuted diligently, but that the city is not entitled to retain any lands not required for the project contemplated by the maps merely because they might at some indefinite time in the future be required for some enlargement of the project.

With respect to the contention of the city that it is entitled to retain certain lands for use for sanitary control of the reservoir, paragraph (a) of section 9 of the Raker Act provides as follows:

"(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

"First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

"Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

"Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute, the water within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early Intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

"Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

"Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages."

Obviously these sanitary regulations are intended to be exclusive and are to be enforced by the Secretary of the Interior, the only remedy of the city in case it regards them as insufficient being to install a filtration plant or other similar device. It follows that the city is not entitled to retain any lands for use for sanitary control.

3. Your third question is as follows:

"Does the Raker Act entitle the city and county of San Francisco to exclude, or to insist upon the exclusion by the department, of the public from the use and enjoyment of the park in any manner not inconsistent with the sanitary regulations embodied in section 9 of the said act?"

It follows from what has been said above in answer to your second question that this question must be answered in the negative. The sanitary regulations embodied in section 9 of the Raker Act are intended to be exclusive, and the city has no right to enforce, or to require you to enforce, any other or further regulations.

Respectfully,

JNO. G. SARGENT, *Attorney General.*

The honorable the SECRETARY OF THE INTERIOR.

EXHIBIT F

AUGUST 5, 1925.

Hon. HUBERT WORK,

Secretary of the Interior, Washington, D. C.

DEAR MR. SECRETARY: Your letter of July 20, 1925, referred for my consideration copy of a contract by and between the city and county of San Francisco, Calif., and the Pacific Gas & Electric Co., dated July 1, 1925, together with a copy of the opinion of the Solicitor of the Interior Department on the legal effect thereof. You request my opinion—

"Whether the performance of the acts of the city and county of San Francisco under and by virtue of this agreement constitutes a violation of section 6 of said entitled act approved December 19, 1913 (38 Stat. 242), which section prohibits the city and county 'from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee.'"

This section in full is as follows:

"That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided,* That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey this grant shall revert to the Government of the United States."

In the view that I take of this transaction an extended summary of the provisions of this contract is not necessary. It provides in substance for the transmission and delivery to consumers in San Francisco of the electric energy generated by the city at its Moccasin hydroelectric plant by employing the existing distribution system of the Pacific Gas & Electric Co. at and beyond Newark, Calif., as a temporary method of utilizing this energy for the benefit of the city, pending the acquisition of title to the company's distributing system within San Francisco by purchase or condemnation after proceedings instituted by the city for the valuation of the system have been concluded. Since the city owns no distributing system of its own, it proposes to deliver the current to the company at Newark, about 40 miles from San Francisco, and from this point on the company takes the energy over its own system and accounts to the city therefor upon an agreed basis of compensation for services to be rendered under the agreement.

In the consideration of this question I have been aided by discussions with representatives of San Francisco, on the one hand, and of the Modesto irrigation district, on the other. Consideration has also been given to a lengthy argument, dated July 20, 1925, filed by seven members of the Board of Supervisors of San Francisco who voted against making this agreement; resolution on behalf of the Turlock irrigation district, adopted on June 15, 1925; copy of a letter to you from Messrs. Hadsell, Sweet & Ingalls, of San Francisco, Calif., on behalf of the Delta Land Syndicate, dated June 24, 1925; together with other letters and telegrams which discuss this contract from various angles and approve or disapprove it.

From reading this contract and the statute known as the Raker Act, it is at once apparent that the question on which you request my opinion involves a determination of a judicial question which at any time may become the subject of proceedings in the courts at the instance of the Federal Government, acting through you and the Attorney General, or of one or many other parties proceeding jointly or individually.

In this situation not only because this office ought not to commit itself to one side or the other of a legal controversy in which it may be required to take part in the future, but for the further reason that authority and the policy of the department in the past have been uniformly against such a course (see 19 Op. 56; 19 Op. 670; 20 Op. 210; 20 Op. 383; 20 Op. 618; 23 Op. 221; 23 Op. 585; 24 Op. 69, 74; 24 Op. 59; 32 Op. 472; 33 Op. 87), I am constrained to decline to give an opinion upon the question proposed.

I think you will appreciate more fully the necessity of this conclusion when you consider that by the provision of the statute known as the Raker Act the duty is cast upon you to determine from time to time whether the conditions specified in the act are being reasonably complied with and carried out by the grantee, the city and county of San Francisco; and just now, as an incident of that duty, to decide whether the utilization of the 410,000,000 kilowatt hours per year which is now or will soon be going to waste unless utilized in the manner in this contract provided for, is or is not an unreasonable thing to be done by the city until a municipally-owned transmission and distribution system can be provided.

Some of the parties in interest and their counsel contend that the instrument by which such utilization is proposed to be brought about is not in violation of the terms of the statute in any view. Some take the other extreme and say that it is wholly in violation of the terms of the statute. Others take the view that the meaning of the statute is to prevent the permanent conversion of the benefits of this waterpower development to private uses, and that what is done as a temporary makeshift to save to the city the $2,000,000 a year or thereabouts which it will realize under this contract, is not within the contemplation of the terms of the act. In the exercise of your discretion you may come to the conclusion that this last is the correct view.

It may be that an attempt will be made to continue this arrangement beyond the time that you will determine to be reasonable, even going to the extent of making this contract the means of permanently turning over this great waterpower development to the private corporation interested, and in that event it would be very unfortunate for this office to be committed to one side or the other of the controversy by an opinion rendered when conditions were entirely different from conditions existing at the time the controversy might arise.

In any event, as stated above, it is not thought best that this department undertake to determine the legal controversy in advance should it arise.

Respectfully,

JOHN G. SARGENT, *Attorney General.*

The SPEAKER pro tempore. Under the previous order of the House, the Chair recognizes the gentlewoman from California [Mrs. KAHN] for 30 minutes.

Mrs. KAHN. Mr. Speaker, the attack made on San Francisco by the gentleman from Michigan is in many respects both unwarranted and unjust. The gentleman has the idea that the most important things in the country are the national parks and he has been diverted by this from the great purpose Hetch Hetchy is to serve and has magnified a mole hill into a mountain. In these days when we think and act in terms of hundreds of millions, even billions, our colleague from Michigan has taken it upon himself to attempt to besmirch the good name of a great city because of the difference of opinion between the Department of the Interior and the officials of San Francisco involving the sum of $1,600,000 in a project running over the hundred million mark.

Let me point out right here San Francisco has shown its good faith in the Hetch Hetchy project to the extent of $120,000,000. An early bond issue of $45,000,000, followed later by one of $10,000,000, and on the 8th day of this month a further issue of $24,000,000 for construction and another of $40,000,000 to buy the existing distributing system. Surely San Francisco is not going to jeopardize a project of this magnitude by not fulfilling the minor conditions imposed by the authorization act. It is a serious thing to charge any city with breach of faith. No city built upon a foundation of broken pledges and promises unkept could prosper and grow and be loved as San Francisco is around the world.

San Francisco has not had easy sailing. Her's has been a tragic past—tragic but not drab. Three times has this city risen from her ashes to greater beauty. Undismayed by any disaster, brave, courageous, undaunted, she carries on to greater glory; unique in her charm, unsurpassed in her loveliness, there on the edge of the Pacific.

On the 19th day of December, 1913, President Wilson signed a bill which had been passed by both Houses of Congress and which was vitally necessary to the continued growth and prosperity of the city of San Francisco.

The purpose of this bill was to enable San Francisco to proceed with a great water supply and electric power development designed to serve the fast-increasing needs of the city and such of the surrounding metropolitan area as might see fit to join with San Francisco in that development for many years into the future. This bill is commonly known as the Raker Act, after the late Congressman Raker, who introduced it because the project was to be housed in the congressional district which he represented.

The title of the act is:

An act granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California and for other purposes.

The primary purpose of the city and county of San Francisco in securing this legislation was to obtain the right to use for reservoir purposes the Hetch Hetchy Valley and Lake Eleanor, both of which are located in the Yosemite National Park.

San Francisco, from the beginning of its history as a large city, has been supplied with water by a private corporation, the Spring Valley Water Co., from sources located on the San Francisco Peninsula and across the bay in Alameda and Santa Clara Counties.

About 1900, during the mayoralty term of James D. Phelan, who subsequently became United States Senator, it was realized by Mr. Phelan and other officials that the local sources must eventually be supplemented by water brought from the high mountain regions of the Sierra Nevadas and, in fact, that the latter source would become the principal one, the local supply assuming more and more the status of an auxiliary.

In 1901, as a result of engineering investigations and estimates, it was determined that the Tuolumne River watershed would be the most satisfactory source. This source, with Hetch Hetchy Valley and Lake Eleanor as the principal reservoir sites, had been suggested many years earlier as the possible source for an augmented water supply for San Francisco by a number of engineers, including those of the United States Geological Survey, but it took 12 years for the city to overcome the opposition that developed from opponents without and within the city.

Promoters endeavoring to foist rival projects upon the city, irrigation districts fearful of being deprived of water to which they thought themselves lawfully entitled, and individuals and associations interested in the preservation of the natural beauty of the national parks, all had their innings and bitterly opposed the grant to San Francisco even to the extent of seeking a presidential veto. The self-styled "nature lovers" went to the utmost limits of absurdity, one prominent magazine editor stating that San Francisco should be compelled to distill sea water if that were the only alternative to using the desired reservoir sites in the national park. The people of San Francisco had no desire to interfere with the public's enjoyment of the great Yosemite National Park. They were, therefore, willing to agree that the congressional grant which they sought be made subject to conditions which would safeguard, in a reasonable manner and to a reasonable and to a perhaps more than reasonable extent, the interests of all parties concerned, and such conditions were contained in the bill as finally approved by the President.

Our present concern is not with the propriety of the conditions of the Raker Act. The present discussion is on the matter of compliance with the conditions as they exist. Let us now review those portions of the act in which San Francisco is obligated to do things for the benefit of the United States.

Under the Raker Act the city and county of San Francisco is granted rights of way and lands in the Yosemite National

Park, Stanislaus National Forest, and other public lands for all purposes in connection with its water supply and power development. The city is obligated to pay the United States the sum of $15,000 annually to and including the year 1928, $20,000 annually for the succeeding 10 years, and $30,000 annually forever thereafter, which sum is to be kept in a separate fund by the United States to be applied to the building and maintenance of roads and trails in the Yosemite National Park and other national parks in the State of California.

The city is required to pay the full value of all timber and wood cut, injured, or destroyed on or adjacent to any of the rights of way and lands in the course of the city's work.

The city is required to build certain roads and trails and to reimburse the United States Government for the cost of maintenance of these roads and trails and to lay and maintain a water supply for camp purposes near the Hetch Hetchy Dam site.

The city is required to convey to the United States a good and sufficient title, free from all liens and encumbrances, to any and all tracts of land owned by the city at the time of approval of the Raker Act within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of the act.

The act sets forth sanitary regulations to be made effective within the watershed above and around the reservoir sites and in the streams tributary to the city's aqueduct.

By way of contrast it is interesting to remember that when the city of Los Angeles decided upon the Owens River as the source of its greater water supply it had no difficulty in obtaining congressional action granting the necessary rights of way, and the Owens River project of the Reclamation Service for irrigation of lands in Inyo County was abandoned in order that the water might be put to a higher use for the benefit of the greatest number of people. No onerous conditions were imposed upon Los Angeles by Congress.

The city of Portland, Oreg., obtains its water supply from a mountain watershed of 102 square miles, nearly all of which is Government land, the small remainder being owned by the city of Portland. By an act of Congress approved April 28, 1904, this watershed was absolutely closed to all persons except forest rangers, Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland in the discharge of their duties. No conditions whatever were imposed upon Portland.

San Francisco has received so much less at the hands of the Government that she well deserves the fullest cooperation of the Government in the utilization and enjoyment of what she has been granted.

There is no question at this time as to compliance with the other conditions of the act, and it is therefore unnecessary to summarize them.

Immediately on obtaining the rights granted by the Raker Act the city commenced work on its great project. A bond issue of $45,000,000 had been authorized by the voters of the city in 1910 and funds were available from the sale of these bonds. Surveys were completed, many miles of wagon roads and trails were constructed, a standard-gauge railroad 68 miles long was built, and a complete hydroelectric power system for the operation of construction machinery was developed. However, with the increasing difficulties of financing and later of securing labor and material, due to the World War, the progress of construction for several years was slow.

The local sources of water supply were still capable of development which would take care of the city's needs for some years to come. The easterly end of the Hetch Hetchy system contained large power-development possibilities. San Francisco therefore did the sensible and businesslike thing in scheduling its construction so as to complete first the works necessary for power development in the Sierra Nevada Mountains. These works were completed in 1925, and the power development now produces a net revenue of $1,800,000 yearly, applicable to bond interest and redemption and easing the otherwise heavy financial burden which the city would have to bear. A 22-mile section of the Hetch Hetchy Aqueduct in the San Francisco Bay region has also been completed and is in service at present for conveying a part of the water from Alameda County sources to the reservoirs on the San Francisco Peninsula. The Spring Valley Water Co. pays the city $250,000 annually—practically interest charges—for the temporary use of this conduit.

The gentleman from Michigan [Mr. CRAMTON] stated that no effort had been made by the city of San Francisco to acquire a distributing system of its own for the power. I am in receipt of this telegram which was just handed me from the city attorney of San Francisco, saying:

SAN FRANCISCO, CALIF., *May 19, 1928.*

Hon. FLORENCE P. KAHN,
Representative in Congress,
Fourth Congressional District of California,
House Office Building, Washington, D. C.:

Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co. During past three years these proceedings have been before railroad commission, and during past two years more than 300 actual trial days have been occupied before commission. More than 5,000 folios of oral testimony have been taken, in addition to hundreds of exhibits filed by city and companies. Taking of testimony closed on March 15 and each side allowed 90 days for preparation of briefs, which will be filed by June 15, when matter will be submitted to commission for decision. As soon as railroad commission fixes valuation of properties of these companies question of their purchase by city for the purpose of distribution by city of Hetch Hetchy power will be submitted to people. You can assure the Congress that since the permission granted by the Department of Interior to distribute power through Pacific Gas & Electric Co. city has used every effort to obtain by condemnation local distributing systems. Both companies have resisted to the utmost our plans to acquire their properties, but have every hope that price to be fixed by commission will meet the approval of people and that these distribution systems will be obtained.

JOHN J. O'TOOLE, *City Attorney.*

Having completed the sections from which immediate financial return was to be expected, thus lightening the burden of interest and bond redemption upon the San Francisco taxpayers, the city is actively continuing the work of aqueduct construction, and in about four years' time should be delivering Hetch Hetchy water to San Francisco. This work is at present being financed from a $10,000,000 bond issue authorized by popular vote in 1924. A further $24,000,000 issue will be necessary to complete the work, so that by the time the first Hetch Hetchy water is delivered into San Francisco the city will have expended on the project, in round figures, $80,000,000, exclusive of charges for interest during construction and exclusive of the purchase of the present Spring Valley system, which will add about $40,000,000, bonds for which were authorized May 8 of this year.

It was not until last July that the Department of the Interior woke up to the iniquity of San Francisco. Under date of July 7, 1927, the Secretary of the Interior issued a formal notice to the city and county of San Francisco demanding the performance of all matters required of San Francisco by the Raker Act. Quotation was made from several sections of the Raker Act relative to the obligations of the city under that act, following which the statement is made that the city has not complied with the requirements of the grant set forth in the notice. Request is then made for the immediate performance by the city of a number of specific items of work and conveyances of certain designated parcels of land to the United States.

And here is an interesting situation. The Department of the Interior, created to serve and further the interests of the people, the taxpayers who maintain it, very much like a temperamental employee, comes to its employer in an arbitrary and precocious mood, making demands predicated only on its own idea of how things should be done.

Mr. CRAMTON. Would the lady mind yielding?

Mrs. KAHN. No.

Mr. CRAMTON. I am not so sure that the approval referred to in the telegram is not a matter of controversy, but to pass that for the present, the lady hardly gives quite justice to the Secretary of the Interior in the statement as to no attention being given the matter until 1927. Of my own knowledge I know the department had up with the city of San Francisco the question of certain compliance with the act in connection with the removal of the railroad tracks, and so forth, from one to two years earlier.

Mrs. KAHN. This was the first time a formal notice was served.

Mr. CRAMTON. Yes; a formal notice.

Mrs. KAHN. Following the city's receipt of this notice Mr. Mather, Director of National Parks, on August 8, 1927, appeared before the board of supervisors in San Francisco; and while admitting that he could not commit the Secretary, outlined his views as to what the Department of the Interior considered were the obligations of the city under the Raker Act, indicated the order in which he—and it is presumed the Department of the Interior—desired the city to proceed to carry out its obligations, and gave an estimate of cost of doing this work to meet the requirements or standards of construction which the depart-

ment would adhere to for the roads to be built. This estimate totaled $1,628,500. The work outlined practically ignored the work already done by the city in compliance with the Raker Act, and the cost estimate indicates very highly exaggerated ideas as to the manner in which specific items of construction should be carried out by the city.

The city officials, naturally enough, took exception to the interpretation of the Raker Act, with respect to the city's obligations, as thus presented by Mr. Mather. A letter was prepared by the city attorney outlining the city's views of the matter, noting the points of difference between the city and the Interior Department, and indicating the work which the city was willing to proceed to do. This was forwarded to the Interior Department October 13, 1927.

Later the Attorney General was called upon for an opinion, which was released last Wednesday, May 16, and which admittedly must be read from the viewpoint of the Solicitor of the Interior Department. That opinion may have its day in court, and its worth can be tested then.

The differences of opinion between the Federal Government officials and the city hinge largely upon the question of what type of road is necessary to satisfy the requirements of the Raker Act for roads to be constructed by the city. The Interior Department is calling for roads having construction standards suitable for heavy, high-speed motor-vehicle traffic; in fact, roads which might properly be termed "boulevards."

The city can not reasonably be expected or required, under the terms of the Raker Act, to construct at its own sole expense roads of such high standards.

At the time the Raker Act was approved, motor vehicles were not in common use in the mountain regions. All mountain roads, and most roads elsewhere as well, were simply wagon roads, built to serve the needs of horse-drawn vehicle traffic, without any thought for the possible future requirements of such traffic developments as have occurred since that time. The roads in the Yosemite National Park were no better than those in the adjacent mountain country, and motor vehicles were not permitted to enter the park. In such regions the word "road" was always understood to mean wagon road.

The roads already constructed by the city in connection with the water-supply development are in general of higher types of construction than would have been necessary under the act at the time of its passage. The city voluntarily exceeded the Raker Act requirements, partly for greater convenience in the use of the roads incidental to the water-supply development and partly for permanent public convenience.

Some of the specific requests contained in this notice exceed the requirements of the Raker Act, reasonably interpreted; others are reasonable and will be complied with by the city at the earliest possible time.

Briefly stated, the city's position in these matters is as follows:

The city has complied, and will continue to comply, with the obligations imposed in the Raker Act, reasonably interpreted in fairness to both the city and the Federal Government. The city has not at any time sought and does not now seek to evade any of its just obligations under the provisions of the Raker Act.

The city has received no formal written request prior to that of July 7, 1927, for compliance with specific requirements of the act. Nevertheless, the city has already done a great deal of work in fulfillment of such specific requirements. Most of this has been on the city's own initiative, generally as such work became necessary or convenient in connection with the Hetch Hetchy water supply construction program. Some such work has been in compliance with informal requests of Government officials made from time to time. Payments to the Government, as required by the act, have been promptly made. Yet the implication of the notice is that the city has not complied with any of the Raker Act requirements set forth in the notice. Emphatic exception is taken to this implication, which is very far from fact, as I will endeavor to show later.

The city is willing to proceed as rapidly as is reasonable to fulfill any requirements not already met, according to such program and in such manner as may be satisfactory to the Secretary of the Interior, within the spirit of the Raker Act.

San Francisco most emphatically takes exception to any intimation that she has been derelict or dilatory in complying with her obligations. The city has from the time of acceptance of the Raker Act "reasonably complied with and carried out" (I quote the exact language of the Raker Act) the conditions specified in the act, and is now reasonably complying with and carrying out those conditions.

It is only recently that the city completed the initial stage of construction of its work in the Yosemite National Park and the Stanislaus National Forest. The first four years of work were also the four years of the World War, and during that period and the subsequent two or three years of readjustment the work was very much hampered by difficulties of financing and of obtaining labor and material. Construction was thus thrown far behind schedule, and it was necessary to devote every effort and every obtainable dollar to essentials. It was not practicable to expend funds on projects having no immediate value in connection with the main construction job, such as the road from Mather to Harden Lake. However, nearly all of the requirements of the Raker Act for road and trail construction could be fulfilled, and in formulating the bill it was intended that they should be fulfilled by the construction of roads and trails necessary as parts of the communication system of the city's water supply construction work. Such roads and trails were, of course, built, each as necessity arose.

The city has provided a road 9 miles long extending from Mather Station (Hog Ranch) to Hetch Hetchy. This was used as the roadbed of a portion of the city's 68-mile railroad line from the Sierra Railway to Hetch Hetchy. Two years ago the track was removed and the grade was resurfaced for automobile traffic, it being understood that when, in the future, it becomes necessary to put the railroad back into service for future construction work the track may be replaced by the city. The road has cost about $250,000 and has a maximum grade of 4 per cent, and the surfaced width permits two cars to pass safely and comfortably at all points. The road is far superior in all respects to that leading to Mather from Yosemite Valley, or any other road in the park outside of the Yosemite Valley and the lower Merced Canyon, and unquestionably far superior also to the type contemplated in the Raker Act, which specifically calls for a wagon road from Hog Ranch to Hetch Hetchy. The city has far exceeded its obligations in connection with this road, but the department schedule calls for a further expenditure of $270,000 on this item. The only way such a sum could be spent on the road would be to put a high-class concrete pavement about 8 inches thick on the entire length of it.

The city built a road from Hetch Hetchy to Lake Eleanor via McGill Meadow and a trail from Lake Eleanor to Cherry Valley as required by the Raker Act. This work cost about $60,000. The Raker Act calls for a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow. This language indicates that a high-class road was not contemplated. The road has a 14-foot minimum width, 12 per cent maximum grade, and the route and plans were approved by Secretary of the Interior Franklin K. Lane December 30, 1916. As constructed it fulfills the Raker Act requirements; yet Mr. Mather, representing the Interior Department, is now asking that the city construct an entirely new road in its place at an estimated cost of $800,000.

The city cooperated at considerable expense in the improvement of sections of the Big Oak Flat Road from the confluence of Moccasin Creek and the Tuolumne River to the middle fork of the Tuolumne River, performed extensive reconstruction work to improve the grade and alignment of that road, and has contributed labor, material, and equipment toward the maintenance of the road. This road, a State highway, traverses the Stanislaus National Forest. It is the only direct connection from the west to the Tioga Road, and is one of the three most important routes to Yosemite Valley. The work done by the city materially improved conditions for travel to and from Yosemite National Park and through the Stanislaus National Forest.

The city reconditioned and to a large extent reconstructed the old road extending from the Big Oak Flat Road near South Fork to Mather, north of the middle fork of the Tuolumne River. This road had been virtually abandoned, so that the city's work in effect opened a new route to Mather.

Commencing with the year 1919, the city has, as required by the Raker Act, paid the Government $15,000 annually in cash, making the total of such payments to date $135,000. For the 10-year period 1929–1938, the annual payment is to be $20,000 and thereafter $30,000.

While the Hetch Hetchy Railroad was in operation, Government officials and employees of the National Park and Forest Services were carried free of charge, and the privilege of free freight haul was extended them.

Free use of the city's telephone lines is allowed the Government.

The city has also performed many services for the United States Government, some of which are and some of which are not required by the Raker Act. The city has never been niggardly in complying with the reasonable requests of the national park and national forest authorities.

WORK REMAINING TO BE DONE UNDER THE RAKER ACT

The Raker Act also calls for a road to connect from Hog Ranch to the old Tioga Road passing Harden Lake. Early in

1927, on the request of the Director of Parks, the city paid over to the National Park Service the sum of $6,000, to be expended for a survey of this road under the direction of the United States Bureau of Public Roads. On completion and acceptance of the survey, the necessary financial arrangement to comply with the obligation in full should be made as soon as possible. However, the Interior Department is demanding a road of a much higher type than the existing park roads and much higher than that contemplated in the Raker Act. The estimate of the cost of this road is $480,000. The road as now proposed by the Bureau of Roads requires only the addition of a concrete pavement to make it fully equal to the highest class of main trunk two-line highways. Now, of course, the road actually to be constructed should be of whatever type may be necessary to provide for the class and volume of traffic anticipated by the park service, but the city's obligation would be fully met by contributing toward the cost of the road a sum sufficient to pay for the construction, at the present time, of such a road as was contemplated in the Raker Act, the Federal Government paying all excess cost made necessary by the adoption of higher construction standards. The city is ready to contribute the sum of $250,000 for this purpose. This amount is certainly more than necessary to fulfill the Raker Act obligation to the letter.

The obligation for a trail along the north side of Hetch Hetchy Reservoir and a trail from that trail to Tiltill Valley and Lake Vernon is accepted without question by the city, and surveys are now being made and these trails are to be constructed during the coming year, provided approval of the location is had within reasonable time.

LAND CONVEYANCES

Section 9 (t) of the Raker Act provides:

That the grantee herein (the city) shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto, not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act.

The requirement of this section extends only to land owned by the city at the time of adoption of the act and not actually required by the city for use. There is no obligation upon the city to convey to the United States land required for use or acquired after the adoption of the act. Certainly land below the high-water line of any existing or proposed reservoir, land adjacent to a reservoir and required for sanitary control, and other land that will be used in connection with future construction are "actually required for use."

The discussion before Congress previous to the passage of the Raker bill clearly shows that it was the intention that lands owned by the city and suitable for use for recreational purposes within the national park and adjacent national forest area should be transferred to Government ownership. It was never intended that the reservoir lands be surrendered by the city.

The request for land conveyances in the Secretary's notice of July 7, 1927, clearly exceeds the requirement of the Raker Act. It includes all land owned by the city within the national park at the present time, whether in use or not, except a tract of 80 acres in Poopenaut Valley, which last, however, Mr. Mather has not neglected to include in his own demand. The request includes land below the flow lines of Hetch Hetchy and Lake Eleanor Reservoirs, lands immediately adjacent to the flow lines, and two tracts acquired by the city after the adoption of the Raker Act.

Certain very important clauses of the Raker Act empower the city to exercise sanitary control on the watershed tributary to its reservoirs and points of diversion. Section 9 of the act includes the following provisions:

No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

No person shall bathe, wash clothes, or cooking utensils, or water stock in, or in any way pollute the water within the limits of the Hetch Hetchy Reservoir, or any reservoir constructed by the said guaranty (city) under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and "Early Intake" of the aqueduct.

In connection with such sanitary control, it is necessary for the city to reserve such portions of its lands in the national park and national forest as lie along the margins of reservoirs and important streams, and certain other lands for the use of sanitary officers to be employed by the city to enforce sanitary regulations.

Lands covered by the requirements of section (t) and not required for use under the provisions of the act are now being transferred to the United States by the city.

It has been stated by the Director of the Park Service that all of the city's lands within the park should be transferred to the United States as an evidence of good will and to conform to the desire of the park service to have all land within the park boundaries under one control. However, the objectionable features of ownership of land within the park by private parties do not exist in regard to ownership by the city, and it is difficult to see that any benefit to the Government would result from conveyance of all of the city's land necessary for water use.

SUMMARY OF THE FOREGOING

Far from having failed to carry out its obligations under the Raker Act, San Francisco has already expended sums aggregating in the neighborhood of $400,000 in the construction of roads and trails to comply with the Raker Act requirements, and is ready to spend some $300,000 additional on the remaining items, making a total expended and to be expended of about $700,000 on these roads and trail items.

Mr. CRAMTON. Would the lady mind an interruption?

Mrs. KAHN. Not at all.

Mr. CRAMTON. The lady has quoted certain regulations, but where is there anything in the act to give the city of San Francisco the right to enforce any regulation or, as the lady has said, any control whatever?

Mrs. KAHN. The water released from Hetch Hetchy Reservoir flows for a distance of 12 miles down the Tuolumne River to a diversion dam at a point called "Early Intake," where the water is turned out of the river into the city's aqueduct. Any contamination entering this portion of the Tuolumne River would be carried directly to the aqueduct. This aqueduct is now actually serving as the source of water supply for about a thousand persons located in the city's power plant operators' quarters and in the various construction camps at which further aqueduct construction is now being prosecuted. The sanitary measures provided for in the Raker Act must be enforced for the immediate benefit of these people, and the city has merely been endeavoring to enforce these regulations in a practical manner in accordance with the recommendations of the Board of Health of San Francisco, just as it will be necessary to enforce them for the benefit of the whole population of San Francisco a few years hence when the water will be conveyed on to San Francisco on completion of the remaining divisions of the aqueduct. There has never been any thought of attempting to exclude tourists from the watershed as a whole.

Pursuant to its policy of keeping the watershed clean, the city in 1927 established a public camp ground on its property at Mather Station, with water supply and sewerage systems costing about $50,000. There the tourists will be less than one-half hour's drive from Hetch Hetchy and will be much more comfortably accommodated than they could possibly be anywhere else in the vicinity.

If the city's regulations have interfered to a slight extent with the freedom of movement of a small fraction of the total number of tourists—possibly 100 annually would be a fair figure to set as a maximum—on the other hand, the health of nearly a million people in San Francisco and the neighboring communities is a pretty heavy weight on the other side of the balance and the city should have the active cooperation of the park authorities instead of resistance and opposition.

POWER DISPOSAL

The gentleman from Michigan alleged that San Francisco is violating the Raker Act by selling power to a private corporation. The fact is that the city of San Francisco, not having any distributing system for its power, and not having at the time adequate bonding capacity to provide a complete distributing system, entered into an agency contract with the Pacific Gas & Electric Co. and is delivering power to that company at a substation near San Francisco Bay for distribution through this company acting as agent for the city. The contract is subject to termination on 24 hours' notice, this provision being intended to permit the city to withdraw from the arrangement at any time that it may come into possession of a distributing system either by purchase or by construction. In the meantime, the city has entered proceedings before the State railroad commission for a valuation of the existing power companies' distributing systems, looking toward purchase through either negotiation or condemnation.

TREATMENT ACCORDED OTHER CITIES BY FEDERAL GOVERNMENT

There are many who believe that San Francisco was forced into the bad end of a hard bargain by the inclusion of a number of unnecessary and unjustified conditions in the Raker Act. It is indeed difficult to see why the Federal Government should be concerned with the apportionment of water between San Francisco and the irrigation districts. It is hard to understand why San Francisco should be required to make annual payments to the Government in perpetuity in addition to the contributions required in the form of road and trail construction and maintenance for the public benefit.

And so I have spoken to uphold the fair name of San Francisco—open-hearted, generous, kindly, hospitable—endeavoring to fulfill her every duty, her every obligation; fitting herself and her citizens for the great future that lies before them, the westward outpost of our great country, the sentinel of the Pacific, in that great State that "lies nor east nor west, but like a scroll unfurled where the hand of God hath hung it—down the middle of the world." [Applause.]

SECOND DEFICIENCY APPROPRIATION BILL

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon certain portions of the deficiency bill that passed yesterday.

The SPEAKER pro tempore (Mr. HOOPER). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, the House yesterday passed the deficiency appropriation bill, H. R. 13883. There were included in the bill some items of vital interest to the development of the State which I have the honor to represent.

Two items which particularly are of direct and far-reaching importance in the future development of the State were included in the bill, the development of the Middle Rio Grande Valley, N. Mex., and the raising of Avalon Dam, Carlsbad irrigation project, New Mexico.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

The first of the items mentioned had its origin with the residents in the middle Rio Grande Valley, principally the people located in the city of Albuquerque, N. Mex.; the people of other towns and villages in the valley cooperated with the city of Albuquerque in forming the Middle Rio Grande Conservancy District. The district was organized under and pursuant to chapter 140, session laws of the State of New Mexico, in 1923. This law was drawn with the view of securing the cooperation of the Government of the United States. Authority was vested specifically therein authorizing the cooperation with the United States in making surveys, investigations, and reports as well as in constructing, maintaining, using, and operating the improvements to be made.

The act approved February 14, 1927 (Public, No. 620, 69th Cong.), authorized an appropriation for reconnaissance work in conjunction with the Middle Rio Grande Conservancy District to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of reclamation, drainage, and irrigation. The survey was thus permitted to go forward and completed.

On March 13, 1928, a further act was approved. This was the act (Public, No. 169, 70th Cong.) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

There was considerable struggle to enact the above act, but it was finally passed and thus permitted a contract between the Conservancy District of the Middle Rio Grande Valley, N. Mex., and the Secretary of the Interior. One hundred and thirty-two thousand acres of land within the valley, adjacent to the city of Albuquerque and the other towns of the valley, will be reclaimed, drained, irrigated, and a complete plan of flood control will be provided.

The press of that section of New Mexico has said that this legislation is one of the most forward steps in building and developing that part of the State that has been accomplished since statehood. The appropriation of $100,000 was not included in the deficiency appropriation bill, as reported to the House. It is said that this appropriation was held up because certain Indian legislation which had passed the House and Senate, pertaining to the Acoma Pueblo Indians (H. R. 11479), had been recalled and was being held up without passage in the Senate; the legislation was urgently demanded by the Bureau of Indian Affairs. That legislation, as well as that for which the appropriation of $100,000 is sought, should be enacted.

The purpose of the appropriation was to carry forward the contract between the Government and the conservancy district, which had for its purpose the irrigation, reclamation, drainage, and flood control of 23,670 acres of Indian land, for which the Government contracts to pay the Indian share of the same, $1,593,311. This $100,000 is the first installment toward the carrying-out of that contract on the part of the Government with the Middle Rio Grande Conservancy District.

I was taken by surprise when I found the appropriation was not included in the bill. In tracing the item from its recommendation by the Commissioner of Indian Affairs to the Bureau of the Budget, and the latter's approval of the same to the Committee on Appropriations, I was assured that the appropriation would be included. Finding that it was not included, I sought the chairman of the committee and requested from him and other members of the committee permission to offer an amendment on the floor; the amendment which I offered is as follows:

On page 30, line 4, insert a new paragraph:

Middle Rio Grande conservancy project, New Mexico: For payments to the Middle Rio Grande Conservancy District, in accordance with the provisions of an act entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes," approved March 13, 1928, fiscal year 1929, $100,000 (reimbursable).

The amendment was agreed to.

It is to be hoped that from now on this development will go forward, so that the entire area contained within the conservancy district may at the earliest time possible be developed, with full cooperation from the Government, through the officers of the Bureau of Indian Affairs. There is opportunity for speedy growth of a desirable population in this healthful locality, which has great possibilities along agricultural and horticultural lines.

AVALON DAM, CARLSBAD PROJECT, NEW MEXICO

The other project that the people of New Mexico may feel great satisfaction in is the carrying forward and construction of Avalon Dam, Carlsbad, N. Mex., which will, when completed, afford a complete water supply for the 25,000 acres of land now under irrigation under that project.

This project when first taken over by the Government in 1904 had for irrigation at that time a dam known as the McMillan Dam. This reservoir had been condemned by four engineers of the Government in their report made under date of August 31, 1905. The report stated as follows:

Lake McMillan is a leaky reservoir and the leakage is so great as to practically destroy its value, except for temporary and auxiliary storage.

At the time this project was taken over by the Government the condition of that reservoir was known, and it was contemplated and agreed that the Government would construct for that reclamation project a new reservoir. From that time up until the proposed construction of Avalon Dam the Government has failed to carry out its promise.

There was an attempt made by the Government in the year 1912 to raise McMillan Dam, to provide storage for 5,000 acres additional; at that time 20,000 acres were under irrigation. The result was the expenditure of $395,747.40; of this sum $164,383.62 was for the acquisition of flowage rights which the Government admitted was a mistake made by the Government.

The total expenditure was of no value to the project, but caused a greater leakage and less storage in McMillan Reservoir.

In the charge off that occurred upon the reclamation projects, under the act which passed the House on May 3, 1926, and the Senate on May 17, 1926, and which received the approval of the President, there was deducted by the charge-off bill from the total cost of Carlsbad project the sum of $374,885.69, on account of error in providing for additional storage in Lake McMillan. This was the first move by which this project began to recover, and from that time on to the present there has been an effort, by various conferences with the Reclamation Service, to secure an adequate water supply and the construction of a dam at site No. 3, or at the Alamogordo site near Fort Sumner, N. Mex., to provide both Carlsbad and Fort Sumner irrigation projects with a permanent water supply.

Three outstanding irrigation engineers were appointed by contract between the Government and the Pecos Water Users' Association and the Fort Sumner project. The engineers selected in pursuance of this contract dated May 10, 1926, were Louis C. Hill, Oro McDermith, and S. O. Harper. The specific matters to be reported were outlined in article 5 of the contract, as follows:

It is understood that the board shall, among other things, consider the feasibility of (a) a reservoir at the so-called site No. 3, Carlsbad

project; (b) a reservoir at the so-called Alamogordo site to furnish supplementary storage for the Carlsbad project and for the irrigation of lands in the vicinity of Fort Sumner, with or without storage at site No. 3; (c) a reservoir to be constructed at Alamogordo site for lands near Fort Sumner alone; (d) the question of available water supply for both projects named, with the inclusion of such additional land, if any, as may be found feasible.

The engineers filed their report in July, 1927, eliminating all sites except the raising of Avalon Reservoir to the elevation of 3,200 feet, to store 50,000 acre-feet of water, the cost of which was estimated at $857,527.

The geologist, Mr. Kirk Bryan, delayed his report until January, 1928. The recommendation made by him was to raise the Avalon Dam to the 3,192 elevation; this was contrary to the report of the engineers.

The Commissioner of Reclamation considered the geologist's report as unfavorable and declined to make a recommendation for an appropriation, unless the matter was further passed on by another geologist. A geologist from Leland Stanford University was selected to make the report; his recommendation was to raise the dam to the 3,200 elevation. The Commissioner of Reclamation still declined to make a recommendation after the disaster to the St. Francis Dam in California.

Again engineers were requested to make further report, and a special inspection for the Bureau of Reclamation was made in the closing days of April, 1928, by Mr. D. C. Henney, Mr. Foster (consulting engineer), and Mr. Walters, of the Denver office, chief engineer of the western irrigation projects.

A complete report was made and the recommendation was the Avalon Dam should be raised to the 3,200 elevation. The deficiency appropriation bill carries the first installment for this purpose in the sum of $250,000.

It is with a certain degree of satisfaction that after a period of 24 years the Government is now going to complete this reservoir and make this project permanent for the irrigation of 25,000 acres of land.

The appropriation for these two projects carried in the bill has caused me to feel considerable satisfaction with what efforts I have put forward toward the success of getting these matters in a position of permanency in my State of New Mexico.

FUNCTIONING AS AN INTERPRETER FOR SOCIAL DEMOCRACY—AN EXPLANATION OF SOME OF THE BILLS I HAVE INTRODUCED

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BERGER] is recognized under the special order for 45 minutes.

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, I appreciate your courtesy in granting me time at present to explain some of my bills. I am well entitled to the time, however, as the only Representative in this House of a school of opinion which has several million adherents in our country. Moreover, I have never tried to obstruct the business of the House, even when I was sorely tempted to do so.

Mr. TILSON. I thank the gentleman personally; he has been helpful rather than obstructive.

Mr. BERGER. I appreciate this remark of the gentleman from Connecticut.

Mr. Speaker, I am a pioneer, as you know.

SOWING THE SEED—FUTURE GENERATIONS WILL HARVEST

And remember, ladies and gentlemen, the lot of the pioneer is always a hard lot, no matter which the line or what the field. Whether a man goes out into the primeval forest to blaze a path for civilization and build a home for his family, whether a man finds new facts for science and medicine, the pioneer always has to overcome immense difficulties. And especially in new lines of thought one has to combat tradition, prejudice, ill will, misunderstanding, hatred, and a thousand other obstacles.

Nowhere is this more evident than in the realm of law and politics, where usually old-established economic interests and social prerogatives are well intrenched. After all, however, this pioneering work must be done in every line by somebody, or else humanity would come to a standstill. We Socialists are simply sowing the seed for future generations to harvest.

Even in my lifetime I have seen many an idea which we Socialists have originated, and which was denounced at first as anarchistic, un-American, and dangerous, become a part of the law of this country—Federal as well as State and municipal.

To interpret the Socialist position, I have introduced a number of bills in this House, some of which I shall discuss in the short time allotted to me.

SOCIALISTS ARE OPPOSED TO ANY VIOLENT REVOLUTION

These bills will give you, ladies and gentlemen, and also the people of the country, some idea of our hopes, fears, and ambitions.

These bills in themselves ought to set at rest any speculation caused in the average man by the fear of the unknown.

All I can do is to introduce bills that show what the Socialists would do as a party if they had the power. These measures, and many others like them, will sooner or later become the law of the land, if we are to avoid a social explosion like the one in France at the end of the eighteenth century, which cost Europe 5,000,000 lives. Or the one in Russia 10 years ago, which has cost, according to some figures, about 2,000,000 lives, and is still far from being finished.

Now, we Socialists are opposed to any violent revolution.

And I especially do not want any because I am convinced that a violent revolution would probably take on a worse aspect in this country than anywhere else. Anything bad in our country is done more thoroughly, you know.

Now, as to a few of the bills which I have introduced this session.

FEDERAL AID TO REDUCE ILLITERACY

Mr. Speaker, ladies and gentlemen, on January 30, this year, I introduced a measure proposing Federal aid to the various States for the purpose of reducing illiteracy.

The bill provides that the Federal Government appropriate $2,000,000 annually for the next six years—that appropriation to be apportioned among the various States in proportion to their percentage of illiteracy, but subject to the requirement that each State appropriate a similar amount.

The United States was one of the first nations to make an elementary school education generally available. It is therefore unfortunate that our great and rich country should now be trailing other and poorer nations which started later than we did.

Mr. FLETCHER. The gentleman says we are lagging behind other countries.

Mr. BERGER. Yes; in comparison with other countries.

Mr. FLETCHER. By illiteracy, the gentleman means those who can not read or write?

Mr. BERGER. Yes, sir.

Out of every 100 Americans over 10 years of age, 6 are unable to read or write their names, according to the Federal Census.

RICHEST NATION COULD WELL AFFORD TO BECOME MOST LITERATE

We have a larger percentage of illiterates than France, England, Wales, Scotland, Sweden, Norway, Netherlands, Switzerland, Denmark, or Germany.

Germany, for example, has practically no illiteracy—the percentage being 0.03 per cent. In the United States the percentage of illiteracy is 7.7 per cent.

Our 5,000,000 adult illiterates are just about equal to the total population of the continent of Australia.

And the percentage of illiteracy, according to the Census Bureau, for native whites of native white parentage is decidedly higher than for native whites of foreign or mixed parentage.

All of that is not only unfortunate, but it is also unnecessary.

We claim—and rightly so—to be the richest nation on earth. We can very well afford also to make it the most literate.

ILLITERACY BEGETS TYRANNY AND MOB RULE

The menace of illiteracy is especially threatening in a democracy, where so much depends upon the people's ability to read and write.

We may assume that the communist régime would not have made the headway in Russia, and Fascism would not have taken root in Italy and replaced democracy, if there had not been so much illiteracy in those two countries. And in the degree that illiteracy will disappear, democracy will assert itself.

And as to our own country—where illiteracy is greatest, as in the South—such groups as the Ku-Klux Klan and other mob movements, are able to get their start and even make headway for a while.

ONLY OBLIGATION OF STATE TO PAY EQUAL SUM TO THE FEDERAL GOVERNMENT

Even the most faithful adherent of State rights need not fear to support this bill.

My proposal does not shift the problem from the State to the Federal Government. Nor does it deprive States of any of the rights they now have. In my bill education still remains a State matter.

The State still continues to have full control and every right, as in the past. All that I propose to do in this bill is to encourage the States to increase and improve their educational facilities, and thereby reduce illiteracy.

By acquiring the benefits of the Federal appropriation the States only assume the obligation to pay an equal sum with the Federal Government for the abolishing of illiteracy. The States will thereby benefit and the Nation will benefit.

NEWSPAPERS EXPRESSED GENERAL APPROVAL

Congress has set a precedent for this by making Federal appropriations for good roads. And everyone will agree that abolishing illiteracy is worth at least as much to the Federal Government and to the Nation as good roads. And the cost of the plan under my bill is surely not prohibitive. It is rather moderate.

I might add that the comment which the bill caused in the press all over the country shows a general approval of this measure.

So much for this.

A BILL TO GUARANTEE FREE SPEECH

Mr. Speaker, ladies and gentlemen, a bill "to put teeth" into the first amendment to the Constitution by passing an enforcement act was introduced in the House by me on February 14 last. This measure makes it a Federal offense to violate the provisions guaranteeing freedom of speech, of the press, and of orderly assembly. It makes violations of the first amendment a felony punishable by two years' imprisonment or by a fine of $5,000, or both.

Much is being said about "putting teeth" into the eighteenth amendment—the prohibition amendment. Putting teeth into the eighteenth amendment has become a favorite phrase of the Anti-Saloon League ever since the "dry" amendment was adopted.

It has never been suggested by any group of these "whisky reformers," however, to put teeth into the first amendment to our Constitution, which is much older and certainly much more important.

JEFFERSON AND HAMILTON BELIEVED AMENDMENT MOST ESSENTIAL

Thomas Jefferson and Alexander Hamilton did not agree on many things. Thomas Jefferson and Alexander Hamilton, nevertheless, agreed that the first amendment, which guarantees the right to speak freely, write freely, and peaceably to assemble, was the most important amendment of our Constitution.

All thinking people believe with Thomas Jefferson and Alexander Hamilton that the first amendment—guaranteeing free speech and a free press—is most essential to the preservation of the fundamental rights of Americans.

FIRST AMENDMENT STANDS FOR FREEDOM

This amendment is also remarkable as being one of the few provisions of the Constitution which, instead of limiting liberty, extends it. For instance, the eighteenth amendment undoubtedly restricts personal liberty, which the first amendment undoubtedly extends.

Moreover, I believe that the first amendment can be enforced fully, because it means freedom; while the eighteenth amendment can never be enforced entirely, because it forbids freedom.

WE HAVE DIFFERENT KINDS OF AMERICANS NOW

Unfortunately, human liberty meant more to Americans in the eighteenth and nineteenth centuries than to the American to-day.

Certain American business men to-day worship Mussolini, who bragged that he "wipes his feet on liberty," and who abolished the last vestige of democracy in Italy. These same business men find fault with the Russian Communists, however—not because they abolished democracy but because they violated the sacred rights of private property.

Wealthy Americans to-day envy Italy, Spain, and Turkey their dictators. One hears every day business men deploring the fact that Congress is in session, and that the Senate is investigating "big business" and the methods of oil magnates and of the Power Trust.

Some business men even express the wish that Congress would adjourn forever.

A Member of the other House who represents big business made the pious statement not long ago that if he were dictator one of the first things he would do would be to abolish the Federal Trade Commission and the Interstate Commerce Commission. Why? Because they occasionally expose the corrupting influences of big business.

BUT THEY WOULD JAIL THOMAS JEFFERSON

We hear a great deal of Americanism and Americanizing, of course. There is much lip service paid to our Constitution. Capitalist newspapers give prizes for the best essays on the Constitution. But the most important parts of that Constitution are now dead letters—and are to remain so, as far as these newspapers are concerned.

Americanism now means that children and immigrants must learn how to salute the flag.

And patriotism to-day means military display—Navy Day, Defense Day, Flag Day.

And democracy, if it means anything at all, means jobs for "deserving Democrats"—and the hope that Al Smith will get a chance to shake the "plum tree." [Laughter.]

If Thomas Jefferson would arise from his grave to-day, the Democratic statesmen of the South would put him in jail immediately as a dangerous radical. [Applause and laughter.] Jefferson said that violent revolutions are needed every 25 years to preserve liberty. [Laughter.]

CONDITIONS IN RUSSIA, ITALY, PENNSYLVANIA, AND COLORADO

There can be no question that the right of the people to speak freely, write freely, and to have the right to assemble for the purpose of discussing their grievances lie at the basis of all other rights.

But free speech has become next to impossible in our country, especially whenever strikes and economic problems are in question.

Everywhere in the civilized world strikes are now recognized to be the leading economic weapon of the working class—except in Russia, Italy, Pennsylvania, and Colorado. [Laughter.]

CHURCH HYMNS CONSIDERED REVOLUTIONARY IN PENNSYLVANIA

Even the right to worship has been denied in Pennsylvania.

Judges disposed to do the bidding of the mine owners in Pennsylvania have not only enjoined the strikers from congregating, from holding meetings, from speaking to each other, but in one instance the injunction even provides that the men and their families shall not gather at the church to sing religious hymns, because the company complained that the singing of these hymns inflames the strikers.

The same judge has even forbidden the strikers, most of whom are actually starving and homeless, from receiving any kind of aid from others, thus sentencing thousands of miners and their families to starvation.

NOT AS WELL ORGANIZED AS IN WESTERN EUROPE

Mr. Speaker, have the American people lost their faith in democratic institutions? There seems to be less concern in our country about the loss of civil liberties than in any western European country. There is surely less resistance among our folks against Federal, State, and local tyranny. We have truly become a docile people.

The trouble is that our American working class, apart from the farmers, is mostly made up of aliens and semialiens.

Furthermore, it is made up of all kinds of nationalities, races, and religions, who have little love for each other and little coherence with each other. Certain employers play upon these animosities. These are the reasons why the American proletariat is the most poorly organized of any working class of any civilized western European country.

SO HAPPY WITH "BREAD AND GAMES"

Owing to the colonial conditions that still prevail to a certain extent—the standard of living is higher in America than in Europe and the living conditions are undoubtedly easier—especially since the war has turned most of Europe into a poorhouse. That explains the psychology of being "satisfied with anything at all" of the immigrant worker.

Nevertheless, even the native American is satisfied if he has enough to eat, can go to a "movie" and see a game of baseball or a prize fight occasionally. If, on top of all that, he is permitted to have a cheap automobile and a little "radio" on monthly payments, and in some places a little home brew, then the goal of his wishes has been reached.

The slogan in our country to-day, like in Rome of antiquity, seems to be "Panem et circenses," bread and games. But in old Rome bread and games were furnished free; here the populace must work for bread and pay admission whenever they want to see a game.

AND REVERE THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. Speaker, we have all but stopped immigration, even immigration from Germany, England, and the western countries of Europe, where people on the whole have a high average education.

We are trying now to mold them all into one form, which we proudly call the American mold.

All are to think alike and to speak alike and to act alike. All are to believe that the present social, political, and economic order is the best that the world has ever produced or ever can produce, and that our Constitution, which was patched up nineteen times, is the most perfect and the most sacred document ever received by man since the decalogue.

And we are teaching the young people in the public schools to salute the flag and to revere the Daughters of the American Revolution [laughter] and to believe that if anybody wants cheaper electric service he is a bolshevik. [Laughter.]

SUPERPOWER SYSTEM IS SUPERIMPORTANT

Mr. Speaker, ladies, and gentlemen, on April 30, 1928, I offered a bill providing for a national public superpower system.

The bill contains features for the conservation of the Nation's natural resources—the coordination of irrigation and flood control, navigation, and hydroelectric power production—the enlargement and expansion of the Reclamation Service in the field of agriculture—and also Federal aid to States, counties, districts, cities, townships, and other political subdivisions in the development of a superpower system, with service at cost.

SOCIALISTS WARNING TO PREDATORY WEALTH

In proposing public ownership and public control of superpower the Socialist Party and the Socialists in general are the most conservative and genuinely conserving force at work in our Nation to-day.

And let me warn you that the predatory interests, and especially those that are now in the Power Trust, are doing all they can to bring about a violent revolution, in which they will undoubtedly suffer the fate of the tyrants of previous epochs and be wiped out entirely, probably with their wives and children. Not only to benefit all the people to-day, but also to prevent a fearful catastrophe, we Socialists are suggesting the taking of steps that will allow for a peaceable and orderly change.

HE FROM WHOM "OIL" BLESSINGS FLOW

John D. Rockefeller, jr., has just admonished the big oil magnates—connected with Teapot and oily "jack pots"—to be honest. This gesture of piety must have impressed some people. Do you know why he asked Col. Robert W. Stewart to resign as chairman of the board of the Standard Oil Co. of Indiana?

Colonel Stewart revealed in his testimony before the Senate committee that $759,500 of the bonds of the Continental Trading Co., which company netted a profit of $3,000,000, he put to his personal account in the bank.

Stealing from the Government is one thing, but grabbing from the Standard Oil is another. We must draw a line somewhere. Is it any wonder that John D., jr., became indignant to the point of demanding honesty in "big business"?

Moreover, after a man is a multimillionaire it pays him to preach honesty so that people will respect his ownership and should not by wicked means try to get his wealth away from him. [Laughter.]

There can be no doubt, however, that the superpower lobby and the interests it represents constitutes to-day one of the most corrupting influences in the United States.

THE CORRUPTING INFLUENCE OF THE SUPERPOWER UTILITY COMPANIES

The Federal Trade Commission during recent weeks has been piling up a mass of documentary evidence and direct testimony which proves that the utilities industries are engaged in a campaign of propaganda and corruption of enormous proportions. The object is to influence public thought and legislation against public ownership in any form, against Federal legislation, and specifically against the Boulder Dam and Muscle Shoals bills.

During the war we have become familiar with many forms of propaganda, but the superpublicity experts employed by power companies have improved upon the system and brought it to a state of perfection. [Applause.]

Pinning the bolshevist label on opponents and undertaking to censor school textbooks are samples of this high-power efficiency.

Mr. FLETCHER. Is Dr. Frank Bohn a member of the Socialist Party?

Mr. BERGER. He was, but he left the socialists during the war. During the war Bohn was in charge of the American spy system in Switzerland—in charge of our so-called secret information service in Geneva.

Mr. FLETCHER. Was he associated with "Big Bill" Haywood?

Mr. BERGER. I do not think he was, but it is possible. Bohn was a socialist, and Bill Haywood was an I. W. W. You know occasionally a black sheep will get into any party, but the socialists kick them out.

Facts in the Power Trust case are as follows:

WILL BECOME EITHER THE SLAVE OR THE OVERLORD OF NATION

The next phase of civilization will be based upon the general use of electric power. The home as well as the factory and the farm will be dependent upon the general extension of this power. If this superpower is wisely controlled for the benefit of all the people, it will become the slave of the Nation.

If it is not publicly controlled, but left in the hands of a few overlords to be used for their greed and profit, that power is bound to enslave humanity.

CONCENTRATION RAPIDLY PROCEEDING

To-day five companies control almost one-half of all the electric power used in America. About 20 concerns control more than four-fifths of all the electric energy in our country.

This concentration of control has brought with it large and increasing profits to those on the inside who have control. In 1922, for instance, the profits of the electric industry were $338,400,000. In 1926 these profits rose to $587,400,000, which means an increase of more than $250,000,000 in three years.

GREATEST LOBBY EVER ORGANIZED

And hand in hand with this concentration goes the corrupting influence of this octopus. Not only Congress but State and city legislative bodies feel now the presence of this lobby.

It has been well characterized in Congress as the greatest lobby ever organized in this country—and its spokesmen boast that it represents $18,000,000,000.

OCTOPUS BUYS UP PROFESSORS AND HIRES AND FIRES TEACHERS

College professors are getting Electric Trust "retainers" to preach against public ownership and to boost the "advantages" of private operation. Servile colleges get big donations as a reward.

The Federal Trade Commission reports that the managing director of the National Electric Light Association recommended to the trust—that it not only hire and bribe university professors, which it did—but also use all other means to discharge teachers and to remove textbooks that the trust did not want.

This was accomplished in a number of States.

HOW THE POWER TRUST "TAKES CARE" OF ITS FRIENDS

About a year ago Mr. Insull, of Chicago, contributed $200,000 to the senatorial campaign of the chairman of the Illinois Public Service Commission and also a neat little sum to the fund of his Democratic opponent, who happened to be the Democratic boss of Illinois.

In 1922 the electric interests on the Pacific coast acknowledged the expenditure of more than $500,000 to defeat the water and power act of California.

Recent investigations brought out incredible conditions in that respect.

Newspapers and preachers were subsidized, and two former governors and two former United States Senators are among the men retained to help the Power Trust get what the trust wants and keep what the trust has. The trust has spent millions and is ready and willing to spend millions more.

Whenever it is necessary and whenever the agents of the Power Trust think it advisable they not only dine and wine members of legislative bodies, but these agents of the octopus assure such legislators that they "will be taken care of" when they retire to private life.

EVERY ONE OF US HELPS TO PAY THESE WAGES OF SIN

Nevertheless the question has been asked not only by Socialists but even by capitalist papers not yet in the ring of the power companies:

In the last analysis, who is it that contributes the $1,144,000 being spent this year by the National Electric Light Association for propaganda and "educational" purposes?

Why, it is you and I and everyone else who turns on an electric light to read or plugs in an electric iron to press a frock. [Applause.]

All the money comes out of the rates collected from the household consumers of the country. The National Electric Light Association gets a portion of the gross receipts of each electric-light company which records the contribution as an operating expense.

Each of us is thus taxed by a monopoly to provide funds used against us by a propaganda and lobby organization that buys professors, corrupts newspapers, and "influences" legislators. [Applause.]

Of course they want to control "public opinion." It means many millions of dollars every year to them. And we, the consumers, must hand them the money used to corrupt and control public opinion as they choose.

PUBLIC OWNERSHIP

The only way to bring a halt to this menace of wholesale corruption and grand thievery is to adopt the principle of public ownership. Public ownership is not bolshevism, of course.

Public ownership means simplicity of organization, no stock-selling propaganda, and no corruption. It means more than this.

WHAT PUBLIC OWNERSHIP MEANS

It means electricity at home at the cheapest possible price and at the lowest rates. It means the revolutionizing of our industrial life. It means the revolutionizing of our transportation. It means an abundant supply of electric current for every city. It means the revolutionizing of agriculture not only by

cheap fertilizer but by its use for all kinds of work, and especially burdensome work, on the farm, because a 10-horsepower motor is equivalent to the power of 2 teams of 2 horses each and 10 men. It means the conservation of coal, oil, and gas. And it also means the coordination of flood control, irrigation, and navigation and hydroelectric power by the development of our great waterways.

COMPARE RATES IN CANADA WITH RATES IN UNITED STATES

We have before us a most conspicuous example of such public control, even on a comparatively small scale, the case of Ontario, Canada.

Despite the fortune spent by the Power Trust to discredit the efficient example of that Canadian Province, we know that Ontario, starting on a very small scale 20 years ago, to-day owns numerous great generating plants along the Canadian border and is cooperating with 380 municipalities to supply electricity at cost.

From charges ranging from 7 cents per kilowatt under private ownership—the rates have been reduced until in 1926 the average price for domestic users throughout the Province of Ontario was only 1.8 cents per kilowatt—that is, less than 2 cents per kilowatt.

And even this low charge permits the retiring of the bonds issued by the Hydroelectric Power Commission within 40 years.

SAVE OUR COUNTRY FROM BONDAGE

In the United States we permit private companies to whom we have given most of our resources to charge exorbitant rates for the benefit of private bond and stockholders. To judge from the example of Ontario, the profits must be exorbitant. [Applause.]

We can still save future generations from bondage by enacting the bill I have introduced for the public ownership of super power. If you do not adopt this measure, or a similar one in the near future, you are courting grave trouble.

AS TO THE DAWES SCHEME

Mr. Speaker, ladies, and gentlemen, to-day I have introduced a resolution authorizing and directing President Coolidge to call an international conference for the purpose of revising the so-called reparation terms, the Dawes plan, and the provisions of that pact of hate, the Versailles Treaty.

I have done so because I am convinced that a European economic crisis which will also affect the United States will be precipitated shortly when the larger of the reparation sums under the Dawes plan will have to be paid by Germany.

THE FIRST TEST IS NEAR

On September 1, 1928, within less than three months, the Dawes scheme will be subjected to its first test. On that day Germany will have to make a payment of about $625,000,000. It is clear from the most superficial study of European conditions and of Germany's finances that Germany will not be able to meet this obligation.

It will be the first test because the money that Germany has paid each year since the Dawes plan became effective was paid out of loans made by Germany in foreign countries, mainly in America. This, obviously, can not go on forever.

Germany can not go on paying debts by making more debts.

CAPITALIST AND NATIONALIST FOLLY

The only way by which Germany could pay any reparations at all, as a former English chancellor of the exchequer pointed out, would be by having a surplus of exports over imports. At the present time Germany imports $300,000,000 more than she exports. In order to pay reparations at all she would have to change the import surplus of $300,000,000 to an export surplus of $625.000,000.

That is plainly impossible. And if it were possible, it would mean flooding the British and American markets with cheaply made German goods, which would put so many people out of work that it would create a revolution in England and hard times in America—in spite of our high tariff.

As it is, Great Britain, France, and America are making the German people work longer hours and accept a lower standard of living than ever before. Capitalistic and nationalistic folly—and capitalistic and nationalistic greed—are defeating their own ends.

OUR FARMERS ARE MUCH INTERESTED

At the conference which I propose that the President should call it will be necessary to consider not only the Dawes plan and the immediate disaster that faces Europe but the entire subject of reparations and the Versailles treaty—since these things can not be divorced.

Americans, and especially our farmers, are very much concerned in this central European market—over $2,000,000,000 annually. Our farmers have lost this very desirable market through the war and are regaining it very slowly. [Applause.]

The facts in the case are as follows:

GERMANS WERE DECEIVED

On November 5, 1918, the allied governments declared that they were willing to make peace with Germany on the terms laid down by President Wilson in his various declarations, especially the so-called 14 points.

It was upon this understanding that Germany laid down her arms. And in this understanding there was no intention of Germany paying any indemnity at all. President Wilson said, "There shall be no contributions, no punitive indemnities."

It has been estimated by British experts that $10,000,000,000 would cover all the damage done in France and Belgium.

VICTORS WERE RULED BY HATE ONLY

The American delegation did try to place the reparation claims at a reasonable figure, but Lloyd-George, a demagogue, and Clemenceau, the incarnation of hate, demanded fantastic sums.

It was always clear that Germany could pay only by exports; that she could not export without importing raw materials; and that she had no money with which to buy raw materials.

Moreover, it was clear that if Germany exported enough to pay an indemnity she would compete with England, and England would be in even greater economic distress.

It is hardly necessary to mention the French invasion of the Ruhr, which was simply an outburst of French nationalist hatred. It did not achieve its purpose, which was to separate the Rhineland from Germany. But the unlimited issuance of paper money to assist the striking workers of the Ruhr—who struck against the French annexationist schemes—brought chaos into German finance and German economics.

In order to find a way out the Dawes scheme, so-called, was introduced.

WHAT THE PLAN PROVIDED

The plan, which the American international bankers had devised to accomplish the impossible—to squeeze blood out of the bloodless German turnip—was adopted in January, 1924.

The Dawes plan did not fix the amount Germany was to pay. But it provided, first, for the restoration of German economic unity by having the French leave the Ruhr; second, for a loan of $200,000,000 to Germany; third, a partial moratorium for four years, during which Germany would pay sums ranging from $250,000,000 to $450,000,000 annually; and fourth, that Germany pledge certain revenues and her railroads and telegraphs as security.

This plan was never expected to last for any length of time, of course. And the Dawes scheme will break down—just as it was intended that it should.

AMERICA MUST TRY TO UNDO SOME OF THE DAMAGE DONE

Germany has by this time anyway paid nearly 10 times as much as she should have paid.

The Versailles treaty, the reparations, and the Dawes plan which followed, all rest upon the infamous lie that Germany alone was guilty of provoking the World War. The Dawes plan must be dropped and the indemnities refused.

France, which is extremely prosperous, but who declines to pay her just debts, must be shown her place in the world—for the good of the world.

America did not sign the Versailles treaty, but we are the leading nation, economically and politically. Having misled the Germans by Wilson's fourteen points, and having helped bring on the era of political insanity and economic chaos in Germany by entering the war we should now also help to undo, at least to some extent, the damage we have done.

So much for the Dawes scheme.

A BILL TO INCREASE COMPENSATION OF TOTALLY DISABLED VETERANS

Mr. Speaker, ladies and gentlemen, veterans of the World War who have been totally disabled as a result of their military service will have their compensation increased under the terms of a bill introduced by me on May 9.

Compensation for those totally incapacitated for any work is raised from $100 to $150 per month, while veterans who are totally blind get an increase from $150 to $250 per month. Loss of both eyes and one or more limbs entitle a veteran, under the terms of my bill, to $300 per month.

THIS CAN NOT EVEN BE TERMED GENEROSITY

Although the World War was the result of European capitalistic and nationalistic rivalries and hatreds—and we were dragged into the bloody mess by a lying propaganda unparalleled in the history of the world—and although none of the pretexts of those who dragged us into it have been achieved—the men who went into the slaughter, went there believing that they defended our country. And, therefore, when they came out with eyes and limbs gone they can never be compensated sufficiently. The least that we can do is pay them enough to keep them secure against want.

Generosity—if that is what it is to be called—is all the more justified when it is recalled that these men, with very few exceptions, did not go voluntarily. They went because the law said they had to go. More than 90 per cent of the American Expeditionary Forces were chased across the ocean obeying laws with the making of which they had nothing to do.

As a matter of fact, many had just voted Wilson into office because "He kept us out of war."

We must remember that neither the propaganda of the years preceding the war, nor all the horrible stories of German atrocities, nor all the high-sounding phrases about fighting to preserve democracy—really impressed our young men sufficiently to make them rush to the recruiting stations when war was declared. Officers in charge of recruiting stations reported immediately after the declaration of war that there were very few volunteers. In this respect, also, the late war differed from the American Civil War, when over 90 per cent of the soldiers were volunteers.

Our men were conscripted and sent to France. That is, if they were poor. If they were rich—many were commissioned in the naval reserve, or given swivel-chair jobs in Washington.

WAR PROFITEERS OUGHT TO BE TAXED TO PAY TO WAR VICTIMS

Convinced as I am that we committed a crime against our people and against the white race when we permitted our international bankers and munition makers to plunge us into the World War—I am equally convinced that the 23,000 millionaires the war created can afford to pay, and should be made to pay, along with all other profiteers, the minimum requirements of those who have been disabled for life—the victims of the war.

This bill ought to be passed without delay.

Mr. TILSON. The gentleman's bill is founded on disability and not on rank?

Mr. BERGER. Of course; I am a Socialist, you know.

Mr. TILSON. I am a Socialist to that extent.

Mr. BERGER. The gentleman is more of a Socialist than he knows.

MY ANTILYNCHING BILL

Mr. Speaker, ladies and gentlemen, in a bill I introduced on April 12, this year, I proposed that the Federal Government take drastic steps to abolish lynchings by having the Federal Government prosecute civilians and officials who have any part in lynchings.

Any citizen who joins a lynching party would be liable to five years imprisonment and a $5,000 fine. Police officials whose duty it is to protect individuals in accordance with the laws, and who fail to take the necessary precautions to protect them against mob attacks, would be liable to twice that penalty.

Communities in which lynchings occur would forfeit $10,000 for each lynching taking place in those communities.

REPUBLICAN PROMISES AND REPUBLICAN PERFORMANCES

Four years have passed since the Republican Party pledged itself, in its national platform, to the enactment "at the earliest possible date of a Federal antilynching law so that the full influence of the Federal Government may be wielded to exterminate this crime."

During those four years 79 persons were killed by lawless mobs, while the Republican Party, which had made this platform pledge, and which had a majority in both Houses of Congress to carry out its other policies beneficial to special interest groups, failed to keep its promise to outlaw lynchings.

This betrayal of those whose votes the Republican leaders obtained by making this platform pledge is an encouragement to lawless communities to continue the barbarous practice.

In 1927, 16 people, entitled to the protection of our laws, were lynched, 7 of them in the State of Mississippi alone, which State holds the record for the year.

DEMOCRATS THINK LYNCHING IS A "STATE RIGHT"

The first duty of a government is to maintain the authority of its laws over the territory it governs. That duty our Government has failed to perform.

I hope that the Seventieth Congress will not conclude its work until the majority party—the Republicans—enact a Federal antilynching law. I make this appeal to the Republicans, because the Democrats here seem to insist that the right to lynch a person is a State privilege [laughter], and that any Federal legislation seeking to abolish that valuable privilege is an encroachment on State rights. [Laughter.]

The Democrats do not think it is an encroachment on the rights of States to have a Federal prohibition agent come snooping around your home to find out whether you take a drink. So far the Federal Government may go, according to the claims of my Democratic friends. But to have Federal agents come into a State to punish lawlessness which deprives people of their life and limb without a trial or a hearing—that, say the Democrats, is an invasion of State rights.

Mr. FLETCHER. The gentleman does not mean all Democrats?

Mr. BERGER. I do not mean all of them. There are some very fine and noble Democrats, as there are fine and noble Republicans. Only they have not yet seen the light.

CONGRESS MUST DEFEND ITS OWN LAW

It is not only the duty of Congress but also clearly within the power of Congress to enact this legislation.

In the fifth section of the fourteenth amendment Congress is given the power to enforce constitutional guaranties, and that power is broad enough to authorize the enactment of the bill I propose.

NOT STRONGER THAN SITUATION REQUIRES

My bill is stronger than any other antilynching bill that has been proposed. There are teeth in it. It is not any stronger, however, than the exigencies of the situation require—or the menace with which it is intended to deal would justify.

TELEPHONE AND TELEGRAPH ACTUALLY A MONOPOLY

Mr. Speaker, ladies and gentlemen, recent investigations have confirmed the impression that has prevailed for a long while that the American Telephone & Telegraph Co. has destroyed practically all competition in the telephone business, dominates the field in which it operates, and is piling up tremendous profits, not only directly from its income for services, but in a dozen other ways less generally known.

I believe that when a monopoly reaches the stage where no competition can prevail against it, it ought to be acquired by the Government and operated in the interest of all the people—and not left in possession of a little group.

I therefore introduced a bill on January 23, 1928, providing for the national acquisition and Government operation of telegraph and telephone lines.

COMPELS MANY PEOPLE TO PAY TOLL

The American Telephone & Telegraph Co. does 72 per cent of the telephone business of the United States. It dominates the rest. It is supposed to be the richest corporation in the world.

Through its control of the Western Electric Co., of which it owns 98 per cent of the stock, and from which all other telephone companies are obliged to purchase telephone apparatus on a cost-plus basis—the telephone trust exacts tribute from the American people. The tribute is paid from the time the apparatus is made, down to the time the telephone user is compelled to pay the rate for the service he gets.

PRIVATE MONOPOLY CHARGES AS HIGH AS FOUR TIMES AS MUCH AS PUBLICLY OWNED INSTITUTION

Practically every important nation in the world, excepting the United States, owns and operates its telephone and telegraph system in connection with the postal department. Practically every Postmaster General of the United States (since the telegraph was invented) has pointed out the advantages that would result from its Government ownership and operation. At 17 different times committees of Congress have investigated this matter, and in every case have concluded that public ownership was desirable and have recommended such action.

In spite of all this, the Telephone Trust, with the publicity and propaganda created by the fortune it has made through fleecing both the public and its employees, has been able to hold on to a monopoly.

The investigations that have been made of the system of public operation now almost universally adopted, show telegraph rates under private ownership are from two to four times as high as in countries under public ownership. Long-distance telephone rates are from three to seven times higher.

Our telegraph rates run from 25 cents to $1 and over per message. Where the systems are publicly owned they cost from 10 cents to 24 cents for the same messages.

EVEN WORSE IN CASE OF TELEPHONE RATES

The contrast in telephone rates is even more striking. For 100 miles we pay three times, for 300 miles five times, and for 400 miles six times, and for 700 miles eight times as much as the rate under public ownership for the usual three-minute conversation.

In other countries under public ownership, the rates are about 1 cent a call on the average. In our country, under private ownership, the local rate averages more than 5 cents per call.

Thus, we find that our rates for electrical communication average, in the case of the telegraph, two to four times—in the case of the long-distance telephone, three to seven times—and, in the case of the local telephone, two to four times—the rate for

such service where the wire systems are publicly owned and operated, as they should be in this country, as a part of the postal system.

IMMENSE SAVINGS UNDER PUBLIC OWNERSHIP

Public ownership will have three important advantages, each of which will benefit not a special group but the entire Nation.

In the first place, it would result in important economies which can not be effected under private ownership.

Instead of having several systems of wires, exchanges, and equipment, one system would be sufficient to take care of both the telegraph and telephone service. The telephone wires and other equipment are sufficient to handle the telegraph service at the same time, thus avoiding the tremendous loss resulting from duplication.

Theodore N. Vail, the late president of the Western Union, made the statement that the gross reduction of charges that would be made possible by joint use of the wire systems would be from 2 to 25 per cent. This would mean a possible saving of $50,000,000 a year.

WOULD BE DOING AWAY WITH DUPLICATION

Public ownership would do away with the operation of 25 private companies doing a commercial business in the United States. Two of these companies duplicate their agencies in more than half of the country—the Western Union and the Postal Telegraph.

In most places, you have probably observed that one company maintains an office a few doors away from the other. Why this duplication? Whom does it benefit? And who pays the cost for this waste of men and materials? The public.

While there is an enormous waste resulting from this duplication where there is much telegraph business, in many places where service is needed occasionally but business is not plentiful, there is no service at all. Neither the Western Union nor the Postal Telegraph will open a branch in those places.

Thus private companies develop the overpaying territory and neglect the territory where business is rarer.

The Government, which even in 1922 already had 52,000 post offices, could use those offices also for telegraph stations. Every community in the country would thus be assured telegraph service. The saving that could be effected from the present duplication in the busy districts would more than cover the cost of the extension of the service to the entire Nation.

COMPARE POSTAL SERVICE WITH TELEPHONE SERVICE

Not only is Government operation bound to be more economical but it will also be more efficient. In 1912 the United States ranked second among all the nations in the matter of postal efficiency—a remarkable tribute to the greatest enterprise upon which our country is engaged.

In the matter of telephone service the United States ranked ninth.

The success of the parcel post also confirms the view that Government service is more efficient, as well as more economical, than private enterprise.

EMPLOYEES WOULD REAP GREATEST BENEFITS

All the people, and especially the small business man, would benefit from public ownership. But the workers engaged in the industry would gain the most. The Government would not spend money for spying in order to prevent them from joining a trade-union. The Government would give them decent wages and decent working conditions.

They get neither now.

FOR SAKE OF ECONOMY, EFFICIENCY, AND HONESTY

Regulation has failed to deal with this problem.

Regulation did stimulate corruption. Regulation always fails when big business and Government officials get together to settle matters that concern millions—hundreds of millions—of dollars.

For the sake of efficiency, for the sake of economy, and for the sake of honesty let us make the telegraph and telephone system part of our Postal Service. [Applause.]

TO PROTECT MINORITIES IN RUMANIA

Mr. Speaker, ladies, and gentlemen, on March 26, this year, I offered a resolution providing that treaty relations between the United States and Rumania be terminated because of Rumania's persecution of racial and religious minorities.

The atrocities to which the resolution referred were perpetrated in Rumania on various minorities—including Catholics, Lutherans, Baptists, Jews, Germans, and Magyars—and they were perpetrated with such brutality as to justify reading Rumania out of the family of civilized nations.

INCREASED RUMANIAN TERRITORY

The cruelties and brutalities practiced by the so-called "successor" countries of Europe, especially Rumania, again disclose how foolishly we acted when we poured out life and treasure on the European battle fields in order to make possible the existence of these nations.

As a result of our sacrifices, Rumania increased her territory from 53,000 square miles to 123,000 square miles, and acquired jurisdiction of 18,000,000 people in place of the 8,000,000 she ruled before.

SMALL SIZE OF A COUNTRY NO EXCUSE FOR GREAT DEPRAVITY

The United States, being largely responsible for bringing these minorities under her power, owes them the duty to protect them against the atrocities of that semicivilized, medieval government. The fact that Rumania is smaller than some of the other nations gives her no right to sink below the standard of all civilized countries.

WE ABROGATED TREATY WITH CZAR IN 1912

In 1911 our Congress voted to terminate treaty relations with Russia, because the United States did not want to be a party to a treaty with any Government that discriminates between American citizens on the ground of their religious views. That decision was largely the result of the persecution to which the Russian Czar subjected religious and racial minorities.

The time has come when Rumania must be made to realize that it can not revert to a state of barbarism without incurring the contempt of other nations.

RUMANIA MUST REALIZE THIS IS TWENTIETH CENTURY

A severance of treaty relations seems to me to constitute the most effective step short of war that we can take to discharge the obligation we owe the persecuted minorities.

That ought to make Rumania realize that this is the twentieth century.

FOR FOREST RESERVE IN EACH STATE

Mr. Speaker, ladies, and gentlemen, in order to adopt a comprehensive policy of reforestation, the effect of which would be, first, to reduce the dangers of disastrous floods and, second, to replenish the timber resources of our country, I introduced, on April 2, this year, a bill providing for the establishment of a national forest reserve in each State.

FORESTS BEST BINDERS OF SOIL AND BEST RESERVOIRS OF WATER

The Mississippi flood, with the tremendous toll it has taken of life and property, will not have been a completely unmixed evil if as a result of the huge loss our people would see the need of adopting a national reforestation and conservation policy.

While the danger of floods resulting from heavy, long-continued rains, or the rapid melting of masses of snow, could not altogether be removed by reforestation, it is conceded by all students of the subject that forests are better binders of the soil and better surface reservoirs of water than any other form of vegetation on the face of the earth.

The 160,000,000 acres of actual or potential forest land draining into the Mississippi can render substantial service in the prevention of floods in the valley. And 14,000,000 acres of agricultural soil that are carried away each year as a result of the denuded forests in that region could be preserved by adopting a sound forestation policy.

WE HAVE IMMENSELY REDUCED OUR FOREST LAND

Besides the flood-control advantage of forestation, our denuded forest land tells a vivid and tragic story of the recklessness with which our natural resources have been wasted to enrich a few at the expense of the rest of the people.

Continental United States originally contained 822,000,000 acres of forest land.

We have permitted by expansion of settlements and cultivation, the operation of timber-using resources, and the waste caused by American carelessness as to fires and insect pests, the reduction of this vast area to 138,000,000 acres of forest.

One of the worst features of the situation is the unbalanced geographical distribution of the standing timber that remains, three-fourths of the forest land being located east of Great Plateau.

DO WE WANT A CHINAFIED UNITED STATES?

The remaining softwood saw timber is disappearing eight and one-half times as fast as new growth is replacing it, and our hardwood saw timber is disappearing approximately three and one-half times as fast as it is being replaced.

A Chinafied United States—barren of forests and brooks, but subject to periodic inundations—confront us.

Let us halt the policy of destruction and begin to undo the damage by passing the bill I have introduced.

SO-CALLED "ESPIONAGE ACT" STILL ON STATUTE BOOKS

Mr. Speaker, ladies and gentlemen, I presented to the House, on February 20 this year, a bill providing for the repeal of the so-called "espionage act," which act, in spite of

its name, has nothing to do with espionage. The law was enacted shortly after the United States entered the World War for the purpose of preventing any criticism of the origin or conduct of the war.

The impression prevails that the draconic war law which made it a crime punishable by 20 years in the penitentiary to criticize the war policies of the Wilson administration has been repealed along with all other war measures. That is an error. The so-called espionage act is still on the statute books and is automatically in force the moment our country gets into war with any other.

CITIZEN MIGHT FIND HIMSELF IN PENITENTIARY

The danger of the law would become very real should any administration continue to pursue imperialistic policies in Mexico, Nicaragua, or any other place.

If intervention in some foreign country should ripen into an official declaration of war—a citizen would find himself silenced under penalty of a 20-year penitentiary term if he expressed sentiments not in accord with those of the administration.

DEMOCRATS REVIVED LAW AGAINST WHICH THEY HAD FOUGHT

The so-called espionage act was the most outrageous measure ever passed in our country.

Its nearest approach was the alien and sedition act in 1798, of which it is an almost verbatim copy in many respects. That old act resulted in the wiping-out of the Federalist Party and in the birth of the Democratic Party, as a protest organization against the Federalists. And it is almost tragi-comic that a Democratic administration revived the vicious law.

ONLY DEMOCRATIC VERSION MUCH WORSE

Moreover there is this difference between the espionage law and the law of 1798:

In the alien and sedition act the maximum penalty was a fine of $2,000 and imprisonment for 2 years, while the espionage law provides a penalty of $10,000 fine and 20 years imprisonment. And in the old law the truth of a statement was admitted as a defense, while under the present espionage law the greater the truth the harder the punishment.

NO CITIZEN FOUND GUILTY OF ESPIONAGE

Under the espionage act 2,000 men and women who dared to speak and write the truth as they saw it—a right guaranteed to them by the Constitution—were sentenced to prison terms ranging up to 20 years. Not a single citizen, however, was found guilty of espionage.

NO SUCH ACT IN CIVIL WAR

The law was defended on the ground of war emergency. But Abraham Lincoln waged a war far more vital to the Nation's existence—and with sentiment divided everywhere, including the North—and fought out mainly within 100 miles of Washington—without an espionage act.

THIS IS THE TIME TO REPEAL IT

The only purpose in retaining the law on the statute books is to assure the ruling class that they can plunge this Nation into war whenever the protection of their investments abroad may require it.

Anyone objecting will be put behind bars immediately.

This is the time to demand that the law be repealed.

FOR THE PURPOSE OF CALLING A CONSTITUTIONAL CONVENTION

Mr. Speaker, ladies, and gentlemen, I have proposed an amendment to the Federal Constitution providing that Congress may call a constitutional convention for the purpose of revising our Federal Charter.

WAS A POLITICAL CLOAK TO FIT A BABY NATION

The necessity of rewriting our Constitution must appeal to all who can visualize the tremendous changes—political, economic, and social—which have come over the Nation since the present Constitution was adopted in 1789, and who understand that a constitution that was adequate to the needs of 1789 can no more suit the needs of 1928 than a garment made to fit a child can fit an adult.

IT WAS AN ENTIRELY DIFFERENT COUNTRY

When the present Constitution was adopted a great part of the country was still covered with a vast primeval forest.

The largest city, Philadelphia, had about 30,000 inhabitants. There were only a few towns which had a population of from 2,000 to 5,000.

Manufacturing in the United States was then in its childhood, most of it was in Philadelphia. The use of steam and electricity was unknown.

Corporations in the present sense were unknown; a corporation then meant a city or a township. There were no railroads, no telegraphs, no telephones.

Public schools did not exist, and schools of any kind were few and far between.

THE WISEST OF MEN COULD NOT HAVE FORESEEN PRESENT CONDITIONS

The Constitution made at that time, when the population was 2,500,000, mainly pioneer farmers with a fringe of merchants in the small coast towns, was suited more or less to those conditions.

Even then, however, it was considered by many a miserable piece of patchwork, that had to be amended 10 times before the colonies agreed to ratify it.

But the wisest of men could not have foreseen in 1789, when this was a little frontier country, the political and economic conditions of 1928. No less than 19 patches have been placed on our political cloak, but these patches have failed to make it fit modern conditions.

DESIGNED TO THWART THE WILL OF COMMON HERD

I know that nothing offends and antagonizes the "vested interests" more than a criticism of the Constitution. That has become particularly true since our country embarked upon its imperialistic ventures.

They know that the present Constitution was designed by the wealthy class of that day—the speculators of scrip and big landowners, and their representatives—with a view to preventing the people from exercising their political influence. For many years only those who had a certain amount of wealth could vote.

Only one-sixth of the people had the voting franchise at the time the Constitution was ratified—and most of them did not vote.

The worst features of a monarchy were included in the office of the President, who has more legislative power than two-thirds of both Houses of Congress, besides immense executive and administrative powers.

Everything was designed for the purpose of making it easy to defeat the will of the common people.

OUR CONSTITUTION BROKE DOWN AT EVERY TEST

The defenders of the Constitution—and they include many who do not even know its contents—always attribute this country's rise to power to the Constitution. They claim it stood the test.

If our country has prospered, this was due to our colonial conditions, our virgin soil, our inexhaustible resources, and our immense immigration, which gave to the United States the cheapest and most intelligent labor of the rest of the world. It was not due to our Constitution. And the country did not become great and powerful on account of the Constitution. On the contrary, whenever the Constitution was subjected to a test, as in 1860 and 1917, it failed.

SOCIAL WELFARE LEGISLATION NOW ALMOST IMPOSSIBLE

We must make the Constitution more flexible, so that it can be changed by a majority vote of all the people. We would deny to the Supreme Court power to pass upon the constitutionality of acts of Congress.

We would make possible the enactment of child welfare, minimum wage, and other social welfare legislation, which is almost impossible under the present Constitution.

MY MISSION IN THIS LEGISLATIVE BODY

Mr. Speaker, ladies and gentlemen, I realize that standing alone I can not pass any of this legislation. But as a matter of fact, neither can the Democrats, of whom there are a great many more, pass any legislation they propose. And, for that matter, most of the Republican Members can not.

All I can do is to function as an interpreter. I can try to show to the people, most of whom know absolutely nothing about socialism or socialist theory, what the socialists would do if they had the power.

This function I consider exceedingly useful in view of the economic trend in our country and the rapidly growing concentration of wealth, on one hand, and the decline of the independence of the farmer and the workingman, on the other.

THIS IS NOT DEMOCRACY

Let us think it over. What did it profit to restrict the prerogatives of Kings and the privileges of nobles of the past through long struggles and violent revolutions as long as the privileges of wealth remain intact?

Distributing votes and concentrating wealth did not fulfill the promises of democracy.

A handful of men in our country have the power for weal or for woe—political, financial, social—greater than the power of millions of people combined.

Call this state of things whatever you will, but do not call it democracy. Claim for it what advantage you please, but do not claim that such a "democracy" is advantageous to the masses.

WE MUST SOLVE PROBLEM OF DISTRIBUTION IF REPUBLIC IS TO SURVIVE

The principle which should guide a democratic government—the principle which should guide every honest government—is

the principle of subordinating the individual to the general welfare, and that principle requires a broad application.

If a man is not allowed to steal a loaf of bread from others to satisfy his hunger, then a man ought not to be allowed to steal a million loaves from others and steal them every day to satisfy his greed.

We have solved the problem of production; we must solve the problem of distribution or our civilization will break down.

In short, our present so-called democracy can not defend its very name against the encroachment of plutocracy. And, what is worse, the pseudodemocracy can not defend its very existence on the ground of equity, or morality, or even of expediency—unless it becomes social democracy. Only then a real republic, "res publica," will become possible and will endure. [Applause.]

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BERGER. Yes.

Mr. KINDRED. Going back to the gentleman's bill which provides for the federalization of education and the control and supervision of our public-school system, while theoretically the idea appeals to the gentleman, does not the gentleman think that in the last analysis such a standardization and bureaucratization of our public-school system would prove disappointing and mischievous and violative of the rights of the States?

Mr. BERGER. I brought out very plainly that my bill does not require and does not propose to have Federal supervision of education in any way. All we do in my bill is to give the States a certain sum of money which the State must duplicate if it accepts the proposition, and the State is to use it according to its own discretion.

Mr. KINDRED. Does not that bureaucratize the schools?

Mr. BERGER. Suppose New York State gets $500,000 on condition that New York should also spend $500,000 to combat illiteracy in any way New York pleases——

Mr. KINDRED. But when the Government spends money it supervises it and supervises the system of spending it.

Mr. BERGER. It supervises it only to the extent of seeing that New York State puts up the same amount of money. I brought it out plainly that the matter rests with the State entirely.

Mr. KINDRED. But there would be an interfering, would there not?

Mr. BERGER. Not at all, except that we would see to it that the State spent the money for education and not for anything else, as for instance, a capitol building, or any other thing that has nothing to do with education.

Mr. KINDRED. I thought the gentleman was opposed to the whole system of bureaucratization?

Mr. BERGER. As far as I am concerned I believe our national administration is getting top-heavy. I believe there is too much bureaucracy in Washington. Look at the number of bureaus we have. There is a great tendency on the part of bureaus to arrogate power that belongs to the people of the respective States. I agree with the gentleman from New York to that extent. My bill, if adopted, however, would be a blessing, because it would not necessitate the creation of any new bureau but it would stimulate the fight on illiteracy. I believe New York has also quite a number of illiterates.

Mr. KINDRED. Not a very great number.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Yes.

Mr. SCHAFER. During the gentleman's investigation of the Power Trust, and I agree that this investigation is a good thing, did he not find that the North American Co. was a part of the power and utility trust of the country?

Mr. BERGER. Yes.

Mr. SCHAFER. And does not the North American Co. have a great interest in the Milwaukee Electric Railway & Light Co.?

Mr. BERGER. I believe they own it.

Mr. SCHAFER. The gentleman stated that former socialists who were writing for the Power Trust were expelled from the Socialist Party?

Mr. BERGER. They were.

Mr. SCHAFER. Does the gentleman remember that the Milwaukee Electric Railway & Light Co., with the stand-pat papers supporting that company and the leaders of the gentleman's party and the Milwaukee Leader, the Socialist paper, were all of them on the same band wagon on behalf of the "service at cost" proposition?

Mr. BERGER. I do not remember any band wagon, and I am one of the leaders.

Mr. SCHAFER. Did the North American Co. and the Milwaukee Electric Railway & Light Co. turn Socialist when they were advocating the same principles that the Socialist paper and leaders were advocating?

Mr. BERGER. Oh, I am afraid the gentleman does not understand the question. He does not understand what socialism is, else he would not say that the North American Co. would ever advocate socialism.

Mr. SCHAFER. Then we must assume that the Socialists turned over to the Power Trust. They were both advocating the same principle, but were defeated by an overwhelming vote.

Mr. BERGER. The gentleman is a well-meaning man, but when he gets up to speak his logic fails him entirely. [Laughter.] He did not get the meaning of my speech. There is no more possibility of the North American Power Co. and the Milwaukee Railway & Light Co. turning Socialist than there is of the gentleman himself wanting to turn Socialist.

Mr. SCHAFER. How comes it that the gentleman's paper and the Socialist leaders were advocating the same principle as the North American Power Trust and Milwaukee Electric Railway & Light Co?

Mr. BERGER. The gentleman does not know anything about it. He does not know what he is talking about. However, in any event when a corporation has an honest case or an honest cause, the Socialist would have to do justice to that corporation.

Mr. SCHAFER. That is a good answer to offer when you can not explain the unholy alliance between the Socialist Party and the North American Power Trust.

Mr. BERGER. There has never been a holy or unholy alliance on the part of the Socialist Party with the North American Power Trust and the Milwaukee Electric Railway & Light Co. [Applause.]

OKANOGAN IRRIGATION PROJECT

Mr. SMITH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1661.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker—which I do not expect to do—this is the bill to which I objected once or twice on the Consent Calendar, for the transfer of the Okanogan project. I was very reluctant to see that bill pass, because it might serve as a precedent for others. But there is an emergency that must be met in some way. I think that it is perhaps possible that the Secretary of the Interior might have been able to work it out in some other way, but I can not see any other way that Congress can adopt to work it out. I have suggested to the gentleman from Idaho one or two amendments, so that in the event of the default under the terms now given there will be no discretion in the department about taking back the property involved and shutting off the water. I understand these amendments are in the bill.

Mr. SMITH. Yes. Those amendments are in the bill.

Mr. CRAMTON. I am not able now to suggest anything further. With those amendments in, I hope the bill will pass.

Mr. CHINDBLOM. What is the proposed legislation?

Mr. SMITH. The bill proposes to turn over the Okanogan project in the State of Washington to the irrigation district, and save to the reclamation fund the overhead expense of superintending the operation and maintenance, and collecting funds from the farmers to reimburse that fund for this service.

Mr. CRAMTON. If the gentleman will permit, it is a compromise settlement. It is a reclamation project which has been a financial failure, so far as the original contracts are concerned, and this proposes and authorizes a compromise settlement.

Mr. CHINDBLOM. This turns the property over to their organization?

Mr. CRAMTON. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to contract with the Okanogan irrigation district for the transfer of the control of the Okanogan project, in the State of Washington, constructed pursuant to the act of June 17, 1902 (32 Stat. L. 388), and acts amendatory thereof or supplementary thereto, known as the reclamation law, upon the district agreeing to pay to the United States in discharge of all obligations the sum of $10,000 per annum for the period of 31 consecutive years, beginning with the year 1928. Upon such payments being completed, the said Secretary is authorized to convey to the

district all the right, title, and interest of the United States in and to said Okanogan project.

SEC. 2. The Secretary is authorized to assign to the district all claims that the United States now holds under contracts with water users and others owning land outside the boundaries of the said district, or owning land within the boundaries of said district but not consenting expressly or impliedly to the modifications in their water-right contracts necessary to conform to the terms of said proposed contract between the United States and the Okanogan irrigation district. During the irrigation season of 1928, prior to the execution of such contract with the Okanogan irrigation district, the district may, at its own expense, operate the canals and other works of the Okanogan project for the delivery of water to the water users thereunder, and during such irrigation season may deliver water regardless of the restrictions now imposed by the reclamation law relating to delinquency in payment of charges.

SEC. 3. The contract between the United States and the said district shall reserve to the United States the power, at the option of the Secretary of the Interior, to resume control of said project at any time when necessary to shut off water to enforce payment of the annual installments provided for in the first section hereof.

Mr. SMITH. Mr. Speaker, I offer an amendment. On page 2, after the figures "1928," insert the words "such installments to be due on December 1 of each year and bear interest at the rate of 6 per cent per annum after due."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the figures "1928," insert "such installments to be due on December 1 of each year and bear interest at the rate of 6 per cent per annum after due."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 25, after the word "when," insert "he may deem it."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. SMITH. Mr. Speaker, I offer the following amendment: On page 2, line 24, strike out the words "at the option of the Secretary of the Interior."

The SPEAKER. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 24, page 2, strike out "at the option of the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH. Mr. Speaker, I offer another amendment. At the end of the section insert: "The Secretary of the Interior is directed to resume control and shut off water to enforce payment whenever any such annual installment is not paid on or before March 1 after due."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH: On page 3, after line 2, insert: "The Secretary of the Interior is directed to resume control and shut off water to enforce payment whenever any such annual installment is not paid on or before March 1 after due."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Oregon [Mr. HAWLEY] to preside to-morrow at the memorial exercises for the late Representative CRUMPACKER.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SABATH for the balance of the session, on account of illness.

ENFORCEMENT OF PROHIBITION

Mr. MEAD. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a resolution which I introduced a few days ago.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MEAD. Mr. Speaker, I trust in the course of my remarks no one will interpret my speech as being either a wet or a dry speech, for it is an appeal for the approval of a resolution which concerns the rights and protection of our citizens.

On May 12 I introduced a resolution (H. Res. 202) calling for the appointment of a special committee of five Members of the House to investigate the shooting of Jacob H. Hanson, of the city of Niagara Falls, N. Y., by a member of the United States Coast Guard assigned to the Buffalo district.

Since introducing the above-mentioned resolution I have made somewhat of a study of the use of firearms by agents of the Federal Government employed in the enforcement of the eighteenth amendment and the Volstead Act, and, while some of these cases were justifiable, many lives could be spared by exercising better judgment.

The numerous Federal agencies whose duty it is to enforce the law makes difficult, unless by legislative or Executive order, the issuing of safe and uniform regulations concerning the use of firearms by enforcement officers.

For illustration, and particularly on the Niagara frontier, where Mr. Hanson was shot, we have agents of the Prohibition Bureau, the Coast Guard, the border patrol, the customs service, and the Immigration Bureau, all engaged in patrolling bridges, ferries, highways, as well as the shores of the Niagara River and the Lakes.

In addition to these agencies we have the local police, the sheriff's force, and the State police, all sworn to protect the lives and property of our citizens, and with all these many legions of officials, officers, and agents human life is not safe on the public highways of the Nation. When such a condition exists it is time the representatives of our Government took action.

Nor is this attack on Mr. Hanson the only case of its kind on record. All over these United States hundreds of men have been killed in connection with the enforcement of the Volstead law, while thousands have been wounded.

The records of the Prohibition Bureau list the names of 126 persons, mostly citizens, who have been killed by prohibition officers from January 16, 1920, to May 15, 1928, while 49 prohibition and 2 narcotic officers have been killed during this same period.

IMMIGRATION BUREAU

The records of the Immigration Bureau disclose the names of 7 immigration officers killed and, while we have no record of the number killed by immigration officers, a conservative estimate would place the figure at approximately 100, mostly aliens, who were shot near the Mexican border.

CUSTOMS SERVICE

In the Customs Service the records include the names of 8 officers killed and 17 seriously wounded in gun fights or in pursuing persons alleged to be violating the prohibition law. Twenty-one persons have been killed and 6 seriously wounded by customs officers.

UNITED STATES COAST GUARD

The records of the United States Coast Guard disclose the names of 4 guardsmen killed, 3 seriously wounded, and 5 persons killed and 4 seriously wounded, some in gun battles and others while at sea by machine-gun fire, and so forth. Many others have been killed in automobile accidents, shipwrecks, and in other ways all of which can be charged to the enforcement of the prohibition law.

This great sacrifice of human life within our own border in attempting to enforce but one lone law is enough to warrant a most extensive study of this serious subject.

It can be greatly lessened by having the several departments of the Government issue strict orders condemning the use of firearms except in self-defense and for the protection of Government property; by turning over to the State authorities all those who disregard these orders; by granting the several States the police powers which the Constitution intended should be theirs; by modifying the Volstead law.

I am transmitting to the Rules Committee this report of killings which I received from the various department and bureau heads as an appeal for their approval of my resolution which, if adopted by the House, will create a committee to

investigate this matter to the end that the promiscuous use of deadly weapons shall cease and that human life will be protected on our highways. The use of guns by Federal agents should be limited to be used only for the protection of Federal property and in self-defense.

Mr. CRAMTON. Will the gentleman yield?

Mr. MEAD. At the end of my time I shall be pleased to yield to the gentleman.

In going through the records I found that not one of the agents of our Federal Government who were accused of killing our citizens has ever been found guilty of murder. The Federal Government, through its district attorneys, has placed the protecting shield of the Government around these men and they were not turned over to the local authorities for trial. In many instances the Federal attorney whose duty it is to represent the people represented the agents who were charged with the shooting, which in some cases was wholly unwarranted and unjustifiable.

I have the list before me of the agents and persons who were killed, but I shall not detain you by reading it; it is a very long list.

I will, however, include it with my remarks for the information of the Members of the House.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

Mr. CRAMTON. Reserving the right to object, I would like to make one short observation.

Mr. MEAD. If I am given time, I shall be very glad to yield to the gentleman.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. I may simply suggest that in order to be effective in the interest of law, the gentleman will need to join some sort of an effective pronouncement to the bootleggers and rum runners to see that they also discard their armament, which on the border waters includes armored vessels and automatics.

Mr. MEAD. Let me say to the gentleman that the specific case in which I am interested is the brutal shooting on the part of a Coast Guard man of the secretary of the Niagara Falls Lodge of Elks, a splendid gentleman, who was returning to his home after a meeting of his lodge, in violation of no law or ordinance or regulation, and without warning two guardsmen dressed like bandits pounced upon him on the public highway and shot him through the head, putting out his eyes, fracturing his skull, and perhaps fatally wounding this innocent citizen. It is cases like this that I am concerned with.

Mr. BLACK of New York. Will the gentleman yield?

Mr. MEAD. Yes; I yield to my colleague.

Mr. BLACK of New York. Has the gentleman ever heard of any bootleggers killing any citizen except with the poison they get from the Prohibition Bureau?

Mr. MEAD. I was one of the Members of Congress who tried to take the poison out of liquor, but, with my colleague, we failed in our effort when that legislation was before the House. I hope the Rules Committee will vote out this resolution, and in the interest of humanity I trust the House of Representatives will inform our Federal agents that, above and beyond the enforcement of the Volstead law, we hold the inalienable rights of our citizens supreme. The provisions of the Constitution which guarantees life, liberty, and happiness to our people antedate the Volstead Act. [Applause.]

List of persons killed or fatally injured by prohibition officers from the effective date of the national prohibition act, January 16, 1920, to May 15, 1928:

1920

Ernest E. Emily, West Forks, Wash.

1921

Horace Brown, Baltimore County, Md.
Robert Fuller, Knox County, Tenn.
Johnnie Garrett, Taylor County, Ga.
R. W. Hederly, Portland.
Bud Riley, Green County, Okla.
Louis Vokovich, Madison, Ill.

1922

Ward Adkins, Lincoln County, W. Va.
Lonnie Atwell, Huntington, W. Va.
Peeler Clayton, Austin, Tex.
Teddy Cox, Moore, Ark.
Joe Duncan, Spruce Pine Creek, Tenn.
Boe Fugate, Knott County, Ky.
Steve Isom, Letcher County, Ky.
Bruce Kirby, Jeff Davis County, Ga.
Arlett Kiser, Dickenson County, Va.
Chalmers McAlphine, Cleburne County, Ala.
Willie Nelson, Harpersville, Va.
Bruno Nistico, Syracuse, N. Y.
Joseph Sesqueria, Boston, Mass.
Francis Marion Smith, Nelson County, Ky.
Clarence Sturges, Learned, Miss.
Curtis Tidmore, Jefferson County, Ala.
John Wilson, Lauderdale County, Miss.
Julius Wurzer, Antigo, Wis.

1923

Harry Baker, Louisville, Ky.
Bob Ballard, Lexington, Ky.
Edgar Bunch, Ashland, Ky.
Smokey Cash, Sand Springs, Okla.
Jess Coffey, Muscadine, Ala.
Zategosa DeLeon, San Antonio, Tex.
Doughlas Dunham, Salisbury, N. C.
Harry Givens, Orlando, Fla.
Arthur Hood, Lunenburg County, Va.
James Jenkins, Charleston, S. C.
Posey Maddox, Fayette, Ala.
John Rinnberg, Belleville, Ill.
J. B. Smith, White Plains, Ga.
Jett Smith, White Plains, Ga.
Ike Strong, Harlan, Ky.
George Strong, Harlan, Ky.
Mrs. Ike Strong, Harlan, Ky.
Albert L. Swope, Butler County, Ohio.
T. Q. Wallace, Irvine, Ky.
Fredius Wilson, Galveston, Tex.
Peter Yancaukas, Philadelphia, Pa.

1924

Bradley Bowling, Yerkes, Ky.
Grover C. Bradley, Littleston, N. C.
James Cafano, Newark, N. J.
Ira Combs, Hazard, Ky.
W. D. Hicks, Galveston, Tex.
Philip Kalb, Lambertsville, Mich.
Bill Littrell, Virginia.
Ralph Marchese, New Orleans, La.
Guy Meadows, Hinton, W. Va.
Thomas Monteforti, Brooklyn, N. Y.
Elisha Northcutt, Anderson, Ind.
Alducci Sabatino, Wilmington, Del.
Sylvester Strictland, Vivian, La.
Ernest Twombley, DeKalb Junction, N. Y.
James S. White, Castella, Calif.

1925

Leslie Britt, Southampton County, Va.
Pres Brown, West Plains, Mo.
Joe W. Carter, Mississippi County, Ark.
Beckham Cecil, Beardstown, Ky.
George Clark, Whitley County, Ky.
Hiram Fee, Harlan County, Ky.
Marcus Ferrell, Raywick, Ky.
Francis Fontaine, Union County, S. Dak.
Houston Harris, Careyville, Fla.
Clarence Jones, Hot Springs, Ark.
John Kelly, Newport News, Va.
Bee Lilly, Beckley, W. Va.
Fred Mauney, Lenois, N. C.
Charles Mills, Monroe County, W. Va.
Dave M. Orr, Ora Grande, N. Mex.
J. G. Pittman, Charleston, S. C.
Filmore Sexton, Scott County, Tenn.
Jim Sneed, Roderfield, W. Va.
L. E. Storey, Cottonwood Corners, Ark.
Leon M. Sweat, Polk County, Fla.
Carl Thornes, Britton, Okla.
Bill Tilghman, Cromwell, Okla.
Albert R. Van Sickle, Laramie, Wyo.
Lawrence Wenger, Madonna, Md.

1926

Jose Alverdi, Reno, Nev.
Adam Ballinger, Greenville, N. C.
John Buongore, Havre de Grace, Md.
Jacob Carter, Jacksonville, Fla.
John Danley, Tazewell County, Va.
Stephen Kobalski, Detroit, Mich.
Henry Nestor, Ludlow, Ky.
William Risk, Teller County, Colo.
Frank Sears, Hopkins County, Ky.
Homer Studivant, Duvall County, Fla.

Rondo Wade, Owensboro, Ky.
J. B. Walling, Orange County, Tex.
Elvin Wilson, Mt. Sterling, Ky.

1927

J. A. Brinson, Miami, Fla.
Algie Carrier, Amite, La.
Lawton Carroll, Valdosta, Ga.
F. M. Ferguson, Huntington, W. Va.
Oliver Gill, Lake View, Miss.
Lewis Gregory, Graveltown, Ky.
James Thomas Hall, Elmore County, Ala.
Wade Hampton, Mobile County, Ala.
J. J. Howard, Madison County, Miss.
E. P. Ingmire, San Pedro, Calif.
Millard Jamerson, Pontotoc County, Miss.
Thomas Johnson, Pensacola, Fla.
James Lee, Detroit, Mich.
Mildred Lee, Detroit, Mich.
Walter Lorance, Coffee County, Tenn.
Cecil McClure, Cherokee County, N. C.
M. P. Merritt, Miami, Fla.
Burrell Morris, Berkeley, Calif.
William Niedermeier, Huron River, Mich.
Clyde Parrish, Miami, Fla.
Jeff Pitts, Wesson, Miss.
Alex Tidwell, Hardin County, Tenn.
Mack Turner, Mobile County, Ala.
Arnold Wise, McDowell County, W. Va.

1928

Elmer Fulton, Pikcher, Okla.
Charles P. Gundlacht, Leonardtown, Md.
Lee Prudman, Julius, Ark.
Douglas Smith, Louisville, Ky.

Federal prohibition and narcotic enforcement officers who have been killed or fatally injured while actually on raids from the effective date of the national prohibition act, January 16, 1920, to May 15, 1928:

PROHIBITION OFFICERS

Robert G. Anderson, Hammond, Ind.
Stafford E. Beckett, El Paso, Tex.
Charles Bintliff, Redfield, S. Dak.
James E. Bowdoin, Careyville, Ind.
Jacob P. Brandt, Perry, Fla.
Remus W. Buckner, Springville, Ala.
Atha Carter, Palisade, Nev.
D. S. Cleveland, Meridian, Miss.
William E. Collins, Vinton, La.
E. Guy Cole, Lexington, Ky.
M. M. Day, Welch, W. Va.
W. D. Dorsey, White County, Ga.
Robert E. Duff, Menifee County, Ky.
Howard N. Fisher, Titusville, Va.
Joseph W. Floyd, Houston, Tex.
Kirby Frans, Perry, Okla.
Cary D. Freeman, Titusville, Va.
V. E. Grant, Hendersonville, N. C.
Jacob Green, Richton, Miss.
Richard Griffin, Gadsden, Ala.
Charles E. Howell, Limestone County, Ala.
R. W. Jackson, Taylor County, Ga.
Jesse R. Johnson, Saline County, Ark.
Thomas D. Lankford, Springfield, Ill.
W. T. Lewis, Lafayette, N. C.
Howell J. Lynch, Gainsborough, Tenn.
Walter C. Mobray, Perry, Fla.
John L. Mulcahy, Westford, Mass.
George Nantz, Walnut Grove Camp, Ky.
John O'Toole, San Francisco, Calif.
Joseph B. Owen, Kosciusko, Miss.
William Frank Porter, Camp Creek, W. Va.
Glenn H. Price, New Grand Ronde, Oreg.
J. H. Reynolds, Johnson County, Ky.
J. M. Rose, Asheville, N. C.
Charles C. Rouse, Baltimore, Md.
Willis B. Sayler, Pineville, Ky.
Irby U. Scruggs, Knox County, Tenn.
Charles O. Sterner, St. Louis, Mo.
George H. Stewart, Buffalo, N. Y.
Grover Todd, New Grand Ronde, Oreg.
Ernest W. Walter, Mexican border, Texas.
John W. Waters, Dade City, Fla.
Stanton E. Weiss, Oklahoma City, Okla.
John Watson, Anthony, N. Mex.
George H. Wentworth, Berkeley, Calif.
J. Leroy Youmans, Hartman, S. C.
Wesley A. Frazer, St. Paul, Minn.
Walter R. Tolbert, Harlem, Ga.

NARCOTIC OFFICERS

Charles A. Wood, El Paso, Tex.
James T. Williams, Chicago, Ill.

By fiscal years

Year	Prohibition	Narcotic
1920	1	
1921	10	1
1922	5	
1923	13	
1924	2	
1925	5	1
1926	4	
1927	5	
1928	4	
Total	49	2

Grand total, 51.

LIST OF PERSONS KILLED OR WOUNDED BY COAST GUARD

May 28, 1924: Daniel Conover, Atlantic City, smuggler, killed at Atlantic City. Refusal to heave to.

August 22, 1924: Antonio Pietro. Killed in a running fight. Was master of *Lynx II*. Off Seabright Station. A smuggler.

October 24, 1924: "Swampy" Joyce, a smuggler on the *K–13093*. Off New York. Refusal to heave to.

February 24, 1926: "Red" Shannon. Wounded fatally in Miami Bay. Attempting to run down Coast Guard boat.

July 16, 1926: L. E. Yott, a smuggler on the *1510–Q*. Refusal to stop (Lake Ontario).

March 14, 1927: E. H. Jones. Killed in a fight off Miami on the *V–15746*.

April 7, 1927: Charles Waite and a negro named "George." Killed in a fight on board a picket boat. Waite attempted to kill the crew of the Coast Guard vessel. Off Miami, Fla.

May 20, 1927: Norman Rice stated that he had been wounded in the arm while trying to run in contraband (near Buffalo, N. Y.). Wounded only. Origin of shot doubtful.

December 14, 1927: Alfred Raymond, a smuggler, wounded in right arm. (Marblehead Station, Lake Erie). Wounded only.

LIST OF COAST GUARD MEN KILLED OR WOUNDED

April 2, 1925: C. B. M. Carl Gustavson, of *CG–237*, killed at the wheel of his vessel while at sea by machine-gun fire; off Montauk Point, Long Island.

August 7, 1927: Boatswain Sanderlin, of *CG–249*, killed 35 miles off Florida coast.

August 7, 1927: Mo. M. M. 1c Victor Lamby, of *CG–249*, killed 35 miles off Florida coast.

August 7, 1927: Robert K. Webster, Secret Service operator, on *CG–249*, killed off coast of Florida.

August 7, 1927: Seaman J. Hollingsworth, of *CG–249*, desperately wounded, off coast of Florida.

December 14, 1927: J. T. Hagglove, B. M., picket boat *2372*, wounded in buttocks. Lake Erie.

April 20, 1928: Seaman H. A. Hutchenson, wounded in left leg (shot) on Fisher Island, Miami, Fla., in assault made by unknown negro and white man.

IMMIGRATION OFFICERS KILLED

Frank H. Clark, El Paso, Tex., December 13, 1924.
August D. De La Pena, Rio Grande City, Tex., August 3, 1925.
William W. McKee, Alambee Ranch, Tucson, Ariz., April 23, 1926.
Lon Parker, Huachuca Mountains, Ariz., July 25, 1926.
Thad Pippin, near El Paso, Tex., April 21, 1927.
Norman G. Ross, El Centro, Calif., February 10, 1927.
Franklin F. Wood, Detroit, Mich., December 15, 1927.

Customs officers killed and wounded

KILLED

Name	Headquarters port	Date
Edward B. Webb	Ogdensburg, N. Y. (supplies and accounts service).	Sept. 9, 1926
Fred Tate	San Antonio, Tex	Aug. 31, 1918
Robert S. Rumsey, jr	do	Aug. 19, 1922
Jot G. Jones	do	Oct. 1, 1922
Jas. A. Wallen	do	Mar. 6, 1923
Stephen S. Dawson	El Paso, Tex	Feb. 28, 1928
Orville A. Preuster	Buffalo, N. Y	Mar. 1, 1925
John W. Parrott	El Paso, Tex	Jan. 7, 1927

Customs officers killed and wounded—Continued

WOUNDED

Harry Goodrow	Ogdensburg, N. Y	Mar. 17, 1921
Henry Denner	do	Oct. 11, 1924
Dick W. McConnell	San Antonio, Tex	Apr. 29, 1922
D. P. Miller	Los Angeles, Calif	Apr. 9, 1923
John J. Edds	San Antonio, Tex	Sept. 4, 1916
A. H. Camp	do	Mar. 21, 1924
Harry B. O'Neill	do	Jan. 20, 1927
Don E. Snedon	Ogdensburg, N. Y	July 13, 1926
Alfred J. Smith	do	Do.
Joe E. Davenport	El Paso, Tex	Feb. 25, 1921
Grover C. Webb	do	May 18, 1922
Thos. S. Morriss	do	Do.
Chas. P. Beall	do	July 8, 1926
Leon L. Gemoets	do	Dec. 30, 1926
Carl Peterson	Nogales, Ariz	May 15, 1925
Marshall McDonnell	do	Mar. 14, 1921
F. L. Marin	San Juan, P. R	Dec. 3, 1926

Persons killed and wounded by customs officers

KILLED

Name	Headquarters port	Date
John Brissette	Ogdensburg, N. Y	Nov. 23, 1922
Dionisio Maldonado	San Antonio, Tex	Apr. 1, 1920
Vicente Aguilai	do	Do.
Crecencio Oliveida, jr	do	Do.
Antonio Munoz	do	Dec. 12, 1920
Unknown	do	Apr. 29, 1922
Geronimo Garcia	do	Dec. 18, 1922
Silvando Gracios	do	Do.
Leando Villareal	do	Do.
Teodulo Robles	do	Sept. 4, 1916
Pedro Marinez	do	Apr. 8, 1923
Manuel Maldonado	do	Do.
Unknown	do	Jan. 21, 1927
Harry Booth	Tampa, Fla	Aug. 11, 1927
Jesus Castaneda	El Paso, Tex	Apr. 8, 1924
Eduardo Varela	do	Apr. 30, 1924
Mrs. C. Andavaso	do	Sept. 11, 1924
Cruz Pinales	do	Mar. 30, 1927
Mr. Lyons	Nogales, Ariz	Nov. 20, 1922
Ventura Reyna	do	May 15, 1925
A. H. Hendricks	Los Angeles, Calif	Jan. 8, 1923

WOUNDED

Joe Slavin	San Antonio, Tex	Dec. 12, 1920
Deodato Flores	do	Do.
Unknown (2)	do	Jan. 21, 1927
Unknown	Nogales, Ariz	Nov. 20, 1922
Jose Reyna	do	May 15, 1925
William Royer	Great Falls, Mont	June 29, 1926

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes on an entirely different subject, although this is tempting. [Laughter.]

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

REPRESENTATIVE NICHOLAS J. SINNOTT

Mr. CRAMTON. Mr. Speaker, the House is about to lose, by voluntary retirement to take up other important duties, the services of the gentleman from Oregon [Mr. SINNOTT]. He has had a distinguished career here—has performed unusually valuable service to his country. I believe, however, that time will show that nothing he has been able to do in the service of his country in this House will be of more lasting benefit than his friendship toward the development of the national parks. The National Park Association has recently issued a public statement of their appreciation of his services, which I will ask to have read in my time.

The Clerk read as follows:

NATIONAL PARKS ASSOCIATION,
Washington, D. C.

After nine years of distinguished service, NICHOLAS J. SINNOTT, of Oregon, has resigned his chairmanship of the Public Lands Committee of the House of Representatives to accept life appointment as judge in the United States Court of Claims. He will retain his place until the close of the present session, completing his fifteenth year in Congress.

As chairman of the Public Lands Committee, Judge SINNOTT has made a record equal to any of the men of great distinction and service to the Nation who have filled this most important position in past years, meeting the many difficult issues and trying situations of a period of clashing interests with unfailing tact, humor, justice, and decision. A man of national vision as became his position, he has been able also keenly to appreciate the local point of view.

More than to any other Member of Congress, to him the country is indebted for the preservation of national park status and standards during the years of the system's supreme trial. * * * His name will stand in the first rank of the shapers, upbuilders, and defenders of a system which, preserved in its integrity, posterity will recognize as one of the Nation's most valuable possessions of any kind.

[Applause.]

CIVIL SERVICE RETIREMENT LAW

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal employees' retirement act.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, the civil service retirement law has been in operation since May, 1920. When the law was passed it was understood by all parties interested that it was far short of what it should be. Since that time there have been several minor amendments but the law is not yet as broad and comprehensive as we have a right to expect.

There is now pending before the House, on the calendar, two bills—H. R. 25 and S. 1727—which propose to amend the law to provide for a maximum annuity of twelve hundred dollars, or an average of something like eight hundred per annum—changing the divisor from 45 to 40.

Under the Senate bill there is an option of two years for each group—that is, employees who retire at 70 years of age would be allowed an option at 68, provided the employee had 30 years of service; those that retire at 65 on account of age would have an option at 63, and those that retire at 62 would be allowed to retire at 60.

The House bill (H. R. 25) provides for optional retirement at 60 years of age for all groups, which is the better plan, yet this plan is much more expensive than the Senate bill. The House committee has agreed to substitute the Senate bill for the House bill, and it should be brought up and passed.

There are more than 400,000 employees in the Government service that come within the purview of the law. There are now more than 14,000 on the retirement roll. Employees pay into the retirement and disability fund 3½ per cent of their salary, which amounts to around $28,000,000 annually. More than 6,000 of those retired have died, due for the most part to the advanced age of the employees when they have reached retirement.

There is now in the retirement and disability fund around $80,000,000, this fund having grown by leaps and bounds, beyond all expectations.

The Department of Labor has recently made a survey of all the principal retirement systems throughout the world, including many systems in the United States. This information has been submitted to the Civil Service Committee of the House and Senate, and shows plainly that our retirement law is very far behind in many respects to what many other systems provide.

I believe that every Member is in favor of this legislation, and the House should act on this matter without further delay. It is a most worthy measure, and I hope that the bill will be brought up and passed before the end of the session.

I have talked with representative leaders of the House, including members of the steering committee, and they advise me that the question of a special rule for consideration of this legislation will be taken up at a meeting of the Rules Committee to be held on next Tuesday, the 22d instant. I sincerely hope that the committee will give this meritorious legislation privileged status in the House and enable us to take favorable action and do justice to the thousands of Government employees who will be affected by the provisions of this bill.

PANAMA CANAL MEMORIAL

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 13706.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, I desire to call your attention to a bill which I have introduced, H. R. 13706, providing for the construction of a Panama Canal Memorial to commemorate the work of those who have aided in the construction of the Panama Canal.

The purposes of the bill are fully explained in the bill itself, and for this reason the measure is herewith set forth as follows:

A bill to provide for the construction of the Panama Canal Memorial

Be it enacted, etc., That a suitable memorial, to be known as the Panama Canal Memorial, be constructed in the Canal Zone in commemoration of the work and labors of all those who, and of all agencies which, in varying capacities and at various periods, aided in

the construction, or in bringing about the construction, of the Panama Canal, and of the works necessary or incident thereto.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby created a commission to be known as the Panama Canal Memorial Commission—hereinafter referred to as commission—to be composed of seven members, as follows: The chairman and the ranking minority member of the Senate committee on Interoceanic Canals, the chairman and the ranking minority member of the House Comittee on Interstate and Foreign Commerce, the Secretary of State, the Secretary of War, and one person to be selected by the President of the United States. If, for any reason, the chairman or the ranking minority member of either of said committees of Congress should fail or refuse to serve as member of the commission, the affected committee shall select another of its members to serve instead. All of the members of the commission, except the member selected by the President, shall serve without compensation; but they shall be reimbursed for their actual, necessary traveling and other expenses incurred by them in performing their duties hereunder. Notwithstanding the expiration—during the life of the commission—of any Congress, any Senator or Representative who is a member of the commission, if reelected, shall continue to serve on the commission until there is selected on the affected committee a successor to such Senator or Representative. The member of the commission to be selected by the President shall be well versed in the history of the Canal Zone, the Panama Canal, and the Isthmus of Panama; he shall serve at the pleasure of the President; he shall be the executive officer of the commission; and shall receive a salary to be fixed by the President, of not exceeding $10,000 a year, and his actual, necessary traveling expenses while engaged in the performance of his duties, together with reasonable expenses for living quarters while engaged in the performance of his duties in the Canal Zone. In case of any vacancy on the commission, the same shall be filled in the same manner as in the original selection. The commission shall designate one of its members as its chairman, and shall also have the power to select a secretary of the commission and to fix his compensation.

SEC. 3. It shall be the duty of the commission to make or to cause to be made, plans, designs, and specifications for a comprehensive and suitable memorial for the purpose herein indicated, which memorial shall be in the form of a building or structure of appropriate design, and containing a hall or auditorium adequate for the holding therein of meetings, conventions, and gatherings of civic, patriotic, and international character, including Pan American congresses. Such memorial may be appropriately adorned and embellished with statues, sculpture, tablets, carvings, paintings, drawings, and frescoes of commemorative character, or historic design, and with depictions of events incident to the history of the Panama Canal, including the French, as well as the American period, and of the Panama Railroad and the Isthmian region. There shall also be provided in such memorial structure space for the placing therein of archives, histories, records, maps, charts, and models relating to the construction and operation of the Panama Canal, the Panama Railroad, and the discovery, settlement, and occupation of said Isthmian region. Said memorial structure shall be placed on a site in the Canal Zone to be furnished by the United States or the Panama Railroad Company without charge upon the appropriations herein authorized; and said site shall be selected by the commission, subject to the approval hereinafter indicated. The grounds of the memorial and the approaches thereto shall be treated so as to enhance the artistic effect of the whole.

The commission shall also secure estimates of the cost of the construction of the memorial and the furnishing of same, and the treatment thereof, and of the grounds and approaches; and, so soon as may be practicable, the commission shall report and submit to the President and to Congress such plans, designs, and specifications, together with its recommendation of a site, and such estimates of cost, not to exceed in the aggregate sum, $2,500,000. Thereupon, if and when such plans, designs, and specifications, together with such recommendation of site, and such estimates of cost, shall be approved by the President and Congress, the construction of the memorial and of the works incident thereto, under the appropriations which may be made therefor, shall begin, and shall proceed with all diligence to completion under the supervision and direction of the commission.

SEC. 4. In the performance of the duties herein imposed the commission shall have the power and authority, within the limits of appropriations provided, to (a) employ personal services in the District of Columbia, in the Canal Zone, and elsewhere, including a chief architect, artists, architects, engineers, and assistants, and other professional and nonprofessional services, notwithstanding the civil service laws and regulations, and to fix the compensation of such persons, notwithstanding the provisions of the classification act of 1923, as amended; (b) to purchase any plans, designs, specifications, material, equipment, and accessories as may be deemed necessary or essential; (c) to enter into all contracts and arrangements necessary for the construction of the memorial and of the various features thereof, after the plans, specifications, designs, site, and estimates of cost therefor have been approved as aforesaid; and (d) to avail itself of the services and advice of the Commission of Fine Arts created by the act of May 17, 1910.

SEC. 5. The commission shall also make a study of the subject of the names and designations of the important points and features of the Panama Canal and the Canal Zone, and shall make to the President and Congress such recommendations thereon, or touching any matter related to the matter of memorialization herein provided for, as it may deem appropriate or desirable.

SEC. 6. Such appropriations and contract authorizations as may be required for carrying out the purposes of this act, within the aforesaid limit of $2,500,000, are hereby authorized; and the appropriations made in pursuance hereof shall be disbursed by the disbursing officer of the War Department, under the direction of the commission.

SEC. 7. Upon the completion of the memorial and the works incident thereto, and upon the final settlement of the accounts in connection therewith, the commission shall cease to exist. The books and accounts of the commission, and of all others who may handle any of the funds relative to the work herein authorized, shall at all times be open to the examination of the Comptroller General.

SEC. 8. Upon its completion the memorial, the grounds thereof, and the approaches thereto shall be cared for and maintained as are other public structures, grounds, and ways in the Canal Zone.

SEC. 9. In order that the commission may begin the performance of its duties hereunder there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the same to become immediately available, the sum of $250,000.

From the provisions of the bill it will be noted that the work of citizens of the United States who aided in the construction, or in bringing about the construction of the great Isthmian waterway, will receive, in the very nature of the case, major consideration in the proposed memorial; yet, the very valuable contribution made by the French in beginning and carrying on, for years, the construction of the canal, under insuperable difficulties; and the aid and cooperation of many prominent Panamanian officials and citizens—especially in the earlier stages of the American undertaking—should also receive appropriate recognition. Furthermore, the importance of the Panama Railroad as a contributing factor of success in the canal work should be recognized in some adequate way in any monument of the indicated character. Hence, the provisions of the bill are sufficient to permit fitting recognition of all persons and agencies entitled, in justice and in fact, to commemorative recognition in the proposed memorial. The commission created by the bill will be expected to formulate, after mature consideration, plans which will cover the various features appealing for commemorative treatment, and which, in just and discriminating manner, can provide the proper emphasis and distinctions involved.

In the accomplishment of the Isthmian enterprise, the greatest industrial endeavor the earth has ever known, and in which so many able statesmen, engineers, sanitarians, and civilians of our own and other countries played such an important and indispensable part, it would hardly seem fair to single out a few of the eminent contributors to the success of the work and omit any commemoration of the invaluable contributions of all others. A great memorial of the character authorized by the bill would avoid any narrow or piecemeal treatment of the subject, and would insure broad, generous, fair, and adequate recognition for all concerned.

The structure authorized would constitute a collective memorial to "all those who, and of all agencies which"—in the language of the bill—"in varying capacities and at various periods, aided in the construction, or in bringing about the construction, of the Panama Canal, and of the works necessary or incident thereto."

This would seem to be the only way to treat the subject of commemoration in a just and adequate manner. Manifestly there are not enough names of important features of the canal to meet all the requirements of commemoration. Moreover, Mr. Speaker, I very much doubt the wisdom of changing the historic and traditional names of the canal and the Canal Zone for commemorative purposes, even if there were a sufficient number of these names for such purposes. The nomenclature of the canal and the Canal Zone is woven into the very fabric of the history of the canal, the Canal Zone, and the Isthmus itself; and it is known throughout the civilized world. Any change in it would be, therefore, confusing, at home and abroad, both now and in the years to come.

The work of those whose services have been of a commanding character, can be sufficiently stressed in the matter of memorialization by means of statuary, sculpture, tablets, and the like. The work of groups and agencies in relation to the canal enterprise can be commemorated by appropriate panels, bas-reliefs, and group designs and depictions. In this connection I would call especial attention to the indispensable contributions to the success of the canal work made by thousands of laborers who,

beginning with the construction of the Panama Railroad in the period from 1849 to 1855, and closing with the completion of the canal itself, in 1914, in one form or another, literally gave their lives to the "cause," and who constitute the unnumbered and nameless dead of the Isthmus. To-day their graves, because of their lack of identity, are those of the "unknown" industrial soldiers of this unparalleled achievement of history.

The commemoration of the labors of these lowly, unnamed workers presents a subject worthy of the highest dramatic art. Let us memorialize their work as well as that of the eminent and highly skilled whose names and achievements have been specifically incorporated into the history of the canal.

In an undertaking of such vast import as was the construction of the Panama Canal there was glory enough for all, and in any endeavor to commemorate the toil and efforts of those who, in whatever form, made their contributions toward the success of this undertaking, there should be no invidious distinctions. In the proposed memorial and in its treatment, due appraisal may be made touching the value of the contribution of each, and comparative values determined.

"The land divided, the world united," has been the motto of the American Panama Canal enterprise. The proposed memorial would constitute a further appeal, I believe, though in an incidental way, for peace and good will among the nations. Planned and constructed so as to constitute a great work of art as well as a great work of memorialization, giving due recognition to the various factors contributing to the success of the Isthmian undertaking, regardless of race or nation, the effect would, I am sure, be most fortunate from every standpoint.

The Panama Canal has more than justified every hope and desire indulged by our people during the period of its construction. From a purely commercial standpoint—aside from its incalculable military value—it has been a splendid success, its operation paying the heaviest dividends on the three hundred and seventy-five millions of outlay involved in its construction. Beginning with the building of the Panama Railroad—one of the greatest agencies utilized in the canal work—and coming on down through the period of the French effort, 1880 to 1904; thence extending through the early days of the American work on the canal, 1904 to 1907–8, when, under the sanitary genius of Gorgas and his associates, the Isthmian plague spot was redeemed and rendered wholesome and habitable, a terrific toll of death was exacted of the hosts who participated in these Isthmian labors.

Commencing with the discovery of the Isthmian shores by Columbus, following with the discovery of the Pacific Ocean by Balboa; thence descending through the centuries of colonization and occupation by the Spanish, on through the days of Panama Railroad construction and the discovery of gold in California, with the resulting trans-Isthmian travel; thence through the years of the French effort, down to the final hour of American success and the uniting of the two great oceans—the Isthmus of Panama has had an intensely dramatic and interesting history. In view of all this, in view of the commercial success of the canal, as well as in view of the wisdom and justice of commemorating in an impressive and adequate manner the work of all those whose toil and sacrifice, in whatsoever form, made possible the success of the greatest engineering feat of the ages, it would seem that our great and powerful Nation should now erect in the Canal Zone, on some appropriate site, a great memorial structure of the character authorized in this measure. It is believed that at last the time is ripe therefor and that the American people will approve the action of Congress in enacting the necessary legislation involved.

Because of the importance and magnitude of the memorial project, it has been deemed wise for Congress and the President to approve the plans for the proposed memorial to be evolved by the commission, and the bill so provides.

For the reason, Mr. Speaker, that the present session is about to close, the bill will have to go over until next session for hearings thereon and for consideration. In order more effectively to place the matter before the Congress and the country at large I have thus presented it.

REPEAL OF THE EIGHTEENTH AMENDMENT

Mr. IGOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Resolution 155.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. IGOE. Mr. Speaker and Members of the House, in behalf of joint resolution (H. J. Res. 155) introduced by me before this House on January 10, 1928, calling for action toward the repeal of the eighteenth amendment to the Constitution, and its futile but alleged enforcement appendage, the Volstead Act, I desire again to sound the warning that this Congress in years to come will be branded as down-right traitorous if it fails to obey a foremost duty and deal forthright and honestly with the curse of prohibition. No other scourge so vitally affects the welfare of our people, the institutions of our country, and the very foundations of our Government. Various sections of our land have suffered from disaster in recent years, notably the Mississippi Valley from the flood that wrung the hearts of all our people and brought all to the fore as soldiers of relief. But this tormenting terror of unenforceable, crime-creating, graft-breeding, murder-inciting, life-destroying prohibition is one that scars every city, town, and hamlet with its trail of moral and physical destruction.

There are those fanatics of aridness who believe that the Volstead Act and the prohibition amendment are so invested with morality that opposition to them is immoral. But such reason-bereft zealots, measured by the blackness of the crime and graft horrors of almost a decade of prohibition that does not and never can prohibit, must be dismissed as beset with the madness of lunacy. Those who find that such fanaticism pays, as it does many, in dirty dollars, must be credited with the cunning of wolves. Their dead or distorted brains will not register the truth as to national conditions, whether in town or country, or else they deliberately find such uncompromising attitude coins graft dollars. If of the former class, they are due for a cataclysmic awakening or the junk heap of the smallest of minorities; if of the latter, their grafted dollars—of the same breed but fouler than the graft of the bootlegger who scoffs at the law—are to turn to so many serpents.

PROHIBITION THE ENEMY OF TEMPERANCE

I give place to no one in my sincere desire for true temperance throughout our Nation. I believe that the vast majority of our people are for temperance and are eager to support and to obey laws that will promote it. Business, too, desires temperance. Business has become too big, too complex, to tolerate anything but temperance. The church also pleads for that temperance which will stamp out the crime, the graft, the horror of prohibition that can never prohibit. But these fanatics of Volsteadism are the very instruments of the devil in their efforts to block true temperance and its beneficences.

The aborted, saneless slant of the dry fanatic is the fruit of intolerance, and intolerance is the devil's own tool. A glance back through the ages, and we find history's highway strewn with the wrecks of great and cultured democracies and republics. The decadence that finally overwhelmed them is clearly marked in each case. It invariably started with a centralization of power, out of which grew the impulse of intolerance—the attempt of the state, or government, or dictatorial cliques to interfere in the personal and inalienable rights of human beings with respect to their home life and social relations. Then the people, resenting unpopular laws or mandates, were thrown into jails and deprived of their properties and liberties in a veritable reign of terror. But this stage, invariably, was followed quickly by general rebellion against, and contempt for, practically all laws, good or bad, with the usual accompanying moral breakdown; and in the end came collapse and dissolution of the state or government.

You can discover parallels to present threatening conditions in the United States in the decline of these various great democracies and republics of the past. Every student of the representative or democratic system of government knows that general statutory laws are not enforceable if they invade rights that by nature are not properly subject to sumptuary legislation. The laws against murder, theft, arson, and mayhem are enforceable because the people who delegate the law-making power universally and eagerly support such mandates. Outside that general realm of fundamental protection by law, every attempt at invasion of the inalienable rights of mankind, such as what it shall eat for dinner or what it shall wear on week days or what church it shall attend, for 2,000 years has evoked resistance, violence, disrespect for authority, and general lawbreaking; and, if persisted in, revolution and decay of the state and society, or a sweeping alteration of the provocative conditions.

Walpole, to cite one instance, laid down the rule many generations ago that Parliament could pass laws which the English people were not bound to respect because they violated the Englishman's right to be secure in his domicile.

PROHIBITION'S ALLY IS INTOLERANCE

Now, I hold no brief for any brewing or distilling organization. I am moved to enter this determined protest because the evils and terrors of prohibition have been vividly and positively proved by eight years of bitter experience. I speak because I am sincerely alarmed by the demoralization, crime, and corruption that Volsteadism is producing on every hand to the detriment of our people, our Government, and our country. I am

genuinely alarmed because of the frightful evils it has injected into the social, business, and political life of my home city, Chicago. And its effects have been the same in every other city, town, and hamlet.

You have heard of Chicago during past months, chiefly as to but one red-lettered phase of its activities. So has the whole world. Its beauty, its creation of new buildings, its encouragement of art and literature, its position as the very heart of the industrial and merchantile life of our Nation have been thrust aside. For what? To talk of its bombs, its bullets, its crime, its murders. We are not as bad as we are painted.

But that assertion does not alter the picture of Chicago that has been hung up for the world to view. What is the basis for that picture? To what is its every reeking red color due? To prohibition that never can prohibit! Its crime and its bombs, just as in the case of many other American cities, have sprung from prohibition! Its murders, as are the majority of killings in other American cities, are the fruit of Volsteadism—the result of the competition of gangs for the control of bootlegging, and the consequent involvement of officialdom in the graft for the protection which these law-breaking, law-defying, crime-dealing elements seek! Root out Volsteadism and prohibition, and you will rid not only Chicago but our national life, of this demoralization, law defiance, crime, graft, and corruption!

And what is the keystone of this crime and corruption? It is the intolerance of the fanatical minority that contends, in the face of eight red years of bloodshed and moral decay, that personal liberty shall be enchained because its blinded eyes can not see, its atrophied brain can not register, or because its dirty pockets get its share of the swag, whatever its form! This ferocious beast of intolerance—this determination to make the social habits of all conform to the narrow standards of fanatically minded even if allegedly well-meaning snoopers—has brought upon us a demoralization that promises only further degradation and destruction unless checked now.

PROHIBITION'S TOLL OF DEATHS

Deaths and crimes of violence, flowing out of poisoned alcoholic beverages whose tide continues to rise and never to fall, constantly are increasing under Volsteadism. Figures may be tiresome, but they talk volumes, nevertheless. In the last national survey announced by the Moderation League (Inc.) it was shown that in the 534 places recorded for the years 1920 to 1926 arrests for drunkenness increased 136 per cent in the latter year over 1920, the first year of national prohibition. The total in 1926 was 711,889. The directorate and membership of this organization included such Americans as Elihu Root, Austen G. Fox, Kermit Roosevelt, Dr. Joseph A. Blake, Newcomb Carlton, president of the Western Union Telegraph Co.; William Barclay Parsons, Henry S. Pritchett, president of the Carnegie Foundation for the Advancement of Teaching; William C. Redfield, former Secretary of Commerce; and James Speyer, banker. Surely such men will not be classed by dry fanatics, although probably the Great Creator can not know in His omnipotence to what lengths an Anti-Saloon Leaguer will go, as enemies of the public welfare. And this record covered but 534 of our thousands of cities and towns!

The number of deaths due to poison liquor, the universal distillation and brew of Volsteadism, is mounting steadily year after year. The fanatical drys chant hymns of praise of the "holy" eighteenth amendment and the "sacred" Volstead Act, but their intolerant machinations are filling up the cemeteries. In Chicago and Cook County the coroner's reports show that in 1927 there were 433 deaths due to alcoholism, along with 161 homicides and deaths by accident clearly due to Volstead alcohol. This total of 594 in that single county of Illinois is the ghastly record of 12 months of the Anti-Saloon League's brand of prohibition. The death rate from alcoholism in this my home county thus has increased 718 per cent since the enactment of the Volstead Act.

And what of other cities? Well, in New York City chronic alcoholism caused the death of 770 persons during 1927, making the rate the highest in 18 years. The total back in 1920 was 98. And so it goes, from one end of the country to the other Even over in Finland, where prohibition is having its hypocritical garments torn off, there were 87,191 persons arrested for drunkenness in 1927, including 2,516 women, out of a total population of 3,600,000. Helsingfors alone had an increase of 14 per cent. So prohibition works the world around. In our country, too, illegitimacy has trebled. These are not pleasant things to discuss, but they spell the situation we must face.

We no longer can play the "human-ostrich" rôle and hide our heads in the sand. The general disrespect for the eighteenth amendment and the Volstead Act has extended to practically all laws, until we have become a Nation of hypocrites and scoffers. Respect for constituted authority daily is becoming more feeble. The church has suffered. Colleges and schools have fallen under the baneful influence. Stability is deserting the very foundations of American institutions. All because of the unreasonable attempt to regulate our habits by law, to "make us good" by statute, to enforce a nonenforceable piece of resentment-provoking, sumptuary legislation.

PROHIBITION ENDANGERS OUR YOUTH

Every father and mother knows the danger that has been brought to our boys and girls in our schools. The aftermath of the World War brought, as is the natural legacy of war, a craving for greater liberty, particularly among the younger generation. But this was accentuated and perverted by Volsteadism. What has been the result? First, the older people quite naturally, denying to the Government the moral right to interfere in their personal habits, refuse to give to this nefarious law that obedience which invariably is accorded sound legislation. Men and women of exemplary character do not hesitate to violate this law daily in their business, social, and home life, because they do not feel that they are committing any crime by such determined indifference. They are actuated, in fact, by an echo of that spirit that caused the American Revolution.

These same American men and women can travel to Canada, to Mexico, to Cuba, to the countries of Europe, and there enjoy their beer and ale, and any stronger beverages desired, with the foremost educators, statesmen, churchmen, and the best of society's representatives in those countries. Such drinking, however temperately, becomes a crime only back home! Here only do the snoopers snoop! Further, when you enact a law under which a rich man can get what he wants and a poor man can not, merely because the rich man is rich, you are extending an invitation to the growth of the reddest phase of radicalism. Your prohibition that never can prohibit has but put a sky-high price on poisonous liquor. It has provided, at the same time, possibilities of grafting in hundreds of millions of dollars, by affording opportunities for official protection to the criminals who profit enormously from these conditions and who do not hesitate to resort to murder or any phase of crime in order to establish their monopolies and who are determined to supply at all costs, in view of the profits yielded, the natural appetites of those who desire to buy.

Our young people, keen and alert, see what a mess we have made of this whole matter. They follow the course of the elder scofflaws. But with them, to whom the glamour of life has not yet been dimmed, there is a peculiar psychology that combines the innate aspiration for personal liberty with the spirit of adventure. In former days our boys and girls never dreamed, as a class, of patronizing places where alcoholic beverages were dispensed. But Volsteadism of to-day, having given birth to an enormous traffic in illicit and poisonous "hip" liquors, shrouded as it is by the secrecy that shields its patrons and promoted by the tremendous money returns it make possible, naturally intrigues, attracts, and so often traps them.

The "hot" youth of to-day, following, perhaps, his parent's example, knows he, too, can conceal poisonous liquor "on the hip." It is held a "smart" thing to do. It smacks of adventure. He deduces that it gives him "class." He goes calling with his hip flask. The spirit of adventure goes with him and is communicated to his young girl friends. And with the liquor on his hip goes demoralization and a smashing of discretion—and the story is completed. This is not due to inherent badness. It has adult example. It has prohibition instigation. It is due largely to the secrecy that screens the escapades and to that innate spirit of adventure that is keen to challenge Volsteadean intolerance.

PATRIOTISM WAS PROHIBITION'S MASK

No one can deny that the eighteenth amendment and the Volstead Act got into our national life in the guise of patriotism. Our tens of millions of people, aflame with patriotic determination to win the World War, approved war-time prohibition firm in the belief that it was to be merely an agency for temporary conservation of grain resources to bring victory the quicker. There was raised, too, a great outcry against the breweries, and the charge was echoed that 80 per cent of the stock in all breweries was owned by Germans or people of German descent. Thus hate, the most dreadful enemy of mankind since the world began, entered into this matter, and the cry of "help end the war at any cost" became so loud that no legislator dared oppose any measure, no matter what it might be, if it was promulgated as a war measure. This particular psychology continued long enough after the armistice was signed, or was so cleverly perverted by prohibition schemers, for the same impulse to carry ratification through the necessary State legislatures.

What happened? While we all were working to help end the war and our finest young men were fighting and dying on

the battle fields of Europe the Anti-Saloon League and its allies, who shouted patriotism and preached for everyone to help win the war, but whose crafty leaders worked only for prohibition at healthy salaries, played politics with the Members of Congress, but not with the aroused people of the United States, with the one object of making war-time prohibition a permanency after the war. That is what was going on!

As soon as the armistice was signed President Wilson sought to end the war-time prohibition ban and to have Congress restore the country to pre-war conditions in so far as prohibition was concerned. But did prohibition's sponsors, who had simulated patriotism as their motive, assent to this? No; the paid dry leaders, with the aid of their millions of dollars and their political code of forcing compliance or ruin upon legislators—the same means and tactics they continue to apply to unworthy and spineless public officials to-day—obtained sufficient votes to defeat any repeal of war-time prohibition, and meantime had offered the eighteenth amendment to our Constitution, which took away the rights of the States in this matter and transferred that power to Congress. This was ratified by employment of the same threats and boodle on January 16, 1919, the Volstead alleged enforcement act was appended, and the trick was done.

President Wilson vetoed this Volstead measure, but Congress, obedient to its Anti-Saloon League masters, passed the bill over his veto. Whatever prejudiced critics may say, President Woodrow Wilson proved himself a stanch believer in the rights of the individual, and he fully realized that these acts were taking away the rights of the American people.

PROHIBITION PRODUCT OF DUPLICITY

In the rush of the aftermath of the cessation of war, little popular attention was paid to the eighteenth amendment. I am no proponent for the old-time saloon. Its delinquencies are upon its own head. But I do know, and the unprejudiced person must so admit, that the people generally believed that, even with the ratification of the eighteenth amendment, provision was to be made by Congress for those who desired to have alcoholic beverages in their homes. I know that hosts of representatives of the people, whether in Congress or in the various State legislatures, believed the same when they voted to ratify that amendment. In fact, that was the impression craftily held out by the dry forces at that time.

Why, even so-called "bone-dry" Kansas back in the old days, where even then prohibition was a failure, had no law preventing people having liquor in their homes. And of six States that went dry by vote of their people in 1916 and 1918—Arizona, Colorado, Montana, Oregon, Utah, and Washington—practically all made no penalty for possession of liquor in homes, or made provisions privileging citizens to send out of the State and have liquor sent to their homes. These six States, by the way, have about 4.2 per cent of the population of the United States.

In any event, the average legislator, whether State or National, voted for ratification of the eighteenth amendment, never dreaming that he was signing away his right and that of his people, to "life, liberty, and the pursuit of happiness," as guaranteed by our Constitution. As a matter of fact, the vast majority believed that, with our boys and the Allies victorious and war's upheavals subsiding, we would readily rewrite the regulations of prohibitoin to meet the wishes of the great majority—that, at the uttermost, those States desiring to remain dry could do so, and those contrary-minded could act accordingly. We were confident we would retain our proud position as a free people.

"Free people!" We found ourselves in bondage. We then fully realized how a group of professional "reformers" and fanatics took advantage of the people while our Nation was in the war, secured a strangle hold on the public's supposed servants, and forced these legislators to do their bidding. The mass of the American people had no voice in the whole proceeding, and that is why the aggressive protest and dissatisfaction over prohibition is climaxing. We are in the shackles of the Anti-Saloon League, its fanatics, and its hirelings who usually vote "dry" and live "wet," and who profit from its millions of bribing dollars! I declare here that the Anti-Saloon League is the foremost ally of bootlegging, with its crime, murder, graft, and governmental demoralization. It is a partner in the bullets, the bombs, and the lawbreaking of the bootlegging gangs!

KILLINGS MARK ATTEMPTED ENFORCEMENT

And what of the billions that our Federal Government has expended in the vain effort to enforce this utterly unenforceable Volsteadism? The record written is blood, bribery, and official malfeasance, in addition to the lavish waste of money. It is a record of rottenness. Prohibition agents have become killers second only to the bootleggers murdering among themselves in the contest to control the flow of poisonous booze. I could cite killings by prohibition agents from Michigan to Florida, but of these nauseous chapters the Nation is all too familiar.

The innocent citizen all too often has been the victim of the irresponsible Government snooper. A recent report listed 13 prohibition agents being harbored at one time from unbiased State justice by the Government. Charged with murder or manslaughter, these "hair-trigger" snoopers were being withheld from prosecution in State courts by the convenient interference of Federal courts at the request of prohibition bureaucrats. The rule with our prohibition so-called enforcement outfit is evidently "kill first and investigate afterwards."

The type of men employed as prohibition agents is a crying scandal and an American shame. Of the whole gang, exactly three-fourths of them could not pass an ordinary civil-service examination. This vast majority proved that as a class they were illiterate, know nothing, conscienceless boobs. As a distinguished Member of the Senate has pointed out, they probably would have passed the examination if the questions—these few are offhand, as I have not his perfect roster of queries before me—had been somewhat like these:

How many times a month should a bootlegger be "shaken down"?
What should be the average "shake down" of the average "soft-drink parlor"?
Can you buy a "nightcap" in a haberdashery?
Should all wine be classed as "sacrilegious wine"?
Do you believe a murder a day makes snooping pay?
Do you believe that a snooper's tin badge permits you to murder at pleasure, or is there a closed season?

But the type of the human parasite that seeks enlistment in the prohibition force is too well known to merit extended comment. The majority seem to seek snooping jobs because they are "on the make." They see the opportunities for graft. As measured by their literacy in the civil-service test mentioned, the majority volunteer from the undesirable element. Moronic minds are to be found among them. One was apprehended the other day for attacking a 9-year-old girl. The decent American abhors such a job. He will not seek it. The men of the United States Army do not want to be dragged into this spying. The Coast Guard men, who are being hauled into this service, detest it, as do the men of our Navy. The operations of enforcement agents, in short, have been marked by a trail of blood, graft, and lawlessness. To that shameful record has been added the improper use of public funds in the planting of made-to-order "speak-easies," deliberately planned to induce law breaking and literally manufacturing victims for these snoopers. The Bridge Whist Club, in New York City, for the creation of which Government funds to the extent of $44,886 were spent, still yields an odoriferous memory and stands as a vile example of the web-spinning, trap-setting tactics of prohibition and its Government agents who can not enforce it.

THE "OHIO GANG" AND PROHIBITION

And what of the minority that has applauded such lawlessness and high-handed methods of impossible enforcement? First and foremost stands that organization whose operations soar to the sky—the Anti-Saloon League. Born in Ohio, it aptly is branded with memories of the "Ohio gang" that left its scars of corruption and graft upon one Federal administrative term. The "Ohio gang" was a hard-drinking, poker-playing outfit that bowed to the Anti-Saloon League, twin product of its State, because of political policy, but otherwise it was out for what it could grab. When the "Ohio gang" moved to Washington and the "little green house on K Street" was opened, the Anti-Saloon League also moved its congressional and administration-control forces to Washington. It is this league which has fought so desperately to prevent any popular referendum on prohibition.

Our Nation well knows the products of the "Ohio gang"—its oil scandals, its scandals of the surplus Army goods, of the Standard Aircraft case, of the American Metals case, of Daugherty, of Jesse Smith, of Charles Forbes, of Fall, of Sinclair, and of hosts of others. Out of its shadows even have come flashes of Will Hays, former chairman of the Republican National Committee, peddling Harry Sinclair's Liberty bonds from the Continental Trading Co. in a covert effort to cover over the stains of oil on the Grand Oil Party's "dough bag."

It has truly been said that these scandals, which ruined the reputation of a government, were under the patronage of the Anti-Saloon League. Through all its noisomeness the Anti-Saloon League, with its control of government, was complaisant. The league then, as now, held that a good government is one that makes sumptuary regulation paramount; that executes abuses of search and seizure; that encourages overthrow of citizenship's rights; that surrenders utterly to Volsteadism's

tyranny. Rascals in politics, as then was demonstrated, can deliver themselves to the league in so far as their official power is concerned, and thus gain immunity at its hands for their outrages against public probity and governmental honor. I affirm that it was more than mere coincidence that the movement of this league, aspiring constantly as it is to be our supergovernment, and the political corruption of the "Ohio gang" were timed as they were in their invasion of Washington, our National Capital.

THE ANTI-SALOON LEAGUE'S $70,000,000

It is imperative, if honest government is to exist, to expose the scandals of oil and its queer millions of profits of the mysterious Continental Trading Co., but what of the tens of millions of dollars that have been gathered and even more mysteriously expended by the Anti-Saloon League? This organization, to which rights of citizenship mean nothing, has collected its tens of millions from its dupes and fanatical followers, and there never has been any public accounting of its enormous funds or the avenues of their expenditure.

As nearly as experts of investigation have been able to estimate, the Anti-Saloon League's collections throughout the years from 1883 to 1926, inclusive, aggregated the staggering total of more than $67,500,000. With its harvest during the past year, the total must be around $70,000,000. It hides its money-grabbing desperately, however, and but a few, with these not even fully informed, handle its dollars. Measures should be taken to force this organization, which assumes to control the Government of our Nation and the governments of our States, to come out in the sunlight of publicity with complete statements as to where its swag comes from and where it goes.

And now this Anti-Saloon League is seeking $10,000,000 more! What for? Is it planning a gigantic crusade of corruption in connection with the coming presidential campaign? Neither of the major parties will have in the hands of its national committee any sum near that. The league talks of needing that monster amount for expenditure "within the next five years." That is camouflage. It knows the people are aroused, and it hopes to keep on top in this year's contest by the sheer force of dollars! It eagerly takes its dollars, too, from whoever tenders them. What of that supposedly sainted merchant who handed over $500,000, and then was exposed by the courts of New York State, upon action brought by his wife, as having contributed to the delinquency of a minor, as maintaining a "love-nest" for his victims, and as having liquor in this illicit nook? His contribution was made at the meeting proposing this staggering $10,000,000 war-chest. Did the Anti-Saloon League turn back his filthy dollars? No. It has made itself all the more detestable by its vain effort to set up fruitless excuses for hanging on desperately to this half million.

LEAGUE'S DOLLARS SPREADING CORRUPTION

What have the Anti-Saloon League's unaccounted-for millions been expended for? We are finding that out, despite its armor of secrecy. The Anti-Saloon League set itself up as the custodian of public morals. It established a single standard by which public men had to acquire merit in its eyes, or its money was used to hound them out of office. It required only that a person holding or seeking public office deliver himself to the league as for prohibition, and no other question was asked. With its single standard, the league took no account of its minion's political morals or public or private conduct. Rascality thus found a ready cloak under which to hide its corruption and evil. Unless a man surrendered and complied with its mandate, the league used its money—and plans to use it again in the same way—to ruin a public man and destroy his character. If the political crook was professedly dry, when it came to his vote and official action, he was held up as spotless by this conscienceless league, and he even was permitted to profit from its dollars.

The "Ohio gang's" nauseous record proved that it was not necessary to be personally dry. Delivery for the league in public was all that was required. The league thus encouraged the development of unbounded rascality. It provided the mask of false morality to cover any evil. This single standard of the league protected even Len Small and covered Frank L. Smith blanketwise out in Illinois.

The latter's misconduct, his financial relations with the public utilities which he controlled as chairman of the Illinois Commerce Commission, had proved him unfit for an office of trust and responsibility. Did that matter to the self-haloed Anti-Saloon League? No. It had the chance to support even another dry candidate of admitted character and ability. But it supported Frank L. Smith because it thought Smith could win. He did get the votes, but the United States Senate kicked him off its doorstep. That opportunism of the league revealed its utter indifference to decency. The league again thus admitted that what public men do is immaterial so long as they deliver themselves and their votes to its vile mastery for its pretended enforcement of one solitary law!

Its game was revealed in Indiana, too, where the Rev. E. S. Shumaker and D. C. Stephenson, as cooperating bosses of the league and the Ku-Klux Klan, respectively, ruled tyrannically for a time. The league cared not for the clamping down of tyrannous and abusive laws on citizens so long as its paid agents enforced support of the single law of prohibition. But Shumaker, by his impudence inspired by league dollars and presumed power, ran into a sentence for contempt of the Supreme Court of Indiana, and Stephenson was sent to the penitentiary for life for murder—for the murder of a defenseless woman. The league's superintendent in New York State, William H. Anderson, was convicted of third-degree forgery in connection with his handling of money collections. Its director in New Jersey was convicted of libeling judges because they did not interpret the law as this would-be supergovernment body desired. Out in Kansas, funds collected by its superintendent there, it was revealed, were paid to a judge of the State supreme court and to a state's attorney general.

These and other offenses have been without scruple. Court decisions and upright judges have been mocked and libeled. Laws that violate every human right have been pushed through subsidized State legislatures. It is rule or ruin with the Anti-Saloon League. Cases noted—and the list could be extended for many columns—are typical of the outrages in national and State administration against the decencies of government and public life, against the rights of citizens and the principles of American society, of the stains upon American honor and reputation, all of which are the fruits of Volsteadism and the operations of its prime promoter, the Anti-Saloon League. Is it to be wondered at that the league clings with the tenacity of a drowning man to the $500,000 dumped in by Sebastian S. Kresge, even after a separation trial revealed that this donor's life was besmirched in the very particulars in which these pretended moralists of the Anti-Saloon League propose to regulate American citizenship? How many more of his tribe are in its masked ranks?

VOLSTEADISM HURTS LABOR AND BUSINESS

But I say with assurance that the forces of Volsteadism are disintegrating. They are finding it more and more difficult to fool the people. They have harped on the contention that prohibition has bettered our economic and industrial life. They point to increased deposits in our savings banks. That falsity was swallowed only by the careless. But now our people realize that with the close of the World War, and thus practically coincident with the inauguration of national prohibition, there was such an economic and industrial upheaval in this country as the world never before had experienced.

It was this readjustment forced by new conditions that sent wages in the United States to the highest levels known in any country on the face of the globe. Did prohibition accomplish that? Bosh! Did prohibition make this country the custodian of the bulk of the whole world's supply of gold? Piffle! Prohibition had nothing to do with it, nor with the fact that wages now three to five times those paid in antewar and preprohibition days accounts for increased savings and better living conditions our Nation over. That result ensued despite prohibition, as a matter of truth, and prohibition is the dire factor that has interfered with the adjustment of war debts. It is needless to deal at length with this phase of the problem. But it may be repeated that business to-day, big and complex as it is, stands for true temperance as against fanatical prohibition.

There is, however, one feature of Volsteadism affecting national business that is not always pointed out. Recently the National Bank of Commerce of New York issued a special bulletin stressing the imperative need of alcohol in modern American business. Its analysis proved that alcohol is one of the indispensable raw materials of American industry to-day. It pointed out that Germany's attainment of the front rank in chemistry a decade or so ago was due to its government's liability as to industrial alcohol. Synthetic industrial materials are being created in greater number constantly. You do not even need lumber to build a home. This carefully compiled bulletin affirmed flatly that "Alcohol is necessary to any real development of the chemical industry." It proved that science, technology, and economics are suffering, due to Volsteadism and its blind fanatics, because of its hampering the supply, quality, and distribution of industrial alcohol.

Gen. James G. Harbord, head of the Radio Corporation of America, has pointed out that the crowding of Federal court dockets with liquor cases has resulted in voiding the rights of many inventors, and discouraged research because patent rights are not enforced or even adjudicated. At a recent convention of the Finance Companies' Association, it was declared by its general counsel that ruthless, rash, and unjust seizure of auto-

mobiles by prohibition agents constitutes a serious danger to business. I am advised of the case of a Chicago manufacturer of mirrors who was compelled to resort to legal injunction in order to obtain a supply of industrial alcohol which is absolutely necessary in his business.

So national prohibition even has business by the throat. The prohibition czars of our Government arbitrarily decree reductions of alcohol production, the total arbitrary decrease for the last year having been 5,000,000 to 10,000,000 gallons. These decrees are not scientifically based on probable business needs, but are promulgated merely on the basis of how much these dictators believe is being diverted for beverages purposes. Talk about communism! If that is not the essence of communism, I know not what is. It is that sort of thing which always has paralyzed governmental undertakings. The economic world well may laugh at this effort to budget industry in this mighty Nation of ours. The quantity of any material is absolutely not subject to guessing forecast, because it varies from day to day with the ebb and flow of business.

PROHIBITION NOT PART OF CHRISTIANITY

But Volsteadism is slipping badly. It is but the true reaction of human nature at its best that it should. The Volstead fanatic would have us believe that it is sinful to take a drink. Where in the name of Heaven does he find ground for such attitude? In touching on this angle of the problem, I wish to deal reverently with one phase that often is but lightly dwelt upon. This Nation was founded upon the very doctrines set forth by the Holy Bible. The spirit of that book permeates the Declaration of Independence and the bill of rights. It dominates the Constitution of the United States—until we reach that eighteenth amendment. The latter violates that spirit, just as it directly opposes all that has been written before relative to life, liberty, and the pursuit of happiness.

Just laws are written into all statute books with the avowed purpose of prevailing against, or forbidding, evil and sin. I contend that the eighteenth amendment in no event whatsoever properly has a place in the Constitution, for under no interpretation under the sun is it anything more than a mere police regulation. But, aside from that, if prohibition is a just law, it must be shown that drinking temperately is in itself sinful. But no attestation to that end is found in the Holy Bible. Drunkenness, which we all abhor, but which Volsteadism constantly is increasing, is forbidden. But nowhere in the pages of the Bible is temperate drinking held to be sinful. If temperate drinking is sinful why did the greatest figure the history of our world has ever known, the Christ, the founder of our faith, partake of drink?

I contend that no true Christian who claims to follow the teachings of the Christ can be a prohibitionist without denying the Christ he professes to follow. Among the first of the miracles was His turning of water into wine at the marriage feast of Cana in Galilee. But some fanatics insist that was unfermented wine—that it did not have time to ferment. That contention is to deny the efficacy of the miracles. The divine power that turned water into wine easly could have aged the wine also. And, in proof that this was so, the gospel of St. John (2:10) records that the governor of the feast said unto the bridegroom:

> Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse: but thou hast kept the good wine until now.

Can we imagine such a wedding feast in this day? Prohibition agents would be breaking in when the wine was served, probably without a search warrant as our law requires, and perhaps firing revolvers promiscuously and wounding or killing some of the guests!

CHRISTIANITY TEACHES TRUE TEMPERANCE

Again inveighing against those who could be won neither by the manners of John the Baptist nor of Himself, the Divine Redeemer said, as recorded in the gospel of St. Luke (7:33–34):

> For John the Baptist came neither eating bread nor drinking wine; and ye say, He hath a devil. The Son of man is come eating and drinking; and ye say, Behold a gluttonous man, a winebibber, a friend of publicans and sinners.

There must have been fanatics and hypocrites in those days who would have made prize members of the Anti-Saloon League.

We know that the Apostles, except for one who remains branded as the vilest betrayer and traitor in history, followed the example and wishes of the Christ. So we always recall Paul's advice to Timothy in his first epistle (5:23):

> Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities.

It was Solomon the Wise, son of David, whom the drys are so prone to quote as to one declaration, who said (Proverbs, 31:6):

> Give strong drink unto him that is ready to perish, and wine to those that be of heavy hearts.

And yet the Anti-Saloon League vengefully sought to crucify the fearless attorney general of Indiana, the official who broke the Shumaker régimé, because he honestly admitted that he had obtained some good whisky for medicinal purposes when a member of his family lay very ill—and who asserted he would do the same thing again in like circumstances.

So, from the New Testament or the Old, citations can be made in great number utterly disproving that temperate drinking is sinful. Why, in the Second Book of Samuel (6:19) we find it written of David himself, after he had laid low the blustering Goliath of Gath:

> And he dealt among all the people, even among the whole multitude of Israel, as well to the women as men, to everyone a cake of bread, and a good piece of flesh, and a flagon of wine.

A David will arise among us one of these days to cast the fatal stone that shall lay low Anti-Saloon Leagueism for all time.

Volstead fanatics hold up the false impression that all must drink liquors to excess if they are again made available legally. That temperance and personal liberty are upheld by the Bible is shown by that story of the old-fashioned party recorded in the Book of Esther (1:7–8) about 519 B. C., with King Ahasuerus as host:

> And they gave them drink in vessels of gold (the vessels being diverse one from another), and royal wine in abundance, according to the bounty of the king. And the drinking was according to law; none did compel, for so the king had appointed to all the officers of his house, that they should do according to every man's pleasure.

But Solomon, so often quoted in one particular by the drys, did utter these words (Proverbs, 6:16–19):

> These six things doth the Lord hate; yea, seven are an abomination unto him:
>
> A proud look, a lying tongue, and hands that shed innocent blood,
>
> A heart that deviseth wicked imaginations, feet that be swift in running to mischief,
>
> A false witness that speaketh lies, and he that soweth discord among brethren.

Let the Anti-Saloon Leaguers and the prohibition fanatics measure themselves by those seven things that are pronounced hateful to God!

HONORED AMERICANS OPPOSED PROHIBITION

But to come down to recent generations. History tells us that it was not puritanism and fanaticism that won victory in our Revolution, built up our country, and placed our Nation upon firm foundations. It was not prohibitionists who won the Civil War and determined that our country should not be divided. To quote those who have gone before us is to bring the adjuration of those whom the whole world ever will respect for their wisdom. It was the martyred Abraham Lincoln who said:

> Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason, in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded.

Hosts of patriots who contributed to America's greatness could be quoted, but time does not afford. I do wish to call attention to one statement that was prophetic of what has occurred. Speaking in Plymouth Church, Brooklyn, on December 3, 1882, Henry Ward Beecher drew this intimate picture of human nature when he said:

> In America a law with no popular public sentiment behind it, or with no active good behind it, is like a gun with no powder in it. Next comes the question of the right of the law to determine whether a man shall or shall not drink. On that subject I am in favor of men not drinking—unless you tell them that they shall not drink. And so, if any man or any community were to say to me, "You shan't drink wine when you think it best," I would say, "I will," with no other reason but to show that I am a free man. But if my physician should say to me, "It is not wholesome, it is mischievous for you," appealing to my reason and judgment, then I would say, "It is no matter; I will not."
>
> If men should undertake to hold a rod over my head, and should say, "We will expose you to the contempt of the community and to disgrace if you drink wine," I would say, "I do not care for the community; in a thing which concerns me the community shall not touch me, as I in the things which concern the whole community have no right to touch them!"

I hold, therefore, that there is a personal liberty in this matter, a domain that must not be invaded by sarcasms, nor by sundry obvious influences brought to bear upon me. Leave to every man his personal and individual liberty. Diminish his temptation by persuasion, by good reasons, and by kindly influence, but not by authority—not by coercion.

There is a prophecy in those words that has been frightfully fulfilled. Law-abiding citizens of the best class have been turned into lawbreakers by prohibition. Bootleggers have become rich selling poisonous booze unlawfully. Thousands have been blinded, paralyzed, or rendered insane, even if they escaped the cemetery, by vile liquor. Even our Government, to please the Volstead fanatics, puts poison in the alcohol which has caused the deaths of hosts of people. But recently a Kansas City mother presented to the Senate a claim for $200,000 for the death of her son due to the drinking of poisoned alcohol. Her petition now is in the hands of the Committee on Claims of that body. Charges have been made on this floor repeatedly that the Government thus is a party to murder. But prohibition officials refuse to discontinue use of poisons, on the ground that other denaturants have proved unsatisfactory. And the Anti-Saloon League threateningly demands that stand. This mother, as quoted in the newspapers, expressed her true object thus:

What I want to do is to stop murder by the Government. I didn't place a price of $200,000 on my boy. I wouldn't have taken a million dollars for him.

PHYSICIANS ARE OPPOSED TO PROHIBITION

But, to return to Henry Ward Beecher's prophetic reading of human nature, the great cause of temperance that he and others of his day had fostered by teaching the evils of intemperance and of prohibition has been all but destroyed by Volsteadian fanaticism. There is no such thing as temperance throughout the land to-day. Prohibition promotes excesses. If true temperance is to be restored, a halt to existing and increasingly demoralizing conditions must be called at once.

I should like at this point to note a statement made by Dr. Charles A. L. Reed, former president of the American Medical Association, in addressing the American Public Health Association. He said:

In a republic it is dangerous to talk about the fetish of the Constitution. But it is being made a fetish by Volsteadians. No constitutional provision nor any laws enacted thereunder that violate the fundamental law of human well-being ever have been or ever ought to be observed by an independent people. Alcohol is a normal constituent of brain tissue. It is like the gas of your motor, an energizer. When it is exhausted, it must be replaced.

Here is a medical man of highest standing who frankly affirms, and who knows, that the human brain needs alcohol in temperate quantities. Of course, the Anti-Saloon League probably will deny that. It's a wonder that gang has not sought to stop the whole metabolism of the human body by enacting a law to that effect! However, practically everybody knows that our bodies are laboratories manufacturing alcohol. When a man gets it no other way, he eats a good deal of sugar, or candy, and the sugar turns into alcohol in his body. No wonder candy has become so popular under prohibition. The Anti-Saloon League should rush in and stop its manufacture!

And what alcohol does in energizing the brain is shown by the history of the races using alcohol and those not using it. I can see why a Buddhist, a Mohammedan, or a follower of Confucius might be a prohibitionist, for their religions teach prohibition. But what of them? Of the nations noted for abstinence from alcohol not one has reached the position of even a second-class power. Some may say that Turkey is coming somewhat to the fore. Perhaps. But it is doing so by casting off its old living habits along with the fez and the yashmak. There are 100,000 white British soldiers in India, and these, plus the lawmakers of Great Britain 7,000 miles away, hold beneath their thumbs and rule 300,000,000 water-drinking Asiatics. That's where the Anti-Saloon League should expend its energies—in Asia. It might rule India's millions, provided, of course, that Great Britain, as it probably would, did not expel its schemers and fanatics forthright. However, that's another reason why these fanatics never will succeed in supergoverning these United States. Our people are not of the breed, patient and long-suffering as they have been for some years, who will stand for such watery, hypocritical domination!

CHURCH AFFIRMS PROHIBITION'S FAILURE

And I repeat, I can understand how the followers of certain religions can be prohibitionists. But I contend that no true Christian claiming to follow the teachings of the Christ can be a prohibitionist without denying the Christ he professes to follow. So much for Volsteadism and the Anti-Saloon League and their claims as to religious authority! Further, religious denominations and churchmen who heretofore have been inclined to let them have their way, as opposed to true temperance, daily are adding their voices to this challenge, as I shall show.

But a few months ago Bishop H. T. Partridge, of Kansas City, bishop of the Episcopal Church in western Missouri, declared that prohibition has resulted in an era of pocket flasks, and that the United States soon will have to face modification of the Volstead Act or some other solution of the "temperance problem."

"Fermented wine," he asserted, "is a God-given gift—a divine symbol of joy—and to bar it by human legislation is a violation of the Christian principle of citizenship. If a man wants a glass of beer, drinking it moderately, there is no reason in the world why he should not have it."

He might have added that to bar fermented wine by human legislation would mean to attempt to alter the very processes of nature, as devised by the Great Creator, by a puny statute. However, following that statement, failure of prohibition was attested by an official poll of the American clergy of the Protestant Episcopal Church. A tabulation of the vote showed the following results on the questions presented:

Is prohibition a success in your locality? Yes, 445; no, 745.

Have we had this law long enough for a fair trial? Yes, 950; no, 621.

Regardless of one's attitude toward the use of liquor, do you believe a prohibition law offers the best solution of the problem of intemperance? Yes, 624; no, 1,138.

Should the Volstead Act be modified? Yes, 1,032; no, 592.

Should the eighteenth amendment be repealed? Yes, 825; no, 793.

The Protestant Episcopal Church is officially in favor of law observance—

Said the Rev. Charles A. Livingston, chairman of the publicity committee of the National Church Temperance Society, in making public these results—

But our survey shows that the clergy as individuals are not in favor of the Volstead law. The answers from the South and West average the same as those from the East. They do not want the saloons, but in the interest of morality they believe that prohibition ought to go. Beer has been taken away and distilled poison put in its place. When prohibition has been given time to demonstrate what a fallacy it is, its elimination will be easy as well as lasting. The disgust with the law was never so much in evidence as it is now, and it is not confined to any particular section of the country, but it is nation-wide.

There is no compromise in that statement. Following another announcement as to this questionnaire but a few weeks ago, when 1,305 clergymen had voted "no" as against 501 voting "yes" on the question of whether prohibition was a success in their respective localities, Doctor Livingston said:

The majority favor modification of the Volstead Act with some form of Government control, as in Quebec. In addition to the answer on postal cards, hundreds of letters have been received from bishops and rectors in every State in the Union. An analysis of these reveals the vast majority hold that prohibition is wrong in principle and contrary to Scripture. They contend that even if 100 per cent of enforcement could be obtained prohibition still would be a failure.

REPEAL WILL PROVIDE EFFECTIVE RELIEF

Now, why do I demand repeal of the eighteenth amendment and of its Volstead Act appendage? The fanatics of Volsteadism uplift their hands in assumed holy horror. But I contend that the right of repeal is as sacred as is the right of enactment. There is naught but commendableness in the organization of citizens for the purpose of bringing about, by legal means, the modification or repeal of any law which those citizens consider unwise, inexpedient, unscientific, or unenforceable. It is the right of the free citizen to advocate the enactment of any law based on elementary morality, or the repeal or modification of any existing law, and to associate himself with others in that effort. That position and right has been most forcibly expressed by that patriotic citizen, that efficient executive, that champion of personal liberty, the Governor of the State of New York—the Hon. Alfred E. Smith. It is the right of the people, as he has so untiringly and emphatically contended, to organize to oppose any law and any part of the Constitution with which they are not in sympathy. That is the very base of free speech and of our constitutional guaranties.

The best that Congress and the State legislatures could do in a legal way under the eighteenth amendment to relieve existing conditions would be to permit an alcoholic content just below the intoxicating point. The problem of the "intoxicating point" still is a moot question. But let us grant even the exaggerated claims of the Volstead fanatics. The intoxicating

point for beer, then, may be somewhere between 2 and 3 per cent alcohol by volume. Wine never contains less than 9 per cent alcohol by volume. If under 9 per cent it turns to vinegar. Therefore, with the eighteenth amendment prohibiting "intoxicating beverages," wine might be held always an intoxicating beverage. Under the eighteenth amendment's restrictions it would be impossible, in that case, for Congress or any State legislature, to legalize the manufacture, sale, and transportation of wine. That is the fact of the matter. Let us be frank about it.

In this connection, I wish to quote a few statements uttered by Senator EDGE, of New Jersey, who is regarded as the author of the initial so-called "beer and wine" bill—a proposal introduced several times in varying forms because the Judiciary Committee repeatedly shelved such projected measures. Senator EDGE is not of my political faith, but he spoke for the liberals of his political fold. One of his assertions was: "If I had the power I would amend the eighteenth amendment to provide for a reasonable distribution of hard-spirit beverages, not through the medium of saloons, which, however, have not ceased under present restrictions, or through drug stores, but under governmental supervision and surrounded by every possible safeguard."

EVEN EDGE SAYS AMEND THE CONSTITUTION

Again Senator EDGE stated:

I frankly admit in advance no complete relief is possible without amending the Constitution. As I have repeatedly stated, the power of Congress is necessarily confined within the terms of the Constitution—the eighteenth amendment. If we go too far, the Supreme Court would undo our work.

Another declaration by Senator EDGE was:

While convinced the American people can be trusted not to abuse modification in any parallel degree to the existing violation of the Volstead act, it will nevertheless be seen that I have refrained from suggesting the legalizing of so termed "light wines." I would favor such an amendment did I believe it would stand the test. I can not conceive a wine that would not necessarily contain more alcohol than 8 per cent, and I feel that would be determined by the court a violation of the eighteenth amendment. * * * Therefore, as much as it is to be desired, combining "light wines and beer" is in my judgment an uncertain proceeding. Two and seventy-five one-hundredths per cent beer can clearly be permitted by statute. At least no one can assert with knowledge that it would be unconstitutional. The legality of wine is at the best questionable.

It was Senator EDGE, by the way, now a proponent of repeal, who voiced the whole story of opposition to prohibition in these words:

The individual man, when he stands upon his plain right, will not down. His house is his castle and his life is his own. What service and obedience he owes to those in authority he renders as he should. He stands, if need be, alone and single-handed against the law; behind him, as his inspiration, he has a thousand years of the tradition of individual liberty. There is a spirit in him that kings have never conquered, that parliaments have never compelled, that the scourge has never beaten out, and that fire has never consumed.

BORAH ADMITS FEAR OF REPEAL

Even that distinguished Republican Senator from Idaho, who is beset with the peculiar hallucination that he can remove the stain of oil from his "grand oil party" by passing the hat for contributions to repay Harry Sinclair for the bonds which the latter gave Will Hays to peddle to meet a Republican organization deficit, has admitted that repeal is the true objective for those who oppose prohibition and its fanaticism. He has confessed:

The American people will never get the intoxicants—

He is the sort who think anything other than absolute dryness, which has been proved impossible, is intoxicating—

that some of them think they want, by puttering around with so-called amendments to or modifications of the national prohibition act, commonly called the Volstead Act.

The Constitution of the United States stands between them and any modification of the Volstead Act that would give them intoxicants. Any claim that such modifications would give them what they seek is a mockery as hollow as it is unconstitutional. I know of no way that we can legislate for intoxicants so long as the Constitution remains as it is. In a single sentence, if there is going to be any change in the prohibition policy, program, or legislation, there must first be a change in the Constitution.

That's frankness, isn't it? None of his dry associates, including the schemers of the Anti-Saloon League, ever have shown quite such candor. It gets further from the viewpoint of anti-Volsteadism than the Senator will get in wiping the oil stains off his party's machine by his hat-passing and hurdy-gurdy soliciting. It adds proof, however, that if we are to end the lawlessness and crime of prohibition and make progress toward the reorientation of personal liberty and true temperance we must wipe the slate clean by repeal, create new national legislation, or vest such power in the various States for individual action.

WORLD WAR VETERANS DEMAND ACTION

Veterans of the World War have expressed themselves, as they should. They were foremost among those double-crossed by the Anti-Saloon League and the fanatics of prohibition. They were offering their lives while the paid agents of Volsteadism were putting over their game. In the heat of war excitement, when our people were buying bonds to send billions to Europe and our finest young men were marching down to be herded on transports, prohibition went through with a bang. And its fanatics made it good and tight while they were about it, as we have seen. It all was done in war's semihysteria, and the veterans now controlled by the prohibition law had no chance whatsoever to vote on this vile thing, or even to have a voice in it. Had they been infants in the cradle, but a fortnight old, they could have had no more to say about this particular law which now controls their mode of living. But they know, as the people now realize, that bootleg whisky, which sometimes makes you blind, sometimes kills you, and always poisons, is not to be tolerated in our proud country.

Edward E. Spafford, national commander of the American Legion, has put it this way:

No government can exist which does not enforce its laws, or which resorts to a breach of the fundamental principles of liberty in order to enforce a law which has not the sanction of the best thought of the community. Inasmuch as the strength of any law rests upon the strength of the governed, it should have the unqualified consent of the people.

If the will of the people is for the retention of the eighteenth amendment and of the Volstead Act every effort of the Government should be bent toward their enforcement. Gangsters should be reformed or annihilated; the man who lends his property or countenance to illict acts should be ostracized from the society of law-abiding citizens. If, on the other hand, these provisions have not the approval of our citizenry they should not remain a dead letter which permits people to scoff at our institutions, but should be removed from our public records.

THREE COURSES OPEN TO THE PEOPLE

In the circumstances, it has been pointed out that there are three courses open to our people. We can drift along, as we are doing, into nullification to the point where juries will convict in no case, and where everybody who wants to make a living by bootlegging can do so, with crime and lawlessness and disrespect for all law constantly increasing. As an alternative, we can bring about the amending of the eighteenth amendment, as well as the Volstead Act, in a legal way. Those who urge this course have proposed among other means the so-called "Buck plan," sponsored by Dr. F. W. Buck, of the present Federal Dispensary-Tax Reduction Tax League, as far back as 1914.

This plan would amend the eighteenth amendment by substituting a comma for the period after the first section of the amendment and adding the words, "excepting the Government." Proposed coordinate amendment of the Volstead law would permit the Government to license breweries, wineries, and distilleries to manufacture pure liquors, under Government supervision and inspection, for sale under Government control, and permit no liquors to be bottled until they have been properly aged in wood. Provision would be made for the Government to establish dispensaries on the basis of not more than one in cities up to 50,000 population, and in like ratio in larger cities, with postmasters acting as dispensing agents in towns and country districts. Penalties would restrict consumption to homes or specifically designated places.

The third, and final, course of procedure is to repeal the eighteenth amendment and the Volstead Act utterly, and this is the course I advocate. Then proper provision can be made for Government control, supervision, inspection and sale. Thus we would build anew, and not potter around with the amending of existing provisions in the Constitution or the statutes now bearing upon this vital problem. Let us abolish the unsatisfactory mess and start anew.

NATION'S LAWYERS ADVISE REPEAL

This demand for utter repeal is finding favor among the foremost associations of lawyers, just as it has been approved by various business organizations and religious denominations.

Conscientious lawyers, I believe, have been able to gauge better than citizens who are not lawyers the fearful effects of forcing prohibition upon unwilling citizens and communities, of its inevitable breeding of disrespect for all law, of its creation of intolerable congestion of our courts, of its substitution of immense graft for the taxes alcoholic beverages formerly paid to the State, and of prohibition's evils distracting political attention from vital issues of domestic and foreign policies.

There is deep significance in resolutions recently adopted by bar associations of New York City and Philadelphia. The Law Association of Philadelphia directed most emphatically the attention of all other bar associations, city, county, and State, to the evils resulting from the Volstead Act and the eighteenth amendment. The Association of the Bar of the City of New York, after several meetings and a final closed session, adopted a resolution by a three to one vote declaring that the prohibition amendment and the Federal enforcement law based upon it—

should be repealed, and the whole subject of prohibition be remitted to the sole regulation of the several States.

This is the most sweeping antiprohibition resolution yet adopted anywhere by a powerful bar association; and the argument in its favor, as summarized in the preamble, included the categorical affirmation that the eighteenth amendment is inconsistent with the spirit of the rest of the Federal Constitution and violative of the bill of rights. Politicians may prefer evasion and shuffling, but such emphatic action is indicative that the day of settlement is at hand.

Action must be had to remedy conditions. Lawbreaking in this country, inspired by contempt for the constitutional prohibition provision, is as widespread as bootleg whisky. The "perfectly respectable" citizen who would instantly and remorselessly jail a man for breaking the law against stealing an overcoat boasts his skill in breaking the prohibition law, and invites his friends to share in the results of his lawbreaking. The people resent the action of the Federal Government in trying to dictate every detail of their lives. They are tired of having Federal officers tell them what they shall drink, what they shall eat, where they can play, and even where they can fish. Our Government, by this dictatorial paternalism, is forcing our people into lawlessness and whetting their minds for anarchy. They resent snoopers spying on their every action, and protest against being dictated to in any way that may wreck their happiness.

PROHIBITION PROMOTES GRAFT AND BRIBERY

Bribery is everywhere as part of the law-breaking spirit of the day. The bootleggers bribe governmental officials for protection and immunity, and then our Federal Government exacts as income tax without shame its share of the bootleggers' profits from this infernal, corrupting traffic. Various cases now are pending in the Federal courts aimed to force certain ringleaders of bootlegging to pay up proper income taxes on their unlawful profits. Such a situation should be a national reproach. It makes our Government literally the financial partner of the booze peddler.

Hijackers in turn prey upon the bootleggers. Many are killed, but there is no "squealing," for that would mean more summary deaths. Kidnapping in various cities has been reduced to a fine art, the victims usually being high-powered bootleggers, who thus are made to divide their profits among the less successful or smaller fry of their "profession." Crime is an organized business, and a gigantic wholesale business at that. In one little county down in southwestern Illinois a former police magistrate recently confessed that he had aided a group of officials in squeezing $150,000 in graft from local bootleggers within a very brief period.

In one great city profits from bootlegging and beer running, not counting in hijacking robberies and such subsidiary profits, are conservatively estimated as running as high as $70,000,000 a year. Every modern means is utilized in these operations—machine guns, motor cars, power boats, flying machines, and even submarines. All along the Canadian and Mexican borders rum running is rampant.

The entire United States Army, multiplied many times, could not adequately patrol those borders and keep out forbidden alcohol. Superbootleggers, keeping in the background, finance wholesale operations through "perfectly respectable" financial institutions that exact terrific rates of interest for this financing of crime. A few years ago we would have thought of organized crime and bobbed-hair girl bandits as distorted dreams. But to-day, in this great and powerful country, we find that prohibition has made them realities.

PROHIBITION COSTS BILLIONS IN TAXES

A noted financial publication, after months of careful survey, recently estimated the cost of prohibition at $2,077,000,000 annually. Why, that is like reading the tax rolls of States, counties, cities, and the Federal Government combined! Try to contemplate the billions that prohibition has cost the Government in excise taxes! And the people are crying for tax reduction and tax relief. If we had true temperance in this country, with the manufacture and sale of pure alcoholic beverages supervised and controlled by our Government, the profit would be sufficient to permit us to reduce individual taxes to the minimum. We could reduce our monster national debt as we pleased. We could facilitate the wiping out of war debts, because prohibition would not interfere with foreign trade that is necessary to effectively aid our debtors to pay up.

The farmer is crying for help. Stamp out prohibition and the farmer will find a market for his grain crops. Prices will be stabilized, and they will be thriving prices, too. He can blame the Anti-Saloon League and its fanatics for the loss of his markets in the lean years he has experienced. An authority affirms that even modification of the Volstead Act, which would allow the brewing of beer alone, would result in 10,000,000 acres of land being used for the growth of barley.

And what has all this staggering financial loss to all the people had to balance it? Nothing but crime, graft, and lawlessness in such degree as never before could have been imagined. The liquor-enforcement division of the Department of Justice last December gave out figures showing that since the enactment of prohibition the Federal courts alone had imposed fines aggregating more than $42,000,000 and jail sentences totaling more than 22,500 years. At the close of the fiscal year in June, 1927—the Government never is up to date with its statistics—there had been 223,507 convictions. Yet all the effort and expenditure, all the convictions, all the activities of armies of prosecutors and snoopers had not made a perceptible dent in the constantly increasing bootlegging, with its growing horrors of law-breaking, graft, deaths, and red-handed crime!

About the same time figures were given out in Toronto showing that 11,000,000 Americans had visited Canada between January 1 and September 30, last year, and spent an estimated $100,000,000. And what of the Americans who visited Mexico, Cuba, Europe, and other liberal segments of the world, and of their additional tens of millions of expenditures? What is to be done in the face of all this?

THE LEGAL INDICTMENT OF PROHIBITION

In these circumstances prohibition stands indicted on more counts than any criminal ever arraigned. I am presenting this formal indictment in rather legal verbiage. Its counts, as drawn, have been approved by some of the most distinguished of American lawyers. Here are the charges that stand against prohibition, its fanaticism, and its harvest of evil and sin:

First. The eighteenth amendment is inconsistent with the spirit and purpose of the Constitution of the United States and in derogation of the liberties of citizens and of the rights of the States as guaranteed by the first 10 amendments thereto.

Second. The eighteenth amendment and the laws purporting to be enacted in pursuance thereof have proven a source of confusion and hindrance in the interpretation and administration of the entire body of the law, and impaired respect for law in general.

Third. Violation and disregard of it has been, and is, participated in, or connived at, by all grades of society and by public servants intrusted with its enforcement.

Fourth. The eighteenth amendment and the statutes, orders, and regulations purporting to be adopted thereunder, and the abuses practiced in the alleged enforcement thereof, have brought about conditions of crime, fraud, corruption, and lawlessness in such proportions and to such extent as to inculcate a general lack of respect and downright contempt of law.

Fifth. These conditions and abuses pervade the Government and every branch of our social, political, industrial, and religious life, and have become a serious detriment to the welfare and moral health of the country, and a peril to stability of government.

Sixth. In its alleged enforcement unlawful searches and seizures have been resorted to generally the country over.

Seventh. It has been the medium of disturbing time-honored international relations.

Eighth. It has embarrassed, obstructed, and impaired foreign trade. Through it the Federal Government has extended its activities into affairs which under the Constitution were guaranteed local to State governments and immune from Federal interference.

Ninth. It has stimulated in the Federal Government and its authorities extensions and arrogations of influence moving toward consolidated Federal democracy with unlimited power, hostile to the spirit of our Federal Republic, with its defined and limited powers.

Tenth. It has lowered the Government in the esteem of the people until it is the subject of world-wide ridicule and scorn.

Eleventh. It has stimulated the spirit of aggression in the Federal Government until it is seriously proposed to extend the Federal judiciary system and confer upon commissioners magisterial powers and authority to punish, imprison, and fine in the States without trial by jury.

Twelfth. An amendment which by its own terms is limited in its applicability to alcohol for beverage purposes is by the courts construed as authority to limit or proscribe alcohol for medicinal and trade use.

Thirteenth. With remote responsibility for the character of appointees under it, criminals of low degree have been intrusted with its administration, and have ruthlessly slain citizens and had protection of the Government.

Fourteenth. Under it our governmental system is being so insidiously poisoned as seriously to impair its efficiency, if not to endanger its continued existence.

Fifteenth. It has evoked demand for relief and correction from leaders of thought in religious life.

Sixteenth. The promised good has not materialized, but instead thereof the evils aforesaid have resulted and are growing steadily worse.

REPEAL IN TOTO IS DEMANDED

Gentlemen and ladies of the House, on this indictment the crime-engendering, corruption-breeding, manhood-destroying, youth-endangering, graft-promoting, government-threatening eighteenth amendment, along with its impotent so-called enforcement provision, the Volstead Act, should be repealed utterly.

I ask your support of my resolution to this end. A forest fire is fought by every human being residing in the sector where it rages. A national war grounded in justice brings every loyal citizen to action. Our country is truly in danger because of this intolerant, malignant prohibition. Respect of all law is threatened by Volsteadian fanaticism. Let us clean the slate! Repeal this amendment and its accompanying act, and create new legislation that shall blot out utterly, for the welfare of our Government and of all our people, the terrors and blood of prohibition. We must act. Our people so demand. Let us have absolute repeal. If we fail, the oncoming generations will not. But they will brand us as traitors to our Nation, its homes, its industry, its life.

CHINA

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to proceed for eight minutes on the subject of China.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for eight minutes. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, pending operations in China present clear proof that we should have a policy with a world perspective. To consider that the present bedevilment of China by Japan is of no American concern is childish.

We have many practical reasons for interest. First of all, there is the nine-power treaty, to which we are a party. Then must be thought of our trade relations with China. If we sign a treaty with foreign powers, we expect them to have all the sanction of law. If Japan intends a permanent occupation of Shantung or even of Manchuria, the Japanese violate a solemn treaty made with us. We of Congress do not know the terms of assurances the State Department has received from Japan in this regard. The Congress and the people should be informed.

A Japanese army in Shantung argues for permanent occupation. This was the aim of Japan at Versailles, but under the leadership of this country the Japanese surrendered such designs in the treaties negotiated at Washington.

The Chinese have as much right to national independence as any other people. Probably no revolutionary movement has promised as much for world progress as the program of the Koumingtang. It is highly progressive, promising political advancement modeled on our institutions. The reactionary imperialism of Japan should not defeat this forward step that indicates, if adopted, that over 800,000,000 of God's children will advance. China will either be a free nation contributing to world improvement, or a subject of Japan, more backward than heretofore.

Our country established the original contacts of Japan with occidental civilization. Also we have, under the inspiration of John Hay, insisted on the sovereignty of China and equal trading rights for all powers.

We have thus been friendly with both countries—and we owe to ourselves as well as to them to help China get its place in the sun.

We have been recognizing the provincial government of Peking as the Government of the China Republic. The Cantonese control much of China—and their program of constitutional reforms has the support of the Chinese, even beyond those within the military sphere of Gen. Chiang Kai-shek.

I have introduced a resolution providing that it is the sense of the House that this country recognize the Nationalist Party as the government of China. We are to-day recognizing the Pekin Government that is only a government of the Province of Pechili. It is almost entirely repudiated by the Chinese people. I would like to see our Government become realistic. I would have it the first to take advantage of cooperating with the party responsible for national progress in China by giving diplomatic courtesy to the agents the Nationalists send here. I believe that this country should receive these men with all diplomatic courtesy. It is my idea that if we want to help them progress we should recognize the progressive party in China that has become the de facto government and should be considered because of its program and because of its reception by the Chinese people as the de jure government.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. CHINDBLOM. The gentleman realizes that while he may offer a fine expression of opinion he is encroaching on the prerogatives of the President.

Mr. BLACK of New York. We have a Foreign Affairs Committee in this House and they are here for some purpose, and Congress should have something to say about its foreign affairs. [Applause.]

ORDER OF BUSINESS

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I presume on Monday the consideration of the Consent Calendar will begin at the first bill on that calendar. We are, however, approaching the end of the session. There are a great many bills on the calendar which will never be reached unless we begin to take up the calendar from the beginning and go through to the end. I express the hope that while we do begin on Monday with the consideration of the first bill thereafter when the calendar receives attention we may proceed until all the bills are ultimately called before adjournment.

Mr. CRAMTON. That would be the natural course, because Monday is consent day, and any later action for a call of the calendar will be a special occasion, and it would be natural to do what the gentleman suggests.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. J. Res. 156. Joint resolution to stay proceedings for the condemnation of squares 727 and 728 in the District of Columbia; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians;

H. R. 13511. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12632. An act to provide for the eradication or control of the European corn borer.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Des Moines River at or near Croton, Iowa; and

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a bill of the following title:

H. R. 11133. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

ADJOURNMENT

And then, on motion of Mr. MAPES (at 4 o'clock p. m.), the House adjourned until to-morrow, Sunday, May 20, 1928, at 2 o'clock p. m.

COMMITTEE HEARING

Mr. TILSON submitted the following notice of a committee hearing scheduled for Monday, May 21, 1928, as reported to the floor leader by the clerk of the committee:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 13683).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

532. A letter from the Comptroller General, transmitting supplemental report of claims for compensating persons who suffered property damage or personal injury due to the explosions of the naval ammunition depot, Lake Denmark, N. J., July 10, 1926 (H. Doc. No. 310); to the Committee on Claims and ordered to be printed.

533. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Skagit River, Wash. (H. Doc. No. 311); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

534. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Stilaguamish River, Wash. (H. Doc. No. 312); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13665. A bill to provide a building for the Supreme Court of the United States; with amendment (Rept. No. 1773). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHNEIDER: Committee on Immigration and Naturalization. H. R. 13793. A bill relating to records of arrival of certain immigrants, and for other purposes; with amendment (Rept. No. 1774). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on the District of Columbia. H. R. 7341. A bill to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia; without amendment (Rept. No. 1775). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on the District of Columbia. H. R. 7342. A bill to fix the salaries of the members of the Board of Commissioners of the District of Columbia; without amendment (Rept. No. 1776). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL of Indiana: Committee on the District of Columbia. H. R. 8300. A bill to provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting and communication systems, and all structures of any kind deemed necessary and useful in connection therewith; with amendment (Rept. No. 1777). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 13447. A bill authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.; without amendment (Rept. No. 1778). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 13884. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; without amendment (Rept. No. 1779). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT: Committee on the District of Columbia. S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; with amendment (Rept. No. 1780). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. H. R. 10372. A bill regulating Indian allotments disposed of by will; without amendment (Rept. No. 1781). Referred to the House Calendar.

Mr. DREWRY: Committee on Naval Affairs. H. R. 13876. A bill to authorize the construction of barracks and mess hall for enlisted men at the naval training station, Hampton Roads, Va.; with amendment (Rept. No. 1785). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 363. An act for the relief of Louise M. Cambouri; without amendment (Rept. 1760). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 443. An act for the relief of Larry M. Temple; without amendment (Rept. 1761). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.; without amendment (Rept. No. 1762). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1645. An act for reimbursement of W. H. Talbert; without amendment (Rept. No. 1763). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 4609. A bill for the relief of M. L. Willis; without amendment (Rept. No. 1764.) Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7392. A bill for the relief of John I. Fitzgerald; without amendment (Rept. No. 1765.) Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9716. A bill to pay Charles H. Salley, of Salley, S. C., for costs, disbursements, and commission as administrator of the estate of Jim Woodward, deceased; without amendment (Rept. No. 1766). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 9862. A bill for the relief of M. T. Nilan; with amendment (Rept. No. 1767). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10045. A bill for the relief of Robert S. Ament; with amendment (Rept. No. 1768). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11500. A bill for the relief of Ella Mae Rinks; with amendment (Rept. No. 1769). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 11510. A bill for the relief of Montana State College; with amendment (Rept. No. 1770). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 12612. A bill for the relief of E. W. Gillespie; with amendment (Rept. No. 1771). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13498. A bill for the relief of Clarence P. Smith; with amendment (Rept. No. 1772). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 3314. An act for the relief of John J. Fitzgerald; with amendment (Rept. No. 1782). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 3931. An act for the relief of Augusta Cornog; with amendment (Rept No. 1783). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2492. A bill to extend the benefits of the employers' liability act of September

7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.; with amendment (Rept. No. 1784). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 13801) for the relief of John Bowie, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MICHENER: A bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on the Public Lands.

By Mr. WELCH of California: A bill (H. R. 13900) to exclude certain citizens of the Philippine Islands from the United States; to the Committee on Immigration and Naturalization.

By Mr. RATHBONE: A bill (H. R. 13901) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and to regulate the expenditure of moneys that shall be appropriated for such purposes; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 13902) to provide for the examination and commitment of persons charged with crime in the District of Columbia who are alleged to be insane; to the Committee on the District of Columbia.

By Mr. BERGER: Joint resolution (H. J. Res. 314) directing the President of the United States to call an international conference for the purpose of revising the terms of the treaty of Versailles, the terms of the reparation agreements entered into thereunder, and to rewrite the Versailles treaty in accordance with the terms upon which the German people laid down their arms; to the Committee on Foreign Affairs.

By Mr. SMITH: Resolution (H. Res. 215) relative to the installation of an amplifying system in the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 13903) granting an increase of pension to Orpha A. Kilgore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13904) granting an increase of pension to Talitha J. Todhunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13905) granting an increase of pension to Emma C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13906) granting an increase of pension to Lydia D. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13907) granting an increase of pension to Nettie Bay; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 13908) to correct the military record of Claude L. Ryhal; to the Committee on Military Affairs.

By Mr. COHEN: A bill (H. R. 13909) granting a pension to William H. Bruns; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 13910) granting an increase of pension to Leona Healey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13911) granting an increase of pension to Adwilda Vinyard; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 13912) granting an increase of pension to Roy Smith; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13913) granting a pension to Benjamin F. Yazel; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 13914) granting a pension to Margaret S. Spelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13915) granting an increase of pension to Anna C. Raud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13916) granting an increase of pension to Emily J. Williams; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 13917) to compensate Arthur Ashley Burn, sr., for the loss and death of his son, Arthur A. Burn, jr.; to the Committee on War Claims.

By Mr. KNUTSON: A bill (H. R. 13918) granting a pension to Angeline Woolsey; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 13919) granting a pension to Margaret Kilkenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13920) granting an increase of pension to Sarah B. Woodruff; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 13921) for the relief of Arch L. Gregg; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 13922) granting a pension to Emma C. Fryer; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 13923) granting a pension to Bessie Puckett; to the Committee on Pensions.

Also, a bill (H. R. 13924) granting an increase of pension to Sarah O. Acheson; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13925) granting a pension to Rhoda Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13926) granting an increase of pension to Celestia A. Finks; to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 13927) for the relief of Virgil Leon; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7719. By Mr. BEERS: Memorial from members of the Woman's Christian Temperance Union, in Juniata County, favoring the passage of the Jones-Stalker bill; to the Committee on the District of Columbia.

7720. By Mr. FITZPATRICK: Petition of David T. Lamond, treasurer Lee & Simmons (Inc.), protesting against the passage of the Vinson bill, known as the cotton futures trade act; to the Committee on Agriculture.

7721. By Mr. KIESS: Petition of Avis Union, Woman's Christian Temperance Union, of Avis, Pa., favoring the passage of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

7722. By Mr. KINDRED: Resolution of the Long Island Chamber of Commerce (Inc.), urging the United States Board of Engineers for Rivers and Harbors, in behalf of the committee on ports and waterways of the Long Island Chamber of Commerce, to approve of the recommendations for the improvement of Manhasset Bay made by the district engineer and the division engineer now before said Board of Engineers for Rivers and Harbors; to the Committee on Rivers and Harbors.

7723. By Mr. O'CONNELL: Petition of Lee & Simmons, New York City, opposing the passage of the Vinson bill (H. R. 13646) and the Smith bill (S. 4411); to the Committee on Agriculture.

7724. Also, petition of the New York Board of Trade and Transportation, New York City, opposing the passage of House bill 13646, the Vinson cotton futures act; to the Committee on Agriculture.

7725. Also, petition of the national council of the Steuben Society of America, New York City, favoring the passage of the Shipstead bill (S. 1481); to the Committee on Immigration and Naturalization.

7726. Also, petition of the Bricklayers, Masons, and Plasterers International Union of America, Washington, D. C., favoring the passage of the Bacon bill (H. R. 11141), providing for employment of resident workers on Federal contracts; to the Committee on Labor.

7727. By Mr. QUAYLE: Petition of the New York Board of Trade and Transportation of New York City, opposing the passage of House bill 13646, entitled "The cotton futures trading act"; to the Committee on Agriculture.

7728. Also, petition of the Bayway Terminal, of New York City, protesting against the passage of House bill 13646, entitled "Cotton futures trading act," as damaging to their interests; to the Committee on Agriculture.

7729. Also, petition of the American Fluoride Corporation, of New York City, favoring legislation which has for its object the investment of the Post Office Department with discretion in the mailing of merchandise now classed with the poisons; to the Committee on the Post Office and Post Roads.

7730. Also, petition of Lee & Simmons, of New York City, opposing the passage of House bill 13646 and Senate bill 4411, entitled "The cotton futures trading act"; to the Committee on Agriculture.

7731. Also, petition of national council of the Steuben Society of America, New York City, favoring the passage of the Shipstead bill (S. 1481); to the Committee on Immigration and Naturalization.

7732. Also, petition of Bricklayers, Masons, and Plasterers International Union of America, Washington, D. C., favoring the passage of House bill 11141, providing for employment of resident workers on Federal contracts; to the Committee on Labor.

HOUSE OF REPRESENTATIVES

SUNDAY, *May 20, 1928*

The House met at 2 o'clock p. m. and was called to order by Mr. HAWLEY, Speaker tempore.

The Rev. Dr. F. C. Reynolds, pastor of the Wesley Methodist Episcopal Church, offered the following prayer:

Our Heavenly Father, in whom we live, and move, and have our being; Who gives us life, and breath, and all things; help us to get at this hour a vision of Thy greatness, to realize that the universe is Thy creation, and it is Thy home; and we being the children of the loving Heavenly Father, the universe is our home. And as in our home we can not get lost, we can not get beyond the care of the home, so when we pass out into the boundless universe through the gates of death we do not go beyond the care of Him who is the source of infinite life and infinite love. In this vision of Thy goodness and greatness may we abolish the foolish fear of death. For death can have no meaning other than that it is the narrow gate to the larger life, the open portal through which we pass from this realm of pent up limitations to that of boundless possibilities.

So, our Father, we come then, not as those for whom the life beyond the grave is wrapped in impenetrable darkness; but as those who know Him who has brought life and immortality to light; and hence we have gathered here for a memorial service, not a service of mourning. These coworkers and friends who knew our brother in the exacting service of his country consider it proper and altogether fitting to assemble here, the place of so much of his service for the common good, to call to remembrance some of the deeds which have advanced the good of our country, and some of the expressions of his sterling character. The flesh must meet its mortal fate; but the spirit will never see death. And the things of the spirit have no alliance with death. So his words and his deeds are the product of his spirit; and they are spirit and they are life; and their influence can not die. Manifest Thy presence in our midst as we recall the services of this useful life. We ask in the name of our Lord. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal of the proceedings of yesterday will be deferred.

There was no objection.

MEMORIAL EXERCISES FOR THE LATE REPRESENTATIVE M. E. CRUMPACKER

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

Ordered, That Sunday, May 20, 1928, at 2 o'clock p. m., be set apart for memorial exercises in commemoration of the life, services, and character of the late Hon M. E. CRUMPACKER, former Representative from the third district of Oregon.

Mr. SINNOTT. Mr. Speaker, I present a resolution and ask for its consideration.

The SPEAKER pro tempore. The gentleman from Oregon presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 216

Resolved, That the business of the House be now suspended, that opportunity may be given for tribute to the memory of Hon. M. E. CRUMPACKER, late a Member of this House from the State of Oregon.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Oregon asks that all Members may be given unanimous consent to extend their remarks in the RECORD on the subject of to-day's memorial. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, the going into the unknown beyond of any colleague with whom we serve and associate here on the floor of this House is always an occasion for solemn thought as well as sadness over our loss. When the departed colleague has lived to a normally ripe age, and especially if he has had opportunity to round out a full measure of service here, the blow of his taking is to some extent softened. It is peculiarly sad, however, when a man so young, so full of life, hope, and promise as our departed friend CRUMPACKER is taken from us with his work only begun. It is sadder still that the fatal malady which took him was not one of the usual bodily ills of which we sometimes think we know something, but was the kind of malady of which we can understand so little, that lays hold upon the higher and nobler side of our being and makes reason topple from its throne.

No one ever came to Congress with brighter prospects of a career of distinguished public service than did MAURICE E. CRUMPACKER. He came in the prime of mature young manhood, of antecedents well known on account of notable public service, with unusually fine scholastic training, with a personality of the rarest charm. He made friends readily, quickly, and in great numbers. Surely no one within the short period of time he served here could have hoped to be more successful in this regard.

It has been one of the privileges I have enjoyed during my service here to have younger members early in their service come to me for help and advice in making a fair start in their work. Sometimes it is in connection with some question relating to parliamentary procedure, but more often as to a sympathetic older brother for the benefit of longer experience as to the kind of work by which they may best serve. CRUMPACKER came to me early and quite naturally because I was one of a comparatively small number of members who had served in Congress with his father. His genial and winsome personality attracted me at once and from that time onward I was genuinely interested in him and in the possibilities of his congressional career.

In June, 1927, about a month before his death, I arrived in Seattle returning from a trip to the Orient. CRUMPACKER met me at the dock and most earnestly urged me to pay him a visit at his home in Portland. A few days later he came back to Seattle with an automobile, and with him I had the privilege of seeing advantageously some of that rich and favored region lying between Seattle and Portland. Best of all it gave me an opportunity to learn more of the man CRUMPACKER himself. My previous favorable impressions of him were more than confirmed. He talked out his heart to me, his hopes, his ambitions, what he planned to do and how he meant to set about it. Everything he said was tinged with hope and high ideals. He thought I could help him and most gladly I promised to do so.

It was my further privilege to visit for three days in his home just outside of Portland and it has never fallen to my lot to be more graciously or more hospitably entertained. His home life was happy and truly beautiful. An air of refined dignity and culture pervaded the home, and with it all a genuineness of cordiality that left no doubt as to the sincerity of the welcome extended.

Service during a single term in Congress does not as a rule give time for anyone, however able or fortunate he may be, to make a record of great individual deeds accomplished. He does well who joins with others in helping to make a record of useful joint service as a responsible member of the body to which he belongs. Even a single term here, however, is enough to give unmistakable evidence of what may be expected if opportunity for continued service be given. Measured by this standard, CRUMPACKER ranked high among the newer Members from whom those who observe the capacity of Members as they come, expected much in the future. His high resolve, coupled with his fine ability and charming personality, augured well for a career of distinction and great usefulness. His tragic going shocked and saddened us all beyond the power of words to adequately express.

Mr. WOOD. Mr. Speaker, it has been said by one of the old philosophers that "whom the gods love die young." How apropos that old saying is to the subject of this memorial, MAURICE E. CRUMPACKER. The gods loved him; everybody loved him who knew him. He died young. He died too young. He died when hope was the most buoyant, when promise was the brightest.

It was my good fortune not only to know him, but to enjoy the friendship of his father and mother, both of whom were remarkable characters. For 16 years Edgar D. Crumpacker represented the district which I have the honor to represent in this House, and while he was here he made for himself a name that will long endure. MAURICE CRUMPACKER'S mother was one of the strongest characters that I think I ever knew. She early impressed that strength of character upon her associates when she came to Washington, and in pursuance of it she was made the first president of the Congressional Club, and after her husband departed from official life here she

was given the extraordinary honor of a life membership in that organization.

Never will I forget the last time I ever saw her. It was during the campaign of 1924. I had made the trip across Ohio, across Indiana, and part way across the State of Illinois with the Coolidge caravan that came from the old home town in the East, on its way to the Pacific. It was the practice and custom throughout that entire pilgramage for some of the ladies representing the political organization of the various communities at which we stopped to meet the caravan just outside the city or town which it was approaching, when a flag presentation would be made. Just outside the city of Valparaiso we were met by a delegation of women led by Mrs. Crumpacker, and there was some time spent in public speaking. She made the speech of acceptance.

It was the consensus of opinion entertained by everybody that the speech made by Mrs. Crumpacker was the greatest of all that had been delivered throughout this entire route. Her son MAURICE had just then been nominated for a seat in this House, and with all the anxiety and love of a mother she expressed her deepest feelings to me, on her great desire for the success of her boy. She passed away some months before her son, and it was well that it was so.

Her grief would have been too great to bear had she been here, and better still, she was over on the other side to welcome him. Let us hope that in his passing he found the golden key admitting him to her presence in the palace of eternity.

Mr. JOHNSON of Washington. Mr. Speaker and my colleagues, as a neighbor and as a friend I wish to pay a brief tribute to the late Representative MAURICE E. CRUMPACKER. The district which he represented, Multnomah County and the important northwest city of Portland, Oreg., lies across the Columbia River from the district which I have the honor to represent, hence Mr. CRUMPACKER and myself had many interests in common. He was interested in everything pertaining to the Northwest, and on the only occasion when we were in opposition on a piece of legislation affecting the district he represented and the district represented by me, his opposition was of the fairest order, and nothing occurred to breach our friendship. I had the honor to be acquainted with Representative Edgar D. Crumpacker, the father of Representative MAURICE CRUMPACKER, who was a Representative from Indiana for eight terms, and a man of character, power, and influence.

We all hoped that young CRUMPACKER would have as long a service, or longer, in the House as his father had, and in passing I might say that I have served the same length of time that the elder Crumpacker served, and so have my colleague Representative WOOD, and my colleague Representative SINNOTT, and in that space of time I believe the third district of Oregon has been represented by six different Representatives. To my way of thinking, that is not for the best interests either of the Nation or the district. Usually it takes much time to make real advance in this great body. MAURICE CRUMPACKER was one of the exceptions. His advance was rapid.

When Representative MAURICE CRUMPACKER went to the Pacific Northwest in 1912 to find himself a home and to begin the practice of law, he stopped for a time in Tacoma, Wash., the largest city in the third congressional district, and took part that fall in the Republican campaign in that State. A little later he settled in Oregon at Portland.

The rapid rise of the young Congressman from Portland who came to the Sixty-ninth Congress was a result of the quickness with which he made his mark and the ability with which he extended his acquaintance, as well as his ability to grasp quickly all parliamentary situations.

I had the pleasure the first fall he was here of attending a Gridiron dinner, where I heard him, disguised with three other Members of Congress as strolling minstrels, sing his famous song, "Rolling to the Sea." This was a negro crooning song and rendered by CRUMPACKER in low monotones; the effect was both thrilling and moving.

This was an old Kentucky song, picked up and arranged by John Vance, and sung by Vance and CRUMPACKER years ago at the University of Michigan. The words and music are by Robert Howard Russell, and lately these have been copyrighted by Mrs. Vance. There are two or three versions of this song, but as sung by CRUMPACKER it was as follows:

ROLLIN' TO THE SEA

Once I owned a little cabin on de ole Missippi sho',
Whar I used to sit wif Phyl-lis, ob evnins by de do'h.
And I would have my banjo, she the baby on her knee,
And we watched de river rolling, rolling, rollin' to the sea.

Sometimes the good ole Massa, wiv Missus on his arm,
Would come clean down to de cabin do'h to look about the farm;
And I would pick the banjo, while old Massa'd pat his knee,
And we'd watch the river rolling, rolling, rollin' to the sea.

But I'll never see ole Massa nor ole Missus any mo'
For they have gone forever from de ole Missippi sho',
And the weeds are growin' rank now whar de cabin used to be,
And we watched de river rolling, rolling, rollin' to the sea.

But now I'se got a little farm, wiv chillun ob my own,
And I wouldn't swap my chances wiv a king upon his th'one,
But sometimes in de evenin' I think I'd like to be—
Whar we watched the river rolling, rolling, rollin' to the sea.

My friends, I sometimes think, as I knew the father's strength of character and the strength of body and power of mind of young CRUMPACKER, sane in every way, ambitious and energetic, that perhaps those rare mental attributes that give us poetry, genius, and song swept him, alas, ahead of his time "a rollin' to the sea; a rollin' to eternity."

Mr. KORELL. Mr. Speaker, the richest possessions that a person may acquire in this world are the confidence, respect, and esteem of one's friends and acquaintances. My predecessor, MAURICE EDGAR CRUMPACKER, had all of these. His name is written high upon the honor roll of Oregon's distinguished dead; his memory is enshrined in the hearts of the people of the third Oregon district, which he ably represented in the Sixty-ninth Congress of the United States.

The story of MAURICE EDGAR CRUMPACKER'S life and accomplishments has been fully and most beautifully recounted to you in the very eloquent tributes that have been paid his memory here this afternoon by my distinguished colleagues. Indeed, his character and achievements have been so ably presented by them that there appears to be but little remaining for me to add to what has been already so well and fittingly said. However, this occasion is one of such a nature that I can not forego the opportunity that it affords of saying: In the passing of MAURICE EDGAR CRUMPACKER, Oregon mourns the loss of a man of fine character, of a friendly jovial nature, and a man of broad human sympathy. His heart was full of love and charity for his fellow men. In turn, he was as I have remarked, greatly respected, esteemed, and honored by all.

In the words of Carlyle—

It can be said of him, when he departed he took a man's life with him.

MAURICE EDGAR CRUMPACKER was tolerant, kindly, and cordial to the many with whom he came in contact. And now his cheery voice is stilled. His smile is gone. His labors are over. He lives no longer, but his memory, his spirit, and his influence for good abide and will endure. The world is better for his having been here.

MAURICE EDGAR CRUMPACKER has been laid to rest in the bosom of Oregon on a bank of the beautiful Willamette River, where whispering firs and perfumed flowers softly croon:

Love shall stand guard for thee,
Friends without number,
Bereaved and disconsolate over thee weep;
Sweet be thy dreams,
Untroubled thy slumbers;
Tranquilly, peacefully, restfully sleep.

Mr. Speaker, as one of those who enjoyed the pleasure of MAURICE EDGAR CRUMPACKER'S personal acquaintance and knew the sunshine, good will, warmth, and cheerfulness that always radiated from his wonderful personality, I grieve with his family, his friends, and his fellow citizens at his untimely departure.

Let all of us who mourn his loss find consolation in the immortal lines of him who sang—

I gaze on him and say: He is not dead,
But sleeps, and soon he will arise and take
Me by the hand. I know he will awake
And smile on me as he did yesterday;
And he will have some gentle word to say,
Some kindly deed to do; for loving thought
Was warp and woof of which his life was wrought.
He is not dead. Such souls forever live
In boundless measure of the love they give.

Mr. ALDRICH. It was not until he came to the House of Representatives that I grew to know MAURICE EDGAR CRUMPACKER intimately, although I first met him many years before when he was in the Harvard Law School. Born in Indiana he spent a part of his youth in Washington and finished his

education at the University of Michigan and the Harvard Law School. Wherever he went the influence of his delightful personality was felt. In college he was popular and a leader in athletics and when he came East to study law he rapidly made a host of friends among his fellow students, and occupied a prominent position in the school. He had the faculty of succeeding in everything he undertook.

After graduation CRUMPACKER again went West, this time to Oregon, where he took up the practice of law. You have already heard from the preceding speakers of the position he occupied in the hearts of the people of that State. I know of no greater tribute that they could have paid him than the increased majority by which they returned him to Congress for his second term. They appreciated his worth and had confidence in his ability and integrity.

I have rarely known a man who made friends so rapidly. He had not been long in Congress before his former associates in Boston requested him to speak at one of their most important banquets upon the political problems of the day. The ovation he received on this occasion was an indication of how real and lasting was the admiration of his former schoolmates.

As I have said, I did not have the pleasure of seeing much of MAURICE CRUMPACKER until he came to Congress; but coming in closer contact with him, my feeling toward him rapidly developed into one of real affection. It was easy to understand why he was so universally beloved. His genial manner and kindly disposition brought pleasure and happiness to many. These characteristics made an impression upon all who knew him, both young and old, and of whatever walk in life.

Mr. CRUMPACKER's father, the Hon. Edgar Dean Crumpacker, had a long and distinguished career in this House, and there was every indication that had he lived longer his son would have attained the same eminence. MAURICE CRUMPACKER was a strong and vigorous American, conservative without being reactionary. Possessing a keen mind and great force of character, he applied himself industriously to the study of national affairs and was frequently consulted upon questions before Congress, especially those pertaining to the welfare of his part of the country. He led a useful, patriotic life, and it is a great sorrow to us all that he was not spared to enjoy the brilliant future that lay before him.

It is sad to see any of our colleagues taken from our midst. We grieve for those who have served their country through a long and distinguished career and have reached a venerable age, but the loss of a younger Member, endowed with intelligence, sound judgment, love of country, and integrity, before the country has an opportunity to fully appreciate his value as a statesman seems an almost greater calamity.

Mr. LONGWORTH. The gentleman from Oregon, Mr. CRUMPACKER! Many a time during his comparatively short service in the House of Representatives it was my pleasure as Speaker to call that name when the Member from the third Oregon district asked recognition in the performance of his legislative duties. A hundred times I have heard it acclaimed both within and without the Capitol. From the day he arrived in Washington as a newly elected Member of Congress his popularity was instantaneous. I have known nothing to compare with it. In all my service here I can recall no other Member who so quickly achieved a reputation amounting to genuine fame as did this young man from Oregon.

Yet, primarily, he was not CRUMPACKER of Oregon. He was CRUMPACKER of Indiana, as was his father before him. Crumpacker, the elder, was for many years a Representative from the tenth district of Indiana. It was my pleasure to have served with him for, I believe, 10 years on the Ways and Means Committee, so I may say with some authority that he was in those days recognized as a leader among strong men like Cannon, Clark, Payne, Dalzell, Grosvenor, and Underwood, than which there could be no more convincing evidence that he was a statesman of parts and capacity.

His son, MAURICE, at that time was a schoolboy here in Washington, forming probably many of those contacts which stood him in such good stead when he returned here as a man and a Congressman in his own right.

Certain it was, I think, that his association with his father and with the eminent men with whom he was so intimately connected helped CRUMPACKER the younger to familiarize himself with the devious ways of parliamentary procedure and to knock off some of the rough corners of those legislative obstacles which seem almost insuperable to the average new Member.

Knowing his father as well as I did I think I must have seen MAURICE as a schoolboy, but the first time I recall meeting him was in the winter of 1925, soon after his election when he strode into my office, with that breezy manner of his, and told me that he had come on from Oregon to assure me of his support in my candidacy for Speaker. From that day on our friendship ripened increasingly up to the last.

After he left Washington as a schoolboy his training was such as to admirably fit him for his chosen profession, that of the law, which brought him to Oregon. He graduated at the University of Michigan, with a respectable record as a scholar and with that of an athlete of the first rank. From there he went to Cambridge and graduated at the Harvard Law School. The fact that I had been honored with a degree of doctor of laws conferred by the University of Michigan about the time I first knew him, and was a graduate of Harvard and had spent some time in the law school, brought us into even closer terms of intimacy.

During the months he spent here in the short session before that in which he took the oath of office he exhibited a personality so compelling, and an ability and grasp of public affairs so apparent, that he was appointed at the regular session upon a major committee, that on rivers and harbors—an honor infrequently achieved by any Member at the beginning of his service. As a member of that committee, and as a legislator generally, his industry was indefatigable. His services to his constituency were such that many a man who, I was told during my visit to Portland last summer, had looked upon him rather askance at the time of his first candidacy as more or less of an alien, was loud in his praise of CRUMPACKER as one of the best Representatives his district had ever had.

Most of us here to-day, I venture to believe, are thinking of our late friend not so much as a statesman but as a man and a companion. His flashing, friendly smile—his warm, pleasant voice—his booming, infectious laugh—made of him a unique personality. With a wit and a musical ability amounting almost to genius, he was everywhere in constant demand, and he gave of his gifts to his friends as generously as he gave to his constituents his willingness to toil. Who among us who was here on the day of adjournment of the last session, as the Speaker's gavel fell and partisan rancor gave place to hilarity and good will, and political opponents became in a moment brothers in arms, will forget the time our friend, in response to clamorous demands from all parts of this Hall, sang the song that no man will ever again sing as he sang it—"Rollin' to the Sea!"

Of the end I dare not trust myself to speak. A soldier who had well and bravely served his country; a man of infinite courage and physical prowess; a Representative in Congress at an age when most men are starting a political career—no one could have had brighter prospects. Practically assured of service to his constituency so long as it should please him, with probably even higher place in prospect; a family whom he adored and by whom he was adored—he seemed to have everything to make life worth living. Yet his most intimate friends had known for many years that while he had his almost Olympian heights, he had his depths also. While at most times he was on the top of the wave, at some times the undertow carried him off his feet. Black moments had to be lived through. There was a limit.

His wife and three fine, sturdy young sons survive him. They loved him. They are proud of him. But in only greater degree than we, his colleagues here solemnly assembled to do honor to his memory.

Mr. SINNOTT. Mr. Speaker, a beautiful custom of Congress calls us together to-day. We are met in solemn assembly to discharge a sad, sweet duty to our departed colleague.

There is no flock howso'er watched and tended
But one dead lamb is there;
There is no fireside howso'er defended
But has one vacant chair.

We are gathered around that vacant chair in one of the sweetest of Oregon's families, in the family of MAURICE EDGAR CRUMPACKER—the vacant chair was his.

We are here to treasure his memory.

I did not know him personally until after his election. When he arrived in Washington we soon became warm friends. We often consulted together on matters relating to our respective districts and to the State at large. I thus got to know him intimately. He was a congenial companion. He was a "human-hearted man."

Few Members of only one-term service made such an impression on the Members as he made.

His charming personality and social graces captivated his colleagues and won him recognition not usually accorded a new Member.

His district had many big and difficult problems to solve. These he handled with great skill and tact. He was a deep

student of the wants and problems of his district. He sought and obtained, amid much rivalry and competition, a position on the River and Harbor Committee, so that he might serve the interests of the city of Portland, one of the great harbors of our country, whose principal interest lay in the improvement of the channel to the sea. On this committee his service for Portland was marked and will ever keep his memory green. His aim and ambition was to secure a 35-foot channel to the sea. This he kept continually before his colleagues on the committee with great perseverance, and while he did not during his lifetime realize this ambition, his good work has borne fruit in this Congress, for the River and Harbor Committee, of which he was a member, a few weeks ago voted favorably to adopt the channel improvement for which he fought so valiantly. Much posthumous fame and honor belong to our departed friend for this accomplishment, for this realization of Portland's ambition for a 35-foot channel to the sea.

Another great problem engrossed his tireless energy on behalf of his district and the State, that was the Longview bridge controversy. This he handled with rare tact, diplomacy, and parliamentary skill. Seldom is a new Member confronted with a problem of such magnitude involving his district as confronted MAURICE CRUMPACKER in the Longview bridge controversy. The city of Portland believed that the first proposed bridge would exclude or hamper a large part of its seagoing commerce. The city looked to our deceased friend to protect its interest in the House; it looked not in vain. We all remember his vigilance and constant attendance in the House, his repeated parliamentary objections, as a result of which he held up the bill during an entire session of Congress. The final result was that the original bridge plans were greatly modified in the height of the bridge and in other particulars for the better protection of the harbor of the city of Portland.

His efforts in these two matters alone—the 35-foot channel and the bridge controversy—justified his election to Congress and would have insured his reelection for many terms had he lived.

In the death of MAURICE CRUMPACKER my State has lost an able representative, one who had a real career ahead of him at the National Capital. When I think of our warm personal relations "a thousand memories call," that only a Tennyson "In memoriam" could voice.

I mourn over his passing. I grieve the day—

Which brings no more a welcome guest
To enrich the threshold of the night
With showered largess of delight
In dance and song and game and jest.

MAURICE was the "welcome guest." The "welcome guest" has gone. We met again at eve; he was not there.

Then echolike our voices rang;
We sung, tho' every eye was dim,
A merry song we sang with him
Last year; impetuously we sang.

We ceased; a gentler feeling crept
Upon us; surely rest is meet.
"They rest," we said, "their sleep is sweet,"
And silence followed, and we wept.

I ask to have inserted at the end of my remarks editorial tributes from the Portland Oregonian and Journal of July 26, 1927:

[From the Morning Oregonian, July 26, 1927]

MAURICE E. CRUMPACKER

The surprising death of MAURICE CRUMPACKER at 41 adds another to the impressive list of young men in Oregon who have been summoned suddenly from the scenes of active and useful life. Within a short time there have been Chauncey Bishop, Earl Kilpatrick, Leroy Fields, E. L. Devereaux, John W. Cochran, Clifford Brown, and now the promising and useful Member of Congress from the third Oregon district. It is not a great while ago that Mr. CRUMPACKER's predecessor, Clifton McArthur, a robust and colorful personality, who had gone far in the confidence of the public and in the esteem of his friends, was called away.

A week ago Mr. CRUMPACKER was happy in the entertainment at Portland of his friend and patron, Speaker LONGWORTH. Now this splendid young man lies dead in a distant city. "And man's life is no more than to say 'One'."

Mr. CRUMPACKER had served a single term in Congress, and had been reelected. He was at the opening of a real career, for he had been received at Washington with unusual favor both by his colleagues and by the dominant circle which has so large a voice in proceedings. The qualities which so soon made the way easy for him at the Nation's capital had long been recognized at home—a vivid and likable nature, an adaptability for politics, an intelligent understanding of public affairs, a knowledge of the methods of legislation, and an acquaintance with the leaders of the Nation acquired during his boyhood at Washington. It is remembered that he was almost alone in the Longview bridge fight, so important to his constituents, though he had the powerful aid of the Speaker. But in that memorable contest he showed his quality, and it stood the test.

It is not needful to say much of the events leading up to the strange and mysterious tragedy which ended his life. It is evident that he had somehow been plunged into the depths of melancholy and in a moment of aberration had sought the solace of suicide. It is all most deplorable and shocking. It is well to remember that during a too short life MAURICE CRUMPACKER spread along the way much of the joy that sprang from his abounding vitality and unfailing good temper; that he attached many friends to him with hooks of steel; that he was a man of worth and achievement; and that the passing of such a one leaves a void. Nothing better can be said of anyone than that he left an agreeable memory.

[From the Portland Journal, July 26, 1927]

FATE

Fate moves sometimes in strange and fickle rôles. It seldom works in wilder mood than in ringing down the curtain on the life of Congressman MAURICE CRUMPACKER.

In life, few men were as full of hope and optimism. His sunny nature was rich in generous and gentle qualities that made him welcome in every circle. He cherished no enmities, remembered no grudges. He counted life as a day of laughter with little or no room for tears. Those who knew him best looked on him as almost the last man in the world to whom tragedy could come.

Ahead of him was an unusual public career. After a successful term in Congress, he was newly elected to another. With his charming personal qualities, his popular reception in Washington, his undoubted powers for public service, his expanding congeniality among the folks at home, his gentle relations with all who had ever come under the charm of his personality, there was every assurance that he could have remained indefinitely in useful public service.

His family and social life were all that man could ask. In his home were three lovely children and a wife of delightful personality and charming presence. She was Miss Cully Cook, daughter of Cully Miller Cook and granddaughter of John F. Miller, important and prominent member of one of the oldest and best known pioneer Oregon families. And around his home were social relations to encourage and stimulate and fill any man with hope, happiness, and promise.

And to all this has come Sunday's tragedy and sorrow and finis. Fate is inexorable and strange. The sunlight of yesterday is the mystery of to-day. A career that was full of ecstacy and promise is a broken column now.

Many people are shocked and grieved. They will know no more the warmth and sunshine and greeting of a nature that harbored no ill will, that bore no grievance, that spread no gloom. And because the reports from San Francisco are conflicting and all the circumstances so unusual, a melancholy story goes into the record and the curtain rings down on the career of MAURICE CRUMPACKER.

If we don't understand, it is no reason for surprise. We know little about life, know comparatively little about what is around and about us. There is ether—it is one of the mysteries of the universe. And there is the raindrop—in one of its atoms the electrons revolve trillions of time in a second around a common center, they say, whence, how little we know even about a raindrop.

Mr. SINNOTT assumed the chair as Speaker pro tempore.

Mr. HAWLEY. Mr. Speaker, Hon. MAURICE E. CRUMPACKER, a Representative from the State of Oregon, was born in Valparaiso, Ind., on December 19, 1886; he was the son of Edgar Dean Crumpacker, who served for many years as a Member of this House from the State of Indiana; he received his degree of bachelor of arts from the University of Michigan in 1909 and graduated in law from Harvard in 1912. He went to Oregon in 1912 and was admitted to the practice of law. During the World War he served as captain in the Third Oregon Division for 16 months. He was elected to Congress in 1924, and was reelected in 1926.

In Congress, Mr. CRUMPACKER had attained unusual recognition. His genial personality and evident fitness and preparation for legislative work quickly won a large circle of friends among his colleagues. He was warmly loved, here and in Oregon. He lost his life in San Francisco on July 24, 1927. He is survived by his wife and three small sons.

In his untimely death the State of Oregon lost the services of a man of great ability and fidelity to the public welfare, and the country a young statesman of the greatest promise. His gen-

eral education, legal training, and natural aptitude for public affairs were an excellent foundation for the fame he was steadily attaining. He readily won and maintained the confidence of his associates. Forceful in speech, sound in judgment, capable in analysis, and careful in ascertaining information, he had the great attributes of a destined leader.

He was born a warrior in behalf of causes that are just. He forced the battle for the public interests he served so well. He was a member of that select army of soldiers of the common good.

His service during the World War was distinguished by his successful accomplishment of the work to which he was assigned and for which he was specially fitted. Men loved to follow him. He died undefeated.

In this our public sorrow we pause to express our sincere sympathy to the wife and mother and three sons of our late colleague, to whom his sudden death was the greatest bereavement. Mrs. Crumpacker was a good comrade to her husband, and to her faithful association and wise counsel he owed a great debt. Who can measure the depth of a wife's sorrow or what words indicate her feeling of immeasurable loss. In his memory his young sons have an invaluable heritage.

I knew him well. He was my friend. I watched his career with every hope and confidence that he was a coming man. He was growing in mind, in character, in ability, in wisdom. I have an unshakable confidence in the immortality of the soul, and I shall renew in the best of all worlds an association with him that had grown dear to me.

On July 29, 1927, in the City of Roses, a great assemblage of the notable and outstanding men and women of Oregon and of other States met in Trinity Episcopal Church to pay to him a last great tribute. The hushed stillness was eloquent of sorrow and regret. Roses, beautiful roses, in thousands, strove by their fragrance to impress upon a saddened people the kindliness and lovable nature and character of the man who had brought cheer and happiness to so many. In a life all too short he had spread along his pathway of life much of the joy that springs from an abounding vitality and unfailing good temper.

Such men as he are the hope of the Republic. He still lives and will be long remembered by a grateful people.

Mr. HAWLEY resumed the chair.

ADJOURNMENT

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a particular mark of respect to the memory of the deceased, the House stands adjourned until to-morrow at 12 o'clock.

Accordingly (at 2 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Monday, May 21, 1928, at 12 o'clock noon.

SENATE

MONDAY, *May 21, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 10 a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Asburst	Fletcher	McMaster	Shipstead
Barkley	George	McNary	Shortridge
Bayard	Gerry	Mayfield	Simmons
Bingham	Gillett	Metcalf	Smith
Black	Glass	Moses	Smoot
Blaine	Goff	Neely	Steck
Blease	Greene	Norbeck	Stephens
Borah	Hale	Norris	Swanson
Brookhart	Harris	Nye	Thomas
Broussard	Harrison	Oddie	Tydings
Bruce	Hawes	Overman	Tyson
Capper	Hayden	Phipps	Vandenberg
Caraway	Howell	Pine	Wagner
Couzens	Johnson	Ransdell	Walsh, Mass.
Curtis	Kendrick	Reed, Mo.	Walsh, Mont.
Cutting	Keyes	Reed, Pa.	Warren
Dale	King	Robinson, Ark.	Waterman
Deneen	La Follette	Robinson, Ind.	Watson
Fill	Locher	Sackett	Wheeler
Edge	McKellar	Schall	
Edwards	McLean	Sheppard	

Mr. CURTIS. I desire to announce the necessary absence of the Senator from Oregon [Mr. STEIWER] on business of the Senate.

Mr. BAYARD. I was requested to announce that the Senator from New Mexico [Mr. BRATTON] is necessarily detained from the Senate in attendance upon the committee investigating presidential campaign expenditures.

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present. The bill is in Committee of the Whole and open to amendment.

MUSCLE SHOALS (S. DOC. NO. 118)

Mr. McNARY submitted the following report, which was ordered to lie on the table and to be printed:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the joint resolution and agree to the same:

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows:

In lieu of the language put in by the House, insert the following:

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Muscle Shoals Corporation of the United States" (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the "Muscle Shoals act of 1928."

"SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States, and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"SEC. 4. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

"(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SEC. 5. The board is hereby authorized and directed—

"(a) To operate existing plants, to construct, maintain, and operate experimental or production plants at or near Muscle Shoals for the manufacture, distribution, and sale of fertilizer or any of the ingredients comprising fertilizer, or any of the by-products of the same;

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

"(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

"(d) To cooperate with National, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

"(e) Whenever the board determines that it is commercially feasible to produce any such fertilizer, it shall be produced, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act.

"(f) The board shall commence the manufacture of fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practicable for use by farmers in application to soil and crops. The board is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fixed nitrogen, to determine whether it is or is not commercially feasible to produce fixed nitrogen by such plant.

"(g) Under the authority of this act, the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

"(h) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this act.

"(i) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(j) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of an independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"(k) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

"(l) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

"(m) To produce, distribute, and sell electric power, as herein particularly specified.

"(n) No products of the corporation shall be sold for use outside of the United States, her Territories and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"SEC. 6. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby intrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"SEC. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"SEC. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by the General Accounting Office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"SEC. 9. The board is hereby empowered and authorized to sell the surplus power not used in fertilizer operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years and in the sale of such current by the board it shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

"SEC. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality or other organization, or two or more of them for the sale of electricity for a term not exceeding 15 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

"SEC. 12. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporation, after deducting the cost of operation, maintenance, depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

"SEC. 13. That the Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"SEC. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for fertilizer purposes in time of peace.

"SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

"SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River, and in the Clinch River.

"SEC. 17. The corporation as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access to pending applications for patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient thereof, and any patentee whose patent rights may have been thus in any way copied, used, or employed, by the exercise of this authority by the corporation, shall have as the exclusive remedy a cause of action for any damages claimed to be instituted and prosecuted against the United States in the Court of Claims for the recovery of reasonable compensation, in accordance with the provisions of the act of June 25, 1910, as amended by the act of July 1, 1918 (title 35, sec. 68, United States Code), recoverable on a royalty basis in proportion to the entire volume of fixed nitrogen or essential ingredients manufactured by the corporation by the use and employment of such patent rights, and if said patent rights shall have contributed in a fractional part to the production of the entire volume, said compensation shall be proportionately allowed, and it shall be competent for the corporation to contract with any patentee in advance upon said basis, or to settle for any claim for such amount as to said corporation shall appear to be reasonable, fair, and just. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"SEC. 18. The Government of the United States hereby reserves the right, in case of war, or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract, for the purchase of electric power or fixed nitrogen or its ingredients, is thereby violated after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

"SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed $2,000,000 shall be made available with which to begin construction of Cove Creek Dam during the calendar year 1929.

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved."

And the House agree to the same.

CHAS. L. MCNARY,
G. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. REED of Missouri obtained the floor.

Mr. THOMAS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED of Missouri. I yield.

Mr. THOMAS. Mr. President, if I may have the attention of the chairman of the committee, I will call his attention to section 203. This section relates to the net income of life-insurance companies. There is one provision in said section that is possibly susceptible to a dual construction.

The section provides, among other things, for example, that life-insurance companies owning office buildings on land owned by such company in fee may charge the expenses against the revenues derived from such building, but in the event a life-insurance company should own an office building on land leased, even on a long-term lease—99 years, for example—such life-insurance company might be denied the privilege of charging the expenses, including rent paid on such leased land, against the gross income derived from the operation of such building, and in order to provide that, for the purpose of taxation, office buildings owned by life-insurance companies on leased land shall be accorded the same privileges for taxation purposes as buildings located on land owned in fee by such companies, I have prepared the following interpretative amendment:

Page 239, line 5, insert the following: "(15) The term 'real estate owned,' as used in section 203 (a) (6) and section 203 (b), includes leaseholds and improvements thereon, and this is declaratory of the meaning of the same words used in the corresponding sections of prior acts."

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. I yield.

Mr. SMOOT. I hope that the Senator will not press his amendment. In so far as the proposed amendment includes long-term leases, the effect of which is for all practical purposes the same as ownership, I believe that the amendment is unnecessary. I do not think that the term "real estate owned," as used in the present law, requires absolute strict legal ownership. As to short-time leases, however, I can not agree with the policy proposed by the amendment. Under the circumstances I believe the present law should stand. I think the Senator knows that is the position taken by the committee.

The PRESIDENT pro tempore. The Chair understands the Senator from Oklahoma to have offered his amendment and the Senator from Missouri [Mr. REED] to have yielded to him for that purpose.

Mr. THOMAS. Mr. President, with the statement just made by the chairman of the Committee on Finance, I shall not offer the amendment, his statement being satisfactory.

Mr. REED of Missouri. Mr. President, I have had printed an amendment which I concluded, upon examination, needed some clarification and change. I now offer in lieu of the amendment heretofore printed the following amendment, which has been printed for the use of the Senate.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be read for the information of the Senate.

The Chief Clerk read the proposed amendment, as follows:

On page 245, after line 13, insert the following:

"TITLE VI—AGRICULTURAL EXPORT DEBENTURES

"SEC. 801. EXPORT DEBENTURES.

"(a) Agricultural commodity: The term 'Agricultural commodity,' as used in this section, includes all agricultural, horticultural, viticultural, and dairy commodities and products, all livestock and products thereof, all products of poultry and bee raising, all nuts and edible products of forestry, and all other commodities not specifically mentioned herein which are produced on farms within the United States, and the processed or manufactured products of such commodities.

"(b) On and after the 1st day of July next after the approval of this act the Secretary of Agriculture shall issue an export debenture to any person exporting from the United States to any foreign country and not previously exported an agricultural commodity in either the original or processed condition in an amount equal to 25 per cent of the average price of such product paid to the farmer as ascertained or estimated and certified by the Secretary of Agriculture under such regulations as the Secretary of Agriculture may prescribe: *Provided*, That the total quantity of such exportation so valued shall amount to $3,000 or more and be exported in one vessel.

"(c) Said debentures shall be transferable by delivery and the Secretary of the Treasury shall receive such debentures at their face value in payment of all import duties.

"SEC. 802. ADMINISTRATIVE AND PENALTY PROVISIONS.

"(a) Preparation of debentures: The Secretary of Agriculture shall prepare and issue, or cause to be prepared and issued, all export debentures, and shall prescribe the terms and conditions in respect of export debentures. The Secretary is authorized to have such debentures prepared in the Bureau of Engraving and Printing.

"(b) Obligations of United States for penal purposes: Export debentures issued under the authority of this title shall be obligations of the United States within the definition in section 147 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, as amended.

"(c) Fraud: Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000, or imprisoned not more than one year, or both.

"SEC. 803. APPROPRIATION.

"For the expenses in the administration of the functions vested in the Secretary of the Treasury by this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, to be available for such expenses incurred prior to July 1, 1929."

Mr. REED of Missouri addressed the Senate. After having spoken for some time—

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. REED of Missouri. I yield to the Senator.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Shipstead
Barkley	George	McNary	Shortridge
Bayard	Gerry	Mayfield	Simmons
Bingham	Gillett	Metcalf	Smith
Black	Glass	Moses	Smoot
Blaine	Goff	Neely	Steck
Blease	Greene	Norbeck	Stephens
Borah	Hale	Norris	Swanson
Brookhart	Harris	Nye	Thomas
Broussard	Harrison	Oddie	Tydings
Bruce	Hawes	Overman	Tyson
Capper	Hayden	Phipps	Vandenberg
Caraway	Howell	Pine	Wagner
Couzens	Johnson	Ransdell	Walsh, Mass.
Curtis	Kendrick	Reed, Mo.	Walsh, Mont.
Cutting	Keyes	Reed, Pa.	Warren
Dale	King	Robinson, Ark.	Waterman
Deneen	La Follette	Robinson, Ind.	Watson
Dill	Locher	Sackett	Wheeler
Edge	McKellar	Schall	
Edwards	McLean	Sheppard	

Mr. DILL. I desire to announce that my colleague [Mr. JONES] is absent on account of illness, and I would like to have this announcement stand for the rest of this session. He will be unable to be present.

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, there is a quorum present. The Senator from Missouri will proceed.

Mr. REED of Missouri resumed his speech, and after having spoken for some time—

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED of Missouri. I yield.

Mr. SWANSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Sheppard
Barkley	George	McNary	Shipstead
Bayard	Gerry	Mayfield	Shortridge
Bingham	Gillett	Metcalf	Simmons
Black	Glass	Moses	Smith
Blaine	Goff	Neely	Smoot
Blease	Greene	Norbeck	Steck
Borah	Hale	Norris	Stephens
Brookhart	Harris	Nye	Swanson
Broussard	Harrison	Oddie	Thomas
Bruce	Hawes	Overman	Tydings
Capper	Hayden	Phipps	Tyson
Caraway	Howell	Pine	Vandenberg
Couzens	Johnson	Pittman	Wagner
Curtis	Kendrick	Ransdell	Walsh, Mass.
Cutting	Keyes	Reed, Mo.	Walsh, Mont.
Dale	King	Reed, Pa.	Warren
Deneen	La Follette	Robinson, Ark.	Waterman
Dill	Locher	Robinson, Ind.	Watson
Edge	McKellar	Sackett	Wheeler
Edwards	McLean	Schall	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, transmitted to the Senate the resolution (H. Res. 216) adopted by the House as a tribute to the memory of Hon. M. E. CRUMPACKER, late a Representative from the State of Oregon.

The message announced that the House had passed the bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated, with amendment, in which it requested the concurrence of the Senate.

The message announced that the House had passed the bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928, with an amendment, in which it requested the concurrence of the Senate.

LANDS OF THE FIVE CIVILIZED TRIBES

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in land of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928, which was, on page 1, line 6, after the word "numbered," to insert "360."

Mr. THOMAS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OKANOGAN PROJECT, WASHINGTON

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated, which were, on page 2, line 3, after figures "1928," to insert "such installments to be due on December 1 of each year and bear interest at the rate of 6 per cent per annum after due"; on page 2, line 25, to strike out "at the option of the Secretary of the Interior"; and on page 3, after line 3, to insert "The Secretary of the Interior is directed to resume control and shut off water to enforce payment whenever any such annual installment is not paid on or before March 1 after due."

Mr. DILL. I move that the Senate concur in the House amendments.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. BRUCE. Mr. President, I submit an amendment to the pending bill, which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. REED of Missouri. Mr. President, I have offered the following amendment.

(The amendment as afterwards modified being as follows:)

On page 245, after line 13, insert:

"TITLE VI.—AGRICULTURAL EXPORT DEBENTURES

"SEC. 801. EXPORT DEBENTURES.

"(a) Agricultural commodity: The term 'Agricultural commodity,' as used in this section, includes all agricultural, horticultural, viticultural, and dairy commodities and products, all livestock and products thereof, all products of poultry and bee raising, all nuts and edible products of forestry, and all other commodities not specifically mentioned herein which are produced on farms within the United States, and the processed or manufactured products of such commodities.

"(b) On and after the 1st day of July next, after the approval of this act, the Secretary of Agriculture shall issue an export debenture to any person exporting from the United States to any foreign country and not previously exported an agricultural commodity in either the original or processed condition in an amount equal to 25 per cent of the average price of such product received by the producer during the preceding six months as ascertained or estimated and certified by the Secretary of Agriculture under such regulations as the Secretary of Agriculture may prescribe: *Provided*, That the total quantity of such exportation so valued shall amount to $3,000 or more and be exported in one vessel.

"(c) Said debentures shall be transferable by delivery and the Secretary of the Treasury shall receive such debentures at their face value in payment of all import duties, except duties on agricultural commodities as herein defined.

"SEC. 802. ADMINISTRATIVE AND PENALTY PROVISIONS.

"(a) Preparation of debentures: The Secretary of Agriculture shall prepare and issue, or cause to be prepared and issued, all export debentures, and shall prescribe the terms and conditions in respect of export debentures. The Secretary is authorized to have such debentures prepared in the Bureau of Engraving and Printing.

"(b) Obligations of the United States for penal purposes: Export debentures issued under the authority of this title shall be obligations of the United States within the definition in section 147 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, as amended.

"(c) Fraud: Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000, or imprisoned not more than one year, or both.

"SEC. 803. APPROPRIATIONS.

"For expenses in the administration of the functions vested in the Secretary of the Treasury by this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000 to be available for such expenses incurred prior to July 1, 1929."

To the amendment I invite the serious attention of the Senate. For more than two years Congress has wrestled with the problem of farm relief. It recently passed the McNary-

Haugen bill. That bill was supported by many Senators who gravely doubted both its practicability and its constitutionality. Nevertheless, these Members gave it support because of the widespread farm distress.

We are now informed that the bill will probably be vetoed. If that should occur, the amendment I have offered will nevertheless bring independent relief. If the bill is not vetoed the amendment will strengthen its provisions. The amendment is not in derogation of but supplementary to the bill.

The principles embraced in the amendment have been discussed by many organizations, by economists and by tariff reformers. It is chiefly opposed by the extreme advocates of a very high tariff.

I regret the fact that the members of the Finance Committee have in advance committed themselves against all amendments which in any manner involve tariff rates. With all due respect, I affirm such an agreement should never have been made. However, I do not at this time want to engage in criticism of the committee.

That the farmer is in sore distress is beyond dispute. The special farm census shows that between 1920 and 1925 the value of farm lands shrank from $63,000,000,000 to $47,000,000,000—a loss of $16,000,000,000. Including the losses in other farm values the shrinkage amounts to $30,000,000,000.

The shrinkage still goes on. The Agricultural Department estimates that in 1926 there was a further decline of 4 per cent on all farm values, and further states that there has been a constant decline in farm values for the past 15 years aggregating 20 per cent.

Accompanying this disastrous decline in farm values and intimately associated therewith, is bank failures. During the Harding-Coolidge administration there were 3,785 such failures. Of that number 452 were national banks; 2,800 of the failures occurred in the 12 leading agricultural States. But these figures are misleading because they do not include the great number of banks which being on the verge of failure escaped publicity through consolidation with other banking institutions. The immediate point, however, is the vast number of banks which failed were in the agricultural States, the failures being largely due to the shrinkage in farm values.

Agriculture is sick. It has been sick a long time. The condition is not acute, it is chronic. He who seeks to cure a disease ought to ascertain (1) the condition of the patient; (2) the cause of the disorder; and (3) to endeavor to eradicate that cause.

In this instance we know the condition of the farmer. That question requires no further examination. When we look for the cause, we can not find it in any temporary condition, because the trouble has existed for many years, and the cause must have preceded the condition.

I confidently assert that the cause can be found in the fact that for more than 60 years the farmer has been compelled to buy upon a high price level and to sell upon a low price level. That condition does not spring from the operation of natural conditions or economic laws. It is artificial. It was created and has been maintained by the statutes enacted by Congress. Until that cause is removed there can never be any permanent relief for agricultural depression.

No business can long survive where its proprietor must buy upon a high price level whilst he is compelled to sell upon a low, low level. The gap between these two price levels is the gap of bankruptcy through which the farmer has been and is being forced. That gap, I repeat, was created by law. The repeal of the law will remove the cause.

Prior to the Civil War, agriculture was in a flourishing condition. The farmer boasted of his independence. His toil was great, but his reward was certain. Then, as now, the farmer exported a large percentage of his products to Europe where he competed in the markets of the world. Likewise, the manufacturer competed with the same world markets. The price level was the same for all classes of people. Agriculture purchased at the same level upon which it sold. The natural laws of supply and demand governed in the prices of all commodities, whether of the factory or the farm. Here was a condition of equality and of justice. Under it the farmer had the same opportunity as the manufacturer.

The Civil War produced taxes of every kind. Among these were import taxes upon manufactured goods. The manufacturers were relieved of foreign competition and by combinations raised the price of their products. Thus, the foundations for many great American fortunes were laid.

But the farmer was not an importer. He was an exporter. He, therefore, received no benefit from the tariff. He was still obliged to sell upon the level of world markets, whilst he was forced to buy upon the high level fixed by American manufacturers.

At the conclusion of the Civil War the remission of war taxes began. But the manufacturers demanded the retention of the import taxes. They claimed that American manufacturing was in its infancy, and that it could not, therefore, withstand competition with the established industries of Europe. They protested that if they were protected for a few years they would be strong enough to maintain themselves in competition with the world. They admitted that they were selling their goods at a higher level than European producers. They asserted, however, that such condition was merely temporary—that their industries would soon become so firmly established that the tariff would no longer be needed. They promised that home competition would soon reduce their prices to the European level.

The youngest of these concerns is over 75 years of age. They have become the most powerful industrial organizations on earth. They do not compete, they combine. They are establishing branches in Europe, and yet they insist upon more protection and support than they claimed during the days of their pretended infancy.

They told us that they chiefly wanted the tariff as a protection of American labor from competition with the pauper labor of other lands. Nevertheless, for more than 30 years, whilst holding out this pretense of friendship for labor, they systematically imported hordes of paupers, bound into semi-slavery by villainous contracts, to take the places and beat down the wages of American labor. They continued this policy until Congress passed a law making it a misdemeanor to import contract labor. I remark here that labor has never received any substantial relief except that which it has acquired through organization and the operation of economic conditions.

(c) They told the farmer they would produce for him a great "home market" which would speedily absorb his entire surplus production. For six decades the farmer has awaited the development of that market. It has not come. Moreover, the possible day of its attainment has been indefinitely postponed by the enactment of laws limiting the growth of the population of the country by greatly restricting immigration.

Thus for more than 60 years the farmer has been compelled to buy in a market artificially advanced by law, but during the entire time he has been compelled to sell upon the lower market levels of Europe. The high level of the market in which he purchases and the low level in which he is forced to sell are the two millstones between which he has been ground. He will never receive any substantial and permanent relief until that condition is changed. Its change does not involve the violation of an economic law. It can be accomplished by the restoration of that law.

In a word, Congress has but to repeal the unjust law which has resulted in the despoliation of the farmer and he is at once placed in a condition to compete successfully both at home and abroad.

The disadvantages under which the farmer struggled for 60 years were sufficiently onerous and burdensome, but they were rendered intolerable by circumstances attending the late World War. In this instance the farmer was not robbed under any rule of law justly applied. He was made the victim of a usurped and arbitrary power. I intend to discuss this phase of the question with absolute frankness. My only regret is that I must call names in order to fix responsibilities.

This is what happened: In 1914 when the clash of arms began in Europe, prices of all kinds rapidly advanced. The farmer along with all other classes of people participated in the benefits. For the first time the farmer found the European market demanding more than he could produce. The European market was the lever which raised prices here. Naturally this was so, because the great demand of the war-engaged countries was food.

April 6, 1917, we entered the war. There was an increased demand both at home and abroad for all kinds of products. Wages rose with marvelous rapidity. Prices everywhere doubled and quadrupled. The excess demands of the European market for foodstuffs was now accentuated by the imperative demand for food supplies for our own armies.

If there had been no interference, the farmer would have shared these increased prices along with all other producers and with labor. All would have bought and all would have sold at the war level of prices.

Such an equality of opportunity was destroyed by the act of one man. I refer to the present Secretary of Commerce, Mr. Herbert C. Hoover. I am warranted in bringing his name into this discussion not only in the interest of the truth of history but also because recently Mr. Hoover's press bureau has tried to shift the responsibility for the forced reduction of the price of farm products from his own shoulders to those of President Wilson. He has flooded the State of Indiana with expensive advertisements so charging.

Here is one which appeared in the Indianapolis Star of April 27, 1928. The heavy headlines read:

How the price of wheat was fixed. Government records prove that the fair price commission named by President Wilson fixed wheat prices. Herbert Hoover had no part in this action.

The assertions of the headlines are elaborated in the text.

Every such assertion is in the teeth of the truth. And the truth was known to Mr. Hoover when the advertisement was printed.

Upon the contrary, it was Hoover who took control of the market for American farm products, and by the misuse of the powers granted him as Food Administrator compelled the sale of all farm products at the fixed price and by combination with the allied governments gave to them the benefit of this reduced price.

I shall undertake to show:

First. That for 20 years Hoover had lived in Great Britain; that his home was established in London; that substantially all his adult life's work was in the service, management, and organization of British interests.

Second. That prior to his return to the United States on May 3, 1917, Hoover had for 20 years spent no substantial part of his time in this country.

Third. That in politics he had never in 20 years, if, indeed, ever before that time, voted in the United States or in any material way identified himself with any American political party. And that, when asked in Great Britain what his politics were, he described himself "as a Liberal"—that is, a member of a British political party.

I may add that after his return here his politics were so uncertain that he ran in seven States as a Democrat and shortly thereafter loomed on the horizon in the guise of a Republican.

Fourth. That immediately before returning to the United States, Hoover had been so intimately associated with the British Government that he had been tendered the position of director of munitions.

Fifth. That before coming to the United States Hoover had devised a plan to enable Great Britain and her allies to control the prices of American farm products, and that this scheme had actually been employed to the injury of the American farmer.

Sixth. I shall show that the said scheme involved the creation of a combination of the allied governments to completely monopolize the buying and distribution of foodstuffs for their respective countries and to thus force down, fix, and control prices.

Seventh. The plan aforesaid was to be accomplished by the allied governments agreeing:

(a) To take over all imported farm products and to distribute the same.

(b) To fix the price they would pay.

(c) To set up a single buying agency, financed by countless millions of Government money.

That agency was to control the market against foreign sellers and neutral buyers by accumulating a four months' supply and thus keeping out of the market until prices broke. And if they did not break prices, they were then to "dump" huge quantities on the market, beat down prices, and rebuy at the reduced level.

The foregoing scheme, advised by Hoover, was actually in operation and had been used against the American producer before we entered the war and before Hoover came to the United States. Its whole purpose was to get for the allied governments American and other grains at the lowest level to which prices could be forced.

The concern created was known as the Wheat Export Co. and was dominated by Great Britain.

When 27 days after we declared war Hoover came to this country he brought the foregoing plan with him. He proposed now to make the scheme "air-tight" by inducing the United States to enter the combination, back it with our Government's unlimited money and power, fix a price for wheat and other farm products, and compel the acceptance of that price by seizing control of the entire domestic market and by prohibiting all exports, except through an American agency which he was to control and which was to be articulated with the British Wheat Export Co. he had helped create.

If the foregoing scheme could be legally adopted, Hr. Hoover would secure for Great Britain and her allies American products at prices agreeable to them, and all our farmers "might go hang."

Finally, when Congress refused to give authority to fix prices for farm products or to authorize a combination of the Allies to fix prices, Mr. Hoover carried out his plan to the letter by the abuse of the licensing power and other powers granted for entirely different purposes, including contracts made with the foreign Wheat Export Co.

I proceed in due order to prove all of the foregoing propositions.

HOOVER'S ANTECEDENTS AND ENVIRONMENT

In order to appreciate Mr. Hoover's action in reducing the prices of American farm products it is necessary to consider his antecedents and his environment, because they help disclose the purpose and plan he had in his mind when he came to the United States to take charge of our food resources.

In Who's Who of 1914–15, it is related he was "born in Iowa in 1874; graduated from the Stanford University, California, in 1895"; that he was employed as assistant manager of mines in New Mexico in 1896.

That substantially terminates his American activities.

Within one year after his graduation, he went to Australia in the employ of Berwick, Moreing & Co., and Hannan's Brown Hill Mine Co. In 1898 he was the manager of the Sons of Gwalia & E. Murchison mines in Australia. In 1899 he was chief engineer of the Chinese Imperial Bureau of Mines. In 1900 he was engaged in the Boxer disturbances and was the representative of the British bondholders in the construction of Ching Wang Tow Harbor. In 1901 he was general manager of the Chinese Engineering & Mining Co., a British concern. From 1902–1913 he was associated as a partner with the Berwick, Moreing & Co., mine operators of London. He was also a director of the Zinc Corporation (Ltd.), the Kyshtim Corporation (Ltd.), Tanalky Corporation (Ltd.), Granville Mining Co. (Ltd.), Oroya Exploration Co. (Ltd.), Chinese Engineering & Mining Co. (Ltd.), Russo-Asiatic Corporation (Ltd.), and General Petroleum Co. All of the above companies except the petroleum company were British concerns.

He was also fellow of the Royal Geographical Society, a member of British clubs, and had his home in London, known as Red House, Morton Street. He maintained offices in London and for a time at 71 Broadway, New York.

The Mining Manual of 1917, an English publication, states that the object of the Chinese Engineering & Mining Co. was "to remove the competition and work in unison with the Lanchow Mining Co., owning collieries," and so forth. That is to say, he was engaged in the business of suppressing competition.

It appears, therefore, that he left this country at the age of 23, within a year after his graduation, and that he was absent substantially all of the time for 20 years. During that period he is described by one of his eulogists, Mr. Irwin, as an "entrepreneur," the nearest equivalent of which is "promoter."

Shortly after arriving in this country to take charge of our farming population he testified before a committee of the House:

Now, as to the problems in this country, I feel myself very much of a stranger in my own country, as I have been away since the war began.

But he had been away much longer than that.

The same eulogist, Mr. Irwin, in an article in the Saturday Evening Post of June 23, 1917, declares:

Hoover always maintained a loyal interest in Stanford University, which institution made him a trustee.

And adds:

Hoover, traveling from London to San Francisco via the fastest trans-Atlantic steamer and the Overland Limited, always made the meeting of the board.

The same eulogist, Mr. Irwin, declares that Mr. Hoover connected himself with a London partnership, and that there followed 10 years in which Hoover's activities reached every corner of the globe. He was interested in Australia, China, Peru, California, Mexico, Alaska, South Africa, Burma, and Belgium. One of the firms for which he was executive head was mining in Borneo, where American superintendents and foremen ruled over a working force of "head hunters." He further states:

A Russian nobleman had a principality rich in coal and iron. He wanted it developed * * *. Hoover's company was not only running the mines but the farms of that estate.

He adds:

His house in Kensington—a country mansion of the eighteenth century, its walled garden now surrounded by the shops and flats of High Street and that vicinity—gathered mightily entertaining dinner parties, the industrial knights errant of the world, crossing through the in-

dustrial capital of the world on their way between California and the East Indies, Afghanistan and New York, Johannesburg and Alaska.

When Mr. Hoover was interrogated before a Senate committee as to his actual residence in America, he was so evasive that the best that can be said is that his residence here appeared to be more mythical than real.

Now, note this pregnant sentence by the same eulogist regarding Mr. Hoover:

When asked in England to define his political opinions, he called himself a Liberal and let it go at that.

Observe, he was asked in England what his politics were. He did not reply that he was an American Republican or an American Democrat. He described himself as a Liberal. That is, an adherent to a British political party.

Referring to the time of our entrance into the war, Mr. Irwin proceeds:

But more and more his own country drew him.

He quotes Mr. Hoover as saying:

I want to get into the big game at home, not the money game either, and not exactly the political game, but the big game and the real game somewhere.

And then he adds:

The Government had been watching him, and especially that "quiet gentleman" who looks around for the President.

That "quiet gentleman," of course, was Mr. House.

* * * The fact is, as I think Hoover well knew, that if the American Government did not call on him our allies would. Already two important posts in the civilian conduct of the war had been offered him by the British. But to "go British" openly—

Note, now, this—

* * * in those days of our neutrality would have wrecked the commission [the Belgian Relief]. Not only would it have taken away the head of the work, but it would have proved to the German militarist mind that the commission was not neutral; that its agents were simply "a hundred allied spies."

Further on the same eulogist declares that Hoover was offered the job of munitions manager for Great Britain, and that—

Mr. Hoover could probably have been made Sir Herbert Hoover by the British Government.

The consideration of these facts can leave no doubt that Mr. Hoover had to all intents and purposes abandoned the United States as his home; that he had permanently established himself in England, and only wanted to come to this country after we got into the war, because he thought "the big game was here."

My information is that Lord Balfour recommended Hoover to Mr. House, and, to quote Mr. Irwin, "that quiet gentleman" recommended him to President Wilson.

I have not the slightest doubt as to what was the real object of his mission here. For at about the same time Great Britain sent Lord Northcliffe to the United States to purchase an immense quantity of copper. Lord Northcliffe came like a British gentleman—put his cards on the table, and protested that the price of our copper was too high, and asked our Government to compel the copper producers to sell it to England at a reduced price.

At the same time Great Britain needed copper she was in still greater need of breadstuffs. And Herbert Hoover came.

The result of his work, as I shall show, was to secure for Great Britain the products of American farms at a price which he (Hoover) dictated.

Let us see what his relations to the British Government were touching the question of foodstuffs, and what his policies were with reference to the control of prices.

I shall quote no witness except the eulogists of Mr. Hoover and Mr. Hoover himself, chiefly the latter.

Referring to his operations *prior* to coming to this country, his eulogist, Mr. Poole, in an article printed in the Saturday Evening Post of May 26, 1917, details that the price of beans was advancing in the market. And then referring to the commission for the relief of Belgium (which was absolutely controlled by Mr. Hoover), states:

But as to purchasing supplies, there were big men on the C. R. B. who needed no expert advice. They knew all the tricks of the business. When the price of beans began to rise they bought 1,000 tons of beans and threw them back in one lot on the market. Down went prices. * * * So again and again did that same 1,000 tons of beans hammer down prices and save the day. The same was true wherever they went. In food and in shoes and clothing, repeatedly, through expert advice of business men as shrewd as themselves, they went into the market and bought at cost and often below it.

This, in plain parlance, was "rigging" the market. It was done by Mr. Hoover's organizations against the American producer. Such was the policy he had been pursuing *prior* to coming to America.

The truth is further established by the recital in the New York American of July 16, 1917, of substantially the same facts, where it is shown that by these market manipulations Hoover made an immense sum of money, which, it was claimed, went to the benefit of Belgium.

That "rigging" of the market as against the interests of American farmers took place *before* we had entered the war. It was in the interest of Great Britain, because Belgium was in fact at that time the ward of the British.

April 6, 1917, the United States declared war.

May 3, 1917, Mr. Hoover arrived in New York from Great Britain.

May 4, 1917, Hoover opened his office in Washington and began busying himself with the question of food control.

May 7 and 8, 1917, Hoover appeared before a committee of the House of Representatives and presented his plans for food control.

Testifying before the committee of the Senate he stated that the Belgian Relief Commission—

was not a charity, but a great economic engine—

That—

it had cost us to date externally about $350,000,000, and it has cost us internally another $250,000,000.

He must have meant here by "us," Great Britain and France, because the Belgian relief had not cost America anything like the sums named.

He adds:

I have had the privilege of a very close association with the food controllers in France and England, with whom I have had to work in cooperation, and, in fact, without any feeling of vanity about it, as we initiated food control before anyone else in Europe. We have had more or less to pioneer a number of economic factors in food control, and therefore they have sought our views and experience on great numbers of occasions, not only there but in Germany as well; and the consequence is, because of that association, we had a very close insight into the food-control measures in Germany, England, France, and have ourselves taken advantage of such experience as they have given.

July 11, 1917, Mr. Hoover wrote a letter to the President which discloses the fact that a combination among the Allies to control wheat prices had been made and which I think, in connection with what I have just read, clearly discloses the fact that he advised the organization of the European combination to control prices.

After stating that that combination controlled between 80 and 90 per cent of the wheat buying for the Allies but that there were independent buyers in the market, he states:

Now, before we can move one step in this country to remedy price conditions, protect our own consumers, protect them from extravagant prices and speculation, we have got to induce them (the allied governments) to get that buying, at least commodity by commodity, all into one hand in order that we may have one hand to deal with.

The plan I proposed was that we should create in that particular a small board which for lack of a better name we would call the food strategy board, the members of the board to be chosen by the food controllers of each country.

It seems plain that the language "the plan I proposed was that we should create, etc." referred to a proposal Hoover had made to the Allies. But I pass that point, as it is immaterial whether he had proposed the plan to the Allies or not. Certain it is, he was eager to adopt the plan in this country and to have our food controllers coordinate with the European food control organization for the purpose of keeping down prices.

In his letter to the President he discusses the high prices which exist. He first asserts—

That there is a combination among the allied powers and that the American producer is at the mercy of that combination.

But with his usual fatality of contradiction, a little later in the same letter, he admits that the combination of allied powers has not been able to control the market, and complains that the speculators have run the market up to extraordinarily high prices. He follows this by the declaration that we must organize in this country a similar price control to protect our consumers against extravagant prices. I quote his language:

During recent months the allied governments have consolidated their buying into one hand in order that they might relieve the burden of speculation from their own consumers, and as the restricted exports to neutrals are but a minor item, the export price, if not controlled, is subject to the will of the allied buyer, so that in a great measure the American producer is left to that buyer's judgment and is without voice.

We must, therefore, expect a glut in our exterior terminals during a considerable period. * * * Moreover, the consolidation of practically all foreign buying in the hands of the allied buyer has further tended to diminish the resources of capital available. * * *

Every person acquainted with the facts knows that there was no danger of a "glut" in our market. All the neutral countries were clamoring for food supplies. The demand from aboard could not be satisfied. May wheat then commanded more than $3 per bushel. The market was full of men anxious to buy wheat. This is admitted by Mr. Hoover in the sentence I am about to quote. It is found in singular and extravagant contradiction with the statement of Mr. Hoover I have just quoted:

One of the prime causes for the extraordinarily high prices in this country has been the competitive bidding between the Allies and between different branches of the one ally in these markets for foodstuffs.

A little later he says:

The wheat has now been consolidated into an international body called the "wheat executive." It controls, I estimate roughly, about 80 or 90 per cent of the wheat buying for the Allies. There are still, however, four bodies buying independently in competition with the wheat executive. In the fats I calculated there are 14 different organs competing in this market for fats on behalf of the Allies.

HOOVER ADVOCATES GRAIN CONTROL AND LOWERING OF PRICES IN COMBINATION WITH ALLIES

In the same letter to President Wilson he uses this language:

The board * * * would simply plan the origin of the food supplies for the European allies as between all of the different sources and would determine its distribution as between the different allies, and once it had made its determination it would hand the actual operation from the European allied point of view over to functions like the wheat executive to purchase that wheat and distribute it.

Now, that was the plan which Hoover had worked out and had suggested to England and her allies. Pursuant to that plan they had consolidated their buying in order to keep down prices. They were not only to buy by one agent, but they were to distribute the foods. Thus, according to the Hoover plan, they could control the price to be paid in this market.

Now, notice the suggestion he makes to President Wilson as to the procedure to be had here, as a complement to the allied combination he had proposed and which he states had been created—

We on this side need to set up, obviously, some organization for food control in order that we may deal with that particular situation among others. Now, just in passing, in setting up an implement of that kind among the Allies, we will have set up a dangerous implement for our own country unless we participate in its control. I might point out to you that if any of you gentlemen or myself held that position of the single buying agent with a four-months' supply of wheat behind us, as they will have, or other cereals when their harvest comes in, we could probably drop the price of wheat in this country to 75 cents a bushel.

Let us get this all in plain English. Hoover had suggested a single buyer for our European allies to enable them to largely control our market, but he asserts they could not entirely control because there were speculators—neutral countries—in the market. He therefore suggests that we should set up a food organization here to cooperate with and become a part of the European organization and, in conjunction with it, to control and hold down prices.

He declares that such an organization with four-months' supply back of it would be powerful enough so that it could drop the price of wheat to 75 cents a bushel.

It is as clear as day that the thought in his mind was that our food controller and the food controllers of our allies were to fix and hold down the price of wheat and other farm products for the benefit of the consumer.

If our exports were controlled by this combination, the wheat and the other farm products of this country could only be shipped out in accordance with the regulations of the combination, for that combination, according to Hoover's plan, was not only to do all of the buying, but it was to allocate the foods to different countries.

Elsewhere in his testimony Mr. Hoover states that the Governments of Great Britain and France were the purchasers of wheat and other farm products, disposing of them under governmental regulation. The "consumer," therefore, of all our exported farm products was, under the Hoover plan, to be the Governments of Great Britain and of France, but chiefly of Great Britain.

The proposition in a nutshell was to combine with the Allies to reduce the price of our farm products to them. Nothing can be clearer.

Mr. Hoover also had in mind that the control thus exercised should reduce the price in our own market. I repeat his exact language:

Now, before we can move one step in this country to remedy price conditions, protect our own consumers, protect them from extravagant prices and speculation, we have got to induce them to get that buying * * * all into one hand.

That is to say, he desired that as food controller he should have the right to fix the purchase price, and the object in fixing it was to reduce the price to the consumer. As Hoover stated, to "protect the consumer against extravagant prices."

There can not be the slightest doubt but that such was his purpose.

Testifying before the Agricultural Committee on May 8, 1917, he stated that Europe's source of supply had been largely cut off; that the winter wheat crop had largely failed (Rec. p. 374); that the Allies in Europe had been reduced to minimum bread rations (Rec. 375). He sums up:

If we could get everything we could hope for from every quarter of the globe, we would have a shortage of somewhere near the probable of from one-fifth to a quarter of what they need to maintain the present ration, and that ration is a pretty drastic ration. In other words, what I am trying to make clear to you is that we are not going to be able to prevent some privation. It is a physical impossibility.

The CHAIRMAN. You think their ration is approaching the minimum?

Mr. HOOVER. I think it is.

The CHAIRMAN. The amount they mete out daily to their people?

Mr. HOOVER. So that there are two or three complications from our point of view. One of them obviously is that in support of the Allies we should make every possible effort to repress consumption, and on the other side we should set up adequate machinery to see that this great vacuum does not put prices in this country to a point which creates trenrendous embarrassment to our people. If we allow the normal course of commerce to run loose, those people in clamorous desire for food will buy this market mad in this situation. (Rec. p. 376.)

The situation then presented is this: Mr. Hoover claims (1) that the President fixed prices, and that he had nothing to do with it. Yet he appeared before Congress advocating the fixation of prices and combination with the Allies to bring that about. Further, he wrote the President to the same effect.

(2) He now claims that he held up prices for the benefit of the farmers.

But (3) in testifying before the committee, he distinctly stated that "prices must be kept down or they would run wild," and he was then demanding power to arbitrarily fix that price.

All this is made plainer by certain questions I asked him concerning the letter from which I have quoted. (See pages 40 and 41, Part I, hearings of Committee on Agriculture and Forestry, 1917):

Senator REED. I understand you to say there ought to be a plan by which the food for the Allies should be purchased through some agency cooperating with our Government?

Mr. HOOVER. Yes.

Senator REED. What would be the object of that, please?

Mr. HOOVER. The object of this is primarily to stop rival bidding by the different allies and their agents in all markets.

Senator REED. Has that taken place in the past?

Mr. HOOVER. To an enormous extent.

Senator REED. Did that take place when wheat rose to the great price that it did in May?

Mr. HOOVER. There was rival buying of wheat and flour by different agencies of the Allies at that very moment.

Senator REED. As a matter of fact, they are supposed to have purchased and held throughout the year something over 100,000,000 bushels; is not that true?

Mr. HOOVER. I do not know the details of their operations.

Senator REED. But you do know their biddings or buyings were very large?

Mr. HOOVER. Yes, sir.

Senator REED. And you do say you desire the power now to have the purchases for the Allies made through one common agency in order to stop that great element of speculation?

Mr. HOOVER. Yes, sir.

Senator REED. And you think that is very necessary and very essential?

Mr. HOOVER. I do.

Senator REED. Would you include in that the sale of all wheat and other grains that you propose to control that go to neutral countries?

Mr. HOOVER. I think it will be necessary to control neutral buying.

Senator REED. Then your proposition is to put into the hands of this agency all export business.

Mr. HOOVER. In wheat, at least.

Senator REED. There is no doubt, is there, Mr. Hoover, about the fact that the Allies have it within their own power to purchase through one common agency at the present time?

Mr. HOOVER. They have now arranged one common agency.

* * * * * * *

Senator REED. That agency is already in voluntary cooperation with your committee, is it not?

Mr. HOOVER. No; we have no arrangements with them whatever; until we have some legal position we can not enter into any arrangement.

It will be remembered that Mr. Hoover had practically assumed the position of Food Administrator before any law had been passed creating such office. Accordingly, his last answer indicates that he had not yet effected the combinations with the European countries simply because he did not yet have legal authority to make such an arrangement, but his testimonly also clearly shows his intent to make the arrangement when the authority should be granted.

I quote further from his testimony:

Senator REED. It was, as I understood you to say, the buying of the Allies, bidding against each other in the markets of this country, that was one of the great forces in running up prices to what we regarded as extortionate?

Mr. HOOVER. That was one of the forces.

Senator REED. And if we could eliminate that feature entirely from our markets it would go a long way toward stabilizing prices, would it not?

Mr. HOOVER. It would if the implement were carefully handled. * * *

Senator REED. * * * It was because the Allies were buying in such large quantities and because they had practically an unlimited power of consumption that they were able to so seriously affect our markets. That is the case, is it not?

Mr. HOOVER. That is one of the factors; but always bear in mind that the speculative elements in this country, knowing the situation in Europe, and knowing the intention of the Allies to acquire grain, themselves entered upon this situation and boosted the price even against the Allies.

Senator REED. Certainly; the Allies bid against the local speculator and the local speculator against the Allies?

Mr. HOOVER. And they all bid against our millers.

No candid man can read this testimony without understanding fully that before Mr. Hoover came to this country he had advised the Allies to have one purchasing and distributing agency, and had advised that agency to get behind it a large supply of wheat and other farm products, so that it could stay off the market and thus force down prices to the producer, and that such an organization had actually been created.

It, however, found itself confronted by the fact that it could not entirely control the market. There were buyers referred to by Hoover as speculators in the market; and Hoover complained that these buyers had produced a high price for wheat, notwithstanding the European combination which he had advised. He therefore sought to have this Government create a single buying agency, and that agency was to be articulated with and become a part of the European combination. This combination was to be so powerful that it could, as Mr. Hoover stated, force the price of wheat to the producer to 75 cents, if it so desired.

Let it be remembered that before any food control bill had been passed Hoover had assumed many of the powers he afterwards exercised. The Wheat Export Co. had been set up. Because of that fact the market was disorganized. On July 13, 1917, fourteen grain firms in St. Louis wired Hoover that the hands of the millers and country dealers and farmers were tied, that serious diaffection among the farmers was certain, and a complete disruption of the grain trade probable. They asked for information. Hoover wired them:

It is reported in New York that the Wheat Export Co. (the Allied purchasing company, have announced their willingness to buy some wheat, basis $1.80 St. Louis and Chicago, and $1.75 Kansas City. * * * I am powerless to act at all until Congress grants some authority.

Already that powerful organization, supported as it was by the activities of Hoover, controlled the prices of export wheat and disrupted the market, whereupon Hoover comes forward with a suggestion that it will purchase wheat at the prices just referred to.

This was the organization which was created or at least advised by Hoover. The Wheat Export Co. was the buyer for all the Allies. Hoover's telegram was a hint to the trade to accept the terms offered. It also shows, in connection with the testimony I have quoted, the kind of action he thereafter expected to take.

Let us observe the next step.

Hoover was at the time awaiting the enactment of the law creating a food controller. He was concerned about that bill, and he sought to put into it the power to fix prices. Of this there can be no doubt, as witness the following excerpts from his testimony.

HOOVER DEMANDS THE POWER TO FIX PRICES

Before the same Agricultural Committee he discussed European regulations. He stated that Europe had tried both the minimum and maximum price regulations; that the minimum price was possible if backed by the Government; that the maximum price regulation had proven a total failure (p. 377).

He, however, stated:

There was a third alternative—a fixed price.

And declares that in dealing with the Belgium situation—

we took neither a minimum nor maximum, but we took a fixed price (p. 378).

He states:

If we could apply our Belgian plan to America, it would work like this with an application to our institutions: We would arrive at a price for wheat * * * in this manner: We would say that the average price of wheat for 10 years of the pre-war period was so much; that the increased cost of production due to various factors is so much; that increased cost of agricultural implements, labor, etc.; that a further percentage in the nature of an increased profit in order to stimulate production, and we might arrive at, say, $1.50 a bushel. I have not worked it out in my mind, because this is a matter that requires very careful consideration and advice.

We would also be faced at that moment with another very important problem, and that is that the price of every cereal has got to be determined at the same moment; that otherwise we would have the substitution of one cereal for the other.

* * * * * * *

Having arrived at a price for wheat—for discussion, say, $1.50 a bushel—my idea would be to call the elevator owners of this country together and say that 95 per cent of the wheat in the country passes through the elevators: "We wish you to pay $1.50 for this wheat; that the Government, through the banks or otherwise, will arrange to loan to you the money necessary to pay that $1.50 a bushel and thereby relieve you of the necessity of going to the Chicago option market to protect yourselves." You know as well as I do the course of commerce in this country is for the elevator to buy the wheat from the farmer and sell an option to one of the produce exchanges, and at that point originates the speculation in American grain. There is created the document on which is built the whole complication. If, on the other hand, the elevator is not allowed to sell an option against the grain that he has bought, we have stopped the whole possibility—in fact, the whole existence of the produce exchange is gone.

Now, we shall call the millers together and say that "the elevators have this wheat at a basic price from the farmers; they are adding to that a legitimate charge, which we agree upon, for storage, grading, etc., and you are getting this wheat at a fixed price; but we want you to mill a straight flour—not necessarily any faddist idea, but a straight flour—and to agree upon a fixed charge for so doing, so that the people—the consumers—will get their flour at practically a flat price, with some variations for transportation." If you would follow through $1.50 wheat—and I may say incidentally that I have been told * * * that the farmers of this country probably did not average for the 1916 harvest more than $1.30 or $1.40 a bushel; and the price of flour to-day is $13 a barrel. If you would follow $1.50 wheat through the scale I give you and make allowances for the elevators, mills, and transportation, you probably would arrive at somewhere near $6.50 or $7 for flour. In other words, there lies the protection of the consumer and at the same time the protection and inducement to the farmer and the elimination of speculation; and here lies also the solution of other problems, that certain excess of production is available for export (pp. 379–380).

He goes on to state:

We know what our quantities are; the flow can be controlled through the elevators. We can regulate its monthly or periodic dispatch to the Allies; we can say to the railroads: "You have a given amount to meet the transportation which they are sending. You may place that grain in the elevators at seaboard." And your Allies may come and

they must take from those elevators the first thing that is in the elevator. * * *

To follow wheat a little further, it must be our desire to increase our exports as much as we legitimately can. One object of arriving at a "straight flour" is to get as large a proportion of wheat as is possible from a practical point of view, and thereby make a certain saving; and, further than that, we might make a mixed flour, particularly with barley (p. 380).

The food control bill was before the Senate, and Hoover wrote a letter to the author of the bill, Congressman Lever, in which he criticized the bill because it did not contain the power to fix prices, and stated:

A fixed price is the only positive, absolute method of eliminating speculation. (P. 401, hearings before House Committee on Agriculture on Lever bill, 1917.)

That is, he proposed to make it impossible for the farmer to sell on an open market and to get that market price.

Hoover was wedded to this scheme of control and to the doctrine of the absolute fixation of a specific price, as further appears from his testimony:

Senator SMITH of Georgia. You are not advising any guarantee or minimum?

Mr. HOOVER. I am not advising any guarantee at all.

Senator SMITH of Georgia. You are advising direct control of food production?

Mr. HOOVER. Yes; and if necessary, to buy it and fix a price.

Senator SMITH of Georgia. You would utilize all existing agencies?

Mr. HOOVER. Yes, sir.

The CHAIRMAN. Now, Mr. Hoover, with reference to the fixed price, you would have a provision that the consumer and seller could appeal to the courts for a higher price?

Mr. HOOVER. I believe we could arrange that.

The CHAIRMAN. Would not that be necessary? Can you take private property for public use without due compensation?

Mr. HOOVER. I understand the Government has all powers of defense by requisition——

The CHAIRMAN. Not without paying a due price.

* * * * * * * *

Mr. HOOVER. * * * I tried to make it clear that both the minimum and the maximum were incorrect from an economic and practical point of view, but that a fixed price, a definite price, at which the stuff was purchased throughout the whole year and backed by the Government, was the only practicable solution. (Hearings, Committee on Agriculture and Forestry of the Senate, 1917, pp. 414–415.)

In view of this advocacy by Mr. Hoover of a fixed price to be forced by the Government, it is astounding to find him pretending he had nothing to do with the fixation of prices.

All this brings us to an understanding of the purposes Mr. Hoover had in his heart. He desired to have written in the bill the power to fix an arbitrary price for all farm products. He had advised our European Allies to have one buying agency; he desired our Government to adopt a similar control and articulate that control with our Allies in order to absolutely and effectively shut out all possible outside buying.

But Congress did not agree with Mr. Hoover. It declined to grant him the power he demanded. On the contrary, Congress, against his advice and protest, established a guaranteed minimum price which it proposed to pay to the farmer for the crops of 1918 no matter how low the market price might be.

The reason for this action was that it was recognized and proclaimed "that food would win the war." It was recognized that America must produce vast quantities of farm products, particularly wheat. It was also conceded that if production was so stimulated and if the war should come to a sudden close the farmer might be forced to sell his surplus wheat at a tremendous loss.

Hence, it was proposed to protect the farmer against this loss by guaranteeing him that his prices would not go below a certain figure.

In order to determine what might be a fair price to guarantee to the farmer as the minimum, President Wilson assembled a voluntary board. It was without any authority of law whatsoever. It was merely advisory.

The board did not agree with Mr. Hoover that either 75 cents or $1.50 would be a fair price for wheat. It reached the conclusion that the Government ought to guarantee a price of $2.20 a bushel for the 1917 crop. But that was to be merely a guaranteed minimum.

Neither did it agree with Mr. Hoover on his scheme of a fixed price. It did two things: (1) It guaranteed the farmer that the price for his wheat for 1918 would not go below $2. The bill did not pass until August. Nearly all of the farmers' wheat crop of 1917 had been marketed, and it was considered in view of the high world prices that a legal guarantee for that year was not necessary. (2) But lest it should be in the future at any time necessary, Congress empowered the President to raise the guaranty minimum whenever such action appeared advisable.

The language of the law is as follows:

That whenever the President shall find that an emergency exists requiring stimulation of the production of wheat, etc. * * * he is authorized * * * to give public notice of what is a reasonable guaranteed price, in order to assure such producers a reasonable profit. * * * Thereupon, the Government of the United States hereby guarantees every producer of wheat * * * a price not less than the guaranteed price therefor as fixed pursuant to this section. * * * The guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be * * * not less than $2 per bushel at the principal interior primary markets. This guaranty shall not be dependent upon the action of the President under the first part of this section, but is hereby made absolute and shall be binding until May 1, 1919. (Sec. 14, ch. 53, act of Congress, August 10, 1917.)

The language itself makes it clear that the price named in the law was not a fixed price, was not a maximum price, but was a guaranteed minimum. This was fully threshed out on the floor of the Senate. (See vol. 55, Pt. VI, CONGRESSIONAL RECORD, pp. 5875–5878, 5915–5916.)

HOOVER USES LICENSING POWER TO FIX PRICES

But the bill did contain a provision under which the grain dealers and the millers and certain other business institutions could not operate without obtaining a license issuable and revocable by Mr. Hoover.

At that time I knew from Mr. Hoover's testimony that he wanted to fix an arbitrary price for farm products. I warned the country that he would use the licensing power so as to compel the purchasers of grain to pay a price dictated by him.

I knew (1) that Mr. Hoover had approved the organization of the English wheat-export company for the purpose of controlling prices paid in our export market, and that he had advised an organization here to cooperate with the British company; (2) that before coming here he had been using large sums of money and making heavy purchases and sales to beat down or "rig" the market, and that the bill he was then advocating placed under his control $150,000,000 which could be used for a similar purpose; (3) that the bill contained a provision that grain dealers and millers could only operate under a license which was issuable and revocable at the pleasure of Mr. Hoover; (4) I distinctly called attention to the fact that this power of licensing made Hoover the absolute dictator of prices. I then said:

Again, Mr. President, if the powers conveyed by this bill are employed, it will deprive the farmer of the last vestige of a free market in which to sell what he produces. At the same time he will be compelled to buy in a market where war prices prevail.

The result indicated springs from the fact that the embargo law and the enforcement thereof, together with the action of the allied governments, have already placed the control of all wheat exports in the Wheat Export Co. That company is, in fact, a syndicate or corporation comprised of English concerns. Thus, to-day, an English company exercises a complete monopolistic control over America's foreign grain markets. It therefore has the power to fix the price of every bushel of wheat raised on American farms which is sent abroad.

Let it not be forgotten that Mr. Hoover counseled, aided, and abetted the organization of this English monopoly. The fact I have hitherto charged. The proof I have hitherto produced from Mr. Hoover's own testimony. The fact will not be here denied. I challenge denial at this time. There are none to stand forth and dispute the truth of my assertion.

Having thus taken away the farmer's foreign market, the food dictator is by this bill granted authority and power to seize and control the domestic market.

By employing the licensing provision he may bring all the mills, elevators, and grain exchanges within his control. On top of this he is furnished with $150,000,000 of Government money for the express purpose of going into the market and controlling prices. Indeed, it is no longer concealed, although the fact was for a long time disputed, that the food dictator, acting in conjunction with the English Wheat Export Co., will be able to arbitrarily fix the price of every bushel of grain raised upon the farms of America.

The farmer is, therefore, dependent for the price of his grain crop upon the will of one man. As that man shall dictate, the 45,000,000 people engaged in agriculture in the United States may be blessed with prosperity or reduced to bankruptcy. * * *

It was for the purpose of protecting the farmer against injustice by a food dictator that we have contended for a price guaranteed by the law. We believed this necessary as an act of justice and also because the farmer, appalled by the fact that the price of his wheat is to be arbitrarily dictated by one man, in all probability will reduce

his acreage. We sought and obtained a legislative guaranty of $2 per bushel on this year's crop. We believed that good prices this year would result in a larger crop next year. (CONGRESSIONAL RECORD, vol. 55, Pt. VI, p. 5922.)

HOOVER PROCEEDS TO FIX THE PRICE

Notwithstanding the fact that Congress had rejected Hoover's proposition for a fixed price; notwithstanding the fact that Congress insisted upon the Government guaranteeing the farmer that his wheat would not go below $2 a bushel, and, as the RECORD discloses, that it was the intention of Congress to allow the farmer to receive any price above $2 which the markets of the world would pay; notwithstanding the fact that it was strenuously asserted that Mr. Hoover would not employ the licensing power to fix prices, this is what actually occurred:

Mr. Hoover proceeded to carry out the plan he had recommended and which had been rejected by Congress. He did this by the grossest abuse of the licensing power.

All grain dealers and millers were required to take out a license. The grain dealer was then flatly informed that he must pay the fixed price of $2.20 a bushel for the highest grade of wheat, with a sliding scale applicable to lower grades. He was told that if he paid any more or any less, his license would be revoked, which, of course, meant the destruction of his business. In turn the miller was ordered to buy all of his grain through the grain dealers and to pay the grain dealer what he had paid the farmer plus a small differential allowed the grain dealer for profit.

This, of course, took away from the farmer the opportunity to sell his wheat at all in the domestic market, except at the so-called fair price dictated by Hoover. Any violation of Hoover's orders by any grain dealer or any miller meant the destruction of his business through the revocation of his license.

In a word, it completely cornered the domestic market. Indeed, this order was at first so sweeping that a miller was not allowed to buy grain hauled directly to his mill by the farmer in his wagon or truck.

There remained, therefore, only the export market. But this had already been partially plugged by the organization of the Export Grain Co., which was a combination of British and other allied powers.

The job, however, was completed, and the foreign market absolutely closed by the organization of the United States Food Administration Grain Corporation, with a capital of $50,000,000 of Government money. Hoover was chairman of the board of directors.

This organization divided the country into 14 zones and placed a Government buyer in each zone. These buyers all paid the so-called fair price. No wheat could be shipped out of the country except through this Hoover organization.

The Hoover organization—United States Food Administration Grain Corporation—at once entered into an agreement with the British organization—the Wheat Export Co.—by which it would purchase all wheat delivered at the seaboard by the Hoover administration at the "fair price." At the same time arrangements were made to absolutely fix an unvarying price for wheat by carrying the control from the miller to the baker.

All this is substantially admitted in the official report of the Food Administration Grain Corporation of October 19, 1917. At page 12 of said report it is stated:

> In the purchase of the wheat the Food Administration acts purely in a merchant capacity, buying wheat at the interior terminals and reselling on one hand to the millers for domestic consumption and on the other hand for export purposes. To make sure that its operations will be conducted without loss, the Food Administration has secured assurances from the Allies that they will purchase all wheat delivered to our seaboard and placed at their disposal at the "fair price." * * * Under this contract, therefore, it can not sustain any loss in its transactions. To cover its cost of operation, the Food Administration adds 1 per cent to the cost of wheat at the interior terminals when it sells, and if this 1 per cent should be found unequal to the costs of storage, insurance, and administration, it will be adjusted to a point which will cover those costs without profit.
>
> The policies and plans were unanimously indorsed by a representative body of terminal elevator and grain dealers assembled in Washington August 15, 1917, and also by a body of 700 terminal and country dealers in convention at Buffalo September 24, 1917.

That was a fine bunch to meet and fix the price of the farmers' wheat.

Here, then, is the bold, plain admission and assertion that Hoover through the organization of which he was the head and through acting in conjunction with the foreign interests had completely and absolutely cornered and controlled the market and had absolutely and completely fixed the price of every bushel of grain raised in the United States.

Yet Mr. Hoover has the temerity to now assert that he did not fix prices. I repeat that when President Wilson assembled an advisory board to express its opinion as to what would be a fair price to be paid the farmer the opinion of that board was without any force or effect whatever. But when Mr. Hoover, by the devices aforesaid, took possession of the market and ordered every buyer upon pain of being put out of business to pay a certain price and when he combined with foreign interests to close the export market he then and there fixed the price of wheat and other grains. His attempt to evade this responsibility is ridiculous in the face of the plain-written record. His attempt to place the blame upon the President is contemptible.

From the time Hoover effected these combinations the farmer, in so far as prices were concerned, was as completely under his control as was a Russian serf in the days of Peter the Great.

But we are also confronted by the statement that Mr. Hoover held up the price of grain for the farmers. How he can claim that he did not fix prices and at the same time claim that he held up prices is beyond the comprehension of the ordinary mind and is another absurdity and contradiction. If he had nothing to do with fixing prices, how did he maintain prices? He could have held up prices only because he had power to fix prices, a power usurped, it is true, but power. A man can not in the same breath claim that he did not fix prices at all and that he did fix prices and fix them at a high level.

Statements of that kind have been made time and again by Mr. Hoover, or at least by his advocates, who are so close to him as to make him responsible.

I could encumber the record with further quotations, but enough has been said. I shall now proceed to demonstrate that Hoover's manipulation resulted in—

(a) Destroying the farmers' free market.

(b) Forcing the farmer to sell far below the war level of prices, while he was at the same time compelled to buy at the war level.

HOOVER DID REDUCE THE FARMERS' PRICES

Certain facts stand out in bold relief:

(1) On May 11, 1917, before Hoover's operations began, the price of wheat had gone so high that the Chicago Board of Trade met and compelled the settlement of all outstanding futures at $3.18.

May 16, 1917, Hoover assembled certain grain dealers at Washington, and at his request they submitted a tentative outline of a plan of control. Under that plan the Government would control—

> the transportation of foodstuffs, fix a price for wheat and maintain it for the entire crop year without change, control the distribution of the available supply of wheat, and control the storage facilities of elevators. (Government Control of Prices, by Paul Willard Garrett, of the War Trade Board, p. 63.)

That was the identical plan which Hoover had four days previously advocated before the committees of Congress. It goes without saying that he merely had his plan indorsed by the grain dealers whom he assembled at Washington.

Bear in mind that at that time no law had been enacted guaranteeing prices.

May 19, 1917, Hoover was "named" by the President as Food Administrator, although no law had yet been passed creating that office.

Nearly three months later, and on August 10, 1917, the food control bill, which had been pending since the 1st of May, was passed. That bill guaranteed the farmer a minimum price for the wheat crop of 1918, but it did not guarantee the price for the 1917 crop. That crop had already commanded as high as $3.18 per bushel.

August 10, 1917, Mr. Hoover was formally appointed Food Administrator.

August 14, 1917, the President announced the appointment of a committee to determine a fair price at which wheat should be purchased by the Government.

August 30, 1917, the committee recommended that the Government should pay $2.20 a bushel for No. 1 Northern spring wheat at Chicago, with differentials for other grades and terminals. (Garrett, p. 63.)

It is true that the President states that "Hoover had taken no part in the deliberations of the committee on whose recommendation I determine the Government's fair price," but it will be observed that the recommendation of the President was for a fixation of a fair price at which the Government would buy. If acted upon by the President under the general powers given him by the bill, it would amount to a Government-guaranteed minimum price of $2.20 per bushel for the 1917 crop, just as the

food administration bill had guaranteed the price of $2 minimum for the 1918 crop which was yet to be planted.

So that it is not true that this board or the President fixed the price for wheat. The board simply recommended to the Government that it should pay in the market at least $2.20 for the wheat it purchased. Of course, it was contemplated that the Government would purchase enough to maintain the wheat as high as $2.20.

While Mr. Hoover disclaims having sat with this committee and helped fix prices, it is interesting to note that Mr. Hoover, in his announcement of appointment, uses this language:

> With a view to determining a fair price the President has approved the appointment of a committee to be selected from representatives of the producing sections and consuming elements in the community. The committee will be assembled under the chairmanship of President Garfield, of Williams College, and it will be the duty of this committee to determine the fair price for the 1917 harvest.
>
> Upon the determination of this fair basis it is the intention of the Food Administration to use every authority given it under the bill and the control of exports to effect the universality of this fair basis throughout the whole of the 1917 harvest year without change or fluctuation.

What reasonable man can doubt that Mr. Hoover suggested the appointment of this committee; that he knew all about it, for he was able before it was assembled to tell who would be the chairman? Moreover, he clearly states that when this committee has made its finding as to the fair price for 1917, he proposes to use all his powers to enforce that price, "without change or fluctuation."

Bear in mind that the finding of this board had no legal effect or force whatever. If there had been nothing but the finding of the board, the farmer could have sold his wheat upon the market and at World War prices. It was not the finding of the board that $2.20 was a fair price for the Government to purchase at which fixed the price of wheat. That price was fixed when Hoover employed his power to issue and revoke licenses and to control exports. Until Hoover acted, the market was open to the farmer. After he had acted, the farmer could only receive the price Mr. Hoover allowed him to receive.

But Mr. Hoover did come here with the idea of a fixed price in his mind, all of which I have shown or will show, and he proposed to force that price upon the farmers. I quote from Garrett:

> Upon the announcement of the price of $2.20, the Food Administration affirmed its intention "to use every authority given it under the food control act and the control of exports to effect the universality of this fair basis throughout the whole of the 1917 harvest year without change or fluctuation."
>
> The announced policy of the Food Administration makes evident the difference in point of view of the legislative and executive branches of the Government. Congress provided a minimum price for the 1918 wheat crop; the Food Administration adopted a definite "fair price" for the 1917 crop. The one was not to be effective for nearly a year, or until July 1, 1918; the other (the Food Adminstration price) was effective from its announcement. (Garrett, p. 64.)

The market price for wheat in neutral countries during the war ran from $3 to $3.50, to $4.50 and to $5 a bushel in many instances. If there had been no price forced by Hoover, a forced levy, then the farmer would have been able to sell upon that world market. He would have been allowed to sell upon the market on which our manufacturers sold. He would have been able to sell upon the same market that Great Britain sold.

There is another bit of evidence, conclusive, final, binding, and that can not be disturbed. The Grain Export Corporation gave to our allies the full benefit of this price forced upon our American farmers.

Great Britain got what she wanted—a reduced price on American farm products. Nevertheless, the American Grain Corporation turned into the Federal Treasury $70,000,000 of profits. That profit accrued in part from the 1 per cent which it charged to cover expenses and probably part of it rose from the sales to neutrals.

Beyond all question, if there had been no regulation, if the tides of trade had flowed freely, if the farmer had been allowed to get the price which the wheat would have brought if it had not been interfered with, the farmer of this country during the period when this condition existed would have had probably more than a billion dollars more money in his pocket than he was permitted to have.

To sum it all up, Mr. Hoover came here with a plan to reduce the price of American foodstuffs by fixing an arbitrary and unvarying price.

He gave the benefit of that reduction to England and her allies. That is to say, he forced down the price of American farm products for the benefit of England, France, and Belgium, but chiefly the advantage flowed to England.

Mr. BROUSSARD. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. BROUSSARD. I was waiting to see if the Senator would refer to the surplus of over $10,000,000 which the Sugar Export Corporation turned over to the Treasury.

Mr. REED of Missouri. Mr. President, I had not intended to discuss the sugar proposition. It is more intricate, but, I believe, presents a chapter as black as the wheat proposition.

Mr. Hoover and his cohorts fixed an arbitrary price of 5½ cents, I believe, to the Cuban planter or mill owner, and that sugar was brought to this country and underwent no other expense except refining, and yet we sometimes paid 28 cents for sugar.

But, coming back to the wheat proposition—and what is true of wheat is true of cattle and of meats, for they were regulated in a somewhat similar manner—this is the picture presented: During the war the price of the principal farm products were held down by this arbitrary process; and during the war, therefore, the farmer had to buy at world prices, and he had to sell at a fixed and arbitrary price far below world-price levels.

The inevitable consequence was that when the war was over the farmer did not have in his bank a considerable sum of money to tide him over the evil days which every man understood would come. The manufacturer had the opportunity to accumulate, for he had received very high prices. The merchant had the same chance, for the goods that were on his shelves when the war began had been bought at low prices and had enhanced in value. Vast fortunes were accumulated in that and other ways. But the farmer had no such opportunity. He wore a Hoover ball and chain. In the race for wealth he had to drag that along with him.

When the war ended it was anticipated that there would be a slump in prices. That slump occurred for the farmer just as soon as Europe was able to temporarily replenish its bread baskets. Then the farmer was compelled to sell to a bankrupt people. And upon that market only partially recovered he is still compelled to sell in competition with the entire world.

Not so with the manufacturer. He had enjoyed during the war the highest war prices both at home and abroad. He now came before the Committee on Finance of the Senate and demanded that the tariff be raised to a point never before even suggested by any rational man. I heard certain manufacturers or their representatives declare that it was their purpose to maintain the war level of prices upon manufactured goods. I heard some of them in substance say—for we had then gone through an election—"We won this election, and we propose to have the rewards."

A bill was passed in accordance with that demand, and that bill raising the tariff upon all goods shipped into this country, plus the combinations, agreements, or understandings that were effected by the manufacturers of the country, resulted in maintaining substantially the war level of prices upon manufactured goods.

The farmer pays to-day for his agricultural implements almost twice the prices he paid in 1913. He, and indeed all of the people, pay for all classes of manufactured goods substantially 50 per cent more than they were obliged to pay in 1913. The suit of clothes your tailor made for $55 in 1913, if you were fortunate enough to be able to buy tailor-made goods, costs you to-day $100 or $125. The hand-me-down or ready-made goods have, if quality is considered, increased in price in the same proportion. The shoes on your feet, which now cost you ten or twelve dollars a pair, in 1913 could have been bought for five or six dollars, and were exactly the same kind of shoes.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. I yield.

Mr. SMOOT. The Senator does not claim that the tariff has brought that about, does he?

Mr. REED of Missouri. Yes, I do; and I know what the Senator is going to say—that the tariff has been taken off shoes.

Mr. SMOOT. There is no tariff on shoes at all, and the whole amount of wool in a suit of clothes would not amount to $2.

Mr. REED of Missouri. I know that argument.

Mr. SMOOT. It is true.

Mr. REED of Missouri. I have heard that argument until I am disgusted. You come and say, "We have to have a law to keep prices up," and when you get it and prices stay up you say the law had nothing to do with it.

Mr. SMOOT. The tariff did not.

Mr. REED of Missouri. The tariff affects many things not named in the tariff. When you raise the general standard of prices, things that are not included in the tariff are carried along. We all know that. I am not going to be led aside from the theme of my discourse. I heard the testimony given. The tariff was raised to enable the maintenance of the war level of prices, and the war level of prices has been substantially maintained from that day to this good hour. It worked.

The farmers have to buy clothing, as well as machinery; they have to buy everything that the ordinary person needs in the way of necessities; they do not buy many luxuries. So that when the war was over, by law we forced the farmer—and everybody else, too, but I am speaking particularly of the farmer now—to buy on this high level. We did it by statute, and then there were the illegal combinations and conspiracies that have fattened and battened and gone untouched for eight years under a finer protectorate by this administration than was ever had by the bootleggers' organization from the officials of Chicago—that kind of protection which consists in saying: "Run your illegal business and we will not see it provided you contribute at the right time."

What happened to the farmer's other market? What is happening to it—the market where he sells? There he must sell on the world level. If he carries over there $10,000 worth of wheat and wants to bring back $10,000 worth of goods purchased in the market where he sold, when he gets to this country he is met by the tariff collector, who exacts so high a tribute that when it is added to the price he paid in Europe, the total cost is just a little greater than the price in the domestic market. For the American trusts and combinations have so skillfully arranged their prices that they are just a few cents lower than the foreign price plus the tariff.

Thus you deny the farmer the right to purchase in the market where he is compelled to sell. You do it by law. You have been doing it for more than 60 years. Two generations of farmers have been subjected to that kind of illegal and infamous oppression. I say illegal although worked out through the processes of law, for the wrongful use of the law is in a sense illegal.

Mr. President, ruin stares the farmer in the face and political rebellion is impending. A political rebellion is the only argument that has ever aroused a responsive sentiment in the soul of the Republican Party. Accordingly, we find the managers of that party looking about for expedients which they hope will allay the storm and lull the farming population into the sleep of confidence until after the next election.

Mr. President, I have no doubt many of the men who have undertaken certain of the remedies which have been proposed have done so in good faith. I have no doubt that some of the adherents to the theory of the high tariff imagine that they can make some of their plans work. But the fact is the emergency is here. I have referred to one of these causes.

But another condition was created by the Government. I refer to the sudden and improvident deflation of the currency. The responsibility for that deflation must rest upon the Republican Party, and in that responsibility Mr. Hoover must share.

I digress for a moment in order to state the facts.

The Republican Party in its platform of 1920 demanded "the deflation of credit and currency." That started the ball rolling. On August 21, 1920, at Minneapolis, Minn., Mr. Hoover added his sanction and distinguished approval. He there declared that "deflation is necessary to reduce prices."

So the deflation occurred. Not gradually, not prudently, but so suddenly as to destroy values and produce widespread suffering. The farmers, stock raisers, country bankers, country merchants, and all classes of borrowers were driven into bankruptcy.

Consider the farmer's and stockman's condition. They borrowed money to buy cattle; they purchased these cattle upon a high-price level. Suddenly the currency is deflated. Credits are stopped; they seek to dispose of their produce and find the prices fixed by the bankrupt market of Europe. Their notes are coming due; they can not pay. The country banks fail, and so the evil spreads.

The economic law has established a low market abroad. In that market the farmer must sell. The tariff has established a high market at home. In that market the farmer must buy. On top of this there is a forced restriction of credits, and the farmer, being the borrower, finds himself the victim of a money scarcity created by the Government.

It is therefore not to be wondered that those who have produced and still insist upon perpetuating these conditions have sought by various devices to placate the farmer. About four years ago they suddenly admitted that the tariff did raise prices. They then asserted, "We are going to give the farmer the same benefits of high tariff prices which we have heretofore given to the manufacturer." This they proposed to do by placing a tariff on farm products, wholly ignoring the fact that the tariff only operates upon articles imported into the country and that it can have no effect upon articles which are exported in large quantities.

It is too plain for argument that when we produce a surplus of any article which must be sold abroad, that there can be no considerable amounts of that product imported into the country. It follows, therefore, that a tariff tax levied upon importations of that which we do not import will have no material effect upon our domestic prices.

We export 1 bushel out of every 5 we raise. No wheat is imported into the country, except small amounts which are used for mixture with the domestic grain or which come here for milling or which are brought through the United States because of shipping facilities.

Nevertheless, I heard the former distinguished Senator from North Dakota, Mr. McCumber, from this floor solemnly argue that a tariff of 25 cents a bushel upon wheat imported into the United States would raise the price of the entire domestic crop to the level at which it had sold three months previously. Three months previously it had sold for something like $1.50 more than the then market price. It, of course, follows that before Senator McCumber was right when he asserted that a 25 per cent tariff would raise the price in our market $1.50, that the Canadian farmer, and, indeed, the farmers of all the world, could ship their wheat here, pay the 25 per cent duty, and secure $1.50 more than the then market price.

The statement was absurd. Nevertheless, the bill was put through Congress, and the farmer was told that his troubles were at an end.

The absurdity to which I refer applies generally to all farm products which are produced materially beyond the demands of the home market. It may be that the tariff has the effect of conferring some benefits upon the wool growers, although that is doubtful. In view of the fact that we consume much more sugar than we produce, a tariff upon sugar has in it an element of protection to the home producer, but that additional tax is collected from the consumer.

The argument that a tariff upon farm products (of which we produce a surplus which must be marketed abroad) will bring the farmer the same benefits the tariff brings to the manufacturer, who, absent the tariff, would be compelled to compete with the foreign manufacturer, is a solecism and a subterfuge. The promise will turn to ashes upon the lips of those who make it. It will give no substantial relief. Those who bring forward the proposition and who advocate it are too intelligent to believe in the truth of their own pronouncements.

The cold truth is that the management of the Republican Party is so wedded to the tariff and so thoroughly under the control of the tariff barons that they are willing to continue the exactions now levied upon the farmer by the protected manufacturer and to resort to any scheme, device, or trick to deceive the farmer into voting for the continuance of high-protective policies.

According to information I have, there was recently a meeting in New York of a number of great capitalists. They were all opposed to the various farm relief bills before Congress. But when the discussion waxed warm they were silenced by the statements of one of the greatest bankers of the world, who said:

> Gentlemen, we might as well face the issue; we have got either to consent to the passage of the McNary-Haugen bill or a similar bill, and thus placate the farmers, or we shall have to yield our tariff.

I cast no aspersions upon the authors of the McNary-Haugen bill. There are many provisions of that bill the wisdom of which I doubt, but I would, nevertheless, support, because I am willing to have them tried. The part of that bill against which I protest is the so-called equalization fee.

The equalization fee is nothing more nor less than a forced levy. It is a forced tribute exacted by authority and collected by force of the Government. It is taken from every farmer of the United States who has anything to sell, and it is taken without his authority or consent. It is a scheme by which part of the farmer's property is taken away from him by the powers of government and turned over to a bureau to administer as that bureau may deem best. To that extent it puts the farmer under guardianship. It takes his property without due process of law. It is unconstitutional. I have not the slightest doubt it will be declared by the courts to be unconstitutional.

The result, therefore, of enacting the bill is to postpone the day when practical relief, such as I have proposed, may be inaugurated.

However, Mr. President, there is one way in which we can in accordance with economic law give some measure of relief to the farmer. That can be accomplished by simply removing the artificial incubus or burden which we have placed upon him.

We can accomplish that by nullifying those provisions of the law which deny him the opportunity to buy in the market where he must sell his surplus. We can by the repeal of that law relieve him from the tariff exactions under which he now suffers.

Such a plan will bring relief. All those plans that propose to relieve the farmer by enacting tariffs against imports which are not imported will end in failure.

Accordingly I have prepared the amendment I am now discussing. It does not embrace merely my idea, but is the result of the meeting of many minds.

In a word, the amendment proposes that when the farmers export their products they may receive a debenture equal to 25 per cent of the products exported. The debenture may be used by them or their assigns in paying tariff duties upon anything imported into this country.

If the amendment shall be accepted, the great cooperative farming organizations which are supposed to be created by the McNary-Haugen bill, and some of which already exist, may, through their agencies, if they desire, export directly to Europe, receive a debenture equal to 25 per cent of the value of the commodities they ship abroad, and may buy in Europe whatsoever goods they desire to buy and pay the duty upon them with the 25 per cent debentures.

The result will be that wheat sold at $1 a bushel here upon the market, with a 25 per cent debenture added to it in Europe, will be in effect worth substantially $1.25 a bushel to the farmer.

The debenture is assignable, so that if the farm organization does not itself see fit to import it can sell the debenture to a regular importer, and by the sale of the debenture it can put into its treasury the amount received for that debenture, and the debentures ought to be worth substantially their face.

But the benefits of this amendment are not limited to those who see fit to join farm organizations. Any exporter may receive them; and they are to be issued by the Secretary of Agriculture whenever $3,000 worth, or more, of a farm product is sent abroad in one shipment. The amount of $3,000 is named merely to simplify the execution of the law.

Let me say to all those who want farm relief that this amendment affords direct, positive, certain, and immediate relief. If a debenture, which has a definite value, is issued whenever wheat, cattle, or hogs or their products are exported, a European suction will be created and the price in the domestic market will advance. Thus general and immediate benefit to the farmers of the country will result. No economic law is violated; but there is avoided as to the farmer the burden of the present tariff law.

Mr. President, I know of nothing else that will bring a direct benefit. Those who are wedded to the tariff, those who will not touch it, those who regard it as sacred will continue to vote for it and persist in telling the farmer they want to benefit him. At the same time they must recognize the fact that they are responsible for the high prices which the farmer must pay and they are responsible for the fact that they maintain those high prices upon him in the markets where he must buy and yet deny to him any part of the benefits of the tariff.

Sirs, the farmer was lulled to sleep for many years by the claim that we would create a home market that would absorb all his products; that we would invite to our shores millions of people to constitute a new consuming public. While that was an argument without merit to start with, whatever possibility there was of any kind of benefit flowing from it has now been denied.

We have said to the teeming populations of Europe, "You can not come"; so how is the enlarged home market to be created? It can not be created except by the natural birth rate, and children are born on the farms just as fast as they are born in the cities. The home-market fake has been exploded by the recent immigration law. I am not here to argue the merits of that law; I simply speak of it as a condition that has been created.

We then have the spectacle of about half the people of the United States who are dependent upon agriculture compelled to buy in a market that has been artificially raised and which pools, trusts, and combinations have aided in raising, and we have, upon the other hand, a constant plucking of the vast agricultural population for the benefit of a few engaged in other industries.

I do not know, Mr. President, what fate this amendment will suffer at the hands of the Senate, but I thank those Senators who have paid me the compliment of their attention, and I am ready to submit the amendment when others shall have discussed it.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. REED of Missouri. I have concluded.

Mr. KING. I should like to ask the Senator a question for information.

Mr. REED of Missouri. Very well.

Mr. KING. I have unfortunately been compelled to attend the Judiciary Committee and another committee this morning and I have been denied the benefit of the able address of the Senator. For information, I should like to know if the debenture of 25 per cent, which is to be paid under the amendment on exports, may be utilized for any other purpose than the discharge of obligations due under the tariff?

Mr. REED of Missouri. That is all.

Mr. KING. The debenture provided for may be used by anybody?

Mr. REED of Missouri. They may be assigned.

Mr. KING. They may be used by anybody who is importing goods, whether agricultural or manufactured goods?

Mr. REED of Missouri. Yes.

Mr. SMOOT. In other words, I will say to my colleague, the amendment of the Senator from Missouri, if adopted, would result in a reduction of customs receipts of about $300,000,000 a year.

Mr. KING. Our customs receipts are approximately $600,000,000 a year.

Mr. SMOOT. Yes.

Mr. KING. If 25 per cent only were deducted it would mean but one-fourth of $600,000,000.

Mr. SMOOT. But there are over $2,000,000,000 worth of farm products, and 25 per cent of that amount could be applied to the payment of customs duties upon any commodity; so that the reduction in customs receipts would be at least $300,000,000.

Mr. KING. Our exports in 1919 were approximately between seven billion and eight billion dollars. They are not so great now as they were then and, of course, a considerable portion of our exports are agricultural products. I do not have in my memory just now the exports for the calendar year 1927 which might come within the category of agricultural products, but they aggregated approximately $2,000,000,000.

Mr. SMOOT. A little over $2,000,000,000.

FEDERAL LAND BANK, COLUMBIA, S. C.

Mr. BLEASE. Mr. President, I was necessarily absent from the Senate last week when the Committee on Banking and Currency submitted its report upon a resolution which I had introduced requesting an investigation of the Federal land bank at Columbia, S. C. I also have a resolution pending before another committee asking for an investigation of the entire Federal land bank system.

I shall not take the time of the Senate at this time to discuss this report, but wish to request the publication in the RECORD of an article appearing in the current Farmer's National Magazine, and to make a few remarks and refer to some letters which I have received.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Without objection, the article will be published in the RECORD.

The article is as follows:

[Extract from article appearing in current Farmers' National Magazine]

WHITEWASH AND SMOTHERING PROCESS ADOPTED BY SENATE COMMITTEE ON BANKING AND CURRENCY—SENATOR NORBECK AND "FOUR HORSEMEN" WORK HAND AND GLOVE WITH MELLON-MEYER POLITICAL BANK GANG

When the Senate Committee on Banking and Currency held a secret session many weeks after the original resolution to investigate the condition of the Columbia (S. C.) Land Bank has been filed, and after several secret conferences, and voted to whitewash and smother this investigation, much needed as it is, they not only did not keep faith with the American people and the thousands of farmers who hold capital stock in that particular land bank but other thousands of farmers whose property is now jeopardized via the liability feature of the farm loan act as a result of what has taken place in the Columbia Land Bank, and the acknowledged neglect of its officers, as per statement of Farm Loan Commissioner Meyer. They also slapped Senator COLE L. BLEASE in the face by not extending to him the senatorial courtesy of an investigation into the condition of a bank situated and operating in his own State. In a similar case, having to do with the condition of a bank in Texas, with even less evidence of irregularities and political crookedness, the same committee quickly

adopted the resolution, and the investigation is now going on. Why not a similar treatment of the South Carolina bank? Answer: Whitewash!

SECRET DECISIONS ARRIVED AT IN SECRET MANNER—WHY NOT USUAL OPEN AND ABOVE BOARD COMMITTEE SESSION?

On Saturday, May 5, the committee held a secret session, at which 9 of 15 members were present, and the whitewash prepared whereby it was hoped to save the face of Andrew W. Mellon's land bank wrecking crew from exposure in the gross mismanagement of the affairs of that farmer-owned but politically manipulated banking institution. Four Senators—BROOKHART, FLETCHER, FRAZIER, and PINE—as was to be expected—voted to investigate the bank. The reactionaries present—GLASS, SACKETT, PHIPPS, and the chairman, NORBECK, and one Senator whose name was not released (probably the fellow who delivered and prepared the whitewash) voted "nay."

MILLION DOLLAR LOSS DOES NOT CALL FOR INVESTIGATION

After the bank's political gangsters were directly responsible for the loss to the Federal Treasury, according to the testimony of Senator NORBECK on the floor of the Senate, May 9, 1928, "The Government must bear a loss of over $1,000,000," and in view of the fact that this bank, according to the statement issued by the Federal Farm Loan Bureau of the Treasury, as of February 29, 1928, had charged off as a loss, farm lands upon which its officials had loaned money, the gigantic sum of $1,708,807.21, and was carrying at the time to suspense account, more than 90 days old, delinquent installments due of $249,824.41, and much other evidence which any Senate committee could have considered and acted upon, in face of this evidence, the committee voted to smother the investigation. For a fire-eating "farm reliever"—NORBECK—to have been responsible for having issued to the world this whitewashing, committee-smothering campaign is a jest which will make thousands of farmers of his State laugh out of the wrong side of their mouths when said NORBECK again taps on their door for votes. For NORBECK has become, in the short time he has been vested with the chairmanship of this important committee, a real circus performer, and has performed not one but many a political contortion, compared with the position he formerly occupied when he was going to move both heaven and earth to have the Federal Government immediately put into force his half-baked plans to "relieve" the farmer. The fact that the present Federal farm loan system is now approaching a national scandal, and that it is infested from top to bottom by as heartless and inexperienced a gang of political plunderers as ever pillaged a financial institution, probably does not seem strange to the Senator, who comes from a State where they made such a grand success of their State-operated land banks that it soon became necessary for the State legislature to stop issuance of all bonds and draw heavily upon the State treasury to repay to bondholders the enormous losses which had been run up by the inexperienced political bankers. Because this was the way they did it out in South Dakota only a short time ago, NORBECK probably thinks that it is the right way to do it all over the United States, for by his failure, nay, his willful neglect, to have the Federal farm loan system now investigated, he is hastening the day when the same thing may happen in the case of these Federal political banks.

SOUTH DAKOTA WAS STUNG BY POLITICAL LAND BANKS

NORBECK knows full well what may be expected of political plunderers when they once get hold of a banking institution. If he doubts it, he need not go abroad from his own home State, where the taxpayers are still paying heavy taxes to repay for those political shortcomings of the political land banks. It would seem, however, aside from paying a courtesy to a United States Senator in meeting his request for an investigation of conditions within his own State, that the fact that South Dakota had her fingers burned so severely so recently, NORBECK would have voted in favor of a full investigation. What possible facts did they have to hide down there in South Carolina, if everything is as pure and spotless in that land bank as NORBECK testified? If things are all right, who do NORBECK, GLASS, SACKETT, PHIPPS, and the unknown hero of the committee fear to have all the people everywhere have all the facts?

SOUTH CAROLINA NOT SATISFIED

It is not strange that the people of South Carolina, despite the statement made by NORBECK about their protecting political ringleaders, urge that the Federal land bank which is there to serve them—and is not serving them satisfactorily—be investigated. They live in South Carolina; they should know better than a Senator out in South Dakota, 2,000 miles away, could possibly know, unless Senator NORBECK is ready to acknowledge that his decision was a hand-me-down, ready-made, prepared by Andrew W. Mellon and Eugene Meyer, and he did not need to have any facts upon which to smother the investigation. The fact that NORBECK is still able to protect under his wings the political plunderers in the Federal farm-loan system, after the experience in his own State, testifies that he apparently does not care what happens to this system so long as he and the other politicians can come out every few years, make a bow to the farmers (whom they do not serve), and get enough votes to get back in again. By their action these politicians on the Senate Banking and Currency Committee have testified that they do not give a tinker's damn for the American farmer, but that they are imbued with a righteous indignation whenever anyone suggests the investigation of political plunderers, whose own filed statement, issued and distributed by the United States Treasury, acknowledges them to be far short from being safe men with whom to longer leave the affairs of the land bank at Columbia.

MEYER TESTIFIES NEED OF INVESTIGATION

The testimony of Eugene Meyer, Federal farm loan commissioner, in his communication to the committee which NORBECK heads and which voted to whitewash this land bank's uncertain dealings, would have fully justified the fullest investigation. Meyer wrote: "Of course, some responsibility attaches to the management of the Columbia bank for these occurrences, particularly as to its failure more successfully to checkmate the conspirators."

Confronted with a new cropping season and another year of marketing, NORBECK and the "four horsemen" who vote with him are willing to permit that land bank, under the same management, to again run up enormous losses, which the Federal Treasury must repay; this, after the man charged under the farm loan act for the supervision of the system testified that the officers of the Columbia bank were far short in performing their duties.

If there is anyone, anywhere, who can beat the action of the Senate Committee on Banking and Currency, after this sort of testimony had been introduced, in voting to whitewash the Columbia Land Bank case, they will need to get up very early in the morning.

WHAT ABOUT CALIFORNIA FEDERAL LAND BANK?

The members of the same committee have long since been conversant with conditions in other land banks which political plunderers are now pillaging and which the present Farm Loan Board is not stopping. There is, for example, the Spokane Federal Land Bank, now in the hands of a receiver, and no one knows how deep into the "red" that bank is nor of the enormous liabilities that the political receiver's committee may run up for farmers all over the United States to pay. There is the Federal land bank at Berkeley, Calif., headed by a president who is under the most severe of criticism, and which the Farm Bureau Federation of California has repeatedly requested the Senate to investigate.

REPUBLICAN "PULL" TOO STRONG FOR INVESTIGATION

It has been demonstrated that, if you are the blackest sort of a criminal but you have the right kind of a "pull" with the present Coolidge administration, you can get away with even murder, as men have fully demonstrated in the past few years. There is Harry Sinclair, whom to put in jail, as he should surely be, not one administration official has lifted a hand; in fact, there is plenty of evidence that the administration leaders were working behind the scenes to call off the hound dogs that would give Sinclair his just prison term as the greatest corruptionist of the age.

Now, the president of the Berkeley Federal Land Bank happens to have a strong "pull" with the same Coolidge crew. A brief recital of the case may prove illuminating, as showing the urgent need of the fullest possible investigation of the entire Federal farm-loan system, and the casting out of criminal politicians who now hold high office in the banking system.

The president is Willard D. Ellis, and shortly after the farmer-owners were given the opportunity of voting(?) for district land-bank officers (hand picked by the Farm Loan Board), the farmers of California put in one of their own men, George H. Sawyer. Soon Mr. Sawyer discovered some very strange business being carried on by this bank, and he set about holding a little investigation of his own.

MALFEASANCE IN OFFICE IS CHARGE

Mr. Sawyer's first charge against President Ellis applies to certain of the funds of the Federal land bank and intermediate credit bank which Ellis used for his own benefit, contrary to the farm loan act. Evidence of this is available now, as for many months past.

The second charge made by Mr. Sawyer is that Ellis connived at violations of the law in the appointment and the employment of appraisers, contrary to the provisions of section 10 of the farm loan act. Evidence of this charge is available, as for many months past.

The third charge made by Mr. Sawyer against Ellis is that Ellis collected from the Federal Land Bank of Berkeley for automobile mileage more than the rate fixed by the bank and collected from the bank the expenses of a trip to Utah for other than bank purposes. This, also, contrary to the farm loan act. Evidence to substantiate this serious charge has been available for many months.

The fourth charge Mr. Sawyer made against Ellis has to do with the fact that Ellis offered for approval of the Farm Loan Board for the issuance of bonds a loan in an amount which Ellis knew or should have known was the result of a forgery. This act is contrary to three different sections of the farm loan act and is so serious that Ellis may be sent to prison for a long term of years as well as subjected to pay a heavy fine. The evidence has been available for many, many months.

The fifth charge Mr. Sawyer made against Ellis is that Ellis had knowledge at the inception of the investigation of the defalcation of James J. Burke June 13–September 15, 1924, that Fred G. Shaw, then assistant treasurer of the land bank, had been guilty of embezzlement and falsification of the books of the bank and willfully failed to inform the Farm Loan Board examiners of the facts and permitted Shaw to remain as an employee of the bank until June 16, 1925, in the same capacity as before discovery, with ample opportunity for further falsification of the books and only restricted opportunities for further embezzlement. These are charges considered alone, and without respect to the many other charges Mr. Sawyer filed against Ellis, to be so serious as to blast all faith in the Federal land bank system. Crooks not only known to be in possession of the books and money of the bank, but actually protected by the officials in charge of the bank. Such is political banking as carried under the Mellonized régimé. Evidence to substantiate these charges has been available for many, many months.

BANK CHARGED WITH MISMANAGEMENT BY FARM BUREAU

The Berkeley Federal Land Bank has also been charged with a series of mismanagement charges by the officials of the California Farm Bureau Federation, and the Mellonized political plunderers have not only side-stepped but evaded every demand for action to remedy this serious situation. A brief synopsis of these charges may be of interest:

"First charge: In many cases loans are refused on the best security, while in many other cases loans are made on almost worthless security.

"Second charge. Cooperative farm organizations obtain loans only through political influence or pressure and not on merit.

"Third charge. Good loans are frequently withheld to protect the interest of local commercial banks charging from 8 to 10 per cent interest.

"Fourth charge. President Ellis neglects and refuses to carry out the orders of the board of directors of the land bank.

"Fifth charge. President Ellis ignores requests of the farm-loan associations and bars local directors from access to the bank's records. (Remember, the capital stock of this bank is owned by these associations. This is Mellonized efficiency for you—refusing the owners the right to inspect the bank which they fully own, but which Mellonized politicians fully pillage.)

"Sixth charge. Land bank loans are not properly considered by the directors.

"Seventh and eighth charges. Included in malfeasance charges.

"Ninth charge. President Ellis has deliberately caused the employment of appraisers in an illegitimate manner and in such a way as to bring the bank into disrepute.

"Tenth charge. President Ellis willfully depreciated the character and standing of his fellow directors."

FARM LOAN BOARD KEEPS ON LID

Ellis made a long and detailed answer to these grave charges. But—and here's the interesting feature of the whole California land-bank crookedness—to whom did Ellis file that answer to the serious charges? To the Farm Loan Board, with whom he is also accused, with substantial evidence to support it, that he likewise previously filed with fraudulent applications for fraudulent bond issues!

NORBECK ASKS FARM LOAN BOARD TO INVESTIGATE ITS OWN ACTION

Senator NORBECK and his "four horsemen" submitted the Blease resolution for investigation to the same Farm Loan Board for their advice and consent to go ahead. The board has kept the lid on the Berkeley land-bank charges, and from that day to this has continued to stand back of President Ellis, though he is considered shady and is accepted only with gravest suspicion by the farmers of his own land-bank district. We assume that Senator NORBECK, having had such wide experience in the political land-banking methods of his own South Dakota, would consider the Berkeley case only a "political game," as he does that at Columbia, S. C., and that he would work with the Farm Loan Board—not with the American farmers and American people—to bring to light any certain charges which now exist against the officers of the Berkeley land bank and the Farm Loan Board with reference to the very serious charges which Mr. George H. Sawyer has filed, together with evidence to substantiate same.

Remember, Mr. Sawyer is a director at large of the Berkeley Federal Land Bank, elected by the farmer-owners of that bank to serve a district which comprises California, Utah, and Arizona. Also, remember that Ellis has been planted in Berkeley by the political manipulators of the Farm Loan Board under the "pure and holy hand" of Andrew W. Mellon, of Pepper-Vare repute in Pennsylvania, and that these politicians are now, as for many months past, keeping the lid over the Berkeley Federal Land Bank charges of corruption and crookedness.

WHAT DOES THE SENATE FEAR?

Why does Senator NORBECK and his "four horsemen" fear an investigation of the condition of the Columbia Land Bank? What secret facts have they available that they need to hold a secret conference to arrive at a secret decision with reference to the proposed investigation of that bank, that they need to hold their session behind locked doors and only give out such misleading facts as to the decision arrived at at that secret conference, such as alluding to the fact that "It was practically unanimous in feeling that there was not sufficient evidence to justify an investigation," whereas the truth was that the committee vote was 5 in favor of whitewash and 4 for an honest investigation? Surely there was no sinister political influence used in this alleged consideration of the subject. Oh, no! The five were only carrying out the orders they had received from Mellon and Meyer.

Also, people will please note the date upon which this secret conference was held, remembering that the Senate Committee on Banking and Currency had kept the resolution and its consideration to investigate the Columbia Land Bank carefully smothered, surrounded by greatest secrecy, ever since Senator BLEASE offered his resolution last February; not until two days prior to the Democratic State primary in South Carolina, or on Saturday, May 5, 1928, did the committee get around to hold its final secret session. That permitted the politically minded "four horsemen" and Senator NORBECK to issue a news item that "Senator BLEASE loses" in due season for the South Carolina newspapers to carry the news to the people of that State prior to the primary voting and thus, they hoped, we assume, that the action of their secret conference would have a telling decision upon the result of the South Carolina election. Surely had Senator NORBECK and his "four horsemen" wished to have played cheap politics with respect to this entire matter, they could not have selected a better time to have held their secret meeting and to have released the news of their action. They may disclaim this as much as they wish. "People back home" do not trust men who thus treat serious financial matters which result in the United States Treasury forking over to political bank manipulators anywhere from $1,000,000 to $2,000,000. The people of South Carolina voted for Senator BLEASE in face of secret, untruthful statement issued by committee.

NO FACTS FOR OWNERS OR PEOPLE

There have been no substantial facts released by anyone with respect to the financial condition of three Federal land banks now under fire—Columbia, Berkeley, and Spokane (in hands of a receiver)—and there will not be if we depend upon men of the type of Senator NORBECK, who "return to their home farmers" and belch forth fire when speaking to farmers as to "how worried" they are about them and their dire need, but who, when down at Washington, where they might serve the interests of all farmers, particularly the 500,000 farmers who have had their land bank stock stolen by the Coolidge-Mellon crew, are served up with a secret committee meeting which adopts as their own decision that made by Mellon-Meyer et al.

MELLON WITHHOLDS ANNUAL REPORT OF FARM LOAN BOARD

To this date, although Mellon proclaims that "there is no such serious situation in the Federal farm loan system as has been charged by Senator BLEASE," Mellon withholds his annual report to Congress on the condition of the entire system (because he fears to have the facts released while Congress is in session, as he did last year), and no one has been furnished with any statement regarding the condition of the three Federal land banks which are known to have suffered serious financial losses, nor have we had facts regarding that other land bank which made an assessment of 100 per cent against its stockholders. Only Mellon could advise a waiting world that "there is no such serious condition." Only Senator NORBECK and his "four horsemen" could be so foolish as to swallow it.

The United States Senate has justified its existence in the past eight years by rendering the fullest investigation of crookedness in high places; never in its entire history has whitewash or smothering processes caused the American people to have faith in it nor its leaders.

The Republican Party will pay at the polls their debt for the manner in which they have handled Teapot Dome, political farm loan, etc. They may be satisfied—the people "back home" (who have been robbed) are not.

SENATE MAY YET ACT

It is not too late for the Senate to take action looking toward a searching, nation-wide, much-needed investigation of the entire Federal farm loan system, and to seek out the truth regarding the political manipulations as carried on by the Mellonized political appointees, who now fully dominate that which the American farmer owns.

There is now before the Senate Committee to Audit and Control the Contingent Expenses of the Senate a resolution which, adopted, would secure this much-needed, long-prolonged investigation and do away completely with the whitewashing and smothering processes which have characterized the attitude of the Senate toward the Federal farm loan system ever since it was instituted. From the personnel of this committee we are assured in advance of an honest consideration of the evidence which is now up for their consideration. The chairman of the committee is Senator CHARLES S. DENEEN, who just recently licked as vicious a political gang as ever invaded this country; Senator DAVID I. WALSH, who not long since licked the Coolidge-Butler political crew in their home field, Massachusetts, and who is known for his honest, fearless method of dealing with legislative subjects; Senator T. H. CARAWAY, of Arkansas, is rated as a friend of the farmer. The two other members have often been listed as reactionaries. Senator FESS, of Ohio, who is to be keynoter at Kansas City, will probably not

wish to have any part of the Coolidge administration investigated, while Senator FRANK L. GREENE, of Coolidge's own Vermont, may be counted to oppose investigation of anything that Cal has named men to administer; that is taken for granted, irrespective of the evidence at hand. Therefore, we have three fearless Senators to count upon, as against two rock-ribbed administration Senators, and the country may anticipate that the charges now before the committee will receive careful and just consideration; that none of the NORBECK "secret sessions," with resultant tainted political pronouncements, will emanate from this committee.

GRAVE EVIDENCE TO BE CONSIDERED

Grave evidence is now known to be on file for the consideration of Senator DENEEN'S committee. There is the report, comprehensive and nation-wide in scope, prepared for the American Farm Bureau Federation's farm-loan investigation committee, by Mrs. Gertrude Mathews Shelby, expert in cooperative loan banking; there is the résumé, prepared by Mr. Xeno W. Putnam, of Harmonsburg, Pa., charging several Federal land-bank officials, with the knowledge and consent of the Farm Loan Board, of extortion, contrary to the fundamental farm loan act, in foreclosure of mortgages; the charging of commission in excess of the legal percentage, and of hiding from the stockholding owners of farm-loan associations of facts respecting their stock dividends. Then comes the charges against D. J. Coughlin, Lobdell's right-hand political manipulator, who, acting as national farm loan association examiner (?), accepted from Lobdell, as did those dressmakers, money for doing certain things in Lobdell's fiscal (pistol) agent office. Lobdell, former farm loan commissioner, who voted himself into a $25,000 job, and who is now, as for months past, been engaged in milking the farmers, through their land banks, has been shown to have used farm money to play the Wall Street market. The committee may give this illegal subject their consideration. Then there are the cases of the Columbia, Barkeley, and Spokane Federal Land Banks, and some other secrets, soon to become scandals, with regard to other land banks, and the more than fifty-odd joint-stock land banks, to be considered.

GIVE US A REAL, ALL-SEARCHING INVESTIGATION

Considered, all in all, it would seem that this committee, supported by the Senate, should give to the American people and the hundreds of thousands of farmers whose money is now at stake a real, searching investigation.

If, as "Andy" says, everything is satisfactory, there is not the slightest fear of an investigation on the part of anyone; on the other hand, if there be crookedness which anyone wishes to smother, we should have the investigation at the earliest possible moment.

And if everything is satisfactory, if there be no irregularities, why is it that Mellon, Meyer, and all their political appointees so forcefully fight an investigation? Why do they withhold for more than five months the annual report of the farm-loan system? These facts, considered alone, justify the most searching investigation. They are hiding substantial facts, as they have for months. Bring them out to light! Let us know!

Give us the investigation now!

Mr. BLEASE. I wish to submit, in addition to the written testimony which I have offered these two committees, two living witnesses who now sit in this gallery. I wired them and asked them to come here; and if the Senate will give them 15 minutes each, or if either of these committees or both of them will give them 15 minutes each, they will prove to the satisfaction of any unbiased man that there has been corruption of the worst kind in the bank at Columbia, S. C.

These two men, who now sit within a few feet of me in this gallery, were officers of a bank doing business with that bank. They were in these transactions. They know all about them from the very beginning up to date, and they are here ready to testify before the Committee on Banking and Currency. They are here, ready to testify before the other committee that has the other resolution. They are here ready to testify, if the Senate will allow it, before the Senate; and had I known before I went to my home last week that it was possible to obtain the testimony of these two men, I would have long since offered them to these two committees and to the Senate. Of course, however, I did not have any idea that men who are connected with this bank, men who are in it, men who know all about these transactions from the day the first paper was signed up to date, would come before a committee of the Senate and lay bare the entire transaction from its infancy.

I now offer to the Senate that testimony in the person of these two gentlemen, and request the Senator who is chairman of the committee to give them an opportunity to appear before that committee.

I have some other valuable information.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLEASE. With pleasure.

Mr. KING. I am asking for information. As I understand the position of the Senator, it is that the Federal land bank at South Carolina was so manipulated by some of its officials that great losses occurred?

Mr. BLEASE. I am going to submit their report in just a minute.

Mr. KING. That they acted corruptly and fraudulently?

Mr. BLEASE. Yes, sir.

Mr. KING. And, as I understand the position of the Senator, that those in control of the farm-loan bank system have refused to make a proper investigation with a view to determining who are the culprits, with a view to seeing that they are punished. Is that the position of the Senator?

Mr. BLEASE. That is exactly correct; and what investigation they have made they have hidden, under the instructions of one Andrew W. Mellon, who knows of the thievery, and is particeps criminis to it, if he is the Secretary of the Treasury of the United States.

Mr. KING. What reason is assigned by either the House Committee or the Senate Committee on Banking and Currency?

Mr. BLEASE. The chairman of the committee gives a rigmarole that if any man will read he will admit himself is enough to demand an investigation, and I use the word "rigmarole" with contempt.

Mr. President, here is the report of this bank, published in the South Carolina newspapers. This one came from the Columbia Record, right where this bank is located. A good baseball player could throw a baseball from this bank to the Columbia Record office. They admit here a deficit of $915,356.14, and they further admit that they have charged off 1,500 mortgages as dead loss. They also put in this report interest collected but not yet earned from the farmers of South Carolina—interest which they have collected from them that the bank itself admits is not yet earned—of $102,908.14; and I ask that this be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU.

(District No. 3)

Report of condition of the Federal Intermediate Credit Bank of Columbia, S. C., as of the close of business on May 5, 1928

ASSETS

		Amount
Direct loans		$715,000.00
Rediscounts		6,677,694.81
Other bonds, securities, etc		24,640.00
Deposits with banks		267,673.17
Cash		200.00
Accrued interest on loans and rediscounts		244.97
Accrued interest on securities		1,421.08
Furniture and fixtures		9,344.50
Prepaid expense		4,254.60
Capital stock callable from United States Treasury		2,000,000.00
Other assets (describe):		
Real estate	$212,828.80	
Auto equipment	1,605.00	
Accounts receivable	572.84	
Farm account	43,467.09	
		258,473.73
Deficit		915,356.14
Total assets		10,874,303.00

LIABILITIES

Capital stock subscribed ($3,000,000 issued, $2,000,000 unissued)	5,000,000.00
Interest collected—not earned	102,908.14
Debentures outstanding	4,950,000.00
Notes rediscounted	680,000.00
Accrued interest on outstanding debentures	31,327.79
Accrued interest on bills payable	20.96
Other liabilities (describe), accounts payable	110,046.11
Total liabilities	10,874,303.00

STATE OF SOUTH CAROLINA,
County of Richland, ss:

I, Henry S. Cohen, treasurer of the above-named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

HENRY S. COHEN, *Treasurer.*

Correct—attest:

HOWARD C. ARNOLD, *Director.*
W. F. STEVENS, *Director.*
L. S. GUION, *Director.*

Subscribed and sworn to before me this 14th day of May, 1928.

O. D. ADAIR,
Notary Public, South Carolina.

Mr. BLEASE. I have been informed recently that Mr. Meyer wished to resign before he got into some more difficulty in this situation, and that Andrew W. Mellon said to him, "No; stick until the fight is over."

Now I want to call the attention of the Senate to another matter.

The solicitor of this circuit down there in which this Beaufort stuff took place, it was reported to me, was employed by this intermediate credit bank. I wired him:

Are you now or have you been on the pay roll of the Intermediate Credit Bank of Columbia, S. C., and have you been conferring with them as such attorney in reference to Beaufort Bank cases? It is so reported, and I would be glad to have your version of the matter.

He writes back:

I have represented the Federal intermediate credit bank at Columbia in various matters during the past several years, but I am not on their pay roll, cases placed by them with me being charged for as handled on a fee basis.

The United States district attorney of South Carolina in that district made the statement, so I have been informed, that he received instructions to hand out indictments against certain people whether he could convict them or not; to endeavor to get true bills and hold them over their heads in order to discredit them in court. I wired him:

WASHINGTON, D. C., *May 20, 1928.*

Hon. J. D. E. MEYER,
United States District Attorney, Charleston, S. C.:

Did you tell party that you were requested or instructed to indict Horne Richardson and others whether you had any case or not so as to keep down investigation or for any other purpose? Party offers affidavit that you told him that, or words to that effect, and that you said you did not wish to do so, but would have to, and that you were told you might not get convictions but may be get true bills, which would serve immediate purpose.

COLE L. BLEASE.

To that I have received no answer.

Mr. ASHURST. When was that telegram sent?

Mr. BLEASE. May 20.

Mr. President, there is the attorney of the circuit admitting that he has been in the employ of the intermediate credit bank. There is the district attorney not answering a telegram charging him directly with bringing indictments against people for the purpose of discrediting their testimony. Do the Senate committee feel that that kind of stuff needs investigation, or do they feel that because Andrew W. Mellon knows that he has thieves working under him, and is trying to protect them, he is superior to them, and can say to them in the Senate what they shall or shall not do in regard to legislation?

I have some letters here, Mr. President, which I ask to have printed in the RECORD. One is from the vice president of the Merchants & Farmers Bank at Marietta, Ga. Another is from Hon. Robert A. Gilbert, an attorney of Atlanta, Ga. Another one is from Mr. W. R. Eve, jr., of Beaufort, S. C. Another one if from Albany, Ga., from Mr. T. J. Stewart. Another long one is from Charlotte, N. C., from William S. Fisher.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

MERCHANTS & FARMERS BANK,
Marietta, Ga., May 7, 1928.

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: While I am not one of your immediate constituents, I feel that you represent me in common with all the other citizens of all the States. I know that you must have quite a number of matters pertaining to your own State that take a great deal of your time, but I feel that you will pardon a little presumption on my part in taking up the matter I am about to discuss, for, as a public proposition, it reaches your own State.

Again I have selected you to write to about this matter because you seem to have nerve enough to inquire into the affairs of institutions controlled by those in power and influence. Coming down to the point, I have been reading of your effort to get some definite information about the Federal banks, and especially the Columbia Land Bank.

About 18 months ago I obtained a loan from that bank in the regular way of obtaining land loans, and, under their terms, I was compelled, as others are, to take a certain amount of their 6 per cent interest-bearing stock, interest payable semiannually. To be exact, I took $500 of this stock.

They collect my installment payment promptly, but they never send me any dividends or interest on my stock. I can not afford to default on my payments and call for a credit on account of interest they owe me as I would get into litigation, so I pay the graduated notes promptly as they come due, but I get back no interest on my stock, which should be paid me twice each year. I have written them, but they don't even reply.

I was discussing the situation with another borrower lately, and he tells me that there are any number of borrowers within a short distance from Marietta who are situated just as I am; who got loans and bought stock, but who have not received a single dividend or interest payment on their stock for quite a while. Since you have the matter of Federal loan banks under investigation I wish you to do me and others similarly situated the kindness of finding out why this particular land bank does not pay the interest on its stock.

I am sorry to disturb you, but I decided that you were the best situated of any of the Senators to get this information. For this service, allow me to thank you in advance, and should an opportunity present itself I will gladly reciprocate the favor.

Very respectfully,

R. A. HILL.

ATLANTA, GA., *May 10, 1928.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SIR: I note through the daily newspapers and CONGRESSIONAL RECORD your demand for an investigation of the Federal intermediate bank at Columbia, S. C., and the unfavorable report of the committee.

I have been investigating the cause of the failure of the Farmers & Merchants Bank of Girard, Ga., and during my investigation I found that among the liabilities of the latter bank was charged more than $8,000 securities held by the Federal intermediate bank; these securities are in addition to a bond given to secure the incurred liabilities of the cashier of the Farmers & Merchants Bank, this additional security is in the hands of the Federal intermediate bank illegally. However, the additional security is being collected, and politics have restrained me from getting the securities for the benefit of the depositors. I wish, therefore, that you would include this matter that is deserving of a thorough investigation.

Yours very truly,

WM. H. MCGUINN,
Attorney at Law, 216 Wynn-Claughton Building, Atlanta, Ga.

BEAUFORT, S. C., *May 12, 1928.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR: Am glad to offer my services in your proposed investigation of the Federal Intermediate Credit Bank of Columbia, S. C., in connection with their treatment of the Beaufort County farmers.

I know some facts that will at least show gross carelessness and mismanagement on the part of officers of the Federal intermediate credit bank.

When will the hearing probably take place? Not only the Beaufort people but other citizens of the State appreciate what you are doing in this matter.

Yours very truly,

W. R. EVE, Jr.

ALBANY, GA., *May 12, 1928.*

Hon. COLE BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Have noted with interest your bills or interest as to the Federal loan banks, particularly of Columbia, S. C. It is hoped that with your usual ways of doing you will "keep at it," for with an experience we have had, and can get up others, it is nothing but a usurious institution rather than an aid to farmers, and it is included also in the items of our hypocricy as to farmers' aid. We seem to take on a lot of things to give jobs and fees.

If you need any detail of this, will give you an item or items of county agent, representative of this outfit, who every time he came to see his supposed prospective borrowers it was fees, etc., plus more fees, expenses, and such.

In one case, as an auditor (I may have destroyed the papers), but I figured that a widow would have to pay (instead of 5 per cent) about 36 per cent first year, and no year from calculation would be less than 14 per cent. Of course, they did not call it interest, but fees—legal, and God knows what.

More power to you, and best wishes.

Very cordially,

T. J. STEWART.

CHARLOTTE, N. C., *May 17, 1928.*

Hon. COLE BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There appeared in the Winston-Salem (N. C.) daily paper, the week of May 12, the following:

"Blease inquiry bill is rejected, Washington, U. S."

The Blease amendment, which provides for a senatorial inquiry into the Federal land bank at Columbia, S. C., was rejected by the Senate Banking and Currency Committee to-day.

The "inquiry" should not stop at the Federal Land Bank of Columbia, S. C., but should extend by all means to the Federal Land Bank of Springfield, Mass. Knowing that the farm question is one of the vital questions that our country has to solve, and believing the general public should be and is desirous of having it solved, but with justice and

equity to the farmer, who is the backbone of the whole country, as well as to the public. I am writing to you hoping for information from you which will help me with my case with the Federal Land Bank of Springfield, Mass. I am one of the farmers who was persecuted and completely ruined by the infamous lying reports made by the man who was assistant to the president of this bank. On the strength of these false reports the bank brought foreclosure proceedings against me without one minute's notice or any demand for their money. This farm contained 280 acres. The bank's original loan was $4,200; at time of foreclosure action it was around $3,900. Their appraised value was $12,150 without timber, valued at $6,000 or $7,000. As collateral security the bank held fire-insurance policy on buildings for $3,410. The interest and principal was always paid before date due and taxes at a time satisfactory to the bank and Broome County treasurer. This farm is in New York State.

After the bank had impaired my credit and reputation in that section my family prevailed upon me to sell the farm. In April, 1924, I sold it for $12,000, without dairy, but before deal was closed the bank by their damnable action on August 13, 1924, forced me to settle with the bank in order to close the deal, which was closed in September, 1924. The bank's attorney at Binghamton, N. Y., told me if the judge had been in the city at the time he would have asked for a receiver. Now, if you are familiar with the terms of the Federal land-bank mortgage, you will see that in that case I would have had to either move off or pay rent for use of my own farm.

I wish to make one request, and that is that you treat me with the same courtesy and consideration that you do the bank. If you send my letter to the bank, send their reply to me.

Is it any wonder that the farmer is leaving the farm—the number of abandoned farms is appalling—when they get such treatment at the hands of the agents of their own Government. Mr. Thompson, of Federal land bank at Springfield, Mass., wrote me that my loan had been treated as all such loans were treated. I replied, "God help the farmer who has any such dealings with the Federal land bank." I have positive proof for every assertion I make.

In an address made by J. H. Quisenberry, of Louisa County, Va., as a guest of the Rotary Club, of Hampton, Va., Mr. Quisenberry said:

"That the Government has taken over $18,000,000 worth of farms in the country, due to the conditions in agricultural pursuits."

I would like to ask just who is responsible for this state of affairs? Is it through the management of the Federal land bank; if so, are they justified in so possessing them? It is a fact that the President of one of the Federal land banks admitted to me that it was a very difficult matter to manage their affairs with the farmers at so long a range. That being the case, should the farmer be held responsible for their failure to properly manage their business?

Trusting to hear from you at your earliest convenience,

I am, yours very truly,

WILLIAM S. FISHER,
Route 5, Charlotte, N. C., care of R. H. Ovenden.

P. S.—Inclosed find copy data I send as reference.

Mr. BLEASE. There is one letter, Mr. President, that I want to read to the Senate, and call the attention of the Senator from South Dakota to it:

AMERICAN-NEWS,
Aberdeen, S. Dak., May 14, 1928.

Hon. COLE BLEASE,
Senate Chamber, Washington, D. C.

DEAR SIR: It begins to look as if your persistence will be the means of giving the country some very valuable information regarding the management and the method of operating our Federal land banks.

Your progress is being marked by some very interesting disclosures. For some time those who reside in the farming regions have been anxious to get the facts about the land banks.

It is encouraging to see some one make what looks like a determined effort along this line.

Permit me to offer you my congratulations and sincere hope that you succeed.

Yours very truly,

C. D. KIMBALL, *Editor.*

That is from the home State of the chairman of this committee. I should like to call the Senate's attention to these letters. They are from men of character, men of honor, men of means, men who have had transactions with this bank. One gentleman states there, the vice president of one of these banks, that they forced him or some one, in order to get a loan, to take $500 of stock in this bank. They promised him that if he would take $500 of stock they would pay him interest on his stock, and gave him the dates when they would pay it. Not one dollar has he received, and yet he has been forced to pay the interest and the amounts when due on his note, which should have been credited with this interest. They are holding the stock, refusing to pay him any interest, and at the same time forcing him, under the whip handle of a mortgage, to pay every dollar that is due by him to this bank. I ask the Senate if that looks like it ought to be investigated.

Senators talk about the oil cases. That is in the past. The Senator from Missouri was talking this morning about the price of sugar. That was during war time. Here is something that is going on to-day, right this minute, before this country, and is going on every day.

Mr. Eugene Meyer—I want you to read that, Senators—says, in the last words of his report:

Of course, responsibility attaches to the management of the Columbia Bank for these occurrences.

This is not what I say, Mr. President; this is in the report of the chairman of the committee, Senator NORBECK's report, on the back page of it. Read it. He admits this conspiracy; he uses that word. He admits this rascality. He admits that they have tried to remedy it by turning a few people out of the bank. They turned them out, yes. I suppose they were following the precedent the United States Senate set when English was before the Senate for his misdoings and rascality. Instead of trying him at this bar and disgracing him, you pardoned him, so to speak, said that if he would resign you would withdraw your charges. He did resign. Now Mr. Eugene Meyer is following your example. When a thief is caught in one of your banks he pardons him by letting him resign. That is very fine. People can not get away from that. As I started to say, why not let the people of this country know the truth? Why conceal it, if these land banks are doing what these letters, these affidavits, and these two men sitting here who helped do it say? There they sit, they helped to do it, they say they helped to do it; and yet your committee says there is nothing to it.

Mr. President, I do not like to take the time of the Senate on this matter, but I have no other way to get to the people of this country. The people of America are the judges, they are the jury, after all, that is going to pass on this question, and I am putting all this matter into the RECORD in order that the people may see what the Senate did, and that the oil investigation is not the only thing in this country that ought to be taken up and attended to.

Mr. President, why refuse this investigation? I ask that one more time in all sincerity, why refuse it? The Attorney General of the United States claims that he has made some investigation, but he refuses to let anybody see his report. The Treasury Department admits the same thing, although they ignored it for a long time, it will be remembered. Mr. Mellon said he would pay no attention to it, but he did pay attention to it. Mr. Meyer said he would not pay any attention to it, but he did.

Why? Because these letters and this information I have put into the CONGRESSIONAL RECORD got so hot under them that they decided they had better try to put a little water on it, and they got the Senator from South Dakota to be the water toter. There is the editor of the only paper they have in the State, it is said—I do not know whether that is true or not—condemning him for it, and saying this investigation should be made, even out there in the Senator's own State. If you will read that article I had printed in the RECORD, you will see some more about what people out there said about the distinguished Senator, who claims to be such a great friend to the farmer. They burn him up. If you do not believe it, read the article. It may be I will have to read it myself between now and Saturday night; I do not know.

That is all I care to say on the bank matter this morning, Mr. President. I merely wanted to get these things into the RECORD and offer these two gentlemen here to this committee. Let them take their own chances. They are willing to testify. If Mr. Sargent wants to indict them when they have finished, that is his business. There they sit. If the paid attorney of the bank in South Carolina wants to have them indicted, that is his business. If the district attorney wants to have them indicted, there they sit. They say they were parties to this entire transaction. They are sitting right there, ready to come before the Senate, ready to go before any committee the Senate has, and prove the stealing and the rascality. That is what I offer.

THE NEGRO

Now, one other matter, not with regard to the bank. I want to congratulate the country we call Australia. I have an article from the Evening Star of May 11 about the Reverend Doctor Johnson, the head of this "nigger" college up here, and I have another article right under it from the London Times, which I ask the clerk to read in order that the Senate may know that Australia has done more than America has done in banishing "negroes," as they call them, but "niggers," as we call them in the South.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

[From the Evening Star, Washington, D. C., Friday, May 11, 1928]

ASKS FOR JUSTICE ON RACIAL LINES—PATIENCE WITH YELLOW AND BLACK PEOPLES URGED BY MATSUDAIRA

CLEVELAND, OHIO, May 11.—Pleas for understanding and patience with the yellow race and justice for the black peoples have been added to peace endeavors of the centennial conference of the American Peace Society, which closes to-night.

Tsunee Matsudaira, Japanese ambassador to the United States, opened yesterday's sessions with an airing and justification of Japan's conflict with the Chinese Nationalist troops in Shantung. The program ended with an indictment of white civilization by Dr. Mordecai Johnson, president of Howard University, a negro institution at Washington.

PLEADS FOR PATIENCE

Dr. David Yui, representative of the Chinese to the Washington arms conference, pleaded for patience of the western world while China settles her difficulties. He listened attentively while the Japanese ambassador defended Japan's policy, but made no comment on the Shantung situation.

Doctor Johnson said his race faced the alternative of following Soviet Russia if the white man did not deal justly with the Negro.

JAPANESE AMBASSADOR'S VIEWS

The Japanese ambassador said his country has been forced to protect its nationals in Chinese territory and that his Government would withdraw its troops from Shantung as soon as order was restored.

Doctor Yui explained that China is undergoing a revolution to achieve unification, honest government, elimination of unequal treaties, improvement of the economical and social life, and a higher moral standard of living.

[From the London Times, March 29, 1928]

NEGRO ENTERTAINERS IN AUSTRALIA—CABINET PROHIBITION OF FUTURE ENTRY

(From our own correspondent)

CANBERRA, March 28.—After revelations of the disgraceful conduct of five young women and five American negro vaudeville performers at a flat in Melbourne last Sunday, prompt action has been taken by the home and territories department to return the negroes to the United States by the first ship available, which leaves Sydney on Saturday. In consequence of this incident the cabinet has decided that in future negro entertainers will be prohibited from entering the Commonwealth. This prohibition can be enforced without the passage of fresh legislation.

Negro entertainers have been permitted to enter Australia under contract for terms of from three to six months, but when they have not conformed with the laws of the Commonwealth the home and territories department has had the power to cancel the remainder of the term. A great many negro vaudeville entertainers have been entering Australia during the last few years. Recently the Musicians' Union protested to Mr. Bruce, the Prime Minister, against the entry of an increasing number of negro jazz players.

Mr. BLEASE. Mr. President, I call the Senate's attention to the fact that there is a bill on the calendar to endeavor to make constitutional an appropriation to a negro college. Congress has for several years been making this appropriation, when every Senator on the floor, and those off the floor, too, as far as that is concerned, know that it is unconstitutional. They know they have not the right to take the money of the American taxpayers and give it to a college, it does not make any difference whether it is a white college or what kind of a college it is. They have no right to take the private taxpayer's money and give it to that institution. But what says the president of the institution? That if you do not treat him right the negroes are going to follow the example of Russia. There it is. That is the kind of a leader you are paying a very large salary to, and paying his expenses to go around over this country and make speeches to the Negro race advising them—if you do not give them this money, if you do not treat them as you should treat them—to follow the example of the Russians.

Do you think the white people of this country indorse any such talk as that? Do you think the taxpayers of the American Nation indorse it? I will tell you what brought it about. It was the order issued the other day by Herbert Hoover, this Englishman, this man who, I have been informed, was forced on the Democratic administration by England. They did not want him, but England demanded that this Englishman by adoption be given control of the food in this country during the war, and some of the Republicans now are talking about nominating that man for President of the United States, a man who would commit the crimes that have been charged against him to-day and proven, a man who is in favor of making young white girls use the same water-closets as negro men, making young while girls sit by them day by day. If there was nothing else, Mr. President, a negro would be offensive because of his natural human smell. You can take a negro and take a tub of the hottest water you can get him into, and use all the soap you can use, then take him out and cover him with cologne, and in five minutes he will smell just as offensive as he did before you washed him, because it is human nature, and he could not get rid of the odor. Then this man, who wants to be President of the United States of America, this Englishman, wants to make white girls associate on equal terms with negroes.

Look at Australia. They run them out. This young man at the desk just read in our hearing an article from the London Times stating that a company of negroes went over there, some of them danced with some white girls, and the next day they hurled them out of there. Yet here is a man in the Cabinet, supposed to be white—only in skin; I do not suppose he claims to be otherwise, certainly not in principle—who wants to make our white girls of America associate with the negroes on equal terms.

Mr. President, it is a shame, it is a disgrace, and I am glad that there are some leading Republicans at least who are fighting his nomination, and I will have to see it and to know it positively before I will believe that men at whom I am looking now will ever submit, if they can possibly prevent it, to allowing that man to be the nominee of the Republican Party. I have been told to say nothing about it, to let them nominate him, that he is the easiest man the Democrats could get to defeat. But I do not want the Republican Party to disgrace itself and disgrace the country by nominating any such man, whether we can beat him easily or not.

Mr. President, coming back to the darkey, Mr. Hoover's order is what has led up to all this trouble. Here is the president of this college that you are supporting, paying a big salary to him out of the taxpayers' money, and he is following up that order. He is following the example sent to him by his boss, going around over the country preaching that kind of doctrine. I do not know what you people in the North mean. I know what we mean in the South, and I know how we are going to regulate it. I do not worry about it. I have seen too much of it to worry about it. I know what will happen. If that negro ever comes into South Carolina and makes a speech like that, he will come out—oh, yes; he will come out, and he will never bother us any more after he gets out. But I object to the money of the northern and southern people being taken to pay the expenses of that fellow. I object to you taking money out of the Treasury of the United States to keep up this institution for him to run to put that kind of stuff into the heads of the negroes of the country.

I wish also to offer for the RECORD some telegrams which I have received in reference to a certain feature in the pending bill. These telegrams were sent to me by doctors in my State, men of the highest character and standing. They are in protest against the increased tax on narcotics contemplated in the bill. One of the telegrams is signed by the president of the South Carolina Medical College. Others are signed by other distinguished doctors of my State, who are men, as I have just said, of the highest honor and character.

I will ask, then, that they be printed as an exhibit to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

SOUTH CAROLINA

Mr. BLEASE. Mr. President, the other day when I was absent the senior Senator from Maryland [Mr. BRUCE] had a good deal to say about my State. I do not expect to take up the time of the Senate to reply to those statements. South Carolina stands for herself. I understand there was a good deal said about the churches and church people. I just want to read a little article taken from Church Work, published at Anderson, S. C., on Sunday, April 1, 1928:

METHODIST STATISTICS

Methodists of South Carolina gained over 2,000 members and advanced over $300,000 in their regular church contributions last year. They also added greatly to the strength of their educational institutions. In the last two years over $600,000 has been added to the property and endowments of Methodist colleges of South Carolina.

In some detail the figures for the year 1927 will be of general interest, and the facts given are drawn from the recently published annual minutes of the South Carolina and upper South Carolina conferences.

The main statistical items of interest are as follows:

Total membership	139,979
Joined by vows	5,874
Adults baptized	2,762
Infants baptized	2,270
Number of churches	817

Women's missionary societies	459
Members	13,417
Raised	$131,986
Epworth Leagues	426
Members	13,125
Raised	$18,178
Sunday schools	753
Enrolled	106,893
Raised	$215,843
Paid presiding elders	$51,371
Paid pastors	$505,675
Paid district work	$8,742
Paid conference work	$127,432
Paid general church work	$72,170
Total for all purposes	$1,863,848
Value of churches	$7,214,000
Value of parsonages	1,223,326
Value of other property	215,908
Value of schools	2,715,781
Value of orphanage	705,000
Value of printing plant	60,000
Value of district parsonages	157,500
Total	12,284,515

I also wish to read from the same paper, of date May 13, 1928, this being a Methodist paper:

INCREASE IN CHURCH MEMBERSHIP

The total increase in our church membership in the United States for 1927 has been 29,699. The membership in other countries is not included in this reckoning. The conferences with an increase of more than 2,000 are: Florida, 5,280; Alabama, 3,215; north Alabama, 3,253; western North Carolina, 3,185; Mississippi, 2,949; northwest Texas, 2,771; Virginia, 2,209; north Georgia, 2,001; Louisiana, 2,044.

Mr. President, those figures have been tabulated by Mr. Curtis C. Little, and will be published in the forthcoming 1928 year book of which he is the editor. This is copied in this paper from the National Christian Advocate.

It does not seem to me, from reading those figures as to the one church, that the South is in such a bad condition as some people would have us think. If the other churches have received as many new members and if they have expended as large amounts in college work and other Christian church work as this church has, it seems to me that we should be given credit at least with having people who obey the laws, people who love their God, and people who worship Him.

Something was said, I believe, about the stills captured in South Carolina. I do not believe there is any question about that. They capture them in every State. United States officers in Maryland murdered a man recently like they shot this young chap up at Niagara Falls. A United States judge sat on the bench with as plain a case of murder ever proven in a courthouse, and directed a verdict of not guilty and let that man walk out of the courthouse free and untrammeled. I would like to know the State in the Union that has not got whisky in it. One thing that helps bring about the existing condition is the conduct that is going on right here in the city of Washington. The Senate encourages it, the House of Representatives encourages it, Calvin Coolidge is encouraging it, the police department of Washington is encouraging it, thereby encouraging violation of the prohibition law all over the country, and I am going to prove it.

The CONGRESSIONAL RECORD of January 14, 1928, shows that I read about women driving around this city at a speed of upward of 40 miles an hour, which aroused the ire of the very distinguished Senator who now occupies the chair of the Presiding Officer (Mr. WATERMAN in the chair). A little further on I read an article from the Washington Times of January 13 about a 14-year old boy driving over the city and killing a young man. His father, the British Ambassador, took him to New York, put him on a boat, and sent him out of the country. If that had been an American boy he would have been put in jail, but being this Englishman's son, it was deemed almost a compliment to let him run over an American woman.

Then I read another article from the Washington Star entitled "Attack on judiciary features court bill—prisoner refuses to pay fine after conviction on traffic charge." Then another article in which Traffic Director Harland called attention to the case involving the British ambassador's son. Further on in the RECORD of January 14 I read another article referring to the same case. Boys and girls are openly drinking in cafes and clubs in Washington and there is no objection to it whatever.

Mr. President, I am told that at nearly every big reception given in Washington whisky is served on the table or else there is a room set aside somewhere where the guests are invited to drink. They drink liquor at all the embassies. They bring it in from their countries, and what does the American Nation do about it? What do you do about it? When an Englishman or a Jap brings in liquor and it is landed at Baltimore you actually send a United States truck over there with United States soldiers to haul it over here for them. Yet you talk about the South and about a few stills. The people say it is all right to let these embassies drink, that it is all right to let these big people have their receptions and their whisky and wine. But I say it is not all right unless you allow it to other men. When your boys and girls go to these places and see them drinking whisky and wine and see them violating the law, when they see their fathers and mothers doing it, too, they do not think it is wrong in them to do the same thing.

There is another reason why it should not be allowed. It forces men to participate in it who do not want to do it. Some man who keeps up with this business of society is giving a reception. He has been at the other homes and they have served whisky and wine there, so they expect to find it at his home, and he serves it, whether he wants to serve it or not, because society forces him to serve it.

Let us clean off our own doorstep first. Let us clean off the fireplaces in the North and in the East. Let us clean off the fireplaces in the District of Columbia before we go to South Carolina and talk about a few stills found out in the backwoods there. Yes; they tear them up, although I am not so sure that they always do. Sometimes I have an idea that they burn what is supposed to be a still, but, as a matter of fact, they simply move the real still four or five hundred yards farther back in the swamp, take a little money in their left hand and a bottle of liquor in their right hand, and go to town and report "another still destroyed."

Here is an article from the Washington Post of January 20, 1928, headed "Three former soldiers get 37 years in jail." I want you Senators to listen to this. When I read it I wished that I could have been the governor to pardon those poor devils, like I used to do in South Carolina:

THREE FORMER SOLDIERS GET 37 YEARS IN JAIL—WALTER REED MEN SENTENCED FOR THEFT OF COAT, HAT, AND 90 CENTS

Thomas A. Richards, 23; Frank E. McKay, 21; and Kenneth B. Metcalf, 22, former soldiers from Walter Reed Hospital, were sentenced to serve a total of 37 years in prison yesterday by Chief Justice McCoy, in criminal court, on a charge of robbery which involved only 90 cents, an overcoat, and a hat. Richards and McKay will serve 13 years each and Metcalf will serve 11 years. They were charged with holding up Edgar H. Reid, 1215 Geranium Street NW., near his home, on October 20, at midnight, with a pistol and a blackjack. They took his overcoat and hat and then went through his pockets, but found only 90 cents.

Think of it, now. A few years ago we were singing all over the country, "Keep the home fires burning." Everybody stood up and said, "No matter who these young men are, they have on the American uniform. Take them home to dinner with you." They did, and in some cases they were sorry. Eight or nine months afterwards they were still sorrier. Take them home and dine them and entertain them when they were heroes, but when they came back it was a different story. I do not uphold them in stealing, but there is no use putting three poor devils in jail for 37 years for stealing an old, wornout hat, a cheap overcoat, and 90 cents.

Then I read another article into the RECORD on January 14 last. This relates to an incident that happened on October 28 of last year:

POLICEMAN ACCUSES ITALIAN CHARGÉ OF RECKLESS DRIVING

The commissioners yesterday filed with the Secretary of State a complaint against Alberto Marchetti, counselor to the Italian embassy and acting chargé d'affaires in the absence of Ambassador Nibole Giacomo de Martino, inclosing a report by Motorcycle Policeman R. N. White, of the thirteenth precinct, charging the diplomat with speeding at 60 miles an hour or more and reckless driving at 1.30 a. m. Sunday.

Patrolman White, in his official report, said:

"About 1.30 a. m. October 23, 1927, while standing on Georgia Avenue, opposite Walter Reed Hospital, my attention was attracted to an auto coming south on Georgia Avenue NW. at a very fast rate of speed. There had just been an accident at this point, and about 20 people had gathered in the street. When I heard this machine coming at such a rate of speed I stepped into the roadway and tried to stop it by waving my hands, but the operator paid no attention to me and passed through the crowd at what I judge to be 60 miles an hour or faster.

"I jumped on my motor and gave chase for 11 blocks and caught up within one block of this car, when it slowed down to turn into Colorado Avenue. I paced this car from this point at 50 miles an hour and could not gain on it for three blocks. I then moved up on it and stopped it between Kennedy Street and Sixteenth Street. I asked the driver for his permit, which he showed me, as well as an identification card from the State Department, showing he was Alberto Marchetti,

from the Italian embassy. He was driving a roadster bearing a District of Columbia license tag.

"Apparently this man had been drinking, and, in my opinion, was a reckless driver and a menace to the public safety."

Marchetti yesterday admitted that he had been driving fast, but said, in extenuation, that it was late at night and the streets were deserted. He said Parolman White had told him he was going 45 miles an hour instead of 60 or more.

Nothing was done with him; he was turned loose, Mr. President. Why? Because he was an Italian. If he had been an American boy they would have done to him as they did to a Senator's son the other day, whom they arrested for reckless driving. They did not spare him because his father sat here in the Senate. There is not a Senator in this country who is entitled to as much consideration as a nasty, stinking, dirty little Italian automobile driver. They dragged the Senator's son into court; they humiliated his father; they humiliated his mother; they humiliated his family by fining him so much money or telling him they would put him in jail. That is the reason people are losing respect for law; that is the reason people of the country, the common people, who, God knows, are the best people, have so little respect for and are paying so little attention to the law.

I repeat, the boy to whom I have referred was dragged into court and fined or threatened with jail, but the automobile chauffeur, because he happens to be attached to an embassy, can fill up on mean liquor, get drunk, and dash out into the street to kill anybody he wants to, and that is all right. That is not in the South, either; that is north of the Potomac River, right here in Washington.

I repeat, clean up Washington before you talk about South Carolina; when you get Washington cleaned up, we will have our State also cleaned up. Not only should the "blind tigers" in this city be cleaned up but there should be cleaned up some other things that I might mention, which are a stench in the nostrils of every decent white woman in the country.

Mr. President, I have some other instances here, but I shall not take the time of the Senate to cite them. These few examples are enough. I kept these because I thought that possibly the day would come when somebody would have something to say in reference to conditions elsewhere than in this very city, the Capital of the United States, in the shadow of the dome of this Capitol and in the shadow of the White House of this Nation, where men are sworn to enforce the law and to obey it. Does not Calvin Coolidge know that this is going on? Of course, he knows it. Does not the police force of this city know it? Every man in the city of Washington knows it. Who is trying to stop it? Not a soul.

As I said here the other day, a short time ago a negro committed a most horrible and beastly crime here. Has he been captured? No. If he had been in the South would he have been captured? He would have been; and that is not all that would have happened to him either. We protect our white women and we are going to continue to protect them; we are going to keep them from being injured and harmed, if we can, and when a man does injure or harm one of them he is going to pay the penalty. It is not so, however, in this city; it is not so in some of the other places that I know of. I do not expect to call names, though I could.

I could paint the crime situation in Chicago, for instance; I could paint the crime situation in New York; I could paint the crime situation in some of the other great cities of this country, but I do not care to do it. The fact that crimes are committed in other places does not justify people in my State committing them, but a mere reference to conditions elsewhere certainly ought to be sufficient to keep Senators on this floor from attacking the State from which I come when we can show records such as I have read this morning.

Some South Carolinians drink liquor; you do not have to go all the way to South Carolina to find some South Carolinians who take a drink, but at the same time, I suppose, as I said a few moments ago, while we have stills we are no worse than other people. Why hold us up to public attention?

I will tell you what to do, Mr. President. Tell the official at the head of the Prohibition Department that instead of sending thugs and thieves and bribe takers into South Carolina to enforce the law to send honest people, men who will not take bribes from "blind tigers."

A man told me at home the other day, when I said, "It is a wonder that they had not got you before now, boy," "I got the law bought." He told me that on Friday last, right on the streets of Columbia. I said, "How have you got the law bought?" And he named the man that he was paying the money to. He said he had immunity. That is the kind of officers that have been sent down there in my section of the country to enforce the law. They seize a man's automobile, take the best parts of it off, and put them on their automobile, take the old, worn-out car into town, and sell it; they seize his liquor, take it to their rooms, and sell it instead of turning it in as they ought to do.

They always find somebody to buy it, because what they seize in that way is pretty good liquor, coming from Florida or going down from Baltimore, as a good deal of it does go. Yet, South Carolina gets "cussed" for drinking Baltimore liquor. These are some of the things we should correct. Let us get the mote out of our own eyes before we begin to call attention to the mote in the other fellow's eyes.

South Carolinians were here and fighting for America long before some other States were known to be on earth and South Carolina is 100 per cent American.

EXHIBIT A

CHARLESTON, S. C., *May 18, 1928.*

Senator COLEMAN L. BLEASE,

United States Senate, Washington, D. C.:

The Medical Society of South Carolina, Charleston County, in a resolution passed at its regular meeting on May 8, wishes to protest against the increase in the narcotic tax which is contemplated by a bill now before the Senate. We have been instructed by the society to request that you use your influence to prevent its passage. The members of this society feel that it is unfair to require the medical profession to pay for the enforcement of a law which is purported to be for the common good. We desire to urge that you vigorously protest against the passage of this bill.

HENRY P. JACKSON, *President.*
WILLIAM ATMAR SMITH, Secretary.

CHARLESTON, S. C., *May 18, 1928.*

Senator COLEMAN L. BLEASE,

United States Senate, Washington, D. C.:

As members of the Medical Society of South Carolina, we ask that you prevent, if possible, the passage of bill to increase narcotic tax on physicians. It is unfair and discriminating and should not be passed.

A. J. BUIST, M. D.
EDWARD RUTHLEDGE, M. D.

CHARLESTON, S. C., *May 18, 1928.*

Senator COLEMAN L. BLEASE,

United States Senate, Washington, D. C.:

We, the undersigned members of the Medical Society of South Carolina, desire to call your attention to the bill now before the Senate by which it is proposed to increase the narcotic tax. We feel that it is an unfair discrimination, especially when a reduction in general taxation has been made in all other departments. You are urged to lend your best efforts in the prevention of the passage of this bill.

ROBERT WILSON, M. D.
R. W. CATHCART, M. D.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3867) to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; requested a conference with the Senate on the disagreeing votes of the two thereon; and that Mr. LEHLBACH, Mr. GIBSON, Mr. MANLOVE, Mr. JEFFERS, and Mr. CELLER were appointed managers on the part of the House at the conference.

SALARIES IN THE CIVIL SERVICE

The PRESIDING OFFICER (Mr. WATERMAN in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DALE. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and

that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. DALE, Mr. BROOKHART, Mr. BLAINE, Mr. MCKELLAR, and Mr. GEORGE conferees on the part of the Senate.

HON. HERBERT HOOVER

Mr. NORBECK. Mr. President, I ask unanimous consent to insert in the RECORD an editorial entitled "Facts voters should know," from Wallaces' Farmer of May 18.

The Senator from Kentucky [Mr. SACKETT] recently delivered a labored argument to this body in an attempt to show reasons why the farmers of the Corn Belt ought to feel grateful to Mr. Hoover for what his Food Administration did to them in connection with the marketing of their hogs during the war. Scarcely a day passes, however, that does not bring to light every evidence that the Corn Belt farmers do not take the same view of Mr. Hoover's war record on agriculture as given by the Senator from Kentucky, nor do they accept the ingenious excuses which Mr. Hoover's propaganda factory is so busily engaged in turning out for him. One of the recent and most effective exposures of the falsity of this Hoover propaganda appears in the May 18 issue of Wallaces' Farmer, published in the heart of the Corn Belt, at Des Moines, Iowa.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Wallaces' Farmer, May 18, 1928]

FACTS VOTERS SHOULD KNOW

The work of the Food Administration during the war is worth recalling as an example of the course that Federal action takes in regard to the farm when the policies are laid down by people who are primarily interested in cheap food for the industrial population. This is especially worth recalling now, when the country is about to decide again what sort of men and what kind of politics it wants for the coming four years.

To speak bluntly, the Federal Government lived up to its contracts with the manufacturers during the war and fell down in its contracts with the farmers. The attitude of those responsible is particularly revealed in their astonishment that farmers should expect anything better than a deal like this.

This point of view can be defended by advocates of an increasing industrialization of the country on the ground that the important thing is to get cheap food, and that the welfare of the farmer is always to be made a secondary consideration. This is understandable and honest, even though it may be shortsighted. It is much more aggravating to farmers when this straightforward plan of argument is not taken and when the attempt is made to indicate that the breaking of the war contracts with the farmer and the holding down of food prices was in some way a step taken for the benefit of agriculture. Of course, farmers still have some votes, and if they can be soothed into forgetfulness of their grievances every four years the job of soothing them expertly is bound to pay fairly high dividends in the political field.

The present campaign to perform this quadrennial job is being undertaken by a number of people. One of the most recent is Senator SACKETT, of Kentucky, who explained the other day in the Senate just how the Food Administration and Mr. Hoover had helped the hog farmer during the war. Among other things, Senator SACKETT said:

"In October, 1918, the approaching armistice caused a rapid fall in the price of corn, and as a result the price of hogs to the farmer under the formula adopted threatened to fall below a just amount. The advisory board immediately recommended that the minimum should be raised to $17.50, more than 120 per cent above pre-war prices, and Mr. Hoover again negotiated this protection."

So far as this statement goes, there is no question about one point. Hog prices did hit the toboggan in October of 1918. The Hoover apologist insists that this happened because the people knew that the war was about over and were reducing purchases on that account. The farm groups have a different theory.

In considering the Hoover position, it might be well to ask how many people in the world in early October of 1918, when hogs were dropping from $19.50 to $15.85, thought that the war was speedily approaching its close. At that time we were still sending troops overseas as fast as we could ship them. The military opinion was that the Germans were being forced back to a new line, and that the big finishing campaign would come in the summer of 1919.

It might also be noted that the prevailing opinion at the time was that when the war did end the needs of the people in the war area and the disintegration of agriculture there would make necessary continued economies in the use of food and continued efforts by farmers to turn out large crops.

That there was no general expectation of a speedy close to the war is perhaps best illustrated by the action of Congress, which, in late September, put through an emergency agricultural appropriation act for stimulating agricultural production, and at the end tacked onto it a rider providing for national war-time prohibition from July 1, 1919, until the peace treaty should be signed. The opinion of Congress quite evidently was that the war had yet a year or two to go, and that it was necessary to use every effort to keep up the supplies of food for the United States and the allied nations. This pretty well disposes of the argument that it was the approach of the armistice that brought about the slump in hog prices in October. Yet the slump occurred. What other factor was present that might have caused the drop?

During the late summer there had been rumors that the Food Administration was not going to stand by its promise of a 13 to 1 ratio for hogs. In the late summer of 1918 Herbert Hoover was abroad, and in August the British food administration reduced its maximum price on American bacon by $12 a hundred. On September 25 a meeting of Food Administration officials was held, and a statement was issued which clearly indicated that the basis agreed upon the winter before was to be abandoned and the farmers who had increased their pork production on the strength of the Government guaranty were to be left out in the cold.

It took a few days for this news to get out to the country. As soon as it did get to the farmers hogs began to be sent to market in increasing numbers. Without Government backing for a higher price buyers began to bid down and the slump noted above occurred. In the meantime the various farm organizations were holding indignation meetings, and as a result of this pressure another meeting was held by the Food Administration, in which Mr. Hoover, while refusing to stand by the original contract, did agree that there would be a minimum of $17.50 established. This was considerably less than had been promised the farmer, but it was also somewhat more than appeared to be likely in case the Food Administration stuck to the program indicated by the statement made at the meeting on September 25.

In this, as in all similar affairs during the career of the Food Administration, the original program was based on the desire of Hoover and his associates to get cheap food for the industrial population, and this program was modified so as to show any degree of justice to the farmer only after considerable pressure had been brought to bear by farm organizations. In the fall of 1917, when the Government was calling for increased pork production, the Food Administration only very reluctantly agreed to the 13 to 1 ratio. After the hogs were produced and on the market an attempt was made to crawl out of the agreement. Increasing pressure by farm organizations resulted in a compromise which gave the farmers less than they were promised but somewhat more than the Food Administration seemed inclined to give them.

One somewhat amusing argument in this connection is the attempt to show that the price of hogs under Food Administration control was markedly higher than when that control was removed. These arguments echo a 1920 statement of Mr. Hoover, which said: "It can also be noted that the average price of hogs for the year October 1, 1918, to October 1, 1919, was very close to $19 a hundred, and it represents the full ratio in all the prominent corn and hog States. The farmer realized fully $2.50 per hundred more than he has realized this season (1920) in an unassured market."

In commenting on this statement at the time it was made Henry C. Wallace said: "This is typically Hooveresque. The impression is given that he controlled the market from October 1, 1918, to October 1, 1919, and therefore made good his promise, notwithstanding all the criticism which had been made. What are the facts?

"Mr. Hoover did not control the market during 1919. His control ended about March 1, 1919. From October 1, 1918, to March 1, 1919, while Mr. Hoover was controlling the market, the average price of hogs at Chicago was $17.64 per hundred. From March 1, 1919, to September, 1919, when Mr. Hoover had no control over the market, the average price of hogs was $19.27 per hundred; and yet Mr. Hoover calmly claims credit for these higher prices which followed immediately after his control ceased."

The point of the whole discussion is that the Federal administration and the folks in charge of food control did not feel the same responsibility in regard to giving farmers a fair deal that they did in regard to giving a fair deal to the manufacturers of other products essential for war purposes. That attitude may be defended on the ground that the job in hand was to win the war and that any injustice performed in the process was a minor matter. It can also be defended on the ground that the chief end of Government policy should be to provide cheap food, regardless of what happens to agriculture. Perhaps still stronger as a motive was the feeling on the part of the Food Administration that while manufacturers would not turn out goods for the carrying on of the war until they had a legally enforceable contract in their pockets, farmers would be willing to produce to the limit with only a few words of encouragement and promises which could be repudiated without bringing on suits for breach of contract.

These are views which will not find much sympathy in farm territory, but they may have an appeal in other quarters. To the farmer the irritating thing about the present situation is that the Food Administration people, after having got credit for holding down prices and getting cheap food, are now attempting to curry favor on the other side of the fence by asserting that the sole aim of the Food Administration was to protect the farmer and keep farm prices high. There must be something wrong with one story or the other.

Facts are facts, and when the voters of the country know the real truth of the story they are not likely to be enthusiastic about casting

ballots for Mr. Hoover. The spirit of fair play is still abroad in the land. No one who fairly analyzes the facts of the dealings of the Food Administration with the farmer during the war can come to any other conclusion than that the farmer has a right to feel that he was unjustly dealt with.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is on the amendment of the Senator from Missouri [Mr. REED].

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Schall
Barkley	Fletcher	McMaster	Sheppard
Bayard	George	McNary	Shipstead
Bingham	Gerry	Mayfield	Shortridge
Black	Gillett	Metcalf	Simmons
Blaine	Glass	Moses	Smith
Blease	Goff	Neely	Smoot
Borah	Greene	Norbeck	Steck
Brookhart	Hale	Norris	Stephens
Broussard	Harris	Nye	Swanson
Bruce	Harrison	Oddie	Thomas
Capper	Hawes	Overman	Tydings
Caraway	Hayden	Phipps	Tyson
Couzens	Howell	Pine	Vandenberg
Curtis	Johnson	Pittman	Wagner
Cutting	Kendrick	Ransdell	Walsh, Mass.
Dale	Keyes	Reed, Mo.	Walsh, Mont.
Deneen	King	Reed, Pa.	Warren
Dill	La Follette	Robinson, Ark.	Waterman
Edge	Locher	Robinson, Ind.	Watson
Edwards	McKellar	Sackett	Wheeler

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the Senator from Missouri [Mr. REED].

Mr. SIMMONS. Mr. President, I do not rise for the purpose of discussing the amendment offered by the Senator from Missouri. Undoubtedly much can be said for it, and, perhaps, much can be said against it. The minority members of the Finance Committee were and are exceedingly anxious that there should be a tax reduction bill passed and approved by the President at this session of Congress, and, having that as their main objective, it was the understanding reached on the part of the minority members of the committee at the time the bill was reported out of the committee that we would oppose riders upon this bill, especially riders relating to the tariff, because we believed that if the bill were loaded down with such riders it would almost certainly incur a veto at the White House.

A second meeting of the minority members of that committee was assembled rather hurriedly, I think Saturday morning, or it may have been Friday evening—I do not now definitely remember which—and we discussed this matter, and again decided that if we were to have tax reduction at this session it would be necessary not to load down the bill with riders, especially such as we knew would meet the disapproval of the President. We did not feel, and do not feel now, that the President is particularly anxious to sign a tax reduction bill. The attitude of the administration has not seemed to us to be favorable to legislation of that character at this session; and we did not wish, and do not now wish, to give the administration any excuse for denying the people what they are entitled to with reference to the return of money that has been collected from them by taxation in excess of the requirements of the Government.

I wished to make this statement because I think the Senate is entitled to have it; and I do not make it in opposition to the Senator's amendment, because I think his amendment is a very important one. I think it is one that ought to have very serious consideration—much more serious than can be given to it under present circumstances and conditions. If the Senator shall offer it subsequently with a view to attaching it to some tariff legislation that may be sent to us from the House when we have time to consider it, I for one shall be disposed to give it very thorough and conscientious study.

Mr. REED of Missouri. Mr. President, in order to clarify the amendment, I will take the liberty of perfecting it.

The PRESIDING OFFICER. The Senator has that right.

Mr. REED of Missouri. On page 2, in line 1, after the word "farms"—it was not in the copy that was read—insert "within the United States."

On page 2, lines 9 and 10, strike out the words "paid to the farmer" and insert "received by the producer during the preceding six months."

On page 2, line 17, after "duties," insert a comma and the words "except duties on agricultural commodities as herein defined."

The PRESIDING OFFICER. The amendment will be modified as requested by the Senator.

Mr. REED of Missouri. The modifications merely clarify the purpose of the proposition.

The amendment of Mr. REED of Missouri, as modified, reads as follows:

On page 245, after line 13, insert:

"TITLE VI—AGRICULTURAL EXPORT DEBENTURES

"SEC. 801. EXPORT DEBENTURES.

"(a) Agricultural commodity: The term 'Agricultural commodity,' as used in this section, includes all agricultural, horticultural, viticultural, and dairy commodities and products, all livestock and products thereof, all products of poultry and bee raising, all nuts and edible products of forestry, and all other commodities not specifically mentioned herein which are produced on farms within the United States and the processed or manufactured products of such commodities.

"(b) On and after the 1st day of July next after the approval of this act the Secretary of Agriculture shall issue an export debenture to any person exporting from the United States to any foreign country and not previously exported an agricultural commodity in either the original or processed condition in an amount equal to 25 per cent of the average price of such product received by the producer during the preceding six months as ascertained or estimated and certified by the Secretary of Agriculture under such regulations as the Secretary of Agriculture may prescribe: *Provided*, That the total quantity of such exportation so valued shall amount to $3,000 or more and be exported in one vessel.

"(c) Said debentures shall be transferable by delivery and the Secretary of the Treasury shall receive such debentures at their face value in payment of all import duties, except duties on agricultural commodities as herein defined.

"SEC. 802. ADMINISTRATIVE AND PENALTY PROVISIONS.

"(a) Preparation of debentures: The Secretary of Agriculture shall prepare and issue, or cause to be prepared and issued, all export debentures, and shall prescribe the terms and conditions in respect of export debentures. The Secretary is authorized to have such debentures prepared in the Bureau of Engraving and Printing.

"(b) Obligations of United States for penal purposes: Export debentures issued under the authority of this title shall be obligations of the United States within the definition in section 147 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, as amended.

"(c) Fraud: Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000, or imprisoned not more than one year, or both.

"SEC. 803. APPROPRIATION.

"For expenses in the administration of the functions vested in the Secretary of the Treasury by this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000 to be available for such expenses incurred prior to July 1, 1929."

Mr. BORAH. Mr. President, there may be a valid objection to this amendment on the ground that it would embarrass the tax bill; but that does not disburb one who is not particularly anxious about the tax bill. I have not from the beginning been particularly interested in tax reduction, and am not now.

I am going to vote for this amendment because I do not want to vote against the principle. I believe that there is much in the debenture proposition in the interest of agriculture. I vote for it with some degree of hesitancy, however, because it seems to me that the amendment is not ample and sufficient to deal with the subject in its entirety. In other words, it is a matter of such moment and there are so many different phases of it to meet in the way of legislation that it is rather difficult to meet it by an amendment; but as I look at the amendment it indorses the principle which I favor, and I shall vote for it.

Mr. NORRIS. Mr. President, I desire to occupy the attention of the Senate for only a few minutes in discussing the pending amendment.

There is now in the hands of the President the so-called McNary-Haugen bill, having for its chief object the same thing that would be accomplished by the adoption of this amendment if it should work. I have for some time given attention to the principle involved in this amendment. The Committee on Agriculture and Forestry at the time I was its chairman had a hearing on a bill that was introduced in which this principle was involved, known as the debenture plan. Later on a great farm organization, the National Grange, approved this plan. At the beginning of this session of Congress the representatives of the

grange discussed the debenture plan, I presume, with nearly all of the Senators; at least, I have discussed it with them at considerable length and have examined quite a number of the bills that have been introduced to carry it out.

I doubted at the beginning of this session the wisdom of again passing the McNary-Haugen bill and submitting it to the same man who had once vetoed it. I think I started in with the consideration of the debenture plan being opposed to it; but after the failure that we have had, not only from vetoes but in other respects, in the various bills that we have tried for the last six or seven years to pass and enact into law for the benefit of agriculture I reached the conclusion that I was justified and Congress would be justified in taking quite a number of chances in passing any legislation that would have any show of bringing about such relief.

I listened to-day to the Senator from Missouri [Mr. REED] when he described the condition of the farmers of the United States who must buy on a market with a protective wall around it and sell in the free-trade market of the world. I agree with that. I think it is conceded by practically all those both in and out of Congress who have studied the agricultural situation that the farmer is entitled to some remedy. Up to this time he has not been able to get it, first by the failure in either the Senate or the House of what was believed by some to be a remedy; and, second, by the veto of the bill when it was finally passed through both Houses. So I reached the conclusion shortly after the beginning of the session that I was going to support and would be justified in supporting the debenture plan.

Most of those, however, who were anxious to bring about relief for the farmer decided that they wanted to try the McNary-Haugen bill again; and, as far as I was concerned—I think I was in a minority—I had favored that bill before and, of course, put nothing in the way of its passage again, and supported it again.

That bill is now before the President. I do not know what its fate is going to be; but it does seem to me that those of us who have supported the McNary-Haugen bill would be inconsistent if we voted for this amendment while that bill is still pending. That is the main reason why I am going to vote against this amendment. It does seem to me that it ought to have a little more consideration than it can have in the form of an amendment, although I have reached the conclusion that if those who are opposed to remedial legislation for the farmer continue to obstruct and continue to defeat farm legislation that has been enacted on the theory of giving the farmer the benefit of the protective tariff the farmers of America will be justified in tearing down the citadel of the protective tariff. Either the farmer must be given the benefit of protective laws, or those who get the benefit of them to the disadvantage of the farmer must surrender the advantage that they have. Much as I should dislike it, I believe we would be justified in passing some bill involving the same principle that is involved in this amendment; and, as far as I am concerned, I feel disposed to do what little I can to bring that about.

I do not, however, believe that we are consistent if we are doing both of them at once. Whether it was a mistake to start in with the McNary-Haugen bill again after the President had once vetoed it or whether it was not a mistake, that was done, anyway. It was not according to my advice that it was done, because I thought we had fair reason to presume that the President would again veto it; and I realized that the McNary-Haugen bill had two sides to it. I have never been one of those who have criticized those who are opposed to it; but I realized also that there were a good many things about it that were difficult, somewhat experimental, and that the machinery provided for carrying out that scheme was more or less complex and must be complex. I have never agreed, however, with those who said they would support the McNary-Haugen bill if we took out the equalization fee.

In my judgment, when we take the equalization fee out of the plan known as the McNary-Haugen plan we have taken out its life. There is not anything left of it; and without the equalization fee it must be a failure. It can not even start. The theory may be all wrong. I have supported it, however, and as far as I know I have supported practically every proposition in support of American agriculture. About some of them I had some doubts. There are some things about the McNary-Haugen bill, with its complex machinery, that we may have to modify when it is put to practical application. It may not work.

For instance, I doubt whether it can be worked on some prepared products like meat. I do think it will work as to wheat and corn and such products as that, and that it can be made to work.

I myself would not like to have the Government start in on the debenture arrangement. Yet I may be wrong about it. It is a simple way to handle the matter, and I do not believe there is any doubt about its effect on farm prices. But I believe the President of the United States, who is a very high protectionist, and others here and elsewhere who are very high protectionists, much higher than I am, ought to remember that we can not permanently go on with a high protective tariff that protects everybody but the farmer, and I believe that the farmer, as a matter of self-defense, if for no other reason, as a matter of common justice, when he is defeated in efforts he makes to get relief from a protective tariff, will be justified in seeing that nobody else gets the benefit of it, and that we are all put on the same level.

I intended to say only that I am going to vote against this amendment, not alone because I am opposed to it, but because of the conditions that exist now, and under which we must necessarily act.

Mr. BROOKHART. Mr. President, I desire to say a few words upon this amendment, and to point out some reasons why I do not reach the same conclusion the Senator from Nebraska has reached. I do not think it would be inconsistent with our position on the McNary-Haugen bill to vote for this amendment, and I do not think it will put the President in an inconsistent position, whatever may be his action upon that bill. The President can sign the McNary-Haugen bill, or at least can permit it to become a law without his signature, without changing in any degree from the position he has taken heretofore. He has said the equalization fee is unconstitutional. The Congress has twice said it is constitutional. That has raised a plain conflict of opinion between the legislative and the executive departments. Neither the Congress nor the President has the power finally to determine that question.

The only tribunal in this country that can finally settle that argument is the Supreme Court of the United States. Therefore the President can say, if he so elects, consistent with the theory he has followed heretofore, that he will let this bill become a law, and let the only tribunal having jurisdiction finally decide that question. If the President is sustained and the equalization fee rejected by the court, the remainder of the bill is what the President has been asking for substantially. If his opinion is sustained by the court, he will have succeeded in getting a bill almost exactly as he wanted it, although I have understood he might have signed a bill carrying a larger appropriation for loans than $400,000,000. I do not know whether that is true or not.

If the equalization fee is sustained, then the responsibility for it is upon the farmers and upon the Congress who have provided it. So upon the theory that the President may sign the McNary-Haugen bill, or may permit it to become a law, it would not be inconsistent to pass this amendment up to him, or for him to veto it. If this amendment of the Senator from Missouri shall be adopted, it will take something like $300,000,000 of the tariff revenues to carry it out. Three hundred million dollars is the tariff reduction the Democratic side has been asking all along. They would get it here, then, for the benefit of the farmers. If the McNary-Haugen bill is signed, it will take all that and a little more to carry out the provisions of that bill. So the President would be in a position to veto this tax bill if this amendment were on it providing he decided to sign the McNary-Haugen bill. If he decided to veto the McNary-Haugen bill, I think, then, it is very proper that the next and what I believe myself is the better remedy should also be put up to him for his consideration at this session.

What are the provisions of this measure? Agricultural products in the United States since 1920 have amounted to about $12,000,000,000 annually; that is, what the farmers have produced, all that they have used, and all that they have sold since 1920. One-tenth of that is exported, or about $1,200,000,000. Hence this amendment would mean about $300,000,000 of debentures issued upon those exports, and, of course, they would then be used in the payment of the tariff revenue. That would take this $300,000,000, and I think it would have the effect, as the Senator from Nebraska [Mr. NORRIS] has said, of raising the prices of all agricultural production by that 25 per cent. It would add, then, $4,000,000,000 to the value of that $12,000,000,000 which they are producing, and that would mean an immediate relief. It would come directly out of the tariff itself. Four billion dollars added, while it is not enough, would be something near the prosperity line for agriculture, which is enjoyed by the average of the other industries of the United States.

Therefore, Mr. President, for these reasons I think it is perfectly consistent for anyone who voted for the McNary-Haugen bill to vote for this amendment. If we had more time, I would

be perfectly willing to wait and see what the result is as to the veto of the McNary-Haugen bill, but everybody is urging an adjournment, and there is no time for such consideration. Therefore I am ready at this time to vote for the amendment.

Mr. BRUCE. Mr. President, I can not see that, so far as practical consequences are concerned, there is any difference between the working principle of the pending amendment and that of the McNary-Haugen bill. As I see it, the purpose of both measures is to create abundance, so to speak, by first creating scarcity. As a rule, the object of all economic enterprises and arrangements, as we all know, is to foster abundance; that is to say, to produce in a larger measure for the benefit of the human race valuable goods and commodities of one sort or another; but both this amendment and the McNary-Haugen bill, so far as I have any insight into them, propose as their modus operandi to inflate domestic prices of agricultural commodities by first creating domestic scarcity.

Under the provisions of the McNary-Haugen bill the board created by that bill has a large revolving fund at its command, and it takes that fund and goes out into the market and buys up enough wheat, or enough corn, or enough pork, or enough of any other agricultural commodity artificially to swell the domestic price that consumers of every sort, including the farmer himself, pay for the commodity in question. I can not see how the Senator from Missouri, after refusing to give his approval to the McNary-Haugen bill, can possibly give his approval to this amendment. He reminds me of the giant mentioned by Rabelais, who, as I remember, swallowed without difficulty several windmills, and then was choked to death by a piece of butter.

The object of this amendment is to stimulate exportation by a bounty to such an extent as to create the same domestic scarcity as respects a commodity that the McNary-Haugen bill seeks to create by having a Federal board purchase large quantities of a commodity for export.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. REED of Missouri. I think the Senator will agree with me that the effect of the present tariff law is to raise prices of all articles covered by the tariff. That condition now confronts us in this country. I suppose the Senator will agree with me that that is the effect?

Mr. BRUCE. Yes.

Mr. REED of Missouri. I will agree with the Senator that the right remedy, if we could apply it, would be a general reduction of the tariff. I think the Senator will agree with me in that.

Mr. BRUCE. I agree; so far as existing duties are exorbitant.

Mr. REED of Missouri. Because the present tariff stimulates prices upon a part of the goods consumed by the American people. I will agree with the Senator that there would be a tendency in the proposition I have introduced to raise prices upon the goods we ship abroad.

Mr. BRUCE. Not only those we ship abroad, if I may say so to the Senator, but those that remain at home. That is the point.

Mr. REED of Missouri. I was about to say that; it would have a tendency to stimulate the prices at home.

Mr. BRUCE. Yes.

Mr. REED of Missouri. So long as we have a law which we can not get rid of—the Senator and I can not get rid of it by ourselves—which raises the prices of the things which the farmer and everybody else has to buy, and we now bring forward a proposal which gives some opportunity to escape the burdens of that law by that class of people who are the exporters, why is that not a step to afford relief, even though it be not the particular method we would like to have employed?

Mr. BRUCE. What I was pointing out—indeed, I was intending to confine myself to that—was the way in which this amendment would work. It resolves itself into nothing but an export bounty.

Mr. REED of Missouri. I do not think so. It relieves from the burdens of a law a class of people who now export; that is all. It gives them a chance to buy in the market where they sell. That privilege may not be extended to others. The justification of it is that the benefits of this will flow to those people who are forced to depend upon European prices for the value of all they produce. It is not a bounty; it is a relief from a burden, an artificial burden put on by law, not a burden which exists in nature.

Mr. BRUCE. After all, of course, only a comparatively small part of our agricultural produce is exported.

Mr. REED of Missouri. And this will affect the domestic price; I concede that.

Mr. BRUCE. Of course, it will. The Senator is bound to concede it. The inevitable effect of the amendment would be enormously to stimulate the export of farm products and to create domestic scarcity and especially, of course, to increase or inflate the prices of domestic commodities.

Mr. REED of Missouri. If we stimulate the price at the present time of the goods made in this country by machinery and by hand in mills, why should we not stimulate the price of other products?

Mr. BRUCE. As I understood it, the Senator wanted to get rid of that feature of our economic life. The very thing he has been inveighing against has been the excessive tariff duties exacted by the manufacturer.

Mr. REED of Missouri. Will the Senator pardon a further interruption? I assure him I am not trying to be nagging about this at all, as the Senator knows.

Mr. BRUCE. I understand. I yield.

Mr. REED of Missouri. If we can not do that, but if we can equalize the produce or remove a part of the onerous conditions by allowing the exporter of the farm products to reach a price level approximately like that exacted under the existing law, why is not that just? If we permit the original law to be unjust, if it continues to exist, why is it not just to equalize the burden? I did not say it, but my objection to the McNary-Haugen bill was the equalization fee, which I believe to be unconstitutional.

Mr. BRUCE. I think that the equalization fee provided by the McNary-Haugen bill is absolutely unconstitutional. I have never heard any lawyer in the Senate express any other opinion so far as I recall at this moment. No; I am mistaken. I do know of several Members of the Senate of good professional standing who have expressed the opposite opinion, but certainly some of the most conspicuously able lawyers in the Senate have differed with them. The Senator from Idaho [Mr. BORAH] is one. The former Senator from Wisconsin, Mr. Lenroot, who was here a short time ago, is another. The Senator from Montana [Mr. WALSH] is another, and the distinguished Senator from Missouri [Mr. REED] is another.

Mr. REED of Missouri. I say it is unconstitutional.

Mr. BRUCE. Of course, the Senator says that, and so did these other very able lawyers to whom I have referred. But, after all, now that I am attempting to explode fallacies, I think that a fallacy of the most pronounced description underlies the whole equalization idea. The impression seems to be that it is something that will come out of the pocket of the farmer; something which would cause the farmer to make a pecuniary sacrifice. There is nothing whatever in that suggestion. If the McNary-Haugen bill worked, it would operate a sufficient degree of inflation not only to cover the reasonable price that the farmer might be supposed to be entitled to, but to cover the equalization fee besides.

Mr. REED of Missouri. Yes; if it worked.

Mr. BRUCE. But I do not think it would work. Nor do I think the amendment which the Senator from Missouri is proposing would work when it comes to that, and it seems to me we might as well dismiss from our thought altogether the idea that the equalization fee would impose any burden of any kind on the farmer. If it did, then it would be plainly unconstitutional, in my judgment.

I think the only result of the amendment offered by the Senator from Missouri and the only result of the McNary-Haugen bill would be to make life harder for everybody in this country, the farmer included. The farmer himself has to buy farm products of all sorts on a tremendous scale. The dairy interest in the country, for instance, which is about the only farm interest that is truly profitable, has to buy cereals and feedstuffs of all sorts. If the effect of the McNary-Haugen bill or the Senator's amendment were to increase the prices for cereals and foodstuffs, the man who would suffer the greatest loss would be the dairy farmers.

Mr. REED of Missouri. Then the Senator's idea is that the cheaper farmer products are, the better it is for the farmer, and that every rise in farm products that might occur would be to his detriment.

Mr. BRUCE. Not at all, but I do not think that in the long run anyone, farmer or otherwise, is benefited by any legislative device of any kind that rests upon a purely artificial basis; that is to say, upon a basis that is created by human ingenuity rather than by the great economic laws, which after all control the economic world.

Mr. REED of Missouri. If the Senator will pardon me further, the economic law, if permitted to work, would mean that every farmer in the United States could sell wherever he chose and buy wherever he chose, without penalty. An artificial law, a man-made law, imposes upon the things that he buys a burden of taxation. I propose to take that artificial

law out so far as the farmer is concerned, and let the good old economic law proceed by letting the farmer buy where he wills. I am trying to get back to the Senator's position of economic regulation, and I would like to apply that principle to everyone, but I can not apply it everywhere because we would not get any votes in the Senate except a few on the Democratic side.

Mr. BRUCE. It seems to me that the Senator is simply trying to bring the agricultural situation to the same artificial level as industrial products.

Mr. REED of Missouri. No; I am trying to permit the American farmer who raises 10,000 bushels of wheat, for instance, to have the right to carry that over to Europe, sell it, and, if he wants to buy in that open market of the world, to buy and bring his purchase home with him, without any man standing to collect a tribute from him for bringing it home. I am trying to get the economic law into full force and effect.

Mr. HOWELL. Mr. President, there can be no question that through legislation we have measurably affected the distribution of wealth in this country. That is the purpose of the tariff. That has been the purpose of the Esch-Cummins law so far as the railroads are concerned. By legislation we have fixed, not alone, maximum rates which the railroads can charge, but also minimum rates. In other words, the maximum is the minimum. What was the purpose? It was to afford the railroads more money than they could collect without that legislation. The legislation has been effective, because, we all know, since 1920 the railroads have been more prosperous than ever before in their history.

We have affected the distribution of wealth so far as manufacturers are concerned. We have affected the distribution of wealth so far as the railroads are concerned. We have done this in connection with other industries and human activities of the country. All that the farmer has been asking is that he shall have equal consideration. In asking this and in suggesting the methods proposed the farmer has not been uneconomic in his position. From time immemorial society has largely determined the distribution of wealth. It has been different in different ages. It has been different in the various countries, and may be still more different in the United States if we determine to make it so. Therefore, in asking that something of this kind shall be done for the farmer we are merely seeking justice, equality of treatment.

We have been considering two courses of procedure in this connection. One is by providing for an increase in the returns to the farmer for all of his production, that which is consumed at home and that which is shipped abroad. The other course is to provide for an increase in the returns to the farmer merely for that portion which is consumed at home. The line of demarcation between these two methods is the line of demarcation between this proposal and the McNary-Haugen bill.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HOWELL. I yield.

Mr. GLASS. Is there not a third way of relief? The farmers numerically are predominant in the country. It is their privilege and should be their duty to elect a Congress that would prescribe special privilege, to elect a Congress that would not legislate to the disadvantage of the farmer. So far from doing that, the farmers insist on electing Congresses that impose special privileges, and special privileges that have almost bankrupted the industry of farming. Why do they not correct the evil at the source instead of pyramiding it here?

Mr. HOWELL. It is true that at one time in the country the agriculturalists were in the ascendancy so far as numbers are concerned, but that was years ago. To-day, out of our population of 120,000,000, there are probably not more than 28,000,000 farmers and their dependents. So far as their being in the majority, they are in a decided minority. If agriculturists were in the majority, and that majority understood the problem as the farmer does to-day, there undoubtedly would be a change in his condition. A change would have come long before this. But, Mr. President, the situation is as it is. It is my view, as previously stated here in the Senate, that the major portion of the people of the country are up on economic stilts while the farmer is down on the ground. What are we going to do about it? Are we to allow the major portion to remain on stilts and consign the farmer permanently to the ground? If we want to equalize the situation there are only two ways in which it can be accomplished. One is by pulling the stilts from under the other fellow or by putting stilts under the farmer. I ask the Senator if he thinks it is possible to pull the stilts from under the other fellow?

Mr. GLASS. It would be possible if the farmers of the country would get together and elect a Congress that would pull the stilts out.

Mr. HOWELL. We have 120,000,000 population, and of that population the farmers, including their dependents, constitute probably but 28,000,000. How can they pull out the stilts from under the other fellow?

Mr. GLASS. There is no manner of doubt that if those Members of the other House of Congress and of the Senate of the United States who assume to speak here as the representatives of the farmers would do it, they could pull the stilts out so quickly that it would make the Senator's head swim.

Mr. McMASTER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. HOWELL. I yield.

Mr. McMASTER. May I ask the Senator from Virginia if he will join in voting for an amendment to the tax bill doing that very thing? It is not too late to do it now.

Mr. GLASS. But this is not a tariff bill. This is a revenue bill.

Mr. McMASTER. Yes; it is a revenue bill.

Mr. GLASS. Yes. If the Senator will offer an amendment to this bill providing for a revision of the tariff schedules from beginning to end, he will find nearly every Democrat voting for the proposition.

Mr. McMASTER. We have been told here repeatedly on the floor that Senators on the other side of the Chamber would refuse to support a tariff amendment to the tax reduction bill at this session.

Mr. GLASS. Not if it should be a real comprehensive tariff amendment; but we have not as yet had any real tariff amendment; we have merely had piecemeal propositions presented.

Mr. McMASTER. A statement was made a few days ago to the effect that the Senators on the other side of the Chamber were opposed to any tariff amendments to the tax bill.

Mr. GLASS. The Senator knows perfectly well that he could not be induced to vote for a complete revision of the tariff now.

Mr. McMASTER. The Senator is badly mistaken; he does not even know what he is talking about.

Mr. GLASS. I know what the Senator is talking about, and I know pretty well how he would vote, too.

Mr. McMASTER. When did I refuse to vote for a proposition of that kind?

Mr. GLASS. The Senator has not presented an amendment of that kind. He has refrained from doing so.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HOWELL. I yield.

Mr. WATSON. After all, my friend from Virginia knows just as well as does my friend from South Dakota that it is utterly futile to talk about preparing a tariff revision bill now.

Mr. GLASS. Of course, I know that.

Mr. WATSON. Certainly the Senator knows that.

Mr. GLASS. Certainly I know that.

Mr. WATSON. The Senate could not prepare a tariff bill and get it through the House, in the first place.

Mr. GLASS. I am opposed to doing it piecemeal as has been attempted here.

Mr. WATSON. Certainly.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. SIMMONS. I want to say that while I suppose what we call the progressive element of the Republican Party would vote with the Democratic Members in favor of a tariff that would be to the advantage of the farmers, when it comes to voting with the Democrats to reduce the duty upon the products of our factories and our mills there would be quite a difference between the Democratic view and the view of the progressives on the other side of the Chamber.

There is no such thing, in my judgment, as bringing together the Democratic Party and the progressive element of the Republican Party upon a thoroughgoing, wholesale reduction of the tariff. What we want now is a tax reduction bill, and we do not wish to load it down with amendments that we know will invoke a veto at the White House. That much for that.

I want to repeat that the amendment introduced by the Senator from Missouri is a very broad one. It is one that

I think has some merit in it. It is one, however, that has got to be thoroughly considered and worked out in such a way that I think we have not the time now to work it out.

We export from this country more than half of all the cotton we produce. Suppose a debenture should be given of 25 per cent upon the value of that cotton, and that debenture could be used for the purpose of paying the duty upon any commodity that might be imported into the country; suppose that the enormous sum which would be represented by 25 per cent of the value of the cotton exports should fall into the hands of manipulators who desired to import peanuts into this country, we will say, which, because of the duty, can not now be profitably imported, and the manipulators should use the debentures for the purpose of paying the duty on those peanuts, and thereby enable them to be brought into this country without having to pay any duty at all. We might extend that illustration to other products——

Mr. REED of Missouri. Mr. President——

Mr. SIMMONS. Just a moment, if the Senator please. We might extend that to other products. Take an agricultural product that now has no duty imposed at all upon it; suppose that debentures are given, and as a result a scarcity is produced in this country, and the price is advanced, does anybody doubt that there would be at once an overwhelming importation of that product to this country from other countries?

Mr. REED of Missouri. Mr. President, if the Senator from Nebraska and the Senator from North Carolina will permit me, I desire to say that that is taken care of in a modification which I have offered perfecting this amendment, which the Senator has not seen.

Mr. SIMMONS. Probably I have not seen the modification of the amendment to which the Senator from Missouri refers.

Mr. REED of Missouri. I will read the amendment as now modified. It is as follows:

(c) Said debentures shall be transferable by delivery and the Secretary of the Treasury shall receive such debentures at their face value in payment of all import duties, except duties on agricultural commodities as herein defined.

The definition covers all agricultural products either in their natural or processed condition. So that nobody under this amendment as it now stands could import a single agricultural commodity without paying the duty. That answers the question.

Mr. TYDINGS. Would that include canned goods?

Mr. REED of Missouri. Yes; it would include all agricultural products either in their natural or processed condition.

Mr. HOWELL. Mr. President, the answer to the suggestion that we amend this revenue bill so as to afford relief to the farmer is in accord with what is usually said to the farmer, "We can not do it this way." That statement has been made over and over again, so that the farmer's hope has been deferred time and time again. I believe the time to act is when the opportunity is presented, and if a hundred per cent can not be obtained, then to take 50 per cent—25 per cent, if necessary, and go after the remainder at a later time.

Mr. SIMMONS. Mr. President, the suggestion of the Senator does not answer my inquiry.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. SIMMONS. Suppose I have an enormous fund in my hands represented by debentures issued upon the exportation of cotton; can I or can I not under the amendment proposed use that fund to pay the duty on such products as I spoke of, peanuts—to illustrate—wheat, or anything else that may come in?

Mr. HOWELL. As I understand, under the amendment to the amendment proposed by the Senator from Missouri agricultural products are excluded from the operation of the original amendment. However, the trouble with the amendment as amended is that it is not an orderly relief measure and might be highly destructive to certain industries at any time.

Mr. SIMMONS. Do I understand that the amendment of the Senator from Missouri—I may not have understood it when he read it a little while ago—provides that the debentures can not be used to pay the duty upon any agricultural product imported into this country?

Mr. REED of Missouri. Yes; either in its natural or processed condition.

Mr. SIMMONS. The debentures can only be used, then, to pay the duty upon manufactured products and not of agricultural products either in their natural or processed state?

Mr. REED of Missouri. They can be used to pay the duty on anything except agricultural products either in their natural or processed condition. They are excepted.

Mr. SIMMONS. Then I wish to ask another question. Suppose that is so; but suppose that the inducement that, as a result of the rebate or export debenture or refund or bounty, or whatever it may be called, provided for in the amendment of 25 per cent of the value of the product, there is an overexportation bringing about an extreme scarcity in the domestic market; does the Senator doubt that that scarcity would be readily supplied from abroad and that the price of the product at home would again be reduced?

Mr. HOWELL. The suggestion which the Senator makes brings us to this fact.

Mr. SIMMONS. Take wheat, for instance.

Mr. HOWELL. The higher the price the larger the debentures will be. If wheat is a dollar a bushel, the debenture would amount to 25 cents a bushel. Suppose the price increases to $2, then the debenture would jump to 50 cents a bushel. It must be evident, therefore, that there will be some point where the system would break down. That is the trouble with this plan. In my opinion it will not work out satisfactorily and might be destructive to particular industries. Therefore it has seemed to me from the beginning, so far as the debenture plan is concerned—any of the plans which have been proposed—that it would have greater opposition from those who believe in a high protective tariff than would a reduction of the tariff itself.

Mr. REED of Missouri. The Senator supported the McNary-Haugen bill, did he not?

Mr. HOWELL. I did.

Mr. REED of Missouri. It would have the same stimulating effect; that is the purpose of the bill, is it not?

Mr. HOWELL. The difference is that the stimulating effect of the Senator's amendment would apply to the entire product of any crop grown in this country; that would tend to increase production. The effect of the McNary-Haugen bill would be merely to increase the price upon that portion of domestic agricultural products consumed in this country, leaving the farmer to take what he can get for his surplus.

Mr. REED of Missouri. That is to say, it is proposed in the McNary-Haugen bill to increase the price to the American people and not to anybody else.

Mr. HOWELL. The purpose of the McNary-Haugen bill may be stated thus: Inasmuch as the farmer must pay a United States price for the manufactured articles he buys, he shall receive a corresponding United States price for the products which he has to sell, but only to the extent of the consumption of his products in the United States.

Mr. REED of Missouri. And out of that price he must make up the losses upon that which he sends abroad.

Mr. HOWELL. No.

Mr. REED of Missouri. Yes; that is your equalization fee.

Mr. HOWELL. Under the McNary-Haugen bill he would receive a United States price for all of his product, and the equalization fee is merely that which he would pay back—a repayment equivalent to the increase in price upon that portion of his product which is shipped abroad.

Mr. REED of Missouri. Exactly.

Mr. HOWELL. For instance, let me make this plain:

In 1926, of all the wheat we raised, 80 per cent was consumed in this country, and 20 per cent was shipped abroad. In other words, out of every 5 bushels of grain produced, 4 bushels were consumed at home, and 1 was shipped abroad. Under the McNary-Haugen bill we would enable the farmer to receive a United States price for the whole 5 bushels.

Mr. REED of Missouri. Yes.

Mr. HOWELL. Then, as 1 bushel was shipped abroad, we would make him pay back the increase in price that he had received for the 1 bushel shipped abroad.

Mr. REED of Missouri. I understand that; but the effect of the McNary-Haugen bill, then, is to raise the price on all wheat. That is true; is it not?

Mr. HOWELL. To raise the price on all wheat consumed in this country.

Mr. REED of Missouri. But it raises the price on all wheat. That is the first step. Part of it is sold abroad at less than that price, and that is made up out of the equalization fee. We understand that.

Mr. HOWELL. In other words, the farmer would get the world price for that portion which is shipped abroad, a United States price for that portion domestically consumed.

Mr. REED of Missouri. Yes, sir; but the effect is to raise the price.

Mr. HOWELL. That is the purpose of the bill so far as domestic consumption is concerned.

Mr. REED of Missouri. The Senator's objection to this amendment is that it raises the price, and therefore will pro-

mote too much production. If raising the price by this method will promote too much production, why will not raising the price by the other method do exactly the same thing?

Mr. HOWELL. Mr. President, all that the farmer can expect of the American people is that the American people shall pay a United States price for that portion of his crops which they consume. That is all the McNary-Haugen bill proposes to do for the farmer; and the farmer can not justly expect that anything more shall be done for him. If he obtains a United States price for that portion of his product which the American people consume, he can not complain if he raises twice as much, and, instead of exporting next year 1 bushel of wheat, he exports 4 bushels of wheat, and thus reduces the average price received for his crop, because he will have received justice at the hands of the American people, and that is all he is asking.

Mr. REED of Missouri. That is not the question I am discussing.

The Senator made the assertion a while ago that if the price of wheat were raised through this provision that I have put forward it would stimulate production, and there would be so much wheat produced after a little while that it would finally break down the whole system. If it would break down the whole system under this proposition, clearly it would break down the whole system under the other proposition, for in each case the price is raised, and each man will raise more wheat. You propose to benefit him; you propose to put a premium upon raising wheat. Every premium you put on the raising of wheat will stimulate, of course, the planting of wheat, and you have just exactly the same difficulty.

There is a natural check on this proposition. The farthest it could go would be to raise the price of wheat 25 per cent, because the only benefit the farmer gets is to bring in goods equal to 25 per cent of the goods he ships out.

Mr. HOWELL. If wheat were a dollar a bushel the day this amendment became effective the increase in the price of wheat might be 25 cents a bushel; but after wheat had increased 25 cents a bushel to $1.25, then the next debenture would be 25 per cent of $1.25 instead of $1 or 31¼ cents.

Mr. REED of Missouri. That is true.

Mr. HOWELL. So the debenture might rise still higher and wheat get up to $2, then the debenture would be 50 cents a bushel instead of 25 cents as at the beginning.

Mr. REED of Missouri. But it can never go to $2, because the 25 per cent that is to be received is not sufficient to carry that additional price. That is the answer to that. But if we have a law here to promote American manufacturers, and they can manufacture and sell in this country, and also sell abroad—and they do sell vast quantities abroad—having this market for the high price and the market abroad for their dumping ground, why is not the farmer entitled to the same benefit?

Let me say to the Senator that he has worked here earnestly and honestly for farm relief, and I have a great deal of respect for his opinion; but we have this situation to-day:

The McNary-Haugen bill, according to every bit of grapevine information we get, is going to be vetoed. If it is signed, this measure which I propose will make the enforcement of the equalization fee in it absolutely unnecessary, for it will at once bring the price of wheat that goes abroad up to the domestic level, which you may fix by the McNary-Haugen bill as high as you can expect to have it, and you will then have two measures that will work in harmony.

I am just as anxious as the Senator is to help the farmer out of a difficulty which has been created by statute. All that this bill amounts to is to say that so far as the tariff is concerned, and so far as the farmer has stuff to ship abroad, he shall be allowed to buy without being held up by manufacturers who extort under the tariff. That is all.

It is a practical proposition. Like the McNary-Haugen bill, it may have its difficulties; but I should be very sorry to see those who want to give real farm relief led aside by the arguments that have been produced here.

If the Senator will permit me to interrupt further in his time, we are told that this will prevent the signing of the tax reduction bill, and that some sort of an understanding was arrived at by the members of the Finance Committee that they would try to keep riders of this kind off the bill. There is no one who has any more respect for the ranking member of that committee on the Democratic side than I have; but we have waited here for some sort of a revenue measure for a long time. It is well known that during at least one or two sessions of Congress every effort to introduce a tariff reform bill in the House was throttled by the Committee on Rules. We have not had a tariff revision bill sent us since about the year 1922, as I recall. If we wait for that, we can wait forever, or until there is a revolution which puts the Democrats in control of the House.

We have here now a bill to which we can attach, if we want to attach it, a measure that will relieve the farmer to the extent of giving him a free market in which to buy as well as a free market in which to sell. I implore the Senator not to add the weight of his influence to the tariff barons of this country, who are the real people that ought to protest against this measure, and they are the people who will protest. If this measure were before Congress, you would find a string of their lobbyists here that would reach from the Capitol to the Senate Office Building. They would protest. Two or three great farm organizations have indorsed this plan.

It will not result in bringing in farm products from abroad, because they are excluded from its terms; and if our prices ever advance to a point where anyone abroad could afford to pay a tariff and still ship in farm products, he is confronted then by the tariff laws that have been passed, levying a heavy duty upon farm products. This gives your Nebraska farmer and my Missouri farmer a chance to take his wheat abroad, and buy whatever he wants to buy, and bring it back into this country, provided always that the 25 per cent will be sufficient to cover the tariff charges.

We may get into arguments about just how it will work, and just how much it will promote production, and what the effect of that increased production will be; but every argument that can be made against this amendment applies equally to the McNary-Haugen bill. If the price of wheat in this country were raised to $2 a bushel, there would be more wheat planted. There is bound to be, and the equalization fee will increase, because the loss will be greater on wheat sent abroad, until, if we are going into the imagination, we can imagine so much wheat sent abroad that the equalization fee will be sufficient to cut down the net price on the domestic product so that no benefit will come. That argument can be made both ways.

Mr. HOWELL. Mr. President, there is no question that the farmer, by greatly increasing his production, for instance, of wheat, might wipe out practically all of the benefits the McNary-Haugen bill could afford him. However, as I pointed out before, we nevertheless would be doing justice by the farmer, and only justice, if we provided that he should receive a United States price for that portion of his wheat, and that portion only, which is consumed in this country, inasmuch as he must pay a United States price for the things which he buys. If he increases his production to such an extent that he largely dilutes his possible benefits from this law, that is his fault.

Mr. REED of Missouri. So would it be his fault under the law I propose.

Mr. HOWELL. I recognize that the distinguished Senator from Missouri has been and is a friend of the farmer, and I also recognize the fact that one of the troubles that has confronted agriculture in its struggle for equality is just the situation that presents itself here now. We are not together upon measures for relief.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. SIMMONS. Mr. President, I desire to say—and I thank the Senator for giving me the opportunity to say it in his time—that there is no Member of this body who has been more strongly in favor of what is called the McNary-Haugen bill than I have.

I have voted for it, and I have spoken for it every time it has been before the Senate; and it has been before the Senate and voted upon three separate times. I have given it my unqualified support. I have inveighed upon this floor time after time against the discriminations in the tariff laws against the farmer, and I have demanded legislation that would remove those discriminations, and put the farmers' products in the American market upon something like a parity with the products produced by the manufacturers of this country that are protected. I am ready to do that now. I am ready to do it at any time when it can be done effectively. But I believe that in legislation and in everything else we ought to act upon principles of practicability. We ought to consider the whole condition that surrounds us and determine what we can secure and what we can not secure.

The position of the minority Members must not be understood in this matter. If those who present these various tariff propositions as riders upon this bill can guarantee that the President will sign the bill with those riders upon it, he can get votes on this side of the Chamber, but it is as clear as daylight to me that the President will not sign the bill with those riders on it, and it is even clearer than daylight to me that if

the amendment of my good friend from Missouri is placed upon the bill it is not conceivable that the President would sign it.

Why do I say that? Evidently, if that proposition should be adopted and should work out as the Senator thinks it will and as it may, as probably the Senator from Nebraska thinks it will, it will directly take out of the Treasury of the United States at least $200,000,000, if not $300,000,000, because if these debentures are used for paying the duties upon dutiable articles of a manufactured character it will reduce the amount of revenue this Government will receive from customs duties, and that amount can not, in my judgment, fall below two hundred or three hundred million dollars. The President will know that. Does anybody think that the President would sign this tax bill if it would result in a reduction of not only $225,000,000, as it now provides, but in an additional reduction on account of the debenture proposition of $300,000,000 more?

If these amendments be added to this bill, what will happen? We will not get tax reduction, and we will not get farm relief; we will lose both. I want to have something as the result of these efforts we have made in order to relieve the taxpayers of the country of burdens which they ought not to be required to bear, of taxes which are in excess of what is necessary to pay the legitimate expenses of this Government.

I simply wanted to make my position clear.

Mr. HOWELL. Mr. President, I should not regard the defeat of the pending tax bill or its veto as an unmixed evil. It has been my conviction since I have had experience in business that there is one time to pay your debts, and that is when you have or can get the money. The Government is able to get money now, and therefore, in my opinion, we ought to keep on getting it and pay our tremendous war debt, so that if in the future anything shall confront this Nation comparable to that in the past we will be in a position to meet it. In addition, this bill, in my opinion, gives relief largely to those able to pay. Therefore, if this tax bill were defeated I should not shed tears on account thereof. So I do not see that there is any reason why this amendment should not be attached, so far as jeopardizing the measure is concerned.

The objection I have to this amendment is the fact that it provides no automatic check upon indiscriminate production. The McNary-Haugen bill provides such an automatic check through the equalization fee. I believe that if we are to adopt a measure that is to be permanently effective for the farmer, we must have some automatic check on indiscriminate production, otherwise the measure will be short lived.

In the second place, I believe that any measure we adopt ought to have a provision for the return of whatever is taken out of the Treasury in the way of losses, expenses, or bounties, if you please, for unless we have some such provision, as provided in the McNary-Haugen bill, it will be but a short time before Congress will fail to supply the necessary funds to maintain agricultural equality.

We must have something comparable to tariff legislation. The manufacturers' bounty is automatically collected and automatically distributed, and if we are to have anything similarly effective for the farmer, if it is to be effective and permanent, it must provide for financing itself without regular appropriations from the Treasury.

Mr. President, my view is that the tariff is nothing but a bounty. That was Hamilton's view. He preferred the bounty method of encouraging the manufacturer to the tariff.

It is not because I am not in sympathy with the purpose of the distinguished Senator from Missouri in offering this amendment that I hesitate in connection therewith but because I am determined that if we are to do for the farmer it shall be in a form that will be permanent, not merely temporary.

Mr. BLAINE. Mr. President, I do not know that I can add anything to the discussion on the amendment offered by the Senator from Missouri [Mr. REED], but it seems to me that this amendment is in effect supplemental to the McNary-Haugen bill. I am not going to trace the history of tariff legislation or the efforts that have been made to enact legislation that will bring substantial relief to the agricultural interests of this country. I am not going to take the time of this body to discuss the fundamental thing that is back of this type of legislation. If I understand the McNary-Haugen bill properly—and I claim on my own behalf that I know something about it—the purpose of that legislation is to take care of the surplus farm production. The bill creates the machinery, provides the method, by which the surplus shall be disposed of and the manner in which the farmer shall be compensated.

As I understand, that bill proposes to exact an equalization fee designed to take care of the losses on the sale of the surplus. The result will be that if a price is fixed for a commodity in the domestic market, the loss on that portion of the commodity sold in foreign commerce will be made up by deducting from the domestic price a certain part of that loss, and the balance of that loss will be covered by the increased domestic price to the consumer. That will be the result of the McNary-Haugen bill.

I supported the McNary-Haugen bill. I expect to vote for this amendment. If this amendment were a part of the McNary-Haugen bill it would in no way vitiate any of its provisions or destroy the policy of the McNary-Haugen bill. If this amendment were adopted there would never need be any equalization fee. The provisions of the bill for cooperative marketing would at once come into play, and they would be the great farm organizations that would engage in foreign commerce, and those cooperative organizations, instead of using an equalization fee to make up for losses, would effectively carry out the purposes and policy of the McNary-Haugen bill by accepting and operating under the debenture plan offered by the Senator from Missouri.

I think there is a better plan, and I say it with all modesty, of course, and that is the plan which I expect to present if the amendment now pending is not adopted. If the pending amendment is adopted I shall not offer the amendment which I have had printed. If the pending amendment is defeated, I propose then to present the reciprocal commodity trading plan as supplemental to the McNary-Haugen bill. But a vote for the pending amendment is not a vote inconsistent with a vote for the McNary-Haugen bill. A vote for the amendment which I shall propose will not be a vote inconsistent with a vote for the McNary-Haugen bill. Each amendment, both amendments, or either of the amendments, will be supplemental to the McNary-Haugen bill and would perfect that bill and as well take from it the possible objections which are entertained by many well-intentioned persons who earnestly and sincerely desire to aid agriculture. Therefore, I hope the pending amendment will be adopted.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Schall
Barkley	Fletcher	McMaster	Sheppard
Bayard	George	McNary	Shipstead
Bingham	Gerry	Mayfield	Shortridge
Black	Gillett	Metcalf	Simmons
Blaine	Glass	Moses	Smith
Blease	Goff	Neely	Smoot
Borah	Greene	Norbeck	Steck
Brookhart	Hale	Norris	Stephens
Broussard	Harris	Nye	Swanson
Bruce	Harrison	Oddie	Thomas
Capper	Hawes	Overman	Tydings
Caraway	Hayden	Phipps	Tyson
Couzens	Howell	Pine	Vandenberg
Curtis	Johnson	Pittman	Wagner
Cutting	Kendrick	Ransdell	Walsh, Mass.
Dale	Keyes	Reed, Mo.	Walsh, Mont.
Deneen	King	Reed, Pa.	Warren
Dill	La Follette	Robinson, Ark.	Waterman
Edge	Locher	Robinson, Ind.	Watson
Edwards	McKellar	Sackett	Wheeler

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present. The question is upon the adoption of the amendment of the Senator from Missouri.

Mr. REED of Missouri. Mr. President, I have just a brief statement to make. I think we ought to have tax reduction, and I think we ought to pass a tax bill in accordance with the judgment of the Congress, freely and fairly exercised, without any fear of or regard for the possibility of a veto. It is highly obnoxious to our theory of government that the Congress should be told in advance by the Executive what it shall not do. It is a complete abandonment of the theory of our Government. The theory of our Government is that there shall be an independent legislative branch, which shall conduct its own business and do the things which it considers necessary for the welfare of the country.

The President has the right to send veto messages submitting his ideas, but when they have been submitted the Congress proceeds on its own motion and in its own right. When the Congress has so acted, it is the right of the President and his duty to approve or disapprove as he may consider the merits or demerits of the question demand action. But if we abandon that theory and if we have word sent here by direction or indirection, "If Congress dares to do this thing, I will veto the bill," or "If Congress dares to do that thing, I will veto the bill," we have the spectacle of one man sitting in a separate and independent department of the Government telling Congress exactly what it may and may not do. It is an intolerable proposition. Why not have the President write on a piece of paper exactly what he will permit us to do and then like a

spaniel go to heel and obey his order? I am not saying that President Coolidge has done this, but on every hand we hear the constantly reiterated statement, "The President will veto if we dare do this or dare do that." Let each branch of the Government take its own responsibility and answer to the American people for what it does.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. TYDINGS. I merely desire to point out to the Senator that if we were to be susceptible to what the President might do or say the McNary-Haugen bill never would have passed, indeed never would have been introduced in this session of Congress.

Mr. REED of Missouri. That is very true. Further than that, we never get any official information, but somebody whispers around that they know the inner consciousness of the President; somebody speaks for him or somebody imagines for him. As has been well said by the Senator from Maryland, this body passed the McNary-Haugen bill and it was vetoed once, and we have been told for a year that it will be vetoed again. But the Congress passed it because it believed it ought to be passed, and if the President sees fit to veto it he must accept that responsibility. So when we are told that we ought not to take this action because of the fact that the President may veto the tax reduction bill, I have very little patience, indeed, with that kind of pronouncement.

The next suggestion to which I wish to call attention is the understanding of the committee that no tariff legislation would be permitted to be attached to this bill. Mr. President, I am about as good at keeping gentlemen's agreements as, I think, anybody can be; I have the greatest respect for the committee; I know the pressure under which it has been laboring; but it will not do to have the members of the committee foreclose the action of the Senate by an understanding of that kind, particularly in view of the fact that for six years we have waited for a tariff bill to come from the House of Representatives. I happen to know that many Members of the House of Representatives have at various times made the effort to have some kind of a modification of the tariff law, but the party in power in the House of Representatives has steadfastly refused to permit any such legislation to come to the Senate. The only way the Senate can inaugurate a movement for a change in any respect of the tariff is when we have a revenue bill of some kind before us. We have one here now. Not only myself but others have waited for two years for an opportunity to present a measure embracing the idea that is contained in this amendment. Now, I insist that we ought to vote upon the amendment on its merits, every Senator exercising his own judgment. We ought not to be deterred or coerced for one minute by the possibility of a veto.

We are told that if the amendment shall be adopted the President will veto the entire tax reduction bill. Well, sir, I say again, let him take the responsibility, if he desires to do it, but I say, in addition to that, that while we talk much about this "tax reduction bill," it will do the American people but a small amount of good. A large part of the reduction is upon pleasures where money is voluntarily expended. Another large slice comes off in the tax on automobiles. The tax on automobiles does not amount to 1 per cent of the tax that the money loaner levies through loaning money to people who can not make more than the first payment on the automobiles which they buy.

Then, we are told that the amendment will reduce the revenue. Well, if it reduces the revenue, let us see who will get every penny of that reduction. The farmer will get it all. It will give the farmer the opportunity to buy in the market where he sells, that is all; and if it shall reduce the revenue by $200,000,000, it will mean that the farmer can retain in his pocket $200,000,000 that he otherwise would have to expend, for he is the man who secures the benefit of the 25 per cent debenture.

We have been weeping rivers of tears over the farmer; we have seen Senators and Representatives stand upon their feet and proclaim their deathless love of the oppressed agriculturist; and we have seen them then turn around and vote to retain or to place a tariff on everything the farmer uses, thus increasing the price of everything that he has to purchase. Now, when it is proposed to allow the farmer to bring in goods in the market where he sells we are told the President may veto the bill. Well, let him veto it; let the farmers of the United States know in the next November election that he did veto it. I do not know whether he will veto it or not. It is a sound measure, and we must presume that he will not veto it; but, so far as I am concerned, I do not propose ever to change a vote that I want to cast because a single individual who occupies a position of power in another department of this Government says in advance, "I am opposed to it, and if you dare to pass it, I will veto it." I do not think the President said that; I think he is too polite to say it; but there are others here who assume to speak for him who are constantly saying it.

Mr. President, I submit the amendment, and I ask for the yeas and nays on it.

Mr. SMOOT. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. I transfer that pair to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. WHEELER (when his name was called). On this question I have a pair with the senior Senator from Idaho [Mr. GOODING]. I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "yea."

The roll call was concluded.

Mr. TYSON (after having voted in the affirmative). I have a general pair with the Senator from West Virginia [Mr. GOFF]. At the time I voted I thought he was in the Chamber. I find he is absent. Therefore, not knowing how he would vote, I withdraw my vote.

Mr. RANSDELL (after having voted in the affirmative). I have a pair with the junior Senator from Maine [Mr. GOULD]. I understand he has not voted and, therefore, I withdraw my vote.

Mr. EDGE. I have a pair with the senior Senator from New York [Mr. COPELAND]. Not being positive how he would vote if present, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON].

The result was announced—yeas 23, nays 53, as follows:

YEAS—23

Ashurst	Caraway	Hayden	Sheppard
Black	Dill	Locher	Smith
Blaine	Fletcher	McMaster	Steck
Borah	George	Mayfield	Tydings
Brookhart	Harris	Neely	Wheeler
Capper	Hawes	Reed, Mo.	

NAYS—53

Barkley	Glass	Norris	Smoot
Bayard	Greene	Nye	Stephens
Bingham	Hale	Oddie	Swanson
Broussard	Harrison	Overman	Thomas
Bruce	Johnson	Phipps	Vandenberg
Couzens	Kendrick	Pine	Wagner
Curtis	Keyes	Reed, Pa.	Walsh, Mass.
Cutting	La Follette	Robinson, Ark.	Walsh, Mont.
Dale	McKellar	Robinson, Ind.	Warren
Deneen	McLean	Sackett	Waterman
Edwards	McNary	Schall	Watson
Fess	Metcalf	Shipstead	
Gerry	Moses	Shortridge	
Gillett	Norbeck	Simmons	

NOT VOTING—18

Blease	Frazier	Howell	Steiwer
Bratton	Goff	Jones	Trammell
Copeland	Gooding	King	Tyson
du Pont	Gould	Pittman	
Edge	Heflin	Ransdell	

So the amendment of Mr. REED of Missouri was rejected.

Mr. SMOOT. Mr. President, I express the hope that the Senate will remain in session now until this bill is disposed of, no matter how long it takes.

Mr. BLAINE. Mr. President, I desire to present, and, while I have the floor, to discuss, an amendment to the revenue bill. Debate during the discussion of the revenue bill has disclosed that certain bills will meet Executive disapproval.

This body has been told that the President will veto or disapprove of this or that type of legislation, or that he is opposed to some feature of a particular bill, and therefore will veto it. The newspapers have bruited that information about. It has been carried to this floor by word of mouth, and for what purpose?

I assume, as I have always been taught, that there are three departments of government—the executive, the legislative, and the judicial—each of which is supreme within its own field, and none of which should intrude into the field of any other department of government. The information conveyed to us, that the

President will veto particular legislation, of course, has its purpose.

I do not know whether or not the President has ever announced to anyone that he approves or disapproves of any particular measure. I do not know that any Member of this body or the House has any authority to convey to either House a message that the President will veto or disapprove of any particular measure. I have a right to assume, and I do assume, that the President has indicated to no one that he will approve or disapprove of particular measures. I have the right to assume, and I do assume, that the President is keeping within the terms of the Constitution, which provide that it is his duty to convey to Congress his views upon the state of the Union or any particular problem that he desires to submit to Congress.

There are only two ways by which that can be done under the Constitution—either the President may appear in person before Congress, or he may submit to Congress his recommendations in writing. If there is any other method being used than that provided by the Constitution, then the purpose is to intimidate, to bludgeon, to coerce Congress into yielding, to coerce Congress from the position it should have, that of an independent legislative body.

Congress should jealously and zealously guard its duties, responsibilities, and authority under the Constitution. The same rule applies to the Judiciary, and to the Executive; but when any one of the departments of Government undertakes to coerce another department of Government, that is a violation of our Constitution and a violation of the spirit and form of our Government. Any method that undertakes coercion is usurpation.

So I have the right to assume that the President has not indicated his approval or disapproval of any pending measure. I say, sir, that if he has, he has violated the duties of the high office in his charge. He has violated the spirit and letter of our Constitution; and that sort of thing, if it continues, in the end will undermine and destroy our republican system and our democratic form of government.

The only guaranty that stands between the people and an autocratic or arbitrary Executive is the Constitution. When that is violated, then is the beginning of the decay of our democracy.

Mr. President, the only body in which a revenue act can originate is the House of Representatives. The Constitution provides, however, that the Senate may offer amendments.

This, I understand, is the first time since the passage of the revenue or tariff bill of 1922 that the Senate has had an opportunity to perform its constitutional function—that is, to offer an amendment to a revenue bill.

I make this statement not in the form of an apology but as the assertion of a legislative right which should not be surrendered by the Senate. When the Senate of the United States surrenders its powers, it surrenders its duty; and when it surrenders its duty it violates the mandate of the people, for we occupy these seats as their right.

Mr. President, I direct attention to the amendment which I have offered. It is no new plan. It does not involve anything that is spectacular. It is economically sound. It provides for reciprocal trading in commodities.

It provides that dutiable articles which enter principally into the cost of farm operations shall be exempt from duty when imported from a foreign country into the United States when the value of those dutiable articles shall be $5,000 or more, and when the person, partnership, association, or corporation importing such articles shall export to a foreign country, within 30 days after the entry of the vessel making the importation, articles, raw or manufactured, wholly produced in the United States, or wholly produced and manufactured or processed in the United States, enumerated within certain paragraphs of the tariff act, and when those articles exported from the United States are equal to the dutiable articles admitted free from duty. To illustrate: If $5,000 worth of manufactured products enumerated under the schedule of imports attached to the bill be imported they shall come in free of duty, if the importer shall take back to a foreign country, by the same vessel, farm products, enumerated in the bill, of the same value as the imported articles.

Mr. SHORTRIDGE. That is the old doctrine of reciprocity, is it not?

Mr. BLAINE. It is reciprocal trade; it is not reciprocity within the terms of the reciprocity as related to Canada, which was passed, as I remember, in 1911. While I am on this subject, permit me to suggest that there is no similarity between the reciprocal commodity trading provisions of this amendment and the reciprocity legislation in connection with Canada. Under the act of 1911, identically like articles were permitted to enter the United States from Canada bearing a certain rate of duty, and the United States was permitted to export to Canada identically the same type of goods, of the same description, the same character, and at the same rate of duty that was charged the Canadians upon their imports into the United States of like articles, or commodities in kind.

The second provision of the Canadian reciprocity legislation was that the same articles, the same goods, the same commodities could be entered between Canada and the United States free of duty.

Reciprocity with Canada did not segregate or separate manufactured commodities from agricultural commodities, such as is proposed by this amendment. Therefore it was of no benefit to the United States. It did not provide for reciprocal trading among the countries of the world. It set up a special reciprocity between Canada and the United States with respect to the same commodities, raw or manufactured. So there is no similarity between this provision and the provisions relating to reciprocity with Canada, no analogy.

Mr. SHORTRIDGE. Mr. President, if the Senator will permit me, when I used the word "reciprocity" I did not refer to or intend to limit myself to the treaty with Canada.

Mr. BLAINE. I understand.

Mr. SHORTRIDGE. I had in mind the broader doctrine of reciprocity, as once advanced by certain American statesmen.

Mr. BLAINE. I understand. The Senator's reference merely called to my mind the Canadian situation, and I intended to make the distinction between the proposal I am now making and the reciprocity legislation of 1911. There is a vast difference between them.

Moreover, this plan does not involve any new machinery whatever. All the machinery of the tariff act relating to value, appraisal, inspection, invoices, examination of merchandise, transportation in bond, and warehousing of merchandise shall apply to imports; and such administrative provisions of existing law shall apply to exports, so far as they are applicable—and they are entirely applicable—to make this proposed legislation effective and easily administered, without creating any new board, without creating a single additional Federal office, except that there will be a necessity, it is true, for additional appraisers and additional clerks. But the machinery provided under the present law can be used with perfect ease in the administration of this proposition.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Wisconsin yield to the Senator from California?

Mr. BLAINE. I yield.

Mr. SHORTRIDGE. Has the Senator estimated how much revenue, if any, the Government would lose if his amendment should become a part of the law of the land?

Mr. BLAINE. Mr. President, I have not investigated. It would be entirely impractical to attempt an estimate. This amendment does not involve a question of revenue; it involves a question of reciprocal trading.

Mr. SHORTRIDGE. Certainly; but we would lose revenue, would we not?

Mr. BLAINE. We would lose revenue; yes. It was suggested that under the amendment offered by the Senator from Missouri [Mr. REED] there would be a loss in customs revenues of about $300,000,000 a year. This amendment is of a different character. The amendment suggested by the Senator from Missouri provided for a 25 per cent increase in price for agricultural products over the average for the preceding six months, as I understand, as they would be averaged by the Secretary of Agriculture. This does not include all manufactured articles, as the amendment proposed by the Senator from Missouri did. This affects those imported articles entering principally into the cost of farm operations, and we will lose the duty on such imported articles.

Mr. President, in order to save time and in order to make my discussion and remarks intelligible in the RECORD, I desire to have incorporated at this point the amendment I have offered, including the schedules attached to and printed with the amendment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the amendment and schedules were ordered to be printed in the RECORD, as follows:

In order to prevent the suppression of commerce with foreign nations, and to promote reciprocal trading in commodities in foreign commerce, it is provided that—

SEC. —. (a) The articles which are included in paragraphs 27, 28, 64, 67 to 79, inclusive; 201, 203, 217, 236, 301 to 318, inclusive; 323, 326 to 333, inclusive; 340, 345, 361, 373, 374, 388, 401, 404, 405, 1005, 1007, 1018, 1415, and 1436 of Title I of the tariff act of September 21, 1922 (ch. 356, U. S. Stat. L., vol. 42, pt. 1), which are the dutiable

articles entering principally into the cost of farm operations, shall be admitted exempt from duty when imported from a foreign country into the United States upon the following conditions:

Such exemption from duty shall be allowed only when the aggregate value of such dutiable articles transported by the same vessel shall be $5,000 or more and when the person, partnership, association, or corporation importing these articles shall export to a foreign country, within 30 days after the entry of such vessel, articles, raw or manufactured, wholly produced in the United States or wholly produced and manufactured or processed in the United States, enumerated in paragraphs 501 to 503, inclusive; 601 to 603, inclusive; 701 to 780, inclusive; 1001, 1101, 1102, 1105, 1106, and 1560 of Titles I and II of the tariff act of September 21, 1922, of an aggregate value at least equal to that of the dutiable articles admitted free from duty.

(b) In the administration of the plan for reciprocal trading provided for in subsection (a) of this section the provisions of Title IV of the tariff act of September 21, 1922, shall apply with respect to imported articles, except when inconsistent with this act, and all of the provisions of said Title IV relating to value, appraisal, inspection, invoices, examination of merchandising, transportation in bond and warehousing of merchandise, shall apply to exports under this act, in so far as they are consistent with this act.

(c) A bond or a cash deposit equal in amount to the duty otherwise payable upon articles imported pursuant to subsection (a) shall be given to the collector of customs before they are admitted exempt from duty and such bond or cash deposit shall be forfeited and utilized for payment of the duty in the event that the importer shall fail to make the exports required by said section. The Secretary of the Treasury shall have power to make any necessary rules and regulations to carry out the provisions of this section.

Schedule of imports and exports embraced in the amendment to H. R. 1, proposed by Mr. Blaine (ch. 356, U. S. Stat., vol. 42, Pt. I)

IMPORTS

	Paragraph
Chemicals, oils, and paints:	
Coal-tar products, not medicinal; colors, dyes, etc	27
Coal-tar products; colors, dyes, photochemicals, medicinals, etc	28
Paris green and London purple	64
Paints, colors, and pigments (artists' paints)	67
Pigments, colors, stains, and paints	68
Barytes ore	69
Blue pigments	70
Bone black or bone char, blood char, etc	71
Chrome yellow, chrome green, etc	72
Gas black, lampblack, and other black pigments	73
Lead pigments	74
Ochers, siennas, and umbers	75
Satin white and precipitated calcium sulphate	76
Spirit varnishes	77
Vermilion reds containing quicksilver	78
Zinc oxide and leaded zinc oxides	79
Earths, earthenware, and glassware:	
Brick (bath, chrome, etc.)	201
Limestone and lime	203
Bottles, filled or unfilled	217
Grindstones	236
Metals and manufactures of:	
Iron, and scrap iron or steel	301
Manganese ore or concentrates, steel alloys, etc	302
Muck bars, bar iron, round iron	303
Steel ingots, ingots, bars, etc	304
Additional duty (steel), containing alloys	305
Cast and malleable iron classed as steel	306
Boiler or other plate iron or steel	307
Sheets or iron or steel and skelp iron or steel	308
Coated iron or steel sheets, plates, bars, etc	309
Tin plates, etc	310
Manufactures of tin plates, etc	311
Structural shapes of iron or steel, not assembled	312
Hoop, band, and scroll iron or steel	313
Hoop or band iron or steel, for baling cotton, etc	314
Wire rods	315
Round iron or steel wire	316
Galvanized wire	317
Woven-wire cloth	318
Axles and parts, of iron or steel	323
Blacksmiths' hammers, etc	326
Cast-iron articles	327
Tubes, pipes, etc., welded, seamed, or jointed	328
Chains	329
Nuts, bolts, and washers	330
Nails, spikes, tacks, etc	331
Rivets, studs, etc	332
Horseshoes	333
Saws	340
Saddlery and harness hardware	345
Pliers, pincers, and nippers	361
Shovels, spades, scythes, etc	373
Aluminum	374
Dynamite and other high explosives	388
Wood and manufactures of:	
Logs of fir, spruce, cedar, or western hemlock	401
Hubs, posts, blocks, etc	404
Casks, barrels, packing boxes, etc. (empty)	405
Flax, hemp, and jute, and manufactures of:	
Cordage, including cables (manila, sunn, hemp)	1005
Hose, for liquids or gases (of vegetable fiber)	1007
Jute bags or sacks	1018
Sundries:	
Emery and artificial abrasives	1415
Harness and saddlery	1436

EXPORTS

	Paragraph
Sugars, molasses, and manufactures of:	
Sugars, tank bottoms, sirups	501
Molasses and sugar sirups	502
Maple sugar and maple sirup; sugar cane	503
Tobacco and manufactures of:	
Tobacco, wrapper, filler and leaf	601
Definition of wrapper and filler tobacco	602
All other tobacco	603
Agricultural products and provisions:	
Cattle; beef and veal; tallow; oleo oil, etc	701
Sheep and goats; mutton, etc	702
Swine; pork, etc	703
Reindeer meat, venison, and game (except birds)	704
Meat extracts	705
Meats, fresh, prepared, or preserved, not specially provided for	706
Milk, buttermilk, cream	707
Condensed or evaporated milk	708
Butter, oleomargarine and substitutes	709
Cheese and substitutes	710
Birds, live—poultry	711
Birds, dead, dressed or undressed—poultry	712
Eggs	713
Horses and mules	714
Live animals not provided for	715
Honey	716
Fish, fresh, frozen or packed in ice	717
Fish, prepared, preserved, etc	718
Herring and mackerel, pickled or salted	719
Fish (except shellfish) in oil	720
Crab meat, fish paste, roe, etc	721
Barley; barley malt, etc., barley flour	722
Buckwheat; buckwheat flour, etc	723
Corn or maize; meal, etc	724
Macaroni, vermicelli, etc	725
Oats; oatmeal, etc	726
Paddy or rough rice; rice meal, etc	727
Rye; flour, etc	728
Wheat; wheat flour, etc	729
Bran, shorts, feeds	730
Screenings, etc	731
Cereal breakfast foods, etc	732
Biscuits, wafers, cakes, puddings	733
Apples; green, ripe, dried, etc	734
Apricots	735
Berries	736
Cherries	737
Cider; vinegar	738
Citrons and citron peel, orange peel, etc	739
Figs	740
Dates	741
Grapes; raisins	742
Lemons, limes, oranges, grapefruit	743
Olives	744
Peaches and pears	745
Pineapples	746
Plums, prunes, prunelles	747
Jellies, jams, fruit butters	748
Fruits not otherwise provided for	749
Berries and fruits preserved in alcohol	750
Tulip, lily, and other flower bulbs; roots; cut flowers	751
Nursery and greenhouse stocks, etc	752
Fruit stocks, vines, etc	753
Almonds	754
Cream or Brazil nuts, filberts, etc	755
Coconuts	756
Peanuts	757
Walnuts; pecans	758
Other edible nuts	759
Oil-bearing seeds and materials	760
Grass seeds	761
Garden and vegetable seeds and field seeds	762
Beans	763
Sugar beets	764
Lentiles; lupines	765
Mushrooms; truffles	766
Peas	767
Onions; garlic	768
Potatoes	769
Tomatoes	770
Turnips	771
Vegetables not specially provided for (natural)	772
Prepared vegetables; sauces, soups, etc	773
Acorns, coffee substitutes, etc	774
Chocolate and cocoa; cacao butter	775
Ginger root	776
Hay; straw	777
Hops; extract; lupulin	778
Spices and spice seeds	779
Teasels	780
Flax, hemp, and jute and manufactures of:	
Flax straw; flax and hemp, etc	1001
Wool and manufactures of:	
Carpet wools	1101
Other wools	1102
Waste, noils, etc	1105
Wool and hair, washed but not further advanced than roving	1106
Cotton:	
Cotton and cotton waste	1560

Mr. BLAINE. It will be observed, if a comparison is made with the revenue act of 1922, that there are only a few manufactured articles proposed to be imported into the United States free of duty which, under the present law, carry a duty higher than 30 per cent.

Some of them carry a maximum duty of 50 per cent. I am not going into the details of that; it is a matter of classification. The average rate, as I have been able to figure it, will range about 30 per cent ad valorem. We would lose in customs

receipts whatever that would amount to. No one could estimate the amount because no one knows or can anticipate how much in value of agricultural products may be exported in exchange for the manufactured products specified in the schedule attached to the proposed amendment.

Mr. President, the purposes of this proposed amendment are plain. It is unnecessary for me to discuss at length that the United States owns and holds one-third of all the gold of the world. We have over $3,300,000,000 in gold, while the total gold of the world is only $9,300,000,000, in round figures. Foreign countries, principally European countries, owe the United States war debts of something like $18,000,000,000. In addition to those loans there are private loans made to foreign countries, not to the governments alone, but as well to industries within those countries, of something like $14,000,000,000, of which $6,000,000,000 is loaned to the Central and South American countries. The other $8,000,000,000 has been loaned to European countries and their industries.

What was the result of those loans, and what will be the result as long as those loans are outstanding? Much of this $8,000,000,000 of loans—yes, much of this $14,000,000,000 of loans—made by private parties to foreign governments, and their industries, has remained in the United States in the purchase of manufactured products.

Foreign governments have been borrowers to a large extent, not for the purpose of capital account but for the purpose of purchasing manufactured products, machinery which they expected to and have established in their industries abroad, agricultural machinery, various types of machinery, all subject to rapid depreciation. That machinery will be outworn, will become obsolete, long before the loans are paid.

Therefore, Mr. President, there is no virtue in passing legislation that is going to increase the international financial difficulties. To pass that type of legislation is not going to relieve agriculture. These European countries have no gold with which to buy our agricultural products. The balance of trade is against them.

The only way by which agriculture can sell its surplus products is to take in exchange commodities which can be and are produced by these foreign countries. The purpose of my amendment is to permit of the reciprocal trading in commodities as between agricultural products produced in America and manufactured products of a certain class produced in foreign countries.

There is nothing unsound about that. There is nothing in it contrary to the opinion and judgment of the best economists of the world. I do not know where Europe may find the money with which to buy agricultural products under any other plan that may be devised in America. Certainly they have exhausted their credit. It is unbelievable that even private interests or private parties are going to dump more money into Europe and make more loans to industry in Europe unless there is some assurance of repayment of those loans. There can be no relief for agriculture until we break down the barriers set up against it. Tariff legislation does not afford any relief; I mean tariff legislation increasing the tariff. For every single dollar of benefit that the farmers get from the tariff duties on agricultural products they pay out $5 in increased cost of living and increased cost of operation of their farms. So if we are to aid agriculture in a sound and substantial manner, we must break down these barriers that have brought agriculture to its present depression.

The plan I have proposed takes no cash subsidy from the United States Treasury. It avoids equalization fees or taxes either upon producers or consumers. It does not ask consumers to submit to sales taxes to shield the wealthy from taking a share in the national program of agricultural encouragement. It requires, however, Federal action. The plan and purpose would assure for the producers increased prices without dipping into the Public Treasury and without taxing the farmer or taxing the consumer. It is not alone a farmer's relief measure. It is as well a consumer's relief measure.

I know that it may be said that we will depend upon the importer in our trade relations. I want to discuss that. We must assume that competition among importers would force them to bid for farm products as much above the world price as is the difference between the present tariff schedule and the difference that will exist if the amendment shall become a part of the law. In other words, they would pay an increased price for farm products equal to the amount of the decrease in the tariff duty.

Either that will happen or the importers will sell to the American farmer and the American consumer the imported articles at a reduction in price equal to the reduction in the tariff. It does not make any difference which method they pursue. I assume that it will work both ways—an increased price for agricultural products and commodities and a decreased price for those things that enter into the cost and expense of farming operations.

How those two factors will be divided I can not anticipate. The natural law of trade and commerce will determine that question. But we do know that if the importers refuse to pay to the American farmer an increased price for his commodity equal to the reduction in the tariff or refuse to grant to the farmers of the country the reduction in the cost of those things that go into the cost of operation of the farmer's business, then the cooperative organizations of the country, the farm cooperatives now existing and those to be organized, will set up their foreign agencies, and they will become the importers and the exporters, and thereby develop an American trade the like of which was never before known. It will be the greatest stimulant to foreign and domestic commerce that the mind can picture.

The American farm pools and cooperatives will establish their agencies in Europe and, I repeat, will become the exporters and the importers.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. In view of the appeals which have been made for 40 to 50 years to the agriculturists of the United States to support a wise and rational policy with reference to the tariff, and their persistent refusal to listen to reason and to economic formulae which have been accepted by scientific men and by practical men, why does the Senator believe that the farmers of the United States now have changed their minds and look with any less favor upon high tariff rates than they have in the past? The Senator knows that when President Taft argued in favor of reciprocity, much the same, perhaps, as the position of the Senator, he was not supported by the farmers of the United States.

The Senator knows that when former Senator Dolliver and former Senator La Follette and other Progressives argued in favor of a fair tariff, not a tariff that builded up a monoply, but a tariff that would help the farmer, the farmers rejected the pleas of those liberal-minded and progressive men and went back to the old reactionary views and have adhered to them pretty consistently ever since. Does the Senator believe that daylight has come into the murky darkness and that we are about to have some economic light to illumine the pathway of the Senate and the country in dealing with these economic questions?

Mr. BLAINE. I can not agree with the Senator's statement with respect to the view of agriculture. I have discussed the reference to the Canadian reciprocity legislation. I do not know whether the Senator was in the Chamber at the time.

Mr. KING. No; I was not.

Mr. BLAINE. I explained that that was not a reciprocity arrangement favorable to the American farmer because it admitted all farm commodities from Canada into the United States upon the same tariff rate as that upon which the same commodities entered into Canada. It was not a farm-relief measure. It was not in the interest of the farmer. That same act provided for the introduction of certain commodities into the United States free of duty. It also provided that the same commodities could be transported to Canada free of duty. Therefore it had no effect upon agriculture, except an injurious effect.

Mr. KING. Mr. President, will the Senator yield further?

Mr. BLAINE. I would prefer to finish my remarks in a consecutive manner. I am afraid I will prolong the debate and I want to conclude my remarks in just as short a time as possible, depending entirely upon the interruptions.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BLAINE. Mr. President, the farmers have not had any opportunity to vote upon questions of this kind. Other issues have been diverting their attention. The war came on. The problems of agriculture have changed. I do not believe that agriculture to-day is willing to accept the mandate of the industrial East if the tariff issue be properly presented.

It will be contended that my proposed amendment, if adopted, might work injuriously toward labor. I shall not discuss that question at length. The protective policy is no longer protection for the workingman. The present protective policy is a protective policy for the machine which has displaced human labor. Therefore, being a protective policy for the machine, it becomes at once single in its operation in protecting those who own our industrial plants.

I note that Mr. Robert P. Ellis, of Memphis, Tenn., vice president of the United States Chamber of Commerce, before the Illinois Manufacturers' Cost Association in Chicago, as reported in the Manufacturers News, said this:

From 1899 to 1925 the number of wage earners in the United States increased from 4,712,000 to 8,623,000—

Almost double; but now note what he further says:

But the value of the things they produced increased from $11,000,000,000 to the enormous amount of $62,000,000,000.

There was an increase in the number of wage earners about double, but their output increased sixfold. There was three times as great an increase in production as in the number of workers, which means that the machine is displacing the worker.

I now quote from a speech made on the floor of the Senate on March 27 by the distinguished senior Senator from Utah [Mr. SMOOT], another eminent authority on this question.

He describes this very condition of the machine displacing human labor in industry. He does not say so, but I conclude, and properly and logically so, that instead of the protective tariff being in the interest of the worker it is in the interest of the machine, which is owned by the industrialists of this country who control industry.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. SMOOT. The Senator must know, however, that there are more laborers now employed, notwithstanding the improved machines used in the manufacture of products in the United States, than there have been for years and years past.

Mr. BLAINE. Oh, yes; I showed that the number of workers had doubled, but that their production had been multiplied by six.

Mr. SMOOT. The number of employees has increased and those employees are protected because of the fact that similar machines are being exported to England and many of them are being used in Germany and other countries, where they are operated at a lower wage scale than prevails in America. I think, in some instances, the foreign wage scale is about 25 per cent of the wage here, and consequently our workmen must have some protection.

Mr. BLAINE. I shall point out the labor cost element in the manufacture of commodities before I conclude.

The Senator from Utah said—and this illustrates the point I am making:

In one industry, for instance, a new machine has been installed to do the work formerly done by 12 men. Only four persons are needed to operate this device. Its effect on the industry in which it is used depends upon the individual employer who uses it.

The Senator goes on to say:

Another employer, however, using the same machine, employs four women to run it, and pays them 60 cents per thousand for the output they produce.

He concludes:

That is, he pays $2.40 for an output that formerly cost him $12 by the old hand method.

That is a ratio of 6 to 2 against labor; and industry, therefore, receives the benefits of our protective tariff policy. As time goes on, as invention increases, as mass production develops, as the efficiency of the machine develops, so the element of labor cost will be reduced accordingly. So there will be a continuous and ascending scale of benefits to industry and a constant descending scale to the worker. The tariff policy of to-day operates exactly in that manner.

I call attention to this situation: In 1909 in 746 cities of the United States the wage cost of producing $1,000 of commodities amounted to $165. That was almost 20 years ago. In 1919, in the same 746 cities for every $1,000 of products the wage factor was $170. That was about 10 years ago.

In 1925 the labor cost of producing $1,250 in commodities was only $126. Therefore, from 1919 to 1925 the relative wage cost declined from $170 for the production of $1,000 worth of commodities to $126 for the production of $1,250 worth of commodities. The present labor cost, therefore, is only about 10 per cent of the cost of the finished product.

I wish to refer to this condition just a little further, and the figures I quote in extenso are taken from the 1927 report of the Department of Labor, as follows:

Index numbers of wage earners in manufacturing industries, of population, of wage earners per 1,000 population, and of quantity of manufactured goods produced

Year	Wage earners in manufactures	Population	Wage earners per 1,000 population	Quantity manufactured	Quantity manufactured per wage earner
1919	100.0	100.0	100.0	100.0	100.0
1921	77.2	103.3	73.9	78.6	101.8
1923	97.5	106.4	90.7	120.2	123.3
1925	93.3	109.9	83.9	125.0	134.0

That demonstrates exactly the point I am endeavoring to impress upon the Senate, namely, that the output of manufactured articles has increased from the index number 100 in 1919 to 125 in 1925, the index number of wage earners has decreased, as I have shown, from 100 to 93.3 and the index number of the quantity manufactured per wage earner has increased from 100 to 134, thereby decreasing the labor cost of manufactured commodities.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. BLAINE. I yield.

Mr. REED of Missouri. I should like to have the privilege of suggesting the absence of a quorum, if that is agreeable to the Senator.

Mr. BLAINE. I should prefer to conclude.

Mr. REED of Missouri. Very well; I shall not make the point.

Mr. BLAINE. Mr. President, it seems unnecessary to proceed with any more facts or any more data in proof of my assertion. It must be recognized that the present efficiency of the machine has displaced labor. Therefore, the high protective tariff policy goes almost entirely toward the protection—not of human labor, but of the machine, of capital, of finance.

There has also been an attempt made to popularize the tariff as a benefit to agriculture. Those gentlemen who have not all their investments in agriculture, those gentlemen who have not any investment in agricultire excepting mortgages upon farms are not competent witnesses upon this question. I submit that there are some of us whose entire life savings are invested in active, operating agricultural development. What is the experience of those men? Go to the farmer in Wisconsin, go to the dairyman in Wisconsin, and ask him, and he will tell you what happened when the President, by Executive order, increased the tariff rate on butter from 8 to 12 cents a pound. He will tell you, as the fact was, that, instead of butter increasing 4 cents a pound, the price of butter to the farmer actually went down. I do not need to quote statistics to prove that to have been the case. The farmer knows it if others refuse to recognize it.

Mr. SMOOT. Mr. President, does the Senator think that that was on account of the increase in the tariff duties?

Mr. BLAINE. Those who claim that the tariff is such a great benefit to agriculture contend that there should have been an increase in the price of butter.

Mr. SMOOT. Had the market of the world stayed as it was there would have been an increase in the price of butter. I do not think the Senator can find any farm organization that would like to have the duty on butter removed; I have not heard of one.

Mr. REED of Missouri. Mr. President, may I interject at that point to say that it is an understood thing that if the tariff is raised and prices go up it must be attributed to the tariff, but if they go down it is always attributable to some other cause.

Mr. BLAINE. To the world market, for instance.

Mr. REED of Missouri. Yes; to the world's market.

Mr. BLAINE. I understand that perfectly.

Mr. President, let us examine the single question of butter. There was a tariff law enacted in 1913, as I understand, that provided a tariff duty of 2½ cents a pound on butter. I will ask the Senator from Utah if that is correct?

Mr. SMOOT. Yes; that was the Democratic tariff law of 1913.

Mr. BLAINE. The tariff act of 1913 imposed a duty of 2½ cents a pound on butter.

Mr. SMOOT. That is correct.

Mr. BLAINE. I have not the Agricultural Department statement prior to 1918, but I find that in 1918 the average wholesale price of butter on the Chicago market—and the Chicago market is the central market of the butter-producing States—was 50 cents.

In 1919 it was 58 cents.

In 1920 it was 58 cents.

That was under a 2½ cent tariff.

In 1921 it went down to 42 cents. They did not change the tariff in that time.

Mr. SMOOT. No; of course, they did not.

Mr. BLAINE. In 1922, six months of which was under the 8-cent tariff duty, butter went down to 39 cents.

In 1923 it went to 46 cents. It went back within 12 cents of what it was in 1920 under a 2½-cent rate. In 1923 it was bearing a specific duty of 8 cents a pound.

In 1926 it went down to 43 cents.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I do.

Mr. SMOOT. Of course, those are the variations due to market conditions; but does the Senator know of a single farmers' organization that is not asking for an increase in the 8-cent rate to-day? The Senator from Minnesota [Mr. SHIPSTEAD] offered an amendment on Saturday, which was voted on, increasing the duty about 75 per cent; and I have seen all the recommendations of the farm organizations that come over my desk, and they are asking for an increase in the duty upon butter.

Mr. BLAINE. I am not discussing resolutions that have been passed by two or three people who usually get together and represent themselves to be representatives of the farmers. I have seen some of those gentlemen around the Capitol this winter. They are not the men who go out into the field and till the soil and go on the dairy farms and milk the cows. They are not the men who toil on the farms.

Mr. SMOOT. All I can say is that the local organizations all over this country have sent in petitions to the Finance Committee asking for an increase in the rate on butter. They also asked the President to increase the rate; and, as the Senator said, it was increased by Executive order.

Mr. BLAINE. I do not know what the representatives have done. I want to say that the farmers of this country never have had submitted to them in the last few years a tariff question, nor have they had an opportunity to pass upon it.

Mr. SMOOT. Do I understand the Senator's position now to be that he wants the rate of duty on butter reduced to 2½ cents?

Mr. BLAINE. I am not discussing that.

Mr. SMOOT. Why, certainly the Senator is.

Mr. BLAINE. I have endeavored to demonstrate—and I think conclusively—that the increased tariff on butter did not benefit the farmer a single dollar. I am going to tell you whom it benefited. I am getting to that.

Mr. SMOOT. I will say to the Senator that if he will take the same identical dates he has mentioned and compare the price of butter in the foreign markets, he will find the variation of prices to be approximately what it is in the figures he has already quoted.

Mr. BLAINE. I will tell you who is benefited by the tariff on butter and cheese and processed milk and other products from the farm. Let us analyze this just a little further.

The President's order was made on March 6, 1926, and became effective April 5, 1926, increasing the tariff on butter from 8 cents to 12 cents a pound. Butter immediately went down—that is, the price the farmer received—and it continued to go down until when? Until after the peak of butter production had been reached. After the time that peak had been reached until the production had been reduced materially, butter went up; and why? The price of butter goes down during the months when the farmers' production is greatest. It goes up when the storage and packing companies have the bulk of the butter and the farmers' production is small. Therefore all the benefits that flowed from the increase of 4 cents a pound on butter went to those who were able to monopolize the storage, the distribution, and the sale of butter to the consumer.

I will demonstrate that very clearly. If the Senator came from a dairy State, he would know that butter production begins the climb toward its peak in April.

Mr. SMOOT. Certainly.

Mr. BLAINE. It climbs through April, May, and June; and if the season is favorable for furnishing the proper succulent feed, the grasses, it runs into July, and sometimes even longer. Those months are the months when butter goes down in price, and those are the months when the farmer produces the larger portion of the entire year's production.

Mr. SMOOT. Yes; and the same thing happens in all parts of the world.

Mr. BLAINE. No; not at all. Foreign butter producers feed their dairy herds differently, and the seasons of production are not the same as in America. I am telling what happens in America to the American farmer.

Mr. SMOOT. It happens in all parts of the world; and if it were not for the tariff upon butter, the butter that went into storage in the storage houses would have been foreign butter; and we would be about where we were before we ever had any storage houses. Just as it is with eggs, so it is with butter.

Mr. BLAINE. I am afraid the Senator's mountain environment has not informed him about the flow of commerce in butter.

Mr. SMOOT. The Senator from Utah knows how butter is made and he knows that the statement just made by him is correct as to the production of butter. Everybody knows that; and, Mr. President, as I say, that is why the American producer makes butter or the farmer produces the cream that makes the butter. If it were not for the protective tariff of 12 cents now, and 8 cents before the present act, the people who run those cold-storage plants would have put not American butter but foreign butter in their plants; and what would the local people have done? They either would have had to meet the price or they could not have sold their butter.

Mr. BLAINE. No; the Senator is entirely mistaken in his analysis. The records contradict him.

Now let us see what happens in October, November, December, and January, and even in February and March at times.

The packers, the cold-storage people, and the warehouse people have been storing up the cheap butter bought from the farmers during their peak period of production. They control that absolutely. They have a corner on it, an absolute pool, a monopoly. The farmers, unable individually to break that monopoly, are helpless. Then what happens? The cost of butter went up in December, 1926, after the 4-cent tariff increase went into effect, to 53 cents a pound—butter that was purchased from the farmer in April, May, June, and July at 39 cents a pound—an increase to the consumer of 14 cents a pound on butter over the price paid to the farmer. By way of parenthesis I want to explain that when I have been talking about the price of butter to the farmer I mean the wholesale price. The farmer actually receives 2 cents a pound less than the wholesale price.

What makes up that 14 cents? Twelve cents of it is tariff. Four cents of that 12 cents is the increase of tariffs made by the order of the President. Not one single penny of that increase went into the pockets of the farmer. The power of the storage and packing companies to monopolize, to form great combinations, is made secure and profitable by excessive tariff rates. The increase in the cost of butter to the consumer is not reflected back to the farmer.

It is the same way with cheese. It is the same way with those products of milk that can be stored. It is the same way with all meat products that can be stored. It is the same way with poultry and eggs and all farm products that can be stored for a reasonable time. In the case of every single farm product that can be converted from the raw product to a processed product capable of storage all the way from 4 to 14 months, the tariff permits monopolies and combinations to receive the benefits of the high protective tariff. The farmers do not receive that benefit. The consumers are thereby injured to the extent that monopolies and combinations are able to demand those excessive prices of the consumers.

Now let us look at the foreign importation of butter just for a moment.

There are only three countries where there is any large amount of butter produced outside of the United States. One is Australia, one is New Zealand, and the other is Denmark. Practically all of their butter is handled either through a great cooperative movement exclusively under the control of the producers or through a great cooperative movement with assistance from the state.

That is the efficiency with which Denmark and New Zealand and Australia handle the disposition of their main agricultural products, and that is what we propose to do or what ought to be done, if we have the proper farm board, under the McNary-Haugen bill; and this amendment is supplemental to that bill. It in no way displaces it. It in no way interferes with it. As I said with reference to the amendment offered by the Senator from Missouri [Mr. REED], it would supplement the McNary-Haugen bill.

While I say it with all due respect to the Senator from Missouri, I believe that this amendment would permit the organization under the McNary-Haugen bill to operate more efficiently and scientifically. It would eliminate the equalization fee, and the amount of money appropriated for the revolving fund and for the loan fund under the McNary-Haugen bill would be sufficient to provide for these great cooperative organizations, for their packing, for their storage, for their ware-

housing of the formers' products, so that he might receive the average price of butter for the year instead of receiving the price that he must take when the peak of production reaches the apex, which is always the lowest price.

Under the present system we have the most maladjusted economic arrangement that could be conceived, wasteful, detrimental to the agricultural interests, detrimental to the consumer, and largely because we have built up a high-tariff wall that prevents any effective measure from being taken either by the producers of agricultural commodities or the consumers of those commodities. Privilege has developed with its trusts and monopolies protected and guarded by excessive tariffs until it has become the master of agriculture, and the consumer has become its slave.

Mr. President, there is not much use attacking the present economic situation which depresses agriculture unless we attack the evils at their very roots. We can continue to build up higher tariff walls, we can increase tariffs on butter, on cheese, on processed milk, on meat products; we can continue to increase the tariff on any agricultural commodity that is capable of storage, packing, or warehousing for a period of from 4 to 14 months, but we will not benefit the farmer by so doing. I repeat, you place in the hands of these monopolistic organizations, trusts, and combinations, through privilege, the power to determine the price the farmer will receive, and to dictate the cost to the consumer. The farmer does not and can not under the present economic conditions, when monopolies and combinations have been able to grow and to control, receive any benefit out of the excessive tariff.

Mr. President, I could not support the measure presented by my good friend from Washington [Mr. DILL]. The very same reasons and some additional reasons prevent it, and I am going just briefly to refer to them. Under the present tariff law logs bear a tariff rate of $1 per thousand feet, an anticonservation measure. Here at this session of Congress and at every session of Congress we have been appropriating and State legislatures have been appropriating millions and millions of dollars in order to reforest and restore our fast-disappearing forests and timber supply. Yet under the tariff act there is a duty imposed upon the shipment of logs into the United States of $1 per thousand. On the one hand we expend millions upon millions of dollars to reproduce trees and on the other hand we build up a tariff wall to prevent logs from trees of other countries flowing into the United States free of duty.

I could not support the proposition of levying a tariff upon shingles, multiplying the burden upon the consumer, as was said in the debate on the floor. There is another factor involved in that same problem which I am not going to discuss at great length. Take the amendment offered by my good friend the Senator from Minnesota [Mr. SHIPSTEAD]. I have discussed what in my opinion would be the effect of that kind of legislation.

I think it can be demonstrated, and I think I have demonstrated it, that the increases of tariff duties upon agricultural commodities under present economic conditions are helpful only to those who have the funds by which they can control and monopolize those products, store them, pack them, warehouse them, and hold them until they demand the highest price. They can demand that price, because you have placed between them and those who could import those products a differential that goes into the pockets of monopolies and combinations and not into the pockets of the men and women who produce those farm products.

Take, for instance, the amendment proposed to impose a duty upon hides. All livestock is sold upon the hoof, at a certain price per pound. If the price is 14 cents, that is the price for the hide, it is the price for the hoof, and it is the price for the meat. An imposition of a tariff duty on hides is not going to be reflected in an increased price to the farmer for his livestock. That will not be a factor in determining the amount the farmer will receive. It will be a factor, however, in increasing not only the cost of all leather goods used by the farmer and his family in their personal use, but in increasing the cost of manufactured articles into which leather enters, like harness, belts, and the multiplicity of uses of leather upon the farms of this country.

An excessive tariff duty on any farm commodity, I repeat, that is subject to packing, warehousing, and storage, is in the interest alone of those who can monopolize that line of business. Every tariff duty on the by-products of the farm is in the interest of those who manufacture or process those commodities. I think it is unnecessary to go further in presenting the soundness of the position I have taken.

Mr. President, I have some other pretty good authority, and it ought to appeal especially to the industrial East, it ought to appeal to the high protectionists, like the senior Senator from Utah. I am sure that Senators will not claim that the National Industrial Conference Board and the Chamber of Commerce of the United States are radical free traders. They are at least not radicals or bolsheviki or "reds." Perhaps some may think the Chamber of Commerce of the United States is getting pretty radical. I am going to read from their report for the benefit of the Senators from New England, and then let them go back to the chambers of commerce and charge them with being radical. This is what is said in their report on the trend of agriculture and the factors in depression. I quote from page 95 of their report, issued in 1927:

> There is little doubt that the steady extension of tariff protection to manufacturing industries, and particularly the increase in the tariff level in postwar years, has on the whole affected agriculture unfavorably in comparison with manufacturing industry.

Continuing:

> The increase in rates put into effect in postwar years, combined with the shift of the United States from a debtor to a creditor status, undoubtedly contributed to the depression in agriculture. * * * Like the increase in railroad rates, this raising of the tariff came at a time very inopportune to the farmer. An increase in the degree of protection, so far as it is real and not a mere raising of rates already completely protective, can not fail to have an adverse effect on some exporting industries, and in the case of the tariff act of 1922 it seems probable that agriculture bore the brunt of this readjustment.

I am not going to quote extensively from this, but I think I ought to include the following in my remarks:

> As our productive power has increased in certain branches of industry we have sold increasing quantities of these products abroad. But as we have raised a tariff wall against those foreign manufactured products which we could not produce as cheaply as foreign manufacturers, the ability of European markets to purchase American farm products has diminished.

They are right; there is no doubt about that. Even the Senators from New England will admit that.

> Since the war the difficulty of disposing of our surplus of farm products in foreign markets has been increased by the tremendous decline in purchasing power of the European nations, by their burden of internal indebtedness, and by their increasing indebtedness to the United States.

How are some of them going to pay?

Mr. SMOOT. Does the Senator think we ought to cancel our foreign debts?

Mr. BLAINE. Not at all.

Mr. SMOOT. The writer of the article——

Mr. BLAINE. They are discussing the tariff.

Mr. SMOOT. But they say we ought to forego the foreign debts.

Mr. BLAINE. Oh, no. I think we ought to exchange our agricultural commodities for some of their manufactured commodities and let them pay their debts. In that way debtor countries will pay the United States and we can retire our bonded indeb dness, relieve the farmer, and readjust our economic conditions along lines that are logical and reasonable.

I call attention to this:

> It is likely rather that, under conditions that prevail to-day, and for the reasons already stated, the principal effect of the protective tariff upon the American farmer is to restrict the market for those products of which he produces a surplus above domestic needs. Many of the more important industries upon which American prosperity depends and which have been built up by tariff protection are no longer dependent upon that protection.
>
> They can produce as cheaply as foreign nations and are able to sell abroad much more of their products than are imported.

Mr. President, I have not attempted to produce the array of testimony that is available, that can be produced, testimony which is conclusive that the present high protective rates on agricultural products constitute a fictitious protection for agriculture and make possible the exploitation of agriculture, make possible the security of trusts and monopolies which control to-day the markets for agricultural commodities; testimony showing that every agricultural commodity subject to storage, packing, and warehousing is in the grip of privilege, a grip which can be released only by taking out of their hands the instrument that has permitted them to weld the chains which to-day bind agriculture to its place of depression and if permitted to continue will find in this country a new slavery, in which system there will be no farm ownership by those who till the soil. The tendency toward operation by tenants is developing rapidly. Those tenants will become peasantry chained to the soil by a system of privilege devised only in the interest of those great combinations of wealth which control the markets

of the United States, and eventually, if permitted to continue, will control the markets of the world.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I yield.

Mr. TYDINGS. I do not want to interrupt the continuity of the line of thought in the speech the Senator is making, but I thought perhaps the chairman of the Finance Committee could give us some idea as to when we will reach a final vote on the bill.

Mr. BLAINE. I want to grant the Senator all courtesy, but I do not want to start a triangular debate here. I am almost ready to yield the floor. If the Senator has a question to ask me while I am on the floor, I shall be glad to answer it.

Mr. TYDINGS. No, I have not.

Mr. BLAINE. Then I would prefer the Senator would await an opportunity to ask the chairman of the Finance Committee his question when I shall have concluded.

Mr. TYDINGS. Very well.

Mr. BLAINE. Mr. President, I hold in my hand a copy of the issue of May 8, 1928, of the Milwaukee Journal, a newspaper published in the city of Milwaukee, Wis., which goes to many farm homes of the people of my State.

I will ask that the clerk read an editorial from this paper on the question under debate, and upon the conclusion of the reading I yield the floor.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read the editorial, as follows:

[From the Milwaukee Journal of May 8, 1928]

BLAINE'S TARIFF PROPOSAL

Senator BLAINE's tariff bill will be chiefly useful in making clear the farmer's disability under the tariff system of subsidy for manufacture. Tariff supporters profess willingness to do as much for the farmer as for any other class. They glibly put import duties upon farm products. But they know everybody knows duties don't work the way they work on manufactures.

So Mr. BLAINE proposes a little turn about for fair play. Duties are to be remitted on imports of things the farmer uses, but only to the amount that such imports are offset by an equal amount of export of farm products. There's a way to encourage export, which is the farmer's principal need, by just the same machinery that is used to make higher prices for manufactures sold in the home market. It's not price fixing; it's not Government in business. If it is not sound, it's not going to be pleasant for tariff boosters to say it isn't. What will they say?

Well, they won't like it. It would mean that imports come in easier; it would mean some sharing of the velvet that tariffs provide. And when you begin to share things all around, the chap who's been getting the lion's share will fight. For when he says the farmer would do as well as he does if he adopted business methods, he doesn't mean the business method of getting the Government to help him.

This isn't anything Government isn't already doing. Is there any difference between this thing that BLAINE proposes and what is already being done for the millers? If they pay duty on imported Canadian wheat, they get a rebate on that duty when they export the wheat as flour. And somehow it is always the Canadian-wheat flour that they export.

No, Mr. BLAINE's bill won't get far just now. But it raises a nasty question for the "protection" crowd. They've been so anxious for equality for the farmer. Not their fault if the tariff didn't enrich him as it enriched others. Well, here's a way to make it help him a little. You may now expect to hear that the plan is "unsound" and "thoroughly vicious."

Mr. TYDINGS. Mr. President, I do not want to appear to terminate the debate on any of these questions, but there are many of us wondering when we will approach the final vote on the bill. I know the Senator from Utah is not a mind reader and can only make a guess, but I thought he would be better qualified to make the guess than anyone else. Will it be to-night or will it be this afternoon?

Mr. SMOOT. I think it would be almost useless for me to make a guess. On last Saturday night it was stated that only an hour and a half would be required for discussion and disposal of the amendment of the Senator from Missouri [Mr. REED], but when we got to it to-day it took 5 hours and 20 minutes. I will say to the Senator, however, that there are very few amendments that I know of now which are going to require very much discussion, I believe, but, of course, I can not say positively. I hope to have the Senate remain in session to-night until we pass the bill.

Mr. TYDINGS. Does the Senator think there will be a final vote on the bill to-night or this afternoon?

Mr. SMOOT. I can not say. I hope we will be able to take the final vote before midnight.

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McLean	Shipstead
Barkley	Gerry	McMaster	Shortridge
Bingham	Glass	McNary	Simmons
Black	Greene	Mayfield	Smith
Blaine	Hale	Metcalf	Smoot
Borah	Harris	Norbeck	Stephens
Brookhart	Harrison	Norris	Swanson
Broussard	Hawes	Nye	Tydings
Capper	Hayden	Oddie	Tyson
Caraway	Howell	Overman	Vandenberg
Couzens	Johnson	Phipps	Wagner
Curtis	Kendrick	Pine	Walsh, Mass.
Dale	Keyes	Reed, Mo.	Walsh, Mont.
Deneen	King	Robinson, Ind.	Warren
Dill	La Follette	Sackett	Waterman
Edge	Locher	Schall	Watson
Fletcher	McKellar	Sheppard	Wheeler

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Wisconsin [Mr. BLAINE].

Mr. SHIPSTEAD. I ask for the yeas and nays.

Mr. REED of Missouri. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT], who is necessarily detained from the Senate. I therefore withhold my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], who is unavoidably detained from the Senate. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. TYDINGS (when his name was called). Upon this vote I have a pair with the senior Senator from West Virginia [Mr. NEELY]. If he were present and I were permitted to vote, I should vote "nay" and he would vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. WHEELER (when his name was called). I have a general pair with the Senator from Idaho [Mr. GOODING]. Not knowing how he would vote if present, I transfer my pair to the Senator from Alabama [Mr. HEFLIN] and vote "yea."

The roll call was concluded.

Mr. McKELLAR (after having voted in the negative). I note that the Senator from Ohio [Mr. FESS] is not in the Chamber. I have a pair with that Senator, but I understand that if present he would vote as I have voted, so I will allow my vote to stand.

Mr. SMITH. I have a pair with the senior Senator from Indiana [Mr. WATSON]. In his absence, I withhold my vote.

Mr. EDGE. I have a pair with the senior Senator from New York [Mr. COPELAND]. Being unable to obtain a transfer of that pair, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. GERRY. I wish to announce that the senior Senator from Iowa [Mr. STECK] is necessarily absent. If present, he would vote "yea."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD].

The result was announced—yeas 11, nays 52, as follows:

YEAS—11

Blaine	Howell	Mayfield	Shipstead
Brookhart	La Follette	Reed, Mo.	Wheeler
Dill	McMaster	Sheppard	

NAYS—52

Ashurst	Fletcher	Locher	Sackett
Barkley	George	McKellar	Schall
Bingham	Gerry	McLean	Shortridge
Black	Glass	McNary	Simmons
Borah	Greene	Metcalf	Smoot
Broussard	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Vandenberg
Couzens	Hawes	Oddie	Wagner
Curtis	Hayden	Overman	Walsh, Mass.
Cutting	Johnson	Phipps	Walsh, Mont.
Dale	Kendrick	Pine	Warren
Deneen	Keyes	Robinson, Ind.	Waterman

NOT VOTING—31

Bayard	Fess	King	Steck
Blease	Frazier	Moses	Steiwer
Bratton	Gillett	Neely	Thomas
Bruce	Goff	Pittman	Trammell
Copeland	Gooding	Ransdell	Tydings
du Pont	Gould	Reed, Pa.	Tyson
Edge	Heflin	Robinson, Ark.	Watson
Edwards	Jones	Smith	

So Mr. BLAINE's amendment was rejected.

Mr. BLACK. Mr. President, I wish to say with reference to the last amendment that I favor the principle contained in the amendment; I think it has a great deal of merit in it; but I voted against the amendment because I did not want to put it onto the revenue bill.

APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE

The VICE PRESIDENT. In accordance with Senate resolution 154, agreed to May 19, 1928, the Chair appoints the Senator from Vermont [Mr. DALE], the Senator from Oklahoma [Mr. PINE], the Senator from Iowa [Mr. BROOKHART], the Senator from Alabama [Mr. HEFLIN], and the Senator from Georgia [Mr. GEORGE] members of the committee to investigate appointments and dismissals in the civil service since July 1, 1919.

CONSTRUCTION OF BATHING POOLS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 117)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year 1928, amounting to $20,000, for completing the construction of two bathing pools authorized by law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ESTABLISHMENT AND ENFORCEMENT OF NONCOTTON ZONES (S. DOC. NO. 119)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $5,000,000, for the Department of Agriculture, fiscal year 1928, to remain available until June 30, 1929, for establishing and enforcing noncotton zones for the eradication of the pink bollworm of cotton, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES, PERSONNEL CLASSIFICATION BOARD (S. DOC. NO. 120)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Personnel Classification Board, fiscal year 1928, to remain available until June 30, 1929, amounting to $75,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDINGS AND PARKS OF THE NATIONAL CAPITAL (S. DOC. NO. 121)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the office of Public Buildings and Public Parks of the National Capital for the fiscal year 1929, in amount $68,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, WAR DEPARTMENT (S. DOC. NO. 122)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting two supplemental estimates of appropriations, for the fiscal years 1928 and 1929, for the War Department, amounting in all to $185,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ASSESSOR'S OFFICE, DISTRICT OF COLUMBIA (S. DOC. NO. 123)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Assessor's Office, District of Columbia, fiscal years 1928 and 1929, amounting to $15,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. KING presented a petition of sundry citizens (early settlers) of Cache County, Utah, praying for the passage of the so-called King bill, being the bill (S. 719) to amend the act approved March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes," which was referred to the Committee on Pensions.

Mr. WALSH of Massachusetts presented letters in the nature of petitions from Mrs. Kendall Emerson, president Young Women's Christian Association, Worcester, Mass.; from Edith M. Kritzer, acting executive secretary International Institute, Young Women's Christian Association, St. Paul, Minn.; and from the chairman committee on legislation of the Woman's Club of Orange, N. J.; a resolution signed by the officers of the Young Women's Christian Association of Tampa, Fla.; and petitions signed by sundry members of the Young Women's Christian Association, of Philadelphia, and the Federated Churchwomen of Milwaukee County, Wis., praying for the passage of Senate Joint Resolution 122, providing for the admission to this country of families of alien declarants, which were referred to the Committee on Immigration.

He also presented letters in the nature of memorials from the following organizations in the State of Massachusetts: Faculties of Smith College, Wheaton College, and Mount Holyoke College; Zion Evangelical Lutheran Church, North Plymouth; Park Memorial Baptist Church, Springfield; Eastham Farmers' Association (Inc.), North Eastham; Mona Bina Chapter, No. 178, Order of the Eastern Star, Malden; Evening Star Lodge, No. 102, Independent Order of Odd Fellows, North Grafton; Waban Lodge, No. 156, Independent Order of Odd Fellows, West Newton; Morning Star Lodge, No. 130, Independent Order of Odd Fellows, Milbury; New England Chapter, the Quartermaster Association, Boston Women's Auxiliary, Massachusetts State Firemen's Association, Winthrop; House of Mercy Hospital, Pittsfield; Haverhill Country Club, Haverhill; and the Bay State National Bank, Lawrence, praying for the defeat of Senate bill 1752, relative to return-address envelopes, which were referred to the Committee on Post Offices and Post Roads.

TARIFF PREFERENTIALS' EFFECT UPON AMERICAN PORTS

Mr. WALSH of Massachusetts. Mr. President, on May 3, 1928, the Senate adopted Senate Resolution 220, introduced by me, providing for an investigation to be made by the Secretary of State, the Secretary of Agriculture, the United States Shipping Board, and the Interstate Commerce Commission into the diversion of commerce from ports of the United States to Canadian ports. This resolution requests that a report be made to the Senate, with recommendations, at the beginning of the next regular session of the Seventieth Congress.

I have received a letter from one of the largest ship brokers and steamship agencies in Boston which relates the experience of this company prior to and since the adoption of the Canadian law, which makes the duty on goods moving by United States ports to Canada higher than goods moving from England to Canada direct. Since this Canadian law became effective, in 1927, this company has not received a pound of business destined to Canadian points from England, even though they have the same ocean service, or better.

The letter is such a helpful contribution to the subject under inquiry that I ask to be permitted to have it printed in the CONGRESSIONAL RECORD and request that it be referred by the Secretary of the Senate to the commission created under Senate Resolution 220.

There being no objection, the letter and accompanying tables were referred to the departments set forth in Senate Resolution 220, agreed to May 7, 1928, and ordered to be printed in the RECORD, as follows:

ROGERS & WEBB,
Boston, Mass., May 19, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We are very pleased to note the interest you have taken in requesting Congress to investigate the conditions of trade which at the present time are being forced to and from Canadian ports to the detriment of United States ports, especially Boston and Portland, Me., as we believe this is a move in the right direction; and on our part wish to assure you of our cooperation and hope you will feel free to call upon us for any information or assistance we may render.

We call to your attention the attached statement, which covers a total of 1,197 tons of cargo which moved through Boston from England

via the Oriole Line steamers, which, as you know, are American-flag steamers owned by the United States Shipping Board. This cargo was destined to Canadian points via Boston and moved in 1926 or prior to the adoption of the Canadian law, which made the duty on goods moving via United States ports to Canada higher than goods moving from England to Canada direct. During 1927, at which time this Canadian law was in effect, we did not receive a pound of business to our knowledge, via Boston or Portland, Me., destined to Canadian points from England, even though we had the same ocean service or better. This shows you the results and the consequent loss of business by reason of the Canadian restrictions.

For your further information, under date of April 24 our agents in Liverpool cabled us that they were endeavoring to obtain a shipment of cast-iron pipes destined to Winnipeg, Canada, but by reason of the fact that the duty on this pipe would be assessed at $8 per ton if it moved via Boston as against $6 per ton if it moved via Canada we were unable to obtain the business, and Boston consequently lost this shipment.

We are also attaching hereto a statement covering four specific commodities, which show the duties assessed on business moving via the United States from England as well as the same duty when it moves through Canadian ports from England. In other words, the preferential duty governs via Canada and the general duty via the United States; and it would probably happen, as you will notice, no matter how low our ocean rate was, that on account of the high duty by reason of importing through the United States we could not hope to obtain the business.

We also wish to advise you that in years past we have handled a large number of Canadian cattle shipped through Boston for export to England, but on account of a law adopted by the Canadian or English Government we no longer carry any cattle through Boston to England.

We know also you have in mind the enormous amount of business originating in the United States which is exported through Canada, which is increasing year by year to a larger figure as well as the large increase of import business moving through Canada as against the United States ports destined to cities and towns located in the United States.

Very truly yours,

ROGERS & WEBB,
ARTHUR LANE,
Manager Traffic Department.

Number of packages	Commodity	Weight	Revenue
		Tons	£ s. d.
12,247	Lead battery plates	1,020- 2-1-23	1,247 14 3
638	Wool	114-16-9-5	430 9 8
352	Burnt clay	25- 3-0-0	19 0 0
92	Oxide of iron	24- 4-0-23	36 6 4
260	Cotton	13-11-3-23	24 18 0
	Total	1,197-19-3-18	1,758 8 3

	Preferential duty paid when exported through Canadian ports	General duty paid when shipped through American ports
Lead battery plates	15 per cent ad valorem.	27½ per cent ad valorem.
Wool	2 cents per pound.	3 cents per pound.
Oxide of iron	15 per cent ad valorem.	22½ per cent ad valorem.
Cotton linters	7½ per cent ad valorem.	12½ per cent ad valorem.

REPORTS OF COMMITTEES

Mr. TYSON, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3088) for the relief of Donald M. Davidson (Rept. No. 1247);

A bill (H. R. 6049) to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments (Rept. No. 1248);

A bill (H. R. 10702) for the relief of Elbert L. Cox (Rept. No. 1249); and

A bill (H. R. 12479) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund (Rept. No. 1250).

Mr. TYSON also, from the Committee on Military Affairs, to which was referred the bill (H. R. 1072) for the relief of George Adams, reported adversely thereon.

Mr. DILL, from the Committee on Interstate Commerce, to which was referred the bill (S. 668) amending section 1 of the interstate commerce act, reported it without amendment and submitted a report (No. 1251) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 1958) for the relief of William J. Cocke, reported it with amendments and submitted a report (No. 1252) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, reported it with amendments.

Mr. ROBINSON of Indiana, from the Committee on the Judiciary, to which was referred the bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy, reported it without amendment.

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the following bills, reported them each with an amendment:

A bill (S. 3433) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended; and

A bill (H. R. 11463) to fix the salaries of certain judges of the Territories and insular possessions of the United States.

Mr. LA FOLLETTE, from the Committee on Commerce, to which were referred the following joint resolutions, reported them each with amendments and submitted a report thereon as indicated:

Joint resolution (S. J. Res. 80) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara, in the State of Nebraska (Rept. No. 1253); and

Joint resolution (S. J. Res. 91) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton, in the State of South Dakota.

MORSE DRY DOCK & REPAIR CO.

Mr. BAYARD, from the Committee on Claims, reported a resolution (S. Res. 241), which was read, considered, and agreed to, as follows:

Resolved, That the bill (S. 4156) entitled "A bill for the relief of the Morse Dry Dock & Repair Co.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Des Moines River at or near Croton, Iowa; and

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 4513) for the relief of Anne K. Clark; to the Committee on Claims.

By Mr. NYE (by request):

A bill (S. 4514) to authorize the Secretary of War to purchase certain property and real estate, to protect the interests of the United States, conveyed by the Charleston Industrial Corporation, of Charleston, W. Va., in trust to secure the pay-

ment of certain indebtedness due to the United States; to the Committee on Public Lands and Surveys.

By Mr. REED of Pennsylvania:

A bill (S. 4515) to increase allowances of flying cadets of the Air Corps; and

A bill (S. 4516) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes; to the Committee on Indian Affairs.

By Mr. RANSDELL:

A bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; to the Committee on Commerce.

By Mr. SHORTRIDGE:

A bill (S. 4519) for the relief of John M. Twomey; to the Committee on Military Affairs.

By Mr. EDGE:

A bill (S. 4520) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended; to the Committee on Public Buildings and Grounds.

By Mr. CAPPER:

A bill (S. 4521) to provide, in the interest of public health, comfort, morals, safety, and welfare, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. KEYES:

A bill (S. 4522) to provide for the enlarging of the Capitol Grounds; to the Committee on Public Buildings and Grounds.

By Mr. NORBECK:

A bill (S. 4523) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in certain cases; to the Committee on Banking and Currency.

By Mr. STEPHENS:

A bill (S. 4524) providing for the repairing, remodeling, enlarging, improving, or altering the Federal courthouse building at Aberdeen, Miss.; to the Committee on Appropriations.

By Mr. TYDINGS:

A bill (S. 4525) to direct The Adjutant General of the Army, the Bureau of Navigation, Navy Department, the Major General Commandant United States Marine Corps, and the commandant United States Coast Guard, in certain cases to transfer the statements of World War service to the State, Territory, District of Columbia, or insular possessions of the United States wherein true legal residence is shown, and to credit the service accordingly in the record and statistics of the World War; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 4526) granting an increase of pension to Susannah E. Tennison (with accompanying papers); to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 4527) to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Relations.

By Mr. PHIPPS:

A bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work; to the Committee on Irrigation and Reclamation.

By Mr. GLASS:

A bill (S. 4529) to provide for the payment from and after January 1, 1930, of indemnity to owners of condemned tuberculous and paratuberculous animals; to the Committee on Agriculture and Forestry.

By Mr. NORBECK:

A joint resolution (S. J. Res. 158) for the appointment of O. W. Coursey, of South Dakota, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. EDGE:

A joint resolution (S. J. Res. 159) to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; to the Committee on Banking and Currency.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment proposing to appropriate $5,000,000 to carry into effect the authorization contained in Senate Joint Resolution 129, for eradication of the pink bollworm, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NORBECK submitted an amendment proposing to appropriate $75,000 to carry out the purposes of an act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers," toward the one-half cost of the memorial and landscaping to be borne by the United States, etc., intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRUCE submitted an amendment proposing to appropriate $18,547.88 to pay the Charlestown Sand & Stone Co., of Elkton, Md., for additional freight charges and the increased cost of labor and material incurred by said company in the fulfillment of the requirements of the United States engineer office under contract of August 23, 1917, etc., intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION AT MILITARY POSTS

Mr. FLETCHER submitted a concurrent resolution (S. Con. Res. 20), which was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

PRINTING OF EVIDENCE OF THE INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. WALSH of Montana submitted the following resolution (S. Res. 240), which was referred to the Committee on Printing:

Resolved, That the Committee on Printing be, and it hereby is, directed to cause to be printed 1,000 copies of the evidence taken by the Federal Trade Commission pursuant to Senate Resolution 83.

RESPONSIBILITY FOR THE WORLD WAR

Mr. SHIPSTEAD submitted the following resolution (S. Res. 242), which was referred to the Committee on Foreign Relations:

Whereas article 231 of the treaty of Versailles declares as follows: "The allied and associated powers affirm, and Germany acknowledges, that Germany and its allies are guilty of having caused all losses and damages which the allied and associated governments and their nations suffered in consequence of the war, which was forced upon them by Germany and its allies"; and

Whereas said article was founded on a judicial opinion of the Entente Commission of Fifteen, appointed by the victors on February 25, 1919, "to determine the responsibility of the war and punishment therefore"; and

Whereas the American Government was a party to said judicial opinion, which was approved and signed by its two delegates on the said commission, namely, Robert Lansing, chairman of the commission, and James Brown Scott; and

Whereas such a judgment to have had any legal or moral authority should have been pronounced by an impartial tribunal after careful study of the evidence and hearing both sides; and

Whereas since the formation of the treaty of Versailles abundance of testimony has appeared from the archives of the allied as well as the central powers, and from other sources, showing that the said article 231 was based on hysteria, hypocrisy, and falsifications "forged in the fires of war"; and

Whereas distinguished historians and statesmen of the United States, Great Britain, Canada, Italy, Russia, France, and Serbia as well as Germany and Austria, have declared that the evidence now available is sufficient to warrant a just and reasonable attitude on the part of the victors, and a reconsideration of the judgment which they allege was manifestly unjust, violative of judicial principles, and legal procedure and a grave obstacle to international understanding; and

Whereas the establishment of the facts and the truth as to the origin of the war is vital to a reconciliation of the peoples of Europe and to their moral disarmament: Therefore be it

Resolved, That the Committee on Foreign Relations of the United States Senate be, and is hereby, respectfully requested to hold an inquiry

for the purpose of determining whether in view of the new evidence and other official material, the time is appropriate for the American Government, inspired by the sense of justice and fair play, to recommend to the allied powers either to amend this article without further delay, or to announce severally their intention to disregard it.

Otherwise, to propose to the allied powers that the question of the responsibility for the World War be submitted to a commission of neutrals.

MESSENGER TO SENATOR SCHALL

Mr. ROBINSON of Indiana submitted the following resolution (S. Res. 243), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That THOMAS D. SCHALL, a Member of the Senate, whose term expires March 4, 1931, be, and he is hereby, authorized to appoint a messenger to act as personal attendant, in lieu of the page heretofore appointed, as provided by Senate Resolution 42, adopted December 17, 1927, said messenger to be paid out of the contingent fund of the Senate at the rate of $100 per month.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America, was read twice by its title and referred to the Committee on the Judiciary.

MRS. BLATCH OBJECTS

Mr. WHEELER. Mr. President, I present a letter written to the editor of the New York Times and published in that journal from Mrs. Harriot Stanton Blatch, relating to the presidential candidacy of Herbert Hoover, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MRS. BLATCH OBJECTS—REFUSES TO LET SILENCE BE TAKEN FOR CONSENT TO HOOVER CANDIDACY

TO THE EDITOR OF THE NEW YORK TIMES:

The New York State Hoover-for-President Committee gives the widest publicity to a statement that I favor Hoover for President, and so I trust that committee will bring to my bank any communication supposedly signed by me and submit it to the scrutiny of the bank tellers.

It is true I received the committee's letter and reply postcard, but both are on their way to the nearest pulp factory. I could have answered, "I am not a Republican," but silence was as easy as golden.

As the committee has publicly picked upon me to share the Hoover burden, I must openly decline the honor and give the reason for the faith that is in me.

I am one of the many American citizens who take very seriously the oil scandals, and I regard it as an affront to the common sense and decency of the entire body politic that any group of citizens should present as suitable candidate for office a man who sat years on end in the intimacy of Cabinet meetings with men involved and remained ignorant or silent about them.

Either Mr. Hoover knew or he did not know the character of his associates. If he knew, or even suspected the truth, he should have seized the opportunity to protect the Nation he had sworn to serve, and, indeed, to protect the political party he had adopted.

But perchance Mr. Hoover had not a doubt for a single moment of any coadjutor in the Cabinet through all those years. He may have wandered in a state of Elysian innocence. Is he not, then, too guileless to take the helm of the ship of state? His place, it seems to me, is in the home, at the fireside, in the chimney corner. Let him for his own good name and our safety play with little children, not with naughty men out in the rough-and-tumble world.

The country needs for President a man of courage who will act in face of danger, but will follow a doubt, cost what that pursuit may mean to his personal ambitions, until he unearths the facts. Mr. Hoover does not measure up to our need.

And his New York committee is as subtle and modest as he in urging his candidacy. From 111 women it chose only 2 names to blazon forth—"Stanton Blatch and Galli-Curci" (the order is theirs)—as supporters. One is a well-known progressive, the other a nonpolitical opera singer. I end with ire cooled by a hearty laugh.

HARRIOT STANTON BLATCH.

NEW YORK, *March 21, 1928*.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, the Senator from North Carolina [Mr. SIMMONS] has quite an important amendment to offer, but, in the meanwhile, I have been requested by the Senator from Indiana [Mr. WATSON] to offer the amendment which I send to the desk. It is with reference to the tax of $6 on retail druggists in connection with the sale of narcotics. The amendment seeks to reduce the tax from $6 to $3.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 205, at the beginning of line 3, it is proposed to strike out "$6" and in lieu thereof to insert "$3."

Mr. SMOOT. Mr. President, I hope that amendment will not be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SMITH (when his name was called). I have a pair with the senior Senator from Indiana [Mr. WATSON]. In his absence I withhold my vote.

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WHEELER (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. GOODING]. Not knowing how he would vote on this question, I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "yea." I understand that if the Senator from Alabama were present he would vote "yea."

The roll call was concluded.

Mr. SWANSON. Making the same announcement and transfer as on the previous roll call, I vote "yea."

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. Not knowing how he would vote on this question, I am compelled to withdraw my vote.

Mr. MCKELLAR (after having voted in the affirmative). I have a pair with the senior Senator from Ohio [Mr. FESS]. I transfer that pair to the senior Senator from West Virginia [Mr. NEELEY], and will allow my vote to stand.

Mr. EDGE. I transfer my pair with the senior Senator from New York [Mr. COPELAND] to the junior Senator from Indiana [Mr. ROBINSON], and will vote. I vote "nay."

Mr. BROUSSARD (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who happens not to have voted. I transfer that pair to the junior Senator from Oklahoma [Mr. THOMAS], and will let my vote stand.

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON].

The result was announced—yeas 42, nays 22, as follows:

YEAS—42

Ashurst	Edwards	McKellar	Shipstead
Barkley	Fletcher	McMaster	Simmons
Black	Gerry	McNary	Stephens
Blaine	Glass	Mayfield	Swanson
Borah	Harris	Norris	Tydings
Brookhart	Harrison	Nye	Wagner
Broussard	Hawes	Oddie	Walsh, Mass.
Capper	Hayden	Overman	Walsh, Mont.
Caraway	Johnson	Pine	Wheeler
Dale	La Follette	Schall	
Dill	Locher	Sheppard	

NAYS—22

Bingham	George	McLean	Smoot
Couzens	Greene	Metcalf	Vandenberg
Curtis	Hale	Phipps	Warren
Cutting	Howell	Reed, Mo.	Waterman
Deneen	Kendrick	Sackett	
Edge	Keyes	Shortridge	

NOT VOTING—30

Bayard	Copeland	Gillett	Heflin
Blease	du Pont	Goff	Jones
Bratton	Fess	Gooding	King
Bruce	Frazier	Gould	Moses

Neely	Reed, Pa.	Steck	Tyson
Norbeck	Robinson, Ark.	Steiwer	Watson
Pittman	Robinson, Ind.	Thomas	
Ransdell	Smith	Trammell	

So Mr. HARRISON'S amendment was agreed to.

Mr. REED of Missouri. Mr. President, I desire to make a statement.

I voted against the amendment just adopted largely because this association of druggists has employed a lobbyist who hangs around the Capitol, and who constantly importunes people to vote in a certain way on certain bills.

If the druggists of America are going to be represented here, I suggest that they change their lobbyist. I am a little weary of being buttonholed every time I come through the corridors by some paid agent of some organization; and I think the gentlemen engaged in that ought to be driven from the Capitol.

I recognize the fact that any industry, any organization, any man as an individual has the right to appear before any committee of this body or of the House of Representatives and present his views touching any matter of legislation; but I resent the presence in the corridors of the Capitol of men who are earning their living as professional lobbyists, and of their constant importunity of Members for their votes. So far as I am concerned, when I am in any doubt regarding any question before the Senate and I am approached by one of those gentlemen, I always vote against the request he makes.

We have had a good deal of talk about lobbyists and about what ought to be done with them, and I confess I do not know how to handle the problem; but I do say it is time for the business organizations of this country to learn that legislation is not controlled, or at least it ought not to be controlled, by the presence of these paid individuals who approach Members of Congress with reference to various bills.

Mr. SHIPSTEAD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 205, after line 10, it is proposed to insert:

SEC. 441. Instruments of agricultural cooperative associations exempt.

Section 801 of the revenue act of 1926 is amended by striking out the period at the end thereof and inserting a semicolon and the following:

"or stocks and bonds and other certificates of indebtedness issued by any farmers' or fruit growers', or like associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in paragraph (12) of section 231."

Mr. SMOOT. Mr. President, I have no objection to accepting the amendment, although I want to say to the Senator from Minnesota that I do not know just what effect it will have as to the revenue. I think it is very small; but I am perfectly willing to accept the amendment and let it go to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. SHIPSTEAD. I offer another amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 244, after line 18, it is proposed to insert the following new section:

SEC. 708–A. REORGANIZATION OF INTERNAL REVENUE FIELD SERVICE.

(a) The President is authorized to reorganize the field service engaged in the administration of the internal revenue laws, in such manner as he determines necessary for the efficient administration of the internal revenue laws, and in order that there will be at least one collection district in each State. In making such reorganization the President is authorized to abolish, consolidate, or create internal-revenue districts and offices, to assign any officer or employee, if he determines him qualified, to any office created or consolidated, and to do such other things as in his judgment may be necessary to effect such reorganization.

(b) Collectors of internal revenue and all officers and employees in the field service shall, after the date of the enactment of this act, be appointed by the Secretary of the Treasury, in accordance with the civil service laws and regulations.

Mr. SHIPSTEAD. Mr. President, the effect of this amendment would be to put internal-revenue collectors under the civil service.

I think that is all the explanation that is necessary.

Mr. SMOOT. Mr. President, I will make a brief statement as to this amendment.

The amendment was considered very carefully by the Joint Committee on Internal Revenue Taxation. I hope the internal-revenue field service can be reorganized some day, but I do not believe that the reorganization should be undertaken as yet. For example, before the reorganization is undertaken, I think a thorough study of the situation should be made, and every effort made to retain in the service competent officials who were not appointed subject to civil-service regulations. The amendment would very probably deprive a large number of persons now holding office of their positions.

As to the subject matter itself, I wish to say to the Senator that I am in full accord with it, as was the Joint Committee on Internal Revenue Taxation; but I do think it ought to be left until after that examination is made, so as not to deprive the Government of the services of some of the employees, the very best ones we have in the service, who could not pass the examination provided for in the Senator's amendment.

Mr. SHIPSTEAD. May I suggest to the Senator from Utah that if this amendment becomes a law, an examination would have to be made before the change is made.

Mr. SMOOT. I am perfectly aware of that. The question is this: What the Joint Committee on Internal Revenue Taxation has been doing for some time is to make a complete survey and study of the whole situation. I recognize that when that examination has been made there ought to be legislation, and I have not any doubt but that there will be; but up to the present time that examination is not complete, and I hope the Senator will not insist upon his amendment going into the bill at this time.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota.

The amendment was rejected.

Mr. MCMASTER. Mr. President, on behalf of my colleague [Mr. NORBECK], I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 206, after line 2, it is proposed to insert a new section, as follows:

SEC. 441. TAX ON CALL LOANS.

Schedule A of Title VIII of the revenue act of 1926 is amended by adding at the end thereof a new subdivision to read as follows:

"8. Call loans: Drafts, checks, promissory notes, or other evidences of indebtedness, payable at sight or on demand, evidencing a loan made by any person engaged in the business of making call loans, 5 cents if the face value is not more than $100, and for each $100, or fractional part thereof, of face value, 5 cents."

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that we have already voted on that amendment.

Mr. MCMASTER. That is true. I thought the bill had come out of the Committee of the Whole and was in the Senate. I withdraw the amendment.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 195, after line 26, insert the following new section:

SEC. —. TAX ON SALE OF TICKETS BY BROKERS.

(a) Paragraph (2) of subdivision (a) of section 500 of the revenue act of 1926 is amended to read as follows:

"(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 75 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 5 per cent of the amount of such excess; and if sold for more than 75 cents in excess of the sum of such established price plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per cent of the whole amount of such excess, such taxes to be returned and paid, in the manner and subject to the interest provided in section 502, by the person selling such tickets";

(b) Subdivision (a) of this section shall take effect on the expiration of 30 days after the enactment of this act.

Mr. SMOOT. Mr. President, this is the so-called scalper tax, and I have no objection to the amendment.

Mr. REED of Missouri. I would like to inquire why the scalper is to be allowed 75 cents on tickets.

Mr. WAGNER. A ticket agency now pays a tax of 5 per cent on the excess charge over the box-office price if the excess charge is 50 cents or less. The amendment I offered provides that it shall pay a tax of 5 per cent if the price the agency charges is 75 cents in advance of the ticket-office price.

Mr. REED of Missouri. Why not make the tax one that is practically prohibitive?

Mr. WAGNER. If the ticket agency charges more than 75 cents in excess of the theater ticket-office price for the ticket, it is required to pay to the Government a 50 per cent tax on the excess; so the penalty remains in the law as to any sum charged in excess of 75 cents on a ticket.

The VICE PRESIDENT. The question is on agreeing to the amendment.

On a division, the amendment was agreed to.

Mr. SIMMONS. Mr. President, I desire to offer the following amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 245, after line 1, to insert:

SEC. —. LIBERTY BOND SINKING FUND.

(a) Subdivision (a) of section 6 of the Victory Liberty loan act is amended by adding at the end of the first paragraph thereof a new sentence to read as follows: "In the fiscal year beginning July 1, 1928, and in each fiscal year thereafter, payments (whether in money or in other property) received during such year from foreign governments in respect of their obligations held by the United States, and the proceeds received during such year from the sale of any such obligations, shall first be applied against the appropriation made by this section for such year, and any excess shall be applied as otherwise provided by law."

(b) This section shall take effect on July 1, 1928.

Mr. SIMMONS. Mr. President, instead of making any extended remarks, I am going to send to the desk and ask to have read a statement which I have prepared.

The VICE PRESIDENT. The clerk will read the statement.

The Chief Clerk read as follows:

SINKING FUND

The Victory Liberty loan act, March 3, 1919, established the present sinking fund. This sinking fund law went into effect July 1, 1920.

A permanent appropriation, beginning with the fiscal year ending June 30, 1921, and annually thereafter, and lasting until the entire war debt has been liquidated, was made by this act. This appropriation was made up of an amount equal to 2½ per cent of the aggregate amount of bonds and notes issued under authority of the five Liberty loan acts and outstanding July 1, 1920, less an amount equal to the par of any obligations of foreign governments then held by the United States; together with the interest that would have been paid during the fiscal year for which the appropriation is made on the bonds and notes purchased, redeemed, or paid out of the sinking fund during that year, or in previous years.

This meant as follows:

Aggregate of these bonds and notes outstanding July 1, 1920	$19,581,201,450.00
Par of foreign obligations then held by United States	9,445,006,855.18
Sinking fund base	10,136,194,594.82
Annual appropriation of principal (2½ per cent)	253,404,864.87

This amount is increased each year by the interest that would have been paid on any bonds or notes, redeemed or bought on account of this fund during the year, or in previous years.

This act was later amended by an act approved March 2, 1923, so that the securities that are to be purchased from this fund shall include the following bonds and notes thereafter issued under any of the Liberty bond acts or Victory Liberty loan act, or under any of such acts as amended, for refunding purposes.

Under the law the Treasury goes into the market and buys any of these securities at an average price, fixed by the law, at not in excess of par and accrued interest.

When this became a law it was believed that the $10,136,194,594.82 base of the fund would be liquidated by July, 1945. The probabilities are that this will be accomplished nearly a year earlier.

The expenditures on account of this fund to June 30, 1927, are as follows:

1921	$261,250,250
1922	275,996,000
1923	284,018,800
1924	295,987,350
1925	306,308,400
1926	317,091,750
1927	333,528,400
Total of above	2,074,180,950

It is impossible to compute accurately in advance the annual expenditures on account of this fund because of the different interest rates borne and the different prices paid for securities purchased on account of the fund. It will, however, not be far from an average increase at compound interest of 3⅞ per cent. Upon this basis the annual requirements of the fund may be estimated as follows:

	Annual requirement	Amount to end of year
1928	$343,481,415	$2,417,662,365
1929	356,791,318	2,774,453,683
1930	370,616,984	3,145,070,667
1931	384,978,395	3,530,049,062
1932	399,896,304	3,929,945,366
1933	$415,392,285	$4,345,337,651
1934	431,488,737	4,776,826,388
1935	448,208,924	5,225,035,312
1936	465,577,020	5,690,612,332
1937	483,618,129	6,174,230,461
1938	502,358,334	6,676,588,795
1939	521,824,718	7,198,413,513
1940	542,045,426	7,740,458,939
1941	563,049,686	8,303,508,625
1942	584,867,863	8,888,376,488
1943	607,531,492	9,495,907,980
1944	631,073,336	10,126,981,316
1945	655,527,429	10,782,508,745
1946	680,929,116	11,463,437,861
1947	708,075,335	12,171,513,196
1948	734,723,580	12,906,236,776
1949	763,194,119	13,669,430,895
1950	792,767,891	14,462,198,786
1951	823,487,649	15,285,686,435
1952	855,397,793	16,141,084,228
1953	888,544,459	17,029,628,687

The total outstanding debt as of June 30, 1927, was as follows:

Interest bearing	$18,250,943,966
Noninterest bearing	244,523,065
Matured—interest ceased	14,707,235
Total gross debt	18,510,174,266

Of the interest-bearing debt, $16,130,539,350 consists of Liberty loan bonds and notes, and in bonds and notes issued in accordance with the five Liberty loan acts, or in refunding the same.

The sinking fund will have liquidated these securities by July 1, 1952, and for the fiscal year 1953 there will be available for tax reduction an amount equal to the last full payment of $855,397,793 into the fund.

However, the annual appropriation for this sinking fund is already over a third of a billion dollars annually and is increasing at such a rapid rate that it will soon seriously inconvenience the financial policy of the Government. This annual sum now collected solely by taxing the people will soon be a half billion dollars, and then three-fourths of a billion, a sum larger than our total ordinary receipts for any year prior to our entrance into the World War, and greater than our entire ordinary receipts for the fiscal years 1860 to 1865, both inclusive. If some way could be found to enable the heavy war taxation now in force to be reduced and yet liquidate our entire war debt within the next 22 years, this country will have accomplished a feat never before witnessed in history, the liquidation of a debt of approximately $20,000,000,000 principal, and more of interest, within 31 years.

This can readily be accomplished by crediting the entire payments on account of the indebtedness of foreign governments to the United States to the sinking fund. That is, leave the total annual payment on account of the sinking fund as now provided for by law, but reduce the amount to be collected by taxation and paid into this fund by about $150,000,000 a year or more. The result would be that our war debt would still be liquidated by June 30, 1950. Then taxes could be reduced fully $150,000,000 to $175,000,000 in addition to the Treasury estimate at once, and a final reduction made for the fiscal year 1953 and thereafter of over $850,000,000 additional. That is, the passing of one generation after the close of the World War will have witnessed the liquidation of the entire war debt and the restoration of a normal tax system.

Mr. SIMMONS. Mr. President, I wrote out the statement just read to save my strength and the time of the Senate.

I want to say, briefly, that at the present time the amount raised by taxation and annually appropriated to the sinking fund is fixed by law. It amounted last year to $333,000,000; this year to over $354,000,000. There is added to the sinking fund each year the interest that may accrue upon bonds that are purchased the previous year or that have been purchased in previous years with the sinking fund so appropriated.

Each year the sinking fund grows larger and larger by reason of this accretion of interest from bonds that have been purchased. That is to say, the Government still continues to pay interest upon the bond if it is bought out of the sinking fund, either with the principal or with the interest accretions of that fund.

Our war debt at present is some $17,000,000,000. This sinking fund is provided by Congress, and the enactment of the law creating it shows that it was the judgment of Congress that this much and no more should be applied to the discharge of the debt annually.

Under the Liberty loan act and the Victory loan act, the principal of the moneys received by the Government from our foreign debtors is required to be applied to the liquidation of our war debt and the paying off of those bonds. If this

amount, together with the interest also, is applied annually to the sinking fund, it will reduce the amount of money that must be raised by taxation to the extent of the annual payment, which now amounts to something between $160,000,000 and $200,000,000, and in that way the taxpayers of the country will be relieved of that much of the burden which is now required annually to be raised for sinking-fund purposes. The result will be that in 1952 our entire war indebtedness will have been liquidated and in the next succeeding year there will be $800,000,000 that can be used for the purpose of reducing taxation.

When that time comes war taxation will be a thing of the past, and the country will go upon a normal basis of taxation, and not until then. But we will get nearer that normal basis of taxation year by year if we cover into the sinking fund, as constituting a part of the money that must be raised by taxation, this amount received upon account of our foreign debt. Of course, it may be greater that $160,000,000; it may reach $200,000,000 or more, or it may grow less; no one can tell. But the proposition is that the money which we receive upon the payment of our loans to foreign governments shall be covered into the sinking fund, and to that extent annually relieve the taxpayers of the amount which under the law they would otherwise have to pay by an annual tax levy.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. SWANSON. As I understand the proposition, it is that we will still pay the 2½ per cent, as required, into the sinking fund less what we would get from the foreign bondholders.

Mr. SIMMONS. That is exactly what it means. I do not want to enter into a lengthy discussion of the matter. I simply want the matter to be clearly presented in the RECORD. I feel that we ought not to be forced, as we are now being forced by the administration, to pay off this indebtedness with undue rapidity. We have been liberal toward our debtors. We have given them 62 years in which to pay what they owe us. If the Treasury shall continue present practices the debts will probably be paid off in 15 or 16 years. I think that under all the circumstances it is enough to require of this generation that they be paid off in 24 years. The annual appropriation on account of this fund is growing rapidly. Last year it grew about $25,000,000. Soon it will grow to $50,000,000 a year. The annual charge is now $354,000,000. In a few years it will pass the $500,000,000 mark. Before the end it will reach $800,000,000 a year. To raise this annual sum, together with the other amounts necessary to the operation of our growing country, will soon tax to the limit the ability of our Budget. If we do not meet this condition now it is inevitable that it must be met sooner or later.

We were tremendously burdened with taxation during the war. In addition to the enormous amount of bonds we issued, we raised by taxation an immense amount in one year—about $8,000,000,000. There was a national emergency then and we had to tax our people to the limit. That emergency has passed. It no longer exists. The people who hold those bonds are not demanding payment. They really do not want payment. But, Mr. President, contemporaneously with the passage of that national emergency calling for those high taxes which we imposed during the war and which we are pro tanto imposing still, there has grown up in the country an emergency with reference to taxation equal to that which confronted the United States during the period of the war.

The States, the counties, the municipalities, and all the subdivisions of the States have been forced to levy upon their people enormous taxation, not for the purpose of raising money to be uselessly and unprofitably expended. Those large sums have not been wastefully expended. They have been wisely expended. They have been expended because of the necessity of a situation, a situation created by modern conditions and inventions.

Millions of dollars have been issued in bonds by the various States for the purposes of education. Thousands of new schools have been built, necessitating thousands of trained teachers. The automobile, one of the greatest blessings to humanity in the last 50 or more years, could not be operated upon the old dirt roads. It was necessary to have hard-surfaced roads and to construct them at great cost. My State alone has issued over $100,000,000 in bonds for road construction. It has issued, for the improvement of our educational facilities, bonds in a very large sum, amounting in all probability to about $185,000,000 since the war. These heavy debts which the State has incurred are probably equaled by the indebtedness which the counties and municipalities have incurred. Probably the latter have been forced to incur even heavier indebtedness than the States. The result is that the taxes imposed upon the people by the States and the minor political subdivisions thereof for these necessary conveniences to take advantage of modern conditions have created a tax-emergency condition in the country at large equally as great as that which rested upon the Federal Government during the war. With these conditions in the States, it is not right that the Federal Government should levy upon the people any more taxes than are absolutely necessary to meet its just obligations. It will be entirely consistent with our history, consistent with our practices with reference to bond issues, if we shall postpone the total extinguishment of this debt for a few years.

I do not expect the proposal to prevail, but I have introduced the amendment hoping that we might get some support from the other side of the Chamber, but hoping, I am afraid, in vain. However, I have introduced it in order to call it to the attention of the country—the farmers, the bankers, the manufacturers, the financiers, and the commercial interests of the country—in order that they may give it serious consideration and instruct their representatives in Congress at some time in the near future to so adjust the law that the sinking fund, provided by the Congress for the payment of this debt, shall alone be used for that purpose, that other moneys coming into the Treasury shall be used for tax-reduction purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from North Carolina.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. Not knowing how he would vote, if present, I withhold my vote. If permitted to vote I should vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from South Dakota [Mr. NORBECK], and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from West Virginia [Mr. NEELY], and vote "yea."

Mr. SWANSON (when his name was called). I transfer my pair with the senior Senator from Washington [Mr. JONES] to the Senator from Iowa [Mr. STECK], and vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote I should vote "yea."

Mr. WHEELER (when his name was called). Making the same announcement as previously as to my pair with the Senator from Idaho [Mr. GOODING] and its transfer, I vote "yea."

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. Not knowing how he would vote, if present, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. EDGE (when his name was called). I transfer my pair with the Senator from New York [Mr. COPELAND] to the Senator from Idaho [Mr. BORAH], and vote "nay."

Mr. McMASTER. I wish to announce that my colleague the Senator from South Dakota [Mr. NORBECK] is unavoidably detained from the Senate. If present, he would vote "nay."

Mr. TYSON. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Missouri [Mr. REED], and vote "yea."

Mr. KING. I announced a moment ago that I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I transfer that pair to the Senator from Arizona [Mr. HAYDEN], and vote "yea."

Mr. TYSON (after having voted in the affirmative). I see that the Senator from Missouri [Mr. REED], with whom I announced a pair, has now entered the Chamber, and I therefore withdraw my vote.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Utah [Mr. KING];

The Senator from New Jersey [Mr. EDGE] with the Senator from New York [Mr. COPELAND]; and

The Senator from Indiana [Mr. ROBINSON] with the Senator from Maryland [Mr. TYDINGS].

The result was announced—yeas 30, nays 36, as follows:

YEAS—30

Ashurst	Gerry	Overman	Thomas
Barkley	Glass	Pittman	Tyson
Black	Harris	Robinson, Ark.	Wagner
Broussard	Harrison	Sheppard	Walsh, Mass.
Caraway	Hawes	Simmons	Walsh, Mont.
Edwards	Locher	Smith	Wheeler
Fletcher	McKellar	Stephens	
George	Mayfield	Swanson	

NAYS—36

Blaine	Edge	McMaster	Reed, Pa.
Brookhart	Fess	McNary	Sackett
Capper	Greene	Metcalf	Schall
Couzens	Hale	Moses	Shipstead
Curtis	Howell	Norris	Shortridge
Cutting	Johnson	Nye	Smoot
Dale	Keyes	Oddie	Vandenberg
Deneen	La Follette	Phipps	Warren
Dill	McLean	Pine	Waterman

NOT VOTING—28

Bayard	du Pont	Heflin	Reed, Mo.
Bingham	Frazier	Jones	Robinson, Ind.
Blease	Gillett	Kendrick	Steck
Borah	Goff	King	Steiwer
Bratton	Gooding	Neely	Trammell
Bruce	Gould	Norbeck	Tydings
Copeland	Hayden	Ransdell	Watson

So Mr. SIMMONS's amendment was rejected.

Mr. ROBINSON of Arkansas. Mr. President, on behalf of myself and my colleague the junior Senator from Arkansas [Mr. CARAWAY], I propose an amendment relating to deductions on account of charitable gifts, and I call the attention of the Senator from Utah [Mr. SMOOT] to it.

Mr. EDGE. Let the amendment be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The CHIEF CLERK. On page 27, line 7, after the word "individual," it is proposed to insert:

Provided, That the provisions of this subdivision shall be retroactively applied in computing income under the provisions of the revenue act of 1921.

Mr. SMOOT. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. I ask leave to have inserted in the RECORD a letter addressed to me in full explanation of the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 5, 1928.

Hon. JOE T. ROBINSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR: A short time prior to his death Mr. William Buchanan, who died here in October, 1923, conveyed to trustees $1,000,000, to be known as the William Buchanan Foundation, to be used exclusively for charitable purposes. The trust instrument contains a provision inviting others to contribute to the trust fund.

After Mr. Buchanan's death and during the year 1923, his son, Mr. W. J. Buchanan, contributed $50,000 to the foundation and contributed a like sum in 1924. The 1921 act, in effect during the year 1923, provides:

"Section 214(a). In computing net income there shall be allowed as deductions:

"(11) Contributions or gifts made within the taxable year to or for the use of: (A) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes; (B) any corporation or community-chest fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including posts of the American Legion or of the woman's auxiliary units thereof, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual."

The revenue act of 1924 made a slight change in section 214, paragraph (10), subdivision (B) by inserting the words "or trust" after the word "corporation," so that it reads:

"Section 214 (A) in computing net income there shall be allowed as deductions:

"(10) Contributions or gifts made within the taxable year to or for the use of—

"(B) Any corporation or trust or community chest fund or foundation organized exclusively for religious, charitable, and other purposes."

The Bureau of Internal Revenue is now contending that since the contributions of $50,000 made by Mr. W. J. Buchanan during the year 1923 comes under the 1921 law, which does not authorize the deduction of contributions to any trust organized for religious and charitable purposes, that he can not deduct this sum from his income. The tax on the $50,000 is considerable, due to the fact that he is in rather high brackets. The bureau admits that the contribution of $50,000 made in 1924 is allowable as a deduction from income since the 1924 act authorizing contributions to charitable trusts such as the one created by Mr. William Buchanan.

In this situation I am wondering whether or not there is any possibility of having the Senate insert a provision in the revenue bill now pending before it that will relieve Mr. Buchanan from the payment of the tax on this contribution. Subdivision (2) of paragraph N of section 23 shown at the bottom of page 22 and the top of page 23 of the bill as it passed the House is identical with the 1924 law. I believe the controversy can be ended by inserting a proviso in this subdivision (2) so that it will read as follows:

"(2) Any corporation or trust or community chest fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earning of which inures to the benefit of any private shareholder or individual: *Provided*, The provisions of this subdivision 2 shall be retroactively applied in computing income under the provisions of the revenue act of 1921."

It seems to me that if the Senate committee understands the situation, it will readily agree to insert the provision I have indicated. It is apparent that a failure to insert the word "trust" after "corporation" in the 1921 act was an oversight. Certainly it was the intention of Congress to allow such contributions as deductions from income.

As it is my understanding that the Senate Finance Committee does not purpose to hold any public hearings, if you think proper I shall be very glad if you will hand this letter to Senator SMOOT for his consideration. If permissible or necessary, I should like to appear before the committee and explain the situation further.

Any assistance you may render will be greatly appreciated by both Mr. Buchanan and myself.

Sincerely yours,

A. L. BURFORD.

The VICE PRESIDENT. If there be no further amendments to be proposed, the bill will be reported to the Senate.

Mr. REED of Pennsylvania. Mr. President, before the bill goes out of the Committee of the Whole, I propose the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 243, after line 5, it is proposed to insert the following, as a new section:

SEC. —. DEFINITION OF THE TERM "MOTOR BOAT."

The term "motor boat," when used in the revenue laws, includes a yacht or pleasure boat, regardless of length or tonnage, owned by a resident of the United States or brought into the United States for sale or charter to a resident thereof, whether or not such yacht or boat is brought into the United States under its own power, but does not include an instrumentality of trade or commerce nor any such yacht or boat built, or for the building of which a contract was entered into, prior to December 1, 1927.

Mr. SMOOT. Mr. President, I have no objection to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. McMASTER. Mr. President, I should like to inquire of the Senator from Pennsylvania if this is a tariff amendment?

Mr. REED of Pennsylvania. Mr. President, I do not know whether it can be fairly called a tariff amendment or not, but it ought to be considered by the conferees in connection with the repeal of the tax on foreign-built yachts.

There is in the House bill an annual license tax on foreign-built yachts which, because of certain complications under the treaty with Germany, was stricken out by the Finance Committee. If it is to be stricken out, and if the present decision of the Supreme Court is to stand, that a yacht which enters our waters under its own power is not an article of commerce but an instrumentality of commerce, then, the conferees ought to be free somehow to define the term "instrumentality of commerce." In that sense, I presume it is fair to call the amendment a tariff amendment, but what we are trying to do is to accomplish the end on which we all agree, to continue the tax on foreign-built yachts and still not violate the treaty with Germany.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, a few days ago, while I was in attendance upon a special committee of the Senate, the provision in section 412 came up for consideration, and the Senator from Pennsylvania [Mr. REED], as I understand, offered an amendment to raise the exemption on club dues from $10 to $25.

The understanding at that time was that I might offer an amendment to that section, if I desired to do so.

Mr. REED of Pennsylvania. Mr. President, I think the Senator is mistaken when he says that I offered such an amendment.

Mr. BROOKHART. Mr. President, I will say that I offered that amendment on behalf of the Senator from North Dakota [Mr. FRAZIER].

Mr. BARKLEY. I beg pardon. I was informed that the Senator from Pennsylvania had offered it. At any rate, the exemption was raised from $10 to $25. I desire to offer an amendment to substitute $50 as the exemption instead of $25, which at that time was agreed to. I do not desire to discuss the amendment.

Mr. SMOOT. Mr. President, the adoption of that amendment will reduce the revenue by several million dollars.

The VICE PRESIDENT. Without objection, the vote by which the amendment on page 196, in line 9, striking out "$10" and inserting "$25" was agreed to will be reconsidered. The amendment of the Senator from Kentucky will be stated.

The CHIEF CLERK. On page 196, line 9, after the words "excess of," it is proposed to strike out "$10" and insert "$50."

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The Chair is in doubt.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. Not knowing how he would vote, I withhold my vote.

Mr. SMITH (when his name was called). Announcing my pair as before, I withhold my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote, I withhold my vote.

Mr. TYSON (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from New York [Mr. COPELAND], and will vote. I vote "yea."

Mr. WHEELER (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. KING. I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I transfer that pair to the senior Senator from West Virginia [Mr. NEELY], and will vote. I vote "yea."

Mr. REED of Pennsylvania (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Idaho [Mr. BORAH], and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON]; and

The Senator from Indiana [Mr. ROBINSON] with the Senator from Maryland [Mr. TYDINGS].

The result was announced—yeas 29, nays 38, as follows:

YEAS—29

Ashurst	Glass	McKellar	Tyson
Barkley	Harris	Mayfield	Wagner
Black	Harrison	Overman	Walsh, Mass.
Broussard	Hawes	Reed, Mo.	Walsh, Mont.
Dill	Hayden	Robinson, Ark.	Wheeler
Edwards	Kendrick	Sheppard	
Fletcher	King	Simmons	
Gerry	Locher	Thomas	

NAYS—38

Bingham	Edge	McMaster	Reed, Pa.
Blaine	Fess	McNary	Sackett
Brookhart	George	Metcalf	Schall
Capper	Greene	Moses	Shortridge
Caraway	Hale	Norbeck	Smoot
Curtis	Howell	Norris	Stephens
Couzens	Johnson	Nye	Vandenberg
Cutting	Keyes	Oddie	Waterman
Dale	La Follette	Phipps	
Deneen	McLean	Pine	

NOT VOTING—27

Bayard	Bratton	du Pont	Goff
Blease	Bruce	Frazier	Gooding
Borah	Copeland	Gillett	Gould
Heflin	Ransdell	Steck	Tydings
Jones	Robinson, Ind.	Steiwer	Warren
Neely	Shipstead	Swanson	Watson
Pittman	Smith	Trammell	

So Mr. BARKLEY's amendment was rejected.

The VICE PRESIDENT. The question recurs on the original amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I reserve the right for a vote when the bill reaches the Senate on the graduated tax on small corporations.

I ask unanimous consent that when the graduated tax on small corporations is acted upon in the Senate, if it is approved by the Senate, I may offer an amendment to it in the Senate, first as to foreign corporations, which under the law are taxable only on their gross income from sources within the United States; second, corporations entitled to the benefit of section 251, which corporations are also taxable only on their gross income from sources within the United States; and, third, corporations organized under the China trade act of 1922, which receive special privileges under the law. If, however, the amendment of the Senator from North Carolina is rejected, I shall not have to offer these amendments.

Mr. HARRISON. Mr. President, I ask unanimous consent also that if the Senate should reverse its action when the bill gets into the Senate I be permitted to offer an amendment which I have here.

The VICE PRESIDENT. Without objection, both requests are granted.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 243, after line 5, it is proposed to insert:

SEC. —. REMISSION OR MITIGATION OF PENALTIES.

The provisions of law applicable to the remission or mitigation by the Secretary of the Treasury of forfeitures under the customs laws shall apply to forfeitures incurred or alleged to have been incurred, before or after the enactment of this act, under the internal revenue laws.

Mr. REED of Missouri. What does that mean?

Mr. LA FOLLETTE. Will the Senator explain that?

Mr. SMOOT. Yes; I will explain it in a very few words.

Sections 5292 and 5293 of the Revised Statutes formerly provided for the remission or mitigation of fines, penalties, or forfeitures under the customs, navigation, or internal revenue laws. These sections were superseded, so far as the customs and navigation laws were concerned, by certain administrative provisions of the tariff act of 1922, and sections 5292 and 5293 were thereupon repealed. The repeal, however, inadvertently deprived the Secretary of the Treasury of the power to remit or mitigate fines, penalties, or forfeitures incurred under the internal revenue laws, for such fines, penalties, or forfeitures were not covered by the new administrative provisions of the tariff act of 1922.

The effect of the proposed section is to make these new administrative provisions of the tariff act of 1922 applicable to the remission or mitigation of forfeitures under the internal revenue laws as well as under the customs and navigation laws. There was just one word left out. It was a mistake in the law.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Yes.

Mr. SHIPSTEAD. Is this a perfecting amendment to the tariff act of 1922?

Mr. SMOOT. No; it is an amendment to the internal revenue law that affected the tariff act of 1922.

Mr. SHIPSTEAD. Then it is tariff legislation?

Mr. SMOOT. No; it is not tariff legislation. The amendment to the revenue law, which is sections 5292 and 5293, covers both, I will say to the Senator; and this simply corrects the error made in the former act by which forfeitures were left out.

Mr. SHIPSTEAD. The Senator's conscience is perfectly clear, then, that this is not improper to put on a revenue bill because it refers to the tariff?

Mr. SMOOT. This has nothing to do with the tariff.

Mr. REED of Missouri. Mr. President, as I understand, this is a provision to enable the Secretary of the Treasury or his subordinates to roam at large and make reductions where they want to, play favorites where they see fit, and refuse to do it in other cases.

Mr. SMOOT. No; the Senator is mistaken.

Mr. REED of Missouri. That is about all there is to it. Of course it will go through.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I send to the desk an amendment which is purely clerical.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 228, line 20, after the word "begun," it is proposed to strike out the remainder of the line and all of line 21, and in lieu thereof to insert the following:

before the expiration of two years after the making of such refund, or before May 1, 1928, whichever date is later.

Mr. LA FOLLETTE. I ask for an explanation of that amendment.

Mr. SMOOT. This amendment is necessary in order that suits already pending shall not be barred by the provisions now in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I ask unanimous consent that the vote be reconsidered by which the committee amendment inserting lines 4 to 20, both inclusive, on page 215 was agreed to, and ask that the amendment be rejected.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. That is the amendment which refers to claims for refund for 1917–1921.

The VICE PRESIDENT. Is there objection?

Mr. FLETCHER. There is quite an amendment there that was agreed to.

Mr. McKELLAR. Mr. President, what is this about refunds?

Mr. SIMMONS. The Senator had better explain it.

Mr. SMOOT. This amendment opened up the statute where waivers were filed prior to January 1, 1928. It is a clerical error, I will say to the Senator.

Mr. FLETCHER. What is a clerical error? There is quite an amendment on that page. Does the Senator mean the whole thing?

Mr. SMOOT. Yes. We strike out the provision in regard to claims for refund for 1917–1921.

Mr. FLETCHER. You strike out section 508?

Mr. SMOOT. Section 508.

Mr. McKELLAR. Mr. President, may I ask whether that is an attempt to change the Supreme Court decision?

Mr. SMOOT. Not at all.

Mr. McKELLAR. It has nothing to do with that?

Mr. SMOOT. No.

Mr. McKELLAR. There is nothing of that sort in this bill?

Mr. SMOOT. No. That was stricken out.

Mr. REED of Missouri. What is it?

Mr. KING. I ask to have the amendment stated again.

The VICE PRESIDENT. The Secretary will restate the amendment.

The CHIEF CLERK. On page 215 the following was inserted:

SEC. 508. CLAIMS FOR REFUND FOR 1917–1921.

Section 284 of the revenue act of 1926 is amended by adding at the end thereof a new subdivision to read as follows:

"(i) If the taxpayer has prior to January 1, 1928, filed a valid and enforceable waiver of his right to have the income, war-profits or excess-profits taxes for the taxable years 1917, 1918, 1919, or 1920 determined and assessed within five years after the return was filed, or filed a valid and enforceable waiver of his right to have such taxes for the taxable year 1921 determined and assessed within four years after the return was filed, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed at any time prior to 90 days before the expiration of such waiver, or at any time before the expiration of one year after the waiver was filed, whichever date is earlier."

Mr. NORRIS. Is that a clerical error?

Mr. COUZENS. I ask the chairman of the committee to explain it; because, as I remember, there was some difficulty in getting the committee to agree to this amendment in the first place. Now, as I understand, the chairman does not want the committee amendment agreed to.

Mr. SMOOT. I will say to the Senator that this is the amendment about which there was a difference of opinion in the committee; and it was allowed to go into the bill, I think, just before we reported the bill for further consideration on the part of the experts. Now, the experts recommend that the amendment be rejected.

Mr. LA FOLLETTE. On what ground?

Mr. SMOOT. On the ground that a waiver should not open up a statute of limitations.

Mr. COUZENS. It opens up the statute against the taxpayer, but not against the Government? Is that the idea?

Mr. McKELLAR. That is what will be done if this amendment is stricken out. This is in the interest of the taxpayer, as I understand. If it is, it ought to remain in the bill.

Mr. COUZENS. No; that is not correct.

Mr. NORRIS. What is the object of a waiver, if it is not to obviate the statute of limitations?

Mr. McKELLAR. You would think that is the purpose of it. It ought not to be required unless it is.

Mr. COUZENS. As I understand, the provision that the committee put in recognized waivers in favor of both parties. Now, as I understand, the Senator wants that provision repealed, so that the waiver may not apply to both parties. In other words, if the taxpayer has filed a waiver to permit the Government to assess a tax or readjust an income tax, the Government has the right; but, if this is repealed, I understand that the taxpayer has not an equal right with the Government. That is my understanding.

Mr. SMOOT. From what I understand, a great many very improper waivers have been filed, and that was the basis of asking for this.

Mr. McKELLAR. The waivers were filed at the request of the Government. It was not done because the taxpayers wanted to do it, but because the Government insisted upon their doing it. By striking this out you want to take away the right that they have under the waiver. I do not think it ought to be changed. I think we ought to vote down any change here.

Mr. SMOOT. I will say to the Senator that they never had the right.

Mr. McKELLAR. This gives them the right, at any rate, and I do not think it ought to be done.

Mr. SMOOT. Let it be voted on.

Mr. NORRIS. Mr. President, I do not want to vote on this until I understand it. I am not satisfied with the explanation the Senator has made.

Mr. FLETCHER. The committee does not seem to understand it, either.

Mr. NORRIS. It looks this way to me: A taxpayer signs a waiver. The object of having him sign that waiver is to avoid the statute of limitations running in favor of the taxpayer against the Government. In other words, if he did not sign a waiver it would be necessary for the Government, in order to prevent the statute of limitations from running, to commence suit, to take action. If he does not sign a waiver at the request of the Government—and he does not sign it unless he is requested, of course—and there should be claims each way, in other words, if the statute, except for the waiver, would run against him, it ought also to be fair to run against the Government. If the object of striking out this provision is to permit a waiver to operate as against one of the parties and not against the other, then we ought not to strike it out.

Mr. McKELLAR. As I understand it, the Government under certain circumstances requires a waiver or they will put an arbitrary assessment against the taxpayer.

Mr. NORRIS. Of course.

Mr. McKELLAR. And therefore the taxpayer is forced to make the waiver.

Mr. NORRIS. The taxpayer is not forced to make the waiver; it is up to him to do it, and if he does not do it, the Government can take the necessary action. I am not finding fault with that. Sometimes it saves costs, and so on, and if both sides want to do the fair thing, there is no objection. But when a taxpayer signs a waiver and thus divests himself of the right to take advantage of the statute of limitations, the Government should not then be able to say in the same transaction, on other items, "This can not be allowed because the statute of limitations has run." What is sauce for the goose ought to be sauce for the gander.

Mr. SMOOT. I withdraw the amendment.

Mr. GLASS. Mr. President, two years ago an amendment was offered to the then pending tax bill to require that the amount of income taxes imposed by this title should be assessed within two years after the return was filed. Theretofore the requirement had been four years. It was proposed by the senior Senator from South Carolina [Mr. SMITH] to reduce the requirement to two years and thereafter acquit the taxpayer of his obligation to the Government within two years after filing his return. In other words, the Government could not go back more than two years upon a taxpayer after he had filed his return.

I had occasion to speak upon the proposition at the time, and urged the adoption of the amendment. It appealed to the judgment of the Senate to such an extent that the Senator from

Utah himself finally accepted the amendment, but when he went into conference he immediately yielded to the House conferees and then made the period three years.

I call attention to the fact that the exemptions from income tax altogether have grown progressively greater, and that if a proposition of that sort appealed to the Senate two years ago, it certainly should appeal to the chairman of the committee and to the Senate now. Therefore, I desire to move that on page 177, line 18, under the "General rule," we change the word "three" to "two" so as to read:

(a) General rule: The amount of income taxes imposed by this title shall be assessed within two years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

Mr. SMOOT. Mr. President, the Senator's statement is absolutely correct. When we went into conference the House provision was four years and the Senate provision two years. We compromised on three years, just as the Senator has said. As far as I am concerned, I am perfectly willing to accept the amendment, and let it go to conference.

Mr. GLASS. I hope the Senator will stand for it in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, the Senate has decided to continue in effect the Federal estate law. Under the existing provision 20 per cent is for revenue and 80 per cent for coercion. I want to have inserted in the RECORD an article appearing in the Washington Times of May 10, 1928, which explains how this was brought about.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Thursday, May 10, 1928]

INSURGENTS TO SUPPORT COOLIDGE TAX-CUT PLAN—INSURGENT TAX-CUT DEAL AIDS G. O. P. BILL

(By International News Service)

The insurgent bloc of the Senate has entered a "gentleman's agreement" to support every provision of the administration's $203,000,000 tax reduction bill in return for a pledge that the Federal estate tax will be retained, International News Service learned to-day.

The agreement will enable the administration to secure Senate approval of its own bill and defeat the Democratic plan for a $336,000,000 tax slash.

DEMOCRATS COLD

The agreement was entered only after the Democrats refused to make a similar alliance with the insurgents, according to a spokesman for the bloc. The insurgents, he added, even offered to support the Democrats on an amendment revising tariff rates, but the proposal was rejected.

The administration-insurgent alliance was negotiated by Senator JAMES COUZENS (Republican), of Michigan, the spokesman said. By this action COUZENS thus assured the Senate approval of a tax cut within the $212,000,000 limit fixed by his arch enemy, Secretary of the Treasury Andrew W. Mellon, while at the same time insuring defeat of Mellon's pet proposal for repeal of the estate tax.

The alliance was necessary to the administration plan, as the Senate now lines up with 47 Republicans, 46 Democrats, and 1 Farmer-Laborite. The insurgents swing from 10 to 14 votes at all times.

Mr. REED of Pennsylvania. Mr. President, I give notice that when the bill is in the Senate I will ask for a record vote on the amendment, which was defeated without a record vote Saturday, imposing upon stock fire-insurance companies the same obligations to pay income tax on capital gains as is imposed by the present law on mutual fire-insurance companies.

The VICE PRESIDENT. The amendment will have to be reoffered in the Senate.

Mr. REED of Pennsylvania. Yes, Mr. President; I understand. I expect again to offer that amendment. I shall not offer any amendment dealing with the tax on life-insurance companies, because that was decisively settled against me by a record vote of the Senate, but I doubt whether all of the Senate understood that a result of the action of the other day was to impose upon fire-insurance companies with a capital stock less taxation and a different and easier method of taxation than is imposed upon fire-insurance companies that are wholly mutual and owned by their policyholders. I do not believe that was the intention of the Senate, and therefore I will present the question again when the bill is in the Senate.

Mr. MCMASTER. Mr. President, I also desire to announce that the amendment which I offered on behalf of my colleague [Mr. NORBECK] for a tax on promissory notes in connection with brokers' loans, I desire to bring up in the Senate when the bill reaches the Senate. It was defeated without a record vote, and I shall ask when the bill reaches the Senate for a record vote upon it.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole except those upon which separate votes are requested.

The amendments were concurred in.

Mr. SIMMONS. Mr. President, before the bill passes I want to congratulate the other side of the Chamber upon the fidelity with which the regulars and the progressives have carried out the contract and covenant by which it was agreed that they would support the committee amendments proposed by the majority and oppose those proposed by the minority. They have kept faith, the one with the other, and they are entitled, both the regulars and the progressives, to be congratulated upon the fact that they have stood by their contract.

Mr. SHIPSTEAD. Mr. President, on behalf of some Senators who were not here Saturday I ask unanimous consent that when the bill is reported to the Senate we may have a record vote on the agricultural amendment on which we voted last Saturday. Several Senators told me they were not here and would like to go on record upon the amendment.

The VICE PRESIDENT. It will be necessary to offer the amendment again in the Senate.

Mr. SHIPSTEAD. I intend to offer it.

The VICE PRESIDENT. The Secretary will state the first amendment on which a separate vote is desired.

The CHIEF CLERK. The first amendment reserved was that agreed to on the motion of the Senator from North Carolina [Mr. SIMMONS], on page 15, line 21, after "section 26," to insert a semicolon and the following:

but the tax under this subsection shall not exceed $1,350, plus the amount by which the net income in excess of such credits exceeds $15,000.

And in lieu of the provision stricken out by the committee, in the following words:

(b) Taxable income not more than $15,000: If the amount of the net income in excess of the credits provided in section 26 is not more the $15,000, then, in lieu of the rate prescribed in subsection (a), the rate shall be—

(1) Five per cent if such amount is not more than $7,000;

(2) Seven per cent if such amount is more than $7,000 and not more than $12,000;

(3) Nine per cent if such amount is more than $12,000, and not more than $15,000.

To insert in lieu:

(b) Taxable income not more than $15,000. If the amount of the net income in excess of the credits provided in section 26 is not more than $15,000, then in lieu of the rate prescribed in subsection (a) the rate shall be—

(1) Five per cent if such amount is not more than $7,000;

(2) Seven per cent if such amount is more than $7,000 and not more than $12,000; but the tax under this paragraph shall not exceed $350 plus the amount by which the net income in excess of such credits exceeds $7,000;

(3) Nine per cent if the amount of the net income in excess of the credits provided by section 26 is more than $12,000, and not more than $15,000; but the tax under this paragraph shall not exceed $840 plus the amount by which the net income in excess of such credits exceeds $12,000.

Mr. SMOOT. Mr. President, it is true that the Senate voted when the bill was in the Committee of the Whole a graduated corporation tax, but I thought it was a mistake then, and I am quite sure now it was a mistake, and I am going to ask the Senate for a separate vote upon that amendment.

Mr. SIMMONS. I understand that is the only vote the Senator has reserved?

The VICE PRESIDENT. The Senator from Nebraska has reserved a vote.

Mr. SMOOT. I want to call the attention of the Senate to just what that graduated tax will mean.

Mr. SIMMONS. I want to say to the Senator from Utah that we thoroughly discussed this matter while the bill was in Committee of the Whole, and I am perfectly willing that there should be another vote. If the Senator thinks that the vote then taken did not express the sentiment of the Senate, I am perfecly willing that there should be another vote without any further discussion.

Mr. SMOOT. I wanted to say merely a few words.

Mr. SIMMONS. That will just open up discussion of the matter. If the Senator is willing to take a vote, let us have a vote; we all understand the matter.

Mr. SMOOT. Mr. President, it will take but a few minutes.

Mr. SIMMONS. There will have to be a reply, and we will be held here. We have discussed this matter. The Senate understands what is involved. It is a mere question of whether the corporation-income tax should be graduated up to $25,000. We have discussed it thoroughly and I think everybody understands it. I am perfectly willing that we shall now vote without further discussion.

Mr. REED of Pennsylvania. Mr. President, no matter what agreement the Senator from Utah makes about this, I am going to talk for 5 or 10 minutes about it.

Mr. SIMMONS. I do not object to the Senator talking as long as he wants to, as far as that is concerned, but I suggested that probably we might vote upon this without further debate. The Senator from Utah has intimated that certain Senators probably were not here, or did not properly understand the matter. I suppose that by this time they are here and have been advised as to what it means. I think everybody is ready to vote.

Mr. SHORTRIDGE. Will the Senator from Utah state the proposition?

Mr. SMOOT. Just a moment.

Mr. HARRISON. Mr. President, the Senator from Utah knows that some of us have not discussed certain amendments, thinking perhaps we would get through with the bill before now. Everybody thoroughly understands the corporation-tax proposition. If the Senator discusses it, it is going to call for a reply, and we will go on and on and never get through with the bill.

Mr. SMOOT. There are some questions on this amendment that I really did not understand myself.

Mr. HARRISON. That is the reason why the Senator voted wrong.

Mr. SMOOT. The Senator may say that, but I am quite sure that there are some Senators on both sides of the Chamber who did not understand it.

Mr. SWANSON. Mr. President, I ask unanimous consent that all discussion on any amendment now offered to the bill, of any kind or character, shall be limited to five minutes.

Mr. COUZENS. I object.

Mr. SWANSON. I will make it 10 minutes.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. May we have the request stated?

Mr. SWANSON. That all speeches on any amendment now pending or reserved shall be limited to 10 minutes.

Mr. CARAWAY. One Senator might occupy the entire 10 minutes.

Mr. SWANSON. No; I mean that each Senator shall be limited to 10 minutes. The procedure of the Senate under its rules enables us to delay business, because all bills and amendments are considered as in Committee of the Whole, requiring the same quorum and the same conditions and the same speeches. Then within a minute or five minutes we go into the Senate with the same quorum, the same conditions, and the same speeches to be made again. I serve notice that I am going to offer a rule to abolish this theory, so I will not have to sit here and listen to the same speeches a dozen times before we can vote.

Mr. SMOOT. I would like to have the Senator submit the request again for a five-minute limitation.

Mr. COUZENS. If the Senator from Virginia will explain in five minutes the graduated tax in comparison with the favors now received by small corporations, I would like to listen to his explanation, because I do not understand it.

Mr. SWANSON. Whether I understand it or not, I heard all the debate and I do not want to hear that debate over and over again. There has got to be a limitation to debate. The House decides without debate and we debate without deciding. There ought to be some harmony reached between the two bodies. I ask unanimous consent that no Senator shall speak longer than 10 minutes.

Mr. SMOOT. Make it five minutes.

Mr. REED of Pennsylvania. I object.

Mr. SWANSON. Ten minutes, then.

Mr. COUZENS. I object.

Mr. SWANSON. I will make it 15 minutes.

Mr. COUZENS. I object. The Senator will have to raise his bid.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

Mr. COUZENS. I object.

The VICE PRESIDENT. Objection is made. The Senator from Utah has the floor.

Mr. SMOOT. Mr. President, if the graduated tax on corporations as provided in the amendment of the Senator from North Carolina is agreed to, it simply means that all holding companies will be virtually relieved of taxation.

Mr. McMASTER. Will the Senator state that again?

Mr. SMOOT. All holding companies will be virtually relieved of taxation. For instance, here on the chart is shown a holding company. The instances shown on the chart are actual instances. Company No. 101 had a gross income of $140,249; expenses, $14,431; net profits, $125,818; dividends received—that is, the holding company receives the dividends—$115,865, making a net income of $9,953. The tax for 1926 was $1,074, and under the amendment of the Senator from North Carolina it would $348.

Take another actual case of holding company No. 105: Gross income, $1,669,134; expenses, $5,060; net profits, $1,664,074; dividends received, $1,660,710. The net income would be $3,364. The tax in 1926 was $184, and under the amendment proposed by the Senator from North Carolina would be $18. So I could go on down the list with nearly all the holding companies in the United States.

Under the amendment of the Senator from North Carolina this would be the curve [indicating on chart]. In other words, it would begin at the normal rate and run up to $10,000, then over $10,000 to $150,000 it would be the exact rate. Then it goes over; then it goes up; then it goes over again and up again. That is what the graduated tax means. It also means that each chain store in the United States could make an individual return, and all of the thousands and thousands of chain stores would fall under the 5 per cent bracket.

Mr. McMASTER. The statement is made that all of the chain stores of the country would supposedly incorporate and not have individual returns.

Mr. SMOOT. Yes.

Mr. McMASTER. Under the bill, as I understand it at the present time, they have an exemption of $3,000.

Mr. SMOOT. That is correct.

Mr. McMASTER. If these small chain stores have an annual income of, say, $5,000 apiece on the average, what is there to prevent them from incorporating at the present time and having an exemption of $3,000 and saving 60 per cent of all their taxation under the provision which the Senator has in the bill at the present time?

Mr. SMOOT. That can not be helped.

Mr. McMASTER. I am simply asking for information. What would prevent the chain stores from incorporating to-day under the bill as it is proposed to be passed, and under that incorporation save 60 per cent of all their taxes?

Mr. REED of Pennsylvania. There is nothing to prevent them from doing it. The trouble with the amendment we are now discussing is that it would make matters worse, because it would reduce the tax to 5 per cent on the $2,000, or the taxable income. In other words, it would bring the tax down to $100 on such a store, whereas under our plan the tax would be $250.

Mr. SWANSON. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. SWANSON. The Senator from Utah promised to talk not longer than five minutes, and the five minutes are up.

Mr. SMOOT. Very well; I will not say another word.

Mr. REED of Missouri. Mr. President, there is no point of order in the suggestion, because the statement of the Senator from Utah can not establish a rule of the Senate. I am looking at the figures on the chart on the wall, and would like to ask in good faith for some information. Is it true that a holding company can have a net profit of $1,664,000 and only pay $3,364 of tax?

Mr. SMOOT. Yes; because it is a holding company.

Mr. REED of Pennsylvania. It is worse than that, because the tax of the holding company under the present law is only $184, and the amendment submitted by the Senator from North Carolina would cut it down to $18.

Mr. REED of Missouri. Why do we not tax the holding company more?

Mr. SMOOT. Because of the fact that all the dividends have already been taxed 12½ per cent. The holding company holds that stock.

Mr. REED of Pennsylvania. Each of the subsidiary companies pays its tax on its earnings out of which these dividends are declared, so that that does not represent the entire tax which is realized from that group of companies.

Mr. President, I am only going to take a moment or two, but I do think it is important that the Senate should realize the burden of what is proposed to be done here. The amendment of the Senator from North Carolina proposes that if the earnings of a corporation are less than $7,000, then the tax on its whole taxable income shall be at the rate of 5 per cent. If its

earnings, however, should be more than $7,000 and less than $12,000, then the tax on all its earnings shall be at the rate of 7 per cent. That means that while a corporation with $6,900 income will pay 5 per cent on its taxable income, a corporation with, say, $7,500 income, a little bit the other side of the dividing line, will pay 7 per cent on its whole taxable income, which is a new principle in taxation for the United States. Always before we have taxed everybody the same amount on the first bracket of their income. The Senator will understand that if the amendment prevails, the tax on the first $7,000 of one's income will depend entirely on whether one has an additional income or not. That occasions the peculiar staggered lines on the diagram on the wall, which illustrates the tax rates in effect on the various incomes.

In order that the Senate may see that clearly, if the total income is $10,000—$3,000 exemption plus $7,000 taxable—then the tax rate is 3½ per cent on the aggregate of $10,000; in other words, $350. But should the corporation earn a couple of hundred dollars more, then its tax rate on its whole income immediately jumps practically to 5 per cent as a penalty for its earning a couple hundred dollars more.

One effect of that is going to be, as the Senator from Utah [Mr. SMOOT] pointed out, that wherever it is possible to resort to holding companies in order that the subsidiaries may pay the tax and exempt the parent it will be done. I can think of no more vivid illustration than the case of the oil companies which have their gasoline distributing stations scattered all over the country. A company can be incorporated in Delaware for something less than $200. That much is received in tax at each station, and if the plan of the Senator from North Carolina prevails——

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. REED of Pennsylvania. I yield.

Mr. McMASTER. I am asking for information. Take all the little filling stations, thousands and thousands of them throughout the land, does the Senator claim that they can be incorporated as separate companies?

Mr. REED of Pennsylvania. Absolutely.

Mr. McMASTER. And so they can under the bill as the Senator proposes to give it to us, exempting $3,000 of their income. Everyone of those companies can be incorporated, and probably a large per cent of them could save 100 per cent of their tax.

Mr. SMOOT. They do not get any advantage whatever. They have to pay the 12½ per cent tax.

Mr. McMASTER. But if one company owns a thousand filling stations, it makes a vast difference whether that whole income is taxed or whether it incorporates those filling stations into separate companies, as they could do, or, as I understand it, as the Senator claims the tendency would be to do. Then why can they not do it to-day and save 100 per cent of their tax? I mean under the bill as the Senator proposes to have it passed, if it is the tendency of the companies to do that, why can they not do it after the bill is passed?

Mr. SMOOT. Because there is not enough to gain by it.

Mr. McMASTER. If the filling stations earn $3,000 a year, then they can incorporate separately and save the tax on that whole income of $3,000, which would be a saving of 100 per cent of their total tax.

Mr. REED of Pennsylvania. If filling stations did not earn more than $3,000 a year, they would close them up. They would not incorporate if that were their income.

Mr. SACKETT. Mr. President, may I ask the Senator from Pennsylvania what the tax would amount to on $3,000?

Mr. REED of Pennsylvania. The income tax on an income of $3,000?

Mr. SACKETT. Yes, if it was paid on the $3,000.

Mr. REED of Pennsylvania. It would be 12½ per cent, or $375.

Mr. SACKETT. It would cost nearly that much apiece to incorporate the companies and distribute that amount, and that is the reason probably why they have not done it.

Mr. McMASTER. If their income is only $6,000 or $7,000 a year, there would be no tendency to incorporate. How much more of a saving would they make on a $6,000 income?

Mr. SACKETT. It would be twice that amount.

Mr. McMASTER. No; not that, because it is not proposed to allow a 50 per cent exemption under the pending amendment. If 7 per cent of their taxes is exempted, under the $3,000 exemption they can incorporate and save a hundred per cent of their taxes.

Mr. SACKETT. They have not done it; that is the point.

Mr. McMASTER. They will not do it for a saving of $370 a year. Will they do if you add 7 per cent to that amount?

Mr. SACKETT. Probably; I think they will.

SEVERAL SENATORS. Vote!

Mr. SIMMONS. Mr. President——

Mr. REED of Pennsylvania. Mr. President, I have not finished; I have not surrendered the floor.

Mr. SIMMONS. I supposed by the calls for a vote that the Senator had finished.

Mr. REED of Pennsylvania; No; it was not I that called for a vote; it was Senators who do not desire to listen.

Let us take a typical case; that is the quickest way to settle the point raised by the Senator from South Dakota. Take a chain store or a filling station or some similar subsidiary and assume that it earns $10,000, under the bill as it comes from the Finance Committee the first $3,000 is exempt and the next $7,000 is taxed at 12½ per cent; that means a tax on $7,000 of income at 12½ per cent, or $875. That would be the tax if the bill should be passed as reported by the Finance Committee. If, however, the amendment of the Senator from North Carolina shall go into effect, here is what the tax will be: The first $3,000 is exempt, and as the income does not exceed $10,000, it is subject only to a tax of 5 per cent, and all that is taxable is the remainder over the $3,000 exemption; in other words, the tax will be $350 under the amendment of the Senator from North Carolina against $875 under the bill as reported by the Finance Committee. That is the difference. The Senator from South Dakota gets his answer there. That is the difference in the inducement—the difference between a tax of $875 and a tax of $350. It would not pay to incorporate.

Mr. McMASTER. No, Mr. President; that is not the difference in the inducement because they have a flat inducement of $375 to begin with. So the Senator must deduct that in making his calculations. What I mean is, for example, that chain stores have an exemption of $3,000 in paying their taxes if they incorporate. That makes $375 saving to begin with under the bill as reported; so that $375 must be deducted from the amount which the Senator has mentioned.

Mr. REED of Pennsylvania. That is right. Now I will show the Senate just what that means. If at the present time under the Finance Committee's bill each United Cigar Store shop were incorporated, and each Standard Oil filing station and each chain grocery store, they would save $375 as against an affiliated or consolidated return for the enterprise as a whole. There would be a saving of $375 per shop per year. Is that agreed?

Mr. McMASTER. That is agreed.

Mr. REED of Pennsylvania. Very well. If, on the other hand, the amendment of the Senator from North Carolina——

Mr. SWANSON. Mr. President, if the Senator will permit me, as I understand it, it is not the amendment of the Senator from North Carolina. It is the provision of the House bill as proposed to be amended. It is the House provision modified slightly.

Mr. SIMMONS. Let me explain.

Mr. REED of Pennsylvania. Mr. President, is there any profit in that? The House had this provision in its bill.

Mr. SWANSON. I wanted the Senate to understand that this provision was included practically in the bill as it passed the House of Representatives.

Mr. SIMMONS. Mr. President, I hope the Senator from Pennsylvania will allow me to state the facts about it.

Mr. REED of Pennsylvania. Certainly; I yield to the Senator from North Carolina.

Mr. SIMMONS. As the House passed the bill it provided for a graduated tax on the incomes of corporations whose earnings did not exceed $15,000. In the consideration of the Committee on Finance, Mr. Mills, representing the Treasury Department, insisted that the House provision was not just in that a corporation that had an income of $15,000 would have to pay a tax of 9 per cent, while a corporation that had an income of $15,001 would have to pay at the rate of 12½ per cent. He insisted that that injustice should be remedied. That was his only argument against the House provision. I recognize the force of that objection, as did other members of the committee recognize its force, and I referred it to the experts to try to reframe the House provision so as to keep the exact rates of the House bill, but to provide against this sudden increase from 9 per cent to 12½ per cent. They framed an amendment which they said carried out that idea with justice and equity.

I submitted that amendment to the chairman of the committee, and I understood that the chairman of the committee recognized that the changes made in the House bill by the experts accomplished the purpose of bringing about that equity to which Mr. Mills insisted the taxpayer was entitled.

Mr. SMOOT. The Senator's amendment is a better amendment than the House provision.

Mr. SIMMONS. The Senator says my amendment is better than the House provision. It is a better provision because it corrects a certain inequity that Mr. Mills pointed out; but, with the exception of that correction, my amendment is the same as the provision adopted by the House.

Mr. SMOOT. It proposes the same rates.

Mr. SIMMONS. It carries exactly the same rates.

Mr. REED of Pennsylvania. What are we quarreling about now, Mr. President?

Mr. SIMMONS. I wish merely to say in conclusion, and then I shall have nothing more to say about the matter, that one may take the surtax rates and figure out exactly the same results that the Senator contends were figured out in this case.

If certain combinations are permitted there are brought about inequities. If such combinations are not permitted then there are no inequities. The only question involved here is, Shall a corporation that receives an income of only $15,000 be entitled to a graduated rate; whether that income shall be realized by a holding company or by a corporation which is not a holding company, shall it be required to pay the full 12½ per cent or shall that corporation, whether it be a holding corporation or otherwise, be entitled to a lower rate, a graduated rate, instead of a flat rate? That is the only question that is involved in this controversy. Any scheme of taxation, whether it be that of an individual taxpayer or a corporate taxpayer, can be manipulated so as to show a great inequity. The question, however, in the last analysis, is the same with reference to corporations as it is with reference to individuals. We provide that an individual whose income is only $10,000 shall not pay the high rate that is paid by a man whose income is $100,000; and that a man whose income is $90,000 shall not pay the same rate as does a man whose income is a million dollars. That is all this amendment means, and nothing more.

Mr. COUZENS. Mr. President, will the Senator from North Carolina yield to me for a moment?

Mr. REED of Pennsylvania. I think it is I who have that privilege.

Mr. SIMMONS. Probably I have trespassed too long on the time of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I am glad to yield to the Senator from North Carolina at any time.

Mr. SIMMONS. I do not wish to say anything more, and I had not meant to say that much, because the Senator from Mississippi [Mr. HARRISON] has given very much more study to this question than have I. He is probably better informed about it than am I, and probably better able to explain the case.

Mr. REED of Pennsylvania. Mr. President, seriously I can explain this amendment in a very few minutes, if the Senate will permit me to do so.

Mr. SIMMONS. The Senator from Pennsylvania was trying to intimate that I had submitted an amendment here that brought about certain inequities; but I tell him that it is the same amendment that was before the Finance Committee, and Mr. Mills, representing the Secretary of the Treasury, appeared there and he did not criticise the House amendment in any respect, except in the particulars which I have recounted and which I have attempted to remedy and have remedied, as I understand, to the satisfaction of the chairman of the committee.

Mr. SMOOT. Oh, no, Mr. President.

Mr. REED of Pennsylvania. I beg the Senate to let me say just a word. The Senator from North Carolina did offer this amendment, and I have offended him by calling it the amendment of Senator SIMMONS. Now he disowns it, and I am glad and agree that it came from nowhere.

Mr. SIMMONS. I want to say that I would have voted for the House provision which the committee struck out but for the fact that it was suggested by Mr. Mills that the rates ought to be readjusted so as to bring about equity with reference to the taxpayers.

Mr. REED of Pennsylvania. I will take the blame for the amendment, if nobody else will do so.

Mr. SIMMONS. It is the House provision with an attempt to amend it so as to overcome an objection by the representative of the Treasury Department.

Mr. REED of Pennsylvania. Yes, Mr. President; that is all understood.

Mr. SIMMONS. That is all there is to it. It is the House provision slightly modified.

Mr. BINGHAM. Mr. President, will the Senator from Pennsylvania yield to me for a moment?

Mr. REED of Pennsylvania. I yield.

Mr. BINGHAM. I move that the Senate recess until 8.30 to give every Senator an opportunity to get something to eat.

Mr. SMOOT. No; let us finish the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut that the Senate take a recess until half past 8 o'clock.

The motion was rejected.

Mr. REED of Pennsylvania. Mr. President, what the Senate wants to know, if it is interested at all in this matter, is what this amendment is and what its effect, if adopted, will be. I grant all that has been said by the Senator from North Carolina [Mr. SIMMONS] about the advantage of lower tax rates on those whose incomes are smaller; Congress has determined that over and over again in our fixing taxes on individual incomes; but, Mr. President, if the taxpayer is able to go to the State capital of Delaware or the capital of any other State and create a lot of subsidiaries and divide his income among them, as if he went to a State capital and got a hundred children at once, and divided his income among the hundred children in order to obtain the advantage of the lower rates, I do not think we would all be so strongly in favor of that graduation of the rates on individual incomes.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. SIMMONS. Can not an individual taxpayer, by distributing his property among his children, accomplish the same result?

Mr. REED of Pennsylvania. He can; but not if his children pay it over to him as soon as they get it; and that is what subsidiary corporations do.

It will not take five minutes to explain this if one has a chance.

That is the whole vice of the thing, Mr. President. We are all in sympathy with the shopkeeper or the owner of the small business who wants for proper reasons to incorporate; and we are all of us ready enough to give him some advantage in taxation. The trouble with this amendment, however, is that it gives so great an advantage that the reward for doing so will be taken advantage of by all the big corporations who have these scattered stations, scattered shops, scattered chain stores, scattered distributing stations.

Now, let me show the Senator from South Dakota what I tried to show three-quarters of an hour ago—just what the comparative advantage is under the Finance Committee's bill and under the amendment that came from somewhere, which is now in the bill by the action of the Committee of the Whole. The Senator will readily agree with these figures.

If there were no exemption at all allowed, and if the Finance Committee's 12½ per cent rate went into effect, the tax on $10,000 income would be $1,250. That is what the rate would be if there were no exemptions whatever. The bill as it comes from the Finance Committee permits a deduction of $3,000 before calculating the taxable income. In other words, the tax imposed by the bill now before the Senate as it came from the Finance Committee was 12½ per cent on $7,000, or $875. That is to say, if the bill were to pass as the Finance Committee reported it out, there would be an advantage of $375 in incorporating one's subsidiaries. But the amendment that we are now discussing would make the tax on that $10,000 corporation only $350, so that the advantage by incorporating your subsidiaries would be $900 per year per station or per shop or per subsidiary.

Mr. McMASTER. That is, less $360.

Mr. REED of Pennsylvania. No; I beg the Senator's pardon.

Mr. McMASTER. Well, the Senator made a dogmatic statement there. The temptation now, of course, is to save that $900, less $360?

Mr. REED of Pennsylvania. Yes, Mr. President; that is what I tried to explain. Under the Finance Committee's bill you deduct your $3,000, and the tax is 12½ per cent on the remaining $7,000. That is $875; so that the saving by incorporating your subsidiaries is the difference between $875 and $1,250.

Mr. McMASTER. I dislike to annoy the Senator——

Mr. REED of Pennsylvania. The Senator does not annoy me in the least; I just want to get it right.

Mr. McMASTER. But the saving is, as the Senator says, $875 if they incorporate under the amendment as proposed by the Senator from North Carolina.

Mr. REED of Pennsylvania. No; it is $900.

Mr. McMASTER. Well, $900. That would be the saving?

Mr. REED of Pennsylvania. That would be their saving under his amendment.

Mr. McMASTER. Yes; if they incorporated. If this amendment was not agreed to, then their saving would be $375.

Mr. REED of Pennsylvania. Three hundred and seventy-five dollars.

Mr. McMASTER. Therefore there is between four and five hundred dollars of a temptation for them to incorporate. That is the idea I am trying to get across. Is that true or not?

Mr. REED of Pennsylvania. It is more than that. You more than double the temptation. The temptation now is to save $375 per shop. The temptation under this amendment would be $900 per shop, a difference of $525.

Mr. McMASTER. May I ask another question for information?

Mr. REED of Pennsylvania. Surely.

Mr. McMASTER. Granting that the statements made by the Senator from Pennsylvania are true, and granting——

Mr. REED of Pennsylvania. If they are not, let us correct them now, because I am sure they are.

Mr. McMASTER. Well, granting that they are—I do not know; I am not so sure; I think the Senator has generalized a good deal. I do not know that each chain store earns $10,000. I think that out in the rural districts they have many stores that earn a good deal less than that. I think there are certain stores of that nature that if they were incorporaed to-day under the law as proposed by the committee would save 100 per cent of their taxes. In certain instances I think that is true; but, nevertheless, outside of that, granting that every statement made by the Senator from Pennsylvania is true——

Mr. REED of Pennsylvania. They are all intended to be true. The Senator will certainly concede that.

Mr. McMASTER. But the Senator was conveying the idea that the earnings would average $10,000 or more for every little country store that might be incorporated. Outside of that, however, granting that those statements are true, I want to ask this question:

Suppose there was a tendency on the part of chain stores and other great institutions that operate these separate units by the thousands throughout the country to incorporate to avoid their taxes. Is it not possible to attach some amendment here to reach that sort of evasion? For example, if the stock of a great chain store is sold on the stock exchange, how will it incorporate as small stores—through the holding company?

Mr. REED of Pennsylvania. Easily.

Mr. McMASTER. May I ask the Senator as a lawyer, then, is there not some remedy to reach that sort of an evasion of taxes, and could it not be incorporated into the law?

Mr. REED of Pennsylvania. The remedy is not to make it worth their while to do it.

Let me illustrate to the Senator how this process occurs. It is perfectly simple.

The United Cigar Stores Co., we will suppose, owns a shop down here on the corner of Pennsylvania Avenue. It has leased that by the parent company, and the parent company pays the salaries and operates the shop. If we adopt this amendment, the United Cigar Stores Co. will at once incorporate a subsidiary. We will call it the Pennsylvania Avenue Cigar Store. The United Cigar Stores Co. will own all the stock except the qualifying shares. It will get all the earnings, all the dividends. It will manage the whole thing. The store will be as much a subsidiary as a corporation possibly can be, and yet it will become the taxpayer on the profits of that shop, and whatever dividends it pays to the parent United Cigar Stores Co. will be wholly free of tax in the hands of the latter, because of the fact that they have paid the corporation tax in the subsidiary. That is the way they will work it. I have seen it happen hundreds of times.

The same thing will be true with these gasoline stations; and when I suggested $10,000 as typical earnings, I do not know whether that is typical, or whether it ought to be $5,000 or $25,000, but the same principle applies right through. No matter what hypothesis you start on, you get a similar result.

Mr. FLETCHER. They still have an exemption of $3,000 under the Simmons amendment?

Mr. REED of Pennsylvania. Yes, Mr. President; the exemption remains the same under the Simmons amendment.

Mr. FLETCHER. So in all these branches, if their earnings do not exceed $3,000 net, there would be no advantage in incorporating?

Mr. REED of Pennsylvania. Oh, not a bit.

Take the little country shop whose earnings are $3,000 or less: There is no advantage under either amendment in incorporating. They are wholly tax free under either the Democratic amendment or the House amendment, whatever we want to call it, or under the bill as it comes from the Finance Committee. We are not helping the little fellow whose earnings are less than $3,000 any more by one measure than by the other, because both of them exempt him entirely.

I have nothing but the highest credit to pay to the motives of those Senators who have advocated this amendment. I know that they do it in all sincerity, to help the smaller, struggling corporations. My opposition to it comes not from any disagreement with that motive, but because of a feeling of absolute certainty that this well-intentioned amendment, if adopted, will be so shockingly abused that we will lose millions of dollars of taxes in the next couple of years, and will be forced to repeal it in the next Congress.

Mr. HARRISON. Mr. President, may I ask the Senator why the Actuary of the Treasury Department estimates a loss of $24,000,000, and yet the Senator thinks it will be millions on millions more?

Mr. REED of Pennsylvania. I do, Mr. President. I see no difficulty whatever in adjusting the affairs of every oil company, of every chain-store company, including these tobacco companies, and so fixing the intercompany prices that the profits of each subsidiary will be at the most profitable point, which is just about $10,000 per year. It is no trick at all to adjust the intercompany transactions so as to yield the particular profit that you want.

Mr. SIMMONS. Mr. President, may I suggest to the Senator that in all tax legislation we have had since the war began we have provided for these graduations with reference to the lower incomes. We provide it with reference to the surtax. We provide it with reference to the normal tax. I know that there are cases with reference to the individual income tax where persons with sinister motives have probably devised schemes by which the Treasury has been looted and deprived of its just revenues. I do not think the case of the corporate income tax presents any different situation from that which obtains with reference to the normal tax and the surtax of individuals. The Senator knows as well as I know that there are certain individuals who have so manipulated their affairs that they have been able to bring about a situation which was adverse to the payment of the just taxes that otherwise might be imposed upon them.

Mr. Rockefeller may have an income of a billion dollars a year; I do not know; but if he will divide his property among his children or among his friends he may reduce the tax that he would have to pay upon that billion dollars to a third or a fourth, even, of the amount of taxes he otherwise would have to pay. Is not the infirmity that the Senator has pointed out here to-day absolutely inherent in the system of taxation to which we have resorted and which we have provided with reference to individual taxes and to corporation taxes as well?

Is there not a striking analogy between our attempt to relieve those small corporations with small incomes and our attempt to relieve the individual taxpayers with small incomes from surtaxes and from normal taxes? And have there not been abuses such as the Senator is attempting to show here in the administration of the normal tax and the surtax on individuals, as well as the Senator is now trying to show that there are and will be with reference to the administration of the privilege that we have given to the small corporations in this amendment?

Mr. REED of Pennsylvania. Yes, Mr. President. The whole history of our tax legislation has been a battle of wits, an effort on the part of Congress to cope with these cases of legal evasion of taxes that Congress intended to impose. This seems to me to be a step backward in that way.

I have spoken in this way only because of a conviction that this well-intentioned exemption which the amendment plans would be taken advantage of by people whom we do not intend to benefit, and I believe it would be so much taken advantage of that we would be sorry we had passed it.

Mr. GLASS. Mr. President, may I ask the Senator from Pennsylvania if, aside from this particular amendment, he conceives it to be possible to adopt a graduated tax on corporations, just as we have adopted a graduated tax on individuals? Are the difficulties insuperable?

Mr. REED of Pennsylvania. Of course, it is possible, as a matter of draftsmanship, to do it, but I do not believe in the wisdom of it. I think it is wholly unjust to tax a corporation by the size of its income, and it will work out results that we do not mean.

The holder of one share of stock of the Pennsylvania Railroad, whose dividend on it is only $7 a year, is certainly as deserving as is the holder of all the stock of a corporation that makes $25,000 a year. Why we should give favors to one and not the other I do not see.

Mr. GLASS. Why should we do that as to individuals?

Mr. REED of Pennsylvania. That is the difference. The people we want to benefit are the individuals who are interested. We do not care about the corporation. We want the man of small income—the man, not the corporation—to get the advantage of our liberality.

Mr. GLASS. Corporations are made up of individuals.

Mr. REED of Pennsylvania. Of course, and we forget that when we treat them as entities for matters of taxation. Take the woman who has one share of Pennsylvania Railroad stock. We want to help her, certainly, as much as we want to help the man who owns all of the corporation that makes $25,000 a year; but we are working against her interest when we tax the Pennsylvania Railroad at a higher rate than we tax the other corporation. That is the trouble with graduated taxes on corporations.

Mr. GEORGE obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMOOT. I want to make a few remarks while the Senator from North Carolina is here. It will take me just a moment.

Mr. GEORGE. I yield.

Mr. SMOOT. The Senator is quite mistaken when he says that Mr. Ogden Mills favored a graduated tax.

Mr. SIMMONS. I did not state that.

Mr. REED of Pennsylvania. Mr. Mills has no vote. We are the people who have to carry the responsibility.

Mr. SMOOT. He was speaking for the Treasury Department.

Mr. SIMMONS. I did not understand Mr. Mills as favoring the graduated tax up to $15,000, but I did understand Mr. Mills as criticizing the fact that there would be a sudden jump which ought to be remedied if we should adopt that graduated scale.

Mr. SMOOT. This is what he said——

Mr. SIMMONS. I have no objection to the Senator reading what Mr. Mills said, but I know what he said. I know he opposed a graduated corporation income tax, but he pointed out that there were certain inequities and injustices in the rate. I sought to preserve the House provision and to remedy the inequities which Mr. Mills pointed out. That is all there is in that.

Mr. SMOOT. For the RECORD I just want to read this:

> The Treasury also desires to go on record as opposing the introduction of the principle of a graduated tax in the corporation field as provided for in the House bill. There is no sound justification for graduating the rate of tax on corporation income in accordance with the size of the income. We do so in the case of individuals because the incomes of individuals, generally speaking, are a fair measure of their ability to pay taxes. This, however, is not true of corporations unless there be taken into consideration the factor of capital invested in the business. There is no reason why if I invest a thousand dollars in a million-dollar corporation which only earns a 5 per cent profit the fruits of my investment should be reduced by 13½ per cent before I receive them, while if I invest the same thousand dollars in a fifty-thousand-dollar corporation, which earns a 20 per cent profit, the income is to be reduced by not more than 5, 7, or 9 per cent. The adoption of the principle of graduated taxes applied to corporations will inevitably lead back to the excess-profits tax which, impossible of administration, and generally discredited, was repealed in 1921.

Mr. SIMMONS. I want to say that when we proposed to graduate the normal tax on individuals the Treasury Department opposed that.

Mr. SMOOT. The very first bill we had contained provision for a graduated normal tax, and there never has been a proposition to change that graduation.

Mr. GEORGE. Mr. President, the Senator from Utah has read the argument of the Treasury Department, of Mr. Mills particularly, against the graduation of the tax on small corporations. It is a fact, is it not, that the Treasury Department recommended to the Ways and Means Committee only last fall that small corporations be given the right in certain circumstances to make returns as copartners rather than as corporations?

Mr. SMOOT. That, of course, would be quite different from the graduated tax.

Mr. GEORGE. That is true, is it not?

Mr. SMOOT. I think they did recommend that.

Mr. GEORGE. Yes.

Mr. SMOOT. Providing their income was less than a certain amount.

Mr. GEORGE. Without otherwise characterizing the argument advanced by the Treasury Department, I will say that it is worth little here. The argument advanced is that the large corporation may earn a small profit on its invested capital and the small corporation a large profit on its capital, and the Senator says that the principle of graduation as applied to corporations is without the slightest justification. If that is true, then the Treasury was entirely wrong when the department came to the Ways and Means Committee of the House and said that under certain circumstances a small corporation should be allowed to pay its income tax on the basis of a copartnership, and under the law applicable to a copartnership.

If the recommendation had been followed, corporations with incomes of $15,000 and less might have been given a rate of 2½ or 3 per cent, as against the rate of 12½ per cent in the Senate bill. You can not make any distinction in favor of the small corporations without recognizing basically the justice and equity of graduating the tax on the small corporations. When we let them make returns and pay as copartners they will pay at a much lower rate than 5 and 7 and 9 per cent on an income of $15,000 and less.

Mr. President, the small corporation is, in fact, in the majority of cases, nothing more than a copartnership, in that the energy, enterprise, and initiative of the men who own it and operate it constitute its chief asset, or at least an important asset. The income of the small corporation in equity may be considered as the income of a copartnership, because the individual element in the management and control of the corporation enters to so large an extent. The Treasury Department properly recognized that circumstance in proposing to the Ways and Means Committee of the House a provision permitting the option to the small corporation to make its return either as a copartnership or as a corporation.

The Senator from Pennsylvania has in effect said that if this amendment is agreed to, the large corporations—for instance, the large corporations owning chain stores—will split themselves up, so to speak, into small corporations in every town and in every village and city in which they operate.

Mr. President, it does not seem to me that that would result. That would be against the whole economic drift of the present time. But if it should result I submit that it might not be a serious matter, because, perhaps, we could then better handle those large combinations of capital disturbing us at this particular time. Already the Senate has passed a resolution directing the Federal Trade Commission to make an investigation of chain stores, those large corporations operating a series of stores throughout a State, or in several States, with their power to buy in large quantities and to sell at lower prices than the individual competitive enterprise.

We are taking notice of the problem, just as State legislatures have noticed the problem, and the Senator from Pennsylvania may be expressing an unfounded fear when he suggests or asserts that the chain-store corporations will cut themselves into local corporations and subject themselves to local control, subject themselves to the power of the local governments, merely for the sake of saving the difference between 9 per cent on an income of $12,000, let us say, and 12½ per cent, or 3½ per cent upon $12,000.

Mr. President, the fear is not well founded. The Senator from Pennsylvania no doubt entertains it, but the condition foreseen is not likely to happen. The large corporations will not think it worth while to create subsidiaries, to split themselves up, so to speak, and subject themselves to the jurisdiction of the local governments, because in the long run the possible gain will not prove equal to the risk incurred.

If the fear entertained by the Senator from Pennsylvania should prove to be well founded, the general welfare might well be promoted.

The great business combinations in the country can not as a rule split their businesses into several parts so as to take advantage of this provision, as suggested by the Senator. Only chain-store corporations or corporations operating chain stores could create subsidiaries in order to save the difference between the graduated rates and the flat rate of 12½ per cent. I do not believe the Treasury Department argument now made should greatly disturb the Senate, because the department has recognized that the smaller corporations were justly entitled to special consideration at the hands of the Congress in the pending measure.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Georgia has pointed out the reason why the graduated tax on corporations' incomes is here. The history of the amendment begins with the recommendation of the Treasury Department suggesting that corporations having a net income of less than $25,000 should be given the privilege to make their tax returns as partners.

The Treasury Department gave us some figures which are very striking. The number of corporations which have a net income of over $25,000 is only about 8 per cent of all corporations, while those which have a net income of less than $25,000 are about 92 per cent. They show also that one-half of 1 per cent of all the corporations pay 50 per cent of all corporation taxes. Let us apply the figures to the pending question.

The House agreed to reduce the taxes upon corporations to the amount of $160,000,000. That means that 92 per cent of all the corporations shall have their taxes reduced $16,000,000,

and 8 per cent of all the corporations will get $144,000,000 of the $160,000,000.

Mr. SMOOT. Is not the Senator mistaken?

Mr. WALSH of Massachusetts. I understand that the reduction of 1 per cent, which the Finance Committee recommended and which has been adopted, will mean, if the plan goes through, a reduction to corporations of $82,000,000.

Mr. SMOOT. Yes; it is $82,000,000.

Mr. WALSH of Massachusetts. That is the only reduction corporations are to get under the plan proposed by the majority of the Finance Committee?

Mr. SMOOT. With the exception of the increase of exemption, $1,000 more than the present law, making it $3,000 instead of $2,000.

Mr. WALSH of Massachusetts. The rate fixed by the House would show a reduction of $160,000,000? The Senate rate makes it $82,000,000.

Mr. SMOOT. That is the way the House had it provided.

Mr. WALSH of Massachusetts. Let us take the Senator's figure. If the reduction is 1 per cent, the loss is $82,000,000. If it is 2 per cent, the loss is $160,000,000. Then 8 per cent of all the corporations that pay on incomes in excess of $25,000 will get 92 per cent of the reduction of $82,000,000. Because it seemed to be so unfair and so unjust, when we were reducing corporation taxes, that the corporation with an income of less than $25,000 got practically nothing from the reduction, the friends of the small corporation began to think up a plan to aid them.

The House rejected the proposal that the small corporations be permitted to make their returns as partners, and worked out the amendment carrying the graduated-tax plan on corporation incomes, commencing at 5 per cent and increasing the tax until the maximum of 11½ per cent was reached upon incomes in excess of $15,000.

This plan means that much more of the $82,000,000 will be distributed to the small corporations than if we maintain and hold the flat tax upon all corporations. That is all there is to the proposition. It is a method of trying to spread out this large distribution in reduction of corporation taxes so that those corporations which earn less than $25,000, which constitute 92 per cent of the total number of corporations in the country, shall have a larger share of the reduction.

There is another reason. An inequality has existed since 1922 against nonexcess-profits corporations. From that time to the present they have had to pay a 25 per cent increase in their tax bill. With the hope of removing that inequality, the graduated tax upon corporation incomes has since been often suggested.

Of course, the graduated-tax plan is not perfect any more than any individual-tax plan that is graduated is perfect. A graduated tax upon individuals is an imperfect plan. Individuals can escape taxation or have their taxes removed from one bracket to another simply by changing their securities and investing in tax-exempt securities, and undoubtedly some corporations will seek to employ some of the methods of evasion that have been pointed out. This can not be prevented. Justice, however, demands we remove the burdens unjustly placed on small corporations when we increased their tax since the World War from 10 to 12½ per cent. The Senator from Georgia [Mr. GEORGE] has made it very clear that in the long run, if what the Senator from Pennsylvania [Mr. REED] suggested might happen should happen, it will be a positive benefit for local communities and for State authorities to be able to get closer contact with the assets and liabilities of small corporations and tax and control them accordingly. Instead of there being grave danger, it seems to me the public interests will be greatly benefited by any tax proposal that will break up the big financial combines.

In any event, removing anticipated—and I believe exaggerated—fears and possibilities of evasion, no one can dispute the fact that under the House provision of the graduated tax upon corporations, every small corporation will receive a very substantial tax reduction as against the plan of the majority to continue the flat tax upon large and small corporations.

When we get down to a final analysis the question is whether, with conditions as they are, we are going to reduce now substantially the income on taxes upon the smaller corporations or whether we are going to continue a heavy-base flat tax upon all corporations. I hope the House provision will be retained in the bill and that we begin now to apply the principle of ability to pay to corporations as we have to individuals.

Mr. HARRISON. Mr. President, I apologize to the Senate for occupying even a few moments at this hour, but the situation confronting us is a peculiar one. The minority members have tried to assist the majority members in the passage of a revenue bill. We have refrained from lengthy discussion of amendments in order to save time and reach a vote. We have remained here and assisted in keeping a quorum present in order to expedite the passage of the revenue bill. The bill is now out of the Committee of the Whole and in the Senate and almost ready to be passed. We have gone on record as voting against various proposals touching the tariff question, which we ordinarily might favor in accordance with principles for which we have always stood. We did that with reference to the tariff amendments because we felt that their adoption might defeat tax reduction at this time.

I have reached that time in life where I concede to the other man that he is prompted by a conscientious opinion and that he is entitled to entertain a different view from that which I entertain. I do not find fault with him for that. Of course, there are some people who, if you do not agree with them, get mad; but I am not that kind.

I know there are Senators who have voted to put amendments on the bill which they believed would tend to defeat and prevent its passage. I believe, and I think it is the opinion of most of the members of the minority of the Finance Committee, that the inclusion of a tariff-revision provision in the bill would mean the doom of tax reduction at this time. I may be wrong, but I so believe. The Democrats are for tariff revision. We adopted a resolution asking the Ways and Means Committee of the House to report a tariff revision bill, but they have not done it. We have championed tax reduction here for more than two years and tried to bring it about, but without avail. I know that when there is a coalition between the so-called insurgent group on the other side of the Chamber and the Old Guard group they are going to prevail against us.

I appreciate now that the Senator from Utah [Mr. SMOOT] has brought about a new formation of the line, has re-formed the ranks, and that the revamped conditions over on the other side of the Chamber have aroused his hopes at least temporarily. He thinks he is going to strike out the graduated corporation tax amendment that was put in the bill by Democratic votes.

I never saw so much anxiety displayed about the small corporations as is now displayed by the Senator from Utah and the Senator from Pennsylvania [Mr. REED]. The only amendment we were able to put into the bill, practically speaking, was an amendment giving some relief to the small corporations of the country, those with a net income of $15,000 and less. Now, the Senator from Utah, after pleading with Senators on this side not to engage in further discussion but to pass the bill immediately and to hold down debate, seems to have changed his mind just as we have this one proposition left. The bill would have passed two hours ago, or an hour and a half ago, or an hour and twenty-nine minutes ago if the Senator had not shown his anxiety about this one proposal and risen in his place to discuss it.

Oh, the consternation when the Senator rose and said there were provisions in this amendment which he did not understand when it was previously under consideration, but that his eyes had been opened! He opposed it when it was before the Finance Committee of the Senate, he opposed it when it was before the Senate as in Committee of the Whole. He talked about it on the floor of the Senate when it was under discussion about two weeks ago and was adopted. He talked then like he knew something about it. This is the only time I ever heard the Senator from Utah acknowledge that he did not know what he was talking about at the time he talked. His eyes have now been opened and so he had his lieutenant, the Senator from Pennsylvania [Mr. REED], undertake to explain it by the chart on the wall. He was going to show us something we never heard of before. The mountain has labored and a mouse has been born!

What does the chart show? The Senator from Utah has on it four illustrations of some great corporations that would secure relief under the provisions of the amendment. He shows by his chart that corporation No. 101 had a net income of $9,953, that in 1926 it paid $1,074 under the present law, and that if the amendment adopted by the House, now known as the Simmons amendment, shall be agreed to it would pay but $348. It is simply a saving to that particular corporation of about $700, and yet he is on his feet now protesting about it.

We have had called to our attention illustration No. 105, which shows that under the present law a corporation pays a tax of $184, while under the Simmons amendment it would have to pay only $18. We have another illustration showing that under the present law a corporation which pays a tax of $1,165, under this amendment would pay $534. We are seeking by the amendment to give reductions. The Senator can point out the four cases to which he has referred, and about which there is nothing wrong, for they merely involve comparatively slight reductions, but, because holding companies may derive some

benefit, he wants to deny to thousands and tens of thousands of small corporations the reductions provided for in the Simmons amendment.

I submit that the House provision and the so-called Simmons amendment do not go as far as even the Secretary of the Treasury wanted to go. The Secretary, as was suggested by the Senator from Georgia [Mr. GEORGE] and as suggested the other day in my first speech on this subject, recommended to the House of Representatives a provision which would enable all corporations with a net income of not more than $25,000 to report as partnerships; in other words, they would not pay the 5 per cent on the first $7,000, the 7 per cent up to $12,000, the 9 per cent up to $15,000, as is proposed.

The Secretary of the Treasury realized that small corporations had not been fairly treated, and he recommended that they should be allowed to make their returns not as corporations subject to the corporation tax at all but as partnerships. Yet the Senator from Utah [Mr. SMOOT] and the Senator from Pennsylvania [Mr. REED] take issue with him for once and say, "Oh, this is all wrong, for benefit will accrue to big holding corporations which exist under our present laws, the organization of which we have been unable to find any way to prevent and which there is nothing in the bill to destroy." Because such corporations may get a reduction of $300 or $400 under the Simmons amendment they would deny to tens of thousands of small corporations the reductions provided by that amendment.

I submit, Mr. President, that those who want to vote to help the small corporations of the country will vote to retain the provision that was adopted in the House of Representatives as now proposed in modified form.

The only objection, as pointed out by the Senator from North Carolina, to it was that raised by the Undersecretary of the Treasury, Mr. Mills, who showed that under the House provision a corporation which had a net income of $15,001 would pay at the rate of 13½ per cent under the present law, or 12½ per cent under the pending bill, while the corporation that had an income of $15,000 would pay only at a rate of 9 per cent. There was a place where the spread was too large, where the discrepancy was too great. We have modified that provision so that the Senator from Utah says it is all right, so far as he is concerned. It is graduated just as the income tax and surtax are graduated. It is all right, and they can not pick a hole in it; but the distinguished Senator from Pennsylvania says that if he were a lawyer advising his client he could suggest some scheme whereby these intercity companies could adjust their affairs, get rid of a lot of taxes, and save millions of dollars.

I know that if anybody in the world could advise a corporation client how to beat the Government it would be lawyers with the ability of the distinguished Senator from Pennsylvania, and lawyers who would come from Pittsburgh, in Pennsylvania. However, the corporations which have been creating holding companies are going to continue to create them; but the fact that there are a few such companies which may save two or three hundred dollars each ought not to influence any Senator on the majority side who wants to grant some relief to the small corporations of the country, those with a net income of $15,000 and less, to cast a vote against accomplishing that result.

If we could break up the holding companies, if the chain stores and the Standard Oil Co. could be compelled to take out separate articles of incorporation in every State in which they do business, I would be glad of it. Then the States would obtain more taxes, and as resident corporations the companies would have to respond to the laws of those particular States.

They dare not do it; they will not do it. Court decisions and legislation have tried to compel certain big corporations to be broken up and segregated, but they have been unable to do it. No one can tell me that the Standard Oil Co. is going out and organize more corporations, as suggested by the Senator from Pennsylvania.

I submit, Mr. President, that this amendment, adopted in the Senate as in the Committee of the Whole by a close vote, with only about two or three Republican Senators voting with us, ought to be adopted and approved in the Senate. I am surprised that the Senator from Utah should want to deny to the small corporations this relief which the Senate by its action has once decided they should have.

The PRESIDING OFFICER. The question is on concurring in the amendment.

Mr. SMOOT and Mr. SIMMONS asked for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON (when Mr. MCNARY's name was called). On this vote the Senator from Oregon [Mr. MCNARY] is paired with the Senator from Maryland [Mr. BRUCE]. If the Senator from Oregon were present, he would vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If he were present, he would vote "nay"; and if permitted to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a pair on this vote with the senior Senator from New Jersey [Mr. EDGE]. If he were present he would vote "nay," and if I were at liberty to vote I should vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote, if present, I withhold my vote. If permitted to vote I should vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If permitted to vote I should vote "yea."

The roll call was concluded.

Mr. SIMMONS. I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from Iowa [Mr. STECK] and will vote. I vote "yea."

Mr. SWANSON. I transfer my pair with the senior Senator from Washington [Mr. JONES] to the senior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. OVERMAN. I transfer my pair with the senior Senator from Wyoming [Mr. WARREN] to the senior Senator from Montana [Mr. WALSH], and will vote. I vote "yea."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Utah [Mr. KING];

Senator from Indiana [Mr. ROBINSON] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from South Dakota [Mr. NORBECK] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 34, nays 33, as follows:

YEAS—34

Ashurst	Fletcher	Locher	Simmons
Barkley	George	McKellar	Stephens
Bayard	Gerry	McMaster	Swanson
Black	Glass	Mayfield	Thomas
Blease	Harris	Neely	Tydings
Broussard	Harrison	Overman	Wagner
Caraway	Hawes	Reed, Mo.	Walsh, Mass.
Dill	Hayden	Robinson, Ark.	
Edwards	Kendrick	Sheppard	

NAYS—33

Bingham	Deneen	Metcalf	Schall
Blaine	Fess	Moses	Shipstead
Borah	Greene	Norris	Shortridge
Brookhart	Hale	Nye	Smoot
Capper	Howell	Oddie	Vandenberg
Couzens	Johnson	Phipps	Waterman
Curtis	Keyes	Pine	
Cutting	La Follette	Reed, Pa.	
Dale	McLean	Sackett	

NOT VOTING—27

Bratton	Goff	Norbeck	Trammell
Bruce	Gooding	Pittman	Tyson
Copeland	Gould	Ransdell	Walsh, Mont.
du Pont	Heflin	Robinson, Ind.	Warren
Edge	Jones	Smith	Watson
Frazier	King	Steck	Wheeler
Gillett	McNary	Steiwer	

So the amendment made as in Committee of the Whole was concurred in.

Mr. NYE subsequently said: Mr. President, in the interest of my colleague [Mr. FRAZIER], who is unavoidably absent, I should like to say that I had an understanding here—I think it was generally understood—that he was paired on this question with the junior Senator from South Carolina [Mr. BLEASE]. I should like to inquire at this time if the junior Senator from South Carolina voted upon the amendment just concurred in?

Mr. BLEASE. Mr. President, I understood that I was paired with the Senator in Committee of the Whole. I never authorized a pair in the Senate, and never expect to do it.

The VICE PRESIDENT. The Chair is informed that a separate vote is not desired upon the second amendment, dealing with publicity.

Mr. SMOOT. No; I do not care for that, Mr. President.

The VICE PRESIDENT. Without objection, the amendment is concurred in.

The bill is in the Senate and still open to amendment.

Mr. SMOOT. Mr. President, I had unanimous consent to offer an amendment on page 16, line 6, after the amendment already agreed to, to insert the paragraph which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. "Graduated tax on small corporations": On page 16, line 6, after the amendment already agreed to, it is proposed to insert the following new paragraph:

(c) Special classes of corporations: Notwithstanding the provisions of subsections (a) and (b) of this section, the rate of tax shall be 12½ per cent in the case of a foreign corporation, of a corporation organized under the China trade act, 1922, and of a corporation entitled to the benefits of section 251 by reason of deriving a large portion of its gross income from sources within a possession of the United States.

Mr. SMOOT. Mr. President, that amendment is to provide that the Simmons amendment, just agreed to by the Senate, relative to graduated tax on small corporations, shall not apply to the corporations named in this amendment.

Mr. SIMMONS. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 146, at the end of line 10, insert "the sum of (A)" and in line 16, after "Commissioners," insert a comma and the following: "and (B) gain during the taxable year from the sale or other disposition of property."

On page 149, line 1, after "incurred," insert "as defined in subsection (b) (6) of this section" and after line 1, insert a new paragraph to read as follows:

(5) Losses sustained during the taxable year from the sale or other disposition of property.

On page 149, renumber paragraphs (6) to (9), inclusive.

Mr. REED of Pennsylvania. Mr. President, these are three amendments that go together. They are all part of the same idea. In brief, they are this:

At the present time, a mutual fire-insurance company or a mutual casualty company or a mutual marine-insurance company—not life insurance; this has nothing to do with life insurance—any mutual company has to pay a tax on the profits that it makes in dealing in stocks or bonds or real estate; but, as the law now stands, a fire-insurance company which has capital stock, and is owned by stockholders instead of policyholders, can deal in stocks and make a profit on the purchase and sale of them and pay no tax whatsoever on that profit. The same thing is true of a stock casualty company or a stock marine-insurance company.

I can imagine reasons why Congress would want to be more lenient to mutuals than to stock companies. I can not imagine, nor has anyone suggested, any reason why we should be more lenient with companies that are owned by stockholders than with companies that are owned by policyholders.

Mr. NORRIS. Mr. President, may I make an inquiry of the Senator?

Mr. REED of Pennsylvania. Certainly.

Mr. NORRIS. Is it right, then, to say that under existing law, without the Senator's amendment, we are more lenient to stock companies than to mutual companies?

Mr. REED of Pennsylvania. Absolutely.

Mr. NORRIS. If the amendment is agreed to, we put them on the same basis?

Mr. REED of Pennsylvania. We put them on the same basis.

I am not going to speak long about this matter, but let us have no doubt about it. As I said in the Committee of the Whole, if any rich man in America wants to avoid taxes to-day, the finest way that I know of to do it is to buy control of a little stock fire-insurance company and use that as his holding company, because he may gamble in bonds or stocks or lands as he pleases, and he does so absolutely tax free. Outside of the life-insurance companies—and the Senate settled that, so I am not going to discuss them—there is no other business corporation in America that can enjoy such profits without paying any tax upon them. I can see no defense for it. I think the only explanation for it is that it was an accident of legislation that Congress never fully understood.

The VICE PRESIDENT. Without objection, the vote will be taken on the amendments en bloc. The question is on the amendments of the Senator from Pennsylvania. [Putting the question.] The amendments are agreed to.

Mr. McMASTER. Mr. President, I desire, if it is in order, a vote on the amendment which I submitted.

The VICE PRESIDENT. Will the Senator send up the amendment?

Mr. McMASTER. I sent it up when the bill was in Committee of the Whole, to be called up when the bill came into the Senate. I offered the amendment on behalf of my colleague.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry: The amendments offered by myself were declared agreed to?

The VICE PRESIDENT. They were.

Mr. SIMMONS. What were those amendments?

Mr. REED of Pennsylvania. The ones about fire-insurance companies.

The CHIEF CLERK. The Senator from South Dakota [Mr. McMASTER], for his colleague [Mr. NORBECK], offers the following amendment:

On page 206, after line 2, insert a new section, as follows:

SEC. 441. TAX ON CALL LOANS.

Schedule A of Title VIII of the revenue act of 1926 is amended by adding at the end thereof a new subdivision to read as follows:

"8. Call loans: Drafts, checks, promissory notes, or other evidences of indebtedness, payable at sight or on demand, evidencing a loan made by any person engaged in the business of making call loans, 5 cents if the face value is not more than $100, and for each $100, or fractional part thereof, of face value, 5 cents."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota on behalf of his colleague.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry: There is some misunderstanding as to whether the amendments which the Chair has declared to have been agreed to were the amendments offered by myself on pages 146 and 149 of the bill, relating to fire-insurance companies.

The VICE PRESIDENT. Those were the amendments that were agreed to.

Mr. NEELY. If those are the amendments that we just adopted, I move to reconsider the vote by which the amendments were adopted, because many Senators voted under a misapprehension as to the question on which they were actually voting.

The VICE PRESIDENT. The Senate has heard the motion of the Senator from West Virginia to reconsider the vote upon the amendments of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I ask for the yeas and nays on that Mr. President.

Mr. JOHNSON. Let the vote be reconsidered, and then vote on the amendments.

Mr. REED of Pennsylvania. The amendments were agreed to.

Mr. McMASTER. Mr. President, was there not a matter before the Senate before the motion was made by the Senator from West Virginia?

Mr. NEELY. Yes; but there was no roll call. Any Senator can make a motion to reconsider a vote by which an amendment was carried when there was not a roll call.

Mr. REED of Pennsylvania. Mr. President, I withdraw my request for the yeas and nays on the motion of the Senator from West Virginia, and agree that the vote on my amendments may be reconsidered.

The VICE PRESIDENT. The vote on the McMaster amendment should be taken first.

Mr. NEELY. I made no motion about the McMaster amendment. I was speaking of the amendments of the Senator from Pennsylvania.

Mr. HARRISON. I did not understand the Chair to announce that the amendments had been agreed to.

Mr. NEELY. Yes; he did.

The VICE PRESIDENT. The Chair announced that the Reed amendments had been agreed to on a viva voce vote.

Mr. HARRISON. I ask for a roll call on that proposition.

The VICE PRESIDENT. The amendment of the Senator from South Dakota is before the Senate.

Mr. HARRISON. Is the other a closed matter?

The VICE PRESIDENT. The other is a closed matter, except that the Senator from West Virginia has moved to reconsider the vote.

Mr. NEELY. That motion is still pending, is it not?

The VICE PRESIDENT. Yes. It will come up after the pending amendment is passed on.

Mr. SIMMONS. Mr. President, I desire to inquire whether this motion to reconsider, which the Senator from Pennsylvania has agreed shall be done, does not have precedence over the motion now presented by the Senator from South Dakota?

The VICE PRESIDENT. The motion does not have precedence over a vote on the amendment of the Senator from South Dakota.

Mr. SIMMONS. I understand that in the confusion which resulted here, the amendments offered by the Senator from Pennsylvania were adopted without anybody knowing what was being done.

Mr. CURTIS (and other Senators). Question!

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota.

Mr. McMASTER. Mr. President, in view of the fact that this amendment was discussed in the Committee of the Whole, I am not going to detain the Senate, except with the statement that if this amendment is adopted, imposing a 5-cent tax upon each $100 of promissory notes which are given in the nature of brokers' loans, it will add $12,000,000 to the revenue of the country and to this tax bill; and I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. DILL. Which amendment are we voting on?

The VICE PRESIDENT. The Secretary will restate the amendment.

The Chief Clerk restated the amendment offered by Mr. McMASTER on behalf of Mr. NORBECK.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I am paired with the junior Senator from Utah [Mr. KING], and therefore withhold my vote.

Mr. OVERMAN (when his name was called). As I previously announced, I have a pair with the senior Senator from Wyoming [Mr. WARREN]. In his absence, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. EDGE], who is absent. If he were present, I understand he would "yea." If I were permitted to vote, I would vote "nay."

Mr. SMITH (when his name was called). I have a pair with the senior Senator from Indiana [Mr. WATSON]. In his absence, I withhold my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. In his absence, I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. TYSON (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Iowa [Mr. STECK], and vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from South Dakota [Mr. NORBECK] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 18, nays 44, as follows:

YEAS—18

Black	Dill	McMaster	Sheppard
Blaine	Harris	Mayfield	Shipstead
Brookhart	Howell	Neely	Thomas
Couzens	Johnson	Norris	
Cutting	La Follette	Nye	

NAYS—44

Ashurst	Fess	Locher	Sackett
Barkley	Fletcher	McKellar	Schall
Bayard	George	McLean	Shortridge
Bingham	Gerry	Metcalf	Smoot
Broussard	Greene	Moses	Stephens
Capper	Hale	Oddie	Tydings
Caraway	Harrison	Phipps	Tyson
Curtis	Hawes	Pine	Vandenberg
Dale	Hayden	Reed, Mo.	Wagner
Deneen	Kendrick	Reed, Pa.	Walsh, Mass.
Edwards	Keyes	Robinson, Ark.	Waterman

NOT VOTING—32

Blease	Gillett	McNary	Steck
Borah	Glass	Norbeck	Steiwer
Bratton	Goff	Overman	Swanson
Bruce	Gooding	Pittman	Trammell
Copeland	Gould	Ransdell	Walsh, Mont.
du Pont	Heflin	Robinson, Ind.	Warren
Edge	Jones	Simmons	Watson
Frazier	King	Smith	Wheeler

So the amendment offered by Mr. McMASTER on behalf of Mr. NORBECK was rejected.

Mr. NEELY. Mr. President, I renew my motion to reconsider the vote by which the amendment offered by the Senator from Pennsylvania [Mr. REED] was agreed to.

Mr. REED of Pennsylvania. I am perfectly willing that the vote shall be reconsidered, but I ask for the yeas and nays on the amendment.

Mr. NEELY. Mr. President, I ask unanimous consent that the vote be reconsidered by which the amendment offered by the Senator from Pennsylvania [Mr. REED] relative to taxing insurance companies was agreed to.

Mr. REED of Pennsylvania. I have no objection.

The VICE PRESIDENT. Without objection the vote will be reconsidered, and the question is on agreeing to the amendment.

Mr. REED of Pennsylvania and Mr. NEELY asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I have a pair with the junior Senator from Utah [Mr. KING]. In his absence I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. EDGE], and in his absence I withhold my vote.

Mr. SMITH (when his name was called). Making the same announcement as to my pair as on the previous vote, I withhold my vote.

Mr. SWANSON (when his name was called). Making the same announcement as before as to my pair, I withhold my vote.

Mr. TYSON (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I am not advised how that Senator would vote if present, and therefore I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON]; and

The Senator from Indiana [Mr. ROBINSON] with the Senator from Alabama [Mr. HEFLIN].

The result was announced—yeas 35, nays 27, as follows:

YEAS—35

Bayard	Cutting	Keyes	Sackett
Black	Dill	McMaster	Shipstead
Blaine	Fletcher	Metcalf	Shortridge
Borah	Gerry	Moses	Tydings
Brookhart	Harris	Norris	Vandenberg
Broussard	Hawes	Nye	Wagner
Capper	Howell	Oddie	Walsh, Mass.
Caraway	Johnson	Phipps	Waterman
Couzens	Kendrick	Reed, Pa.	

NAYS—27

Ashurst	Fess	La Follette	Robinson, Ark.
Barkley	George	Locher	Schall
Bingham	Glass	McKellar	Sheppard
Curtis	Greene	McLean	Smoot
Dale	Hale	Mayfield	Stephens
Deneen	Harrison	Neely	Thomas
Edwards	Hayden	Pine	

NOT VOTING—32

Blease	Goff	Overman	Steiwer
Bratton	Gooding	Pittman	Swanson
Bruce	Gould	Ransdell	Trammell
Copeland	Heflin	Reed, Mo.	Tyson
du Pont	Jones	Robinson, Ind.	Walsh, Mont.
Edge	King	Simmons	Warren
Frazier	McNary	Smith	Watson
Gillett	Norbeck	Steck	Wheeler

So the amendment of Mr. REED of Pennsylvania was agreed to.

Mr. McMASTER. Mr. President, I voted in the affirmative on the amendment in reference to the small corporation tax and therefore am permitted now to move a reconsideration of the vote by which the amendment was passed. My reason for making the motion is that I understand there was a misunderstanding in reference to a certain pair. I understand that the junior Senator from North Dakota [Mr. NYE] claims that the senior Senator from North Dakota [Mr. FRAZIER] had a pair. It is for the purpose of doing justice to the senior Senator from North Dakota, if he has been done an injustice, that I desire to make this motion.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. McMASTER. I yield.

Mr. ROBINSON of Arkansas. I suggest that the Senator withhold his statement and his motion until the Senator from South Carolina [Mr. BLEASE] shall have had an opportunity to make a statement. That Senator was on his feet addressing the Chair, but failed to get recognition. I make that suggestion to the Senator from South Dakota.

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. McMASTER. I yield.

Mr. BLEASE. Mr. President, I rose when the Senator did, but the Chair happened to see him first. He being such a handsome man, I am not at all surprised.

When I went home last week I asked Mr. Halsey to get a pair for me on some measures that were strictly party measures. I do not pair on any other kind. I understood that it was to be a pair for the consideration of this particular bill in the Committee of the Whole. I did not authorize anybody to make that pair for me to apply after the bill had been reported to the Senate.

However, Mr. Halsey says he made the pair with Senator FRAZIER, and that he included in the pair the consideration of the bill after it had been reported to the Senate. I asked him if Mr. Loeffler so understood it, and after consulting him, Mr. Halsey said he did. Of course, that being the case, I should have refrained from voting.

Mr. McMASTER. Mr. President, I withdraw my motion.

Mr. BLEASE. It will be noted, Mr. President, that after Mr. Halsey made his statement to me, I did not vote on the other amendments. I ask unanimous consent that the vote be reconsidered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered. The question now is on agreeing to the amendment offered by the Senator from North Carolina, commencing on page 15, line 22.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FLETCHER. Mr. President, may we have the question stated? What is the exact question pending?

The VICE PRESIDENT. The question is, Shall the Senate concur in the amendment made as in Committee of the Whole, the amendment being the one submitted by the Senator from North Carolina [Mr. SIMMONS] relating to graduated income taxes.

The Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I repeat the announcement of my pair as on the previous vote.

Mr. SIMMONS (when his name was called). I have a pair upon this question with the Senator from New Jersey [Mr. EDGE]. I transfer that pair to the Senator from Iowa [Mr. STECK] and vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Montana [Mr. WALSH] and vote "yea."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washinton [Mr. JONES]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN], and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WARREN (when his name was called). I have a general pair, as I stated before, but I am unable to obtain a transfer. I therefore withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON];

The Senator from South Dakota [Mr. NORBECK] with the Senator from New York [Mr. COPELAND];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from Oregon [Mr. McNARY] with the Senator from Maryland [Mr. BRUCE].

The roll call resulted—yeas 33, nays 33, as follows:

YEAS—33

Ashurst	George	McKellar	Stephens
Barkley	Gerry	McMaster	Swanson
Bayard	Glass	Mayfield	Thomas
Black	Harris	Neely	Tydings
Broussard	Harrison	Reed, Mo.	Wagner
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Dill	Hayden	Sheppard	
Edwards	Kendrick	Simmons	
Fletcher	Locher	Smith	

NAYS—33

Bingham	Deneen	Metcalf	Schall
Blaine	Fess	Moses	Shipstead
Borah	Greene	Norris	Shortridge
Brookhart	Hale	Nye	Smoot
Capper	Howell	Oddie	Vandenberg
Couzens	Johnson	Phipps	Waterman
Curtis	Keyes	Pine	
Cutting	La Follette	Reed, Pa.	
Dale	McLean	Sackett	

NOT VOTING—28

Blease	Gillett	McNary	Steiwer
Bratton	Goff	Norbeck	Trammell
Bruce	Gooding	Overman	Tyson
Copeland	Gould	Pittman	Walsh, Mont.
du Pont	Heflin	Ransdell	Warren
Edge	Jones	Robinson, Ind.	Watson
Frazier	King	Steck	Wheeler

The VICE PRESIDENT. The Senate being equally divided, the Chair votes "nay," and the amendment is not agreed to.

Mr. GEORGE. Mr. President, I congratulate the Vice President on the fact that he has had an opportunity to break a tie vote, and that having had the opportunity he voted wrong. [Laughter.]

The VICE PRESIDENT. The bill is in the Senate and still open to amendment.

Mr. SMOOT. Mr. President, I would like to know what the situation is in relation to the graduated tax amendment?

The VICE PRESIDENT. The question now recurs on striking out the section as reported by the committee, which will be stated.

The CHIEF CLERK. The question is on the committee amendment to strike out, on page 15, lines 22 to 25, inclusive, and on page 16, lines 1 to 7, inclusive, as follows:

(b) Taxable income not more than $15,000: If the amount of the net income in excess of the credits provided in section 26 is not more than $15,000, then, in lieu of the rate prescribed in subsection (a), the rate shall be—

(1) Five per cent if such amount is not more than $7,000.

(2) Seven per cent if such amount is more than $7,000, and not more than $12,000.

(3) Nine per cent if such amount is more than $12,000, and not more than $15,000.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, in accordance with the notice given when in Committee of the Whole, I offer the following amendment and ask that the clerk may read it.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. The Senator from Connecticut offers the following amendment: On page 243, after line 5, insert a new section to read as follows:

SEC. —. INCOME FROM SOURCES WITHIN POSSESSIONS OF THE UNITED STATES—RETROACTIVE.

The provisions of section 262 of the revenue act of 1926 (relating to income from sources within possessions of the United States) shall be retroactively applied in computing income, war-profits, and excess-profits taxes for the taxable years 1918, 1919, and 1920.

Mr. BINGHAM. Mr. President, may I say in explanation that this is not the amendment which I originally offered. It is the amendment which was prepared by the Senator from

Utah [Mr. SMOOT] in conjunction with the Treasury Department and was offered by him when the bill was in Committee of the Whole. It takes care of those citizens about whom General Wood telegraphed some years ago asking that they be taken care of and who Secretary Mellon said should be protected.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Connecticut.

The amendment was rejected.

The VICE PRESIDENT. If there are no further amendments to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. SMOOT. I move that the Senate insist upon its amendments, ask a conference with the House upon the bill and amendments, and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. MCLEAN, Mr. CURTIS, Mr. SIMMONS, and Mr. GERRY conferees on the part of the Senate.

Mr. CURTIS. Mr. President, I ask to be excused from serving on the conference committee. We are nearing the end of the session and I am unusually busy. I would not have time to attend the conference on this bill and also on the deficiency appropriation bill.

Mr. SMOOT. I ask then, that the Senator from Pennsylvania [Mr. REED] be substituted for the Senator from Kansas.

The VICE PRESIDENT. Without objection the Senator from Kansas [Mr. CURTIS] is excused, and the Senator from Pennsylvania [Mr. REED] is named in his place.

Mr. SMOOT. I ask unanimous consent that the bill be printed with the Senate amendments numbered.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATOR BURTON K. WHEELER

Mr. SHIPSTEAD. I ask unanimous consent to insert in the RECORD a letter written to Senator WHEELER indorsing his candidacy for reelection by Chester C. Davis, a Republican who was formerly head of the Agricultural Department of the State of Montana by appointment from former Gov. Joseph M. Dixon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AGRICULTURAL SERVICE,
Washington, D. C., February 15, 1928.

Hon. BURTON K. WHEELER,
United States Senator, Senate Office Building, Washington, D. C.

DEAR SENATOR WHEELER: I note that the Senate Committee on Agriculture this morning voted to report the committee bill by Senator MCNARY and am glad that your membership on the committee enabled you to contribute to this action.

Because we come from the same State it has been suggested that I should be the one to write you on behalf of the farm groups with whom I am associated to express their great appreciation of your effective work not only in support of the agricultural legislative program which they sponsor but also against all legislation hostile to agricultural interests.

Since 1924, when the postwar fight for economic equality for agriculture first reached national consideration, the farm organizations most active in the fight here have recognized their obligation to those Members of Congress who have worked and voted consistently in the interest of the farmers.

A fair national policy toward agriculture is not a matter of partisan politics. Representatives of the farm organizations with whom you have cooperated here come from all parts of the United States. As individuals they have their own party affiliations, but on this matter of an agricultural program the party line has disappeared and an economic division has taken its place.

It is on behalf of these groups as well as personally that I am taking this opportunity to express our appreciation of what you have done and of what we are certain you will continue to do for the farmers of your State and of the Nation.

Yours very truly,

CHESTER C. DAVIS.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 9 o'clock and 15 minutes p. m.) took a recess until to-morrow, Tuesday, May 22, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 21, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We offer Thee our grateful word of prayer, our Father in Heaven, for love and mercy crown our existence each succeeding day. It is so marvelous that nothing can chill Thy divine care toward us. Night and day, day and night, Thou dost anticipate all our needs. Do Thou strengthen us with the cloudless sky of faith, and may there issue from our lives a song of praise as sweet as a vesper chime. As Thou dost give us our little day in this dear old wonderful world, any kindness that we may do, any burdens that we may lift, any paths that we may smooth, Oh, let us not neglect it. This day, so short and so soon gone, will be only a memory to-morrow. May we do ourselves no wrong. Keep us, hold us, bless us in the springtime of Thy eternal promise. Amen.

The Journals of the proceedings of Saturday, May 19, 1928, and Sunday, May 20, 1928, were read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 11134) entitled "An act to authorize appropriations for construction at military posts, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 4401) entitled "An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md."

The message further announced that the Senate had passed joint and concurrent resolutions of the following titles in which the concurrence of the House of Representatives was requested:

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2;

S. J. Res. 155. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Jose J. Jiminez, a citizen of Venezuela;

S. Con. Res. 11. Concurrent resolution to investigate the problem of the control of aircraft for seacoast defense; and

S. Con. Res. 20. Concurrent resolution requesting the President of the United States to return to the Senate the bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the following title was taken from the Speaker's table and, under the rule, referred to the Rules Committee, as follows:

S. Con. Res. 11. Concurrent resolution to investigate the problem of the control of aircraft for seacoast defense.

COMPENSATION OF GOVERNMENT EMPLOYEES

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6518, to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table the bill H. R. 6518, the Welch bill, with Senate amendments thereto, disagreeing to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, will the gentleman state whether or not he has consulted with the ranking member of the Committee on the Civil Service, from which the bill comes?

Mr. LEHLBACH. Yes. This plan was announced in full committee, not only with the knowledge of the ranking member, but of every member. I just at this moment spoke with the

gentleman from Virginia [Mr. WOODRUM], who is present in the Chamber.

Mr. GARNER of Texas. Mr. Speaker, it would save colloquy and a question if gentlemen, when they make requests of this kind, would state that the committee had been consulted. I think it is nothing but fair to this side of the House for gentlemen making these requests to say that they have consulted with the Member who is in charge of the legislation.

Mr. LEHLBACH. He has been consulted with, and this course was outlined in committee, where the ranking member and everyone else were present.

Mr. GARNER of Texas. I am not complaining about it, but I do complain about the method of asking consent without making a statement of that kind.

The SPEAKER. Is there objection?

Mr. WOODRUM. Mr. Speaker, I reserve the right to object, and I shall not object, for the purpose of making a very brief statement. Along with some other Members of the House and of the committee, I feel that the Senate amendments have very materially helped the Welch bill as it passed the House. My own personal inclination would be to move to instruct the conferees to agree to the Senate amendments, if that motion were in order and I were recognized for that purpose. But I do not want to take a position that is antagonistic to the interests of the people who are interested in the legislation. The employees' organization through their head, Mr. Luther Steward, seems to be indorsing this plan of procedure. Personally I think it is a mistake. I think we should here and now agree to the Senate amendments and pass the bill, but I shall make no objection to the bill going to conference.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

The SPEAKER appointed the following conferees: Mr. LEHLBACH, Mr. GIBSON, Mr. MANLOVE, Mr. JEFFERS, and Mr. CELLER.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I present a conference report upon Senate Joint Resolution 46, providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes, for printing under the rule, and ask unanimous consent that one of the conferees who has not yet signed the statement of the managers on the part of the House may be permitted to do so. The report has been signed.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the joint resolution, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution, and agree to the same with an amendment as follows: In lieu of the language put in by the House insert the following:

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Muscle Shoals Corporation of the United States" (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the "Muscle Shoals act of 1928."

"SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States, and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"SEC. 4. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

"(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SEC. 5. The board is hereby authorized and directed—

"(a) To operate existing plants, to construct, maintain, and operate experimental or production plants at or near Muscle Shoals for the manufacture, distribution, and sale of fertilizer or any of the ingredients comprising fertilizer, or any of the by-products of the same.

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program.

"(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

"(d) To cooperate with National, State, district, or county experimental stations or demonstration farms for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

"(e) Whenever the board determines that it is commercially feasible to produce any such fertilizer, it shall be produced and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act.

"(f) The board shall commence the manufacture of fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops. The board is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fixed nitrogen, to determine whether it is or is not commercially feasible to produce fixed nitrogen by such plant.

"(g) Under the authority of this act, the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

"(h) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this act.

"(i) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(j) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"(k) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

"(l) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

"(m) To produce, distribute, and sell electric power, as herein particularly specified.

"(n) No products of the corporation shall be sold for use outside of the United States, her Territories and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"SEC. 6. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam No. 2, located at Muscle Shoals, its power house and all hydroelectric and operating appurtenances—except the locks—and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby intrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"SEC. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"SEC. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by the General Accounting Office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"SEC. 9. The board is hereby empowered and authorized to sell the surplus power not used in fertilizer operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years, and in the sale of such current by the board it shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

"SEC. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power, it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

"SEC. 12. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporation, after deducting the cost of operation, maintenance, depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

"SEC. 13. The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"SEC. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for fertilizer purposes in time of peace.

"SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

"SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies, and with railroads, railroad corporations, common carriers, and all public-utility commissions and any other person, firm, or corporation for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be entrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River and in the Clinch River.

"SEC. 17. The corporation as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information—not including access to pending applications for patents—necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen or any essential ingredient thereof, and any patentee whose patent rights may have been thus in any way copied, used, or employed by the exercise of this authority by the corporation shall have as the exclusive remedy a cause of action for any damages claimed to be instituted and prosecuted against the United States in the Court of Claims for the recovery of reasonable compensation, in accordance with the provisions of the act of June 25, 1910, as amended by the act of July 1, 1918 (title 35, sec. 68, U. S. C.), recoverable on a royalty basis in proportion to the entire volume of fixed nitrogen or essential ingredients manufactured by the corporation by the use and employment of such patent rights, and if said patent rights shall have contributed in a fractional part to the production of the entire volume, said compensation shall be proportionately allowed, and it shall be competent for the corporation to contract with any patentee in advance upon said basis, or to settle for any claim for such amount as to said corporation shall appear to be reasonable, fair, and just. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"SEC. 18. The Government of the United States hereby reserves the right, in case of war, or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract, for the purchase of electric power or fixed nitrogen or its ingredients, is thereby violated after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

"SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed $2,000,000 shall be made available with which to begin construction of Cove Creek dam during the calendar year 1929.

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved."

And the House agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

CHAS. L. MCNARY,
G. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report:

As amended by the House there were three major differences in the provisions of the resolution as it was passed by the Senate and as it was passed by the House. These were, first, whether the Government property at Muscle Shoals should be operated by the Secretary of War and Secretary of Agriculture or whether it should be operated by a Government corporation; second, whether Cove Creek Dam should be constructed; and third, what should be the character of the products to be manufactured. On the first two differences the Senate conferees receded completely, accepting the House language, while on the third difference the House conferees reached an agreement by a compromise that brings into conformity with the resolution as it passed the House the Senate provisions for the construction, operation, and maintenance of experimental plants at Muscle Shoals, the manufacture of nitrogen in such form as shall make it immediately available and practical for use by farmers in application to soil and crops, and to arrange with farmers and farm organizations for the practical use of the products of the plants at Muscle Shoals, as well as to cooperate with all existing agricultural experiment stations.

In short, the joint resolution as agreed to by your conferees provides for a Government corporation authorized and directed to conduct experiments in the production and use of nitrogenous products, to sell surplus electric power, and the Secretary of War is authorized to construct Cove Creek Dam for the benefit of navigation, flood control, and the generation of electric power.

An authorization for an appropriation of $10,000,000 is carried in the resolution, with a provision that not to exceed $2,000,000 of this amount is to be used to begin work at Cove Creek during the year 1929.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

Mr. UNDERHILL. Mr. Speaker, will the gentleman from Pennsylvania kindly tell us when he expects to call up the conference report?

Mr. MORIN. We can not take it up under the parliamentary procedure until the Senate has disposed of it.

MINERAL LAND OF CHOCTAW AND CHICKASAW NATIONS

Mr. LEAVITT. Mr. Speaker, by direction of the Committee on Indian Affairs, I call up the bill (S. 3867) to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes, a similar House bill being on the House Calendar.

The SPEAKER. The gentleman from Montana calls up the bill S. 3867, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, to extend to September 25, 1932, existing developed mining leases of the segregated coal and asphalt lands and deposits of the Choctaw and Chickasaw Nations which by their terms would expire prior to that date: *Provided*, That application is made by the owners of the leases for such extension of time: *And provided further*, That no lease shall be extended until the owner of such lease shall have paid all royalties due thereunder.

SEC. 2. That the act of Congress approved February 8, 1918 (40 Stat. L. 433), as amended and modified by the act of Congress approved February 22, 1921 (41 Stat. L. 1107), authorizing the sale of the leased and unleased coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, Oklahoma, be, and the same is hereby, amended and modified as follows:

"That the purchasers of any coal or asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations heretofore sold to them are hereby required to pay, within 60 days from the approval of this act, to the superintendent of the Five Civilized Tribes Agency, or such other official as the Secretary may designate, for the benefit of the Choctaw and Chickasaw Nations, all balances of principal and interest due from said purchasers on the purchase price: *Provided*, That in any case, upon application of the purchaser and showing made by him in support thereof, the Secretary of the Interior may, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, extend to such purchaser the time within which the purchaser may pay the balances of principal and interest due from him: *Provided, however*, That the time so allowed shall not in any case extend beyond the period of four years from the date of the approval of this act: *And provided further*, That said purchaser shall be required to pay in equal monthly installments, during the extended periods, the balances of principal and interest due from him: *Provided further*, That each purchaser, before allowing an extension, shall furnish the Secretary of the Interior security for payment of the amounts due under such extension, and upon application and showing made by said purchaser the Secretary of the Interior may allow such purchaser to pay said balances in quarterly or semiannual installments: *Provided further*, That upon failure of any purchaser to pay any installment within one month after the same becomes due under the terms of the time extension, the Secretary of the Interior is hereby authorized to and shall declare the sale of the coal and asphalt deposits forfeited and canceled in accordance with the terms and conditions under which the sale was made, and upon such forfeiture and cancellation all amounts paid by such purchaser, principal and interest, shall become the property of the tribes. It is herein further provided that when application is made by any purchaser for extension of time within which to make payment of deferred installments of the purchase price and interest thereon, and before action is taken thereon by the Secretary of the Interior under the provisions of this act, the governor of the Chickasaw Nation and the principal chief of the Choctaw Nation, or other legal representatives of said Indian nations, shall be notified thereof and afforded an opportunity to be heard or to file a written statement of their views in the case: *Provided*, That if any developed coal or asphalt lease shall expire and the owner of the lease shall not apply for the renewal thereof, or if the sale of any developed coal or asphalt lease shall be declared forfeited and canceled, the Secretary of the Interior is hereby authorized to take possession of said leased deposits and lease the same until September 25, 1932, or take whatever steps may be necessary to preserve and protect such property.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the dairying industry and to include some newspaper articles.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD on the dairying industry and to include some newspaper articles. Is there objection?

Mr. UNDERHILL. I do not object to his own remarks, but I do object to the newspaper articles.

Mr. GARNER of Texas. Right there, let me call the gentleman's attention to the fact that just a moment ago the gentleman from Iowa [Mr. COLE] did the same thing.

Mr. UNDERHILL. I was not here.

Mr. GARNER of Texas. Yes, you were; and the gentleman from Connecticut says you can get away with murder. [Laughter.] I suggest that the gentleman apply his rule to both sides.

Mr. UNDERHILL. Had the gentleman heard the application that was made by the gentleman from Iowa I think the gentleman would withdraw his inference that I have been unfair.

Mr. GARNER of Texas. I will; I think the gentleman tries to be consistent. But you have got to be on the alert if you hope to be consistent.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, to the gentleman from Texas withdrawing his inference, I wish to suggest that the gentleman from Massachusetts was in the Chamber at the time the request of the gentleman from Iowa was made. I will withdraw my request to extend my remarks in the RECORD, but I can tell you now that some of the rest of us will watch this RECORD, too.

Mr. UNDERHILL. Thank you.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

GRANT OF CERTAIN LANDS TO NEW MEXICO

The first business on the Consent Calendar was the bill (H. R. 9207) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object. That is the way to get the House quiet, by reading these bills.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to the State of New Mexico 400,000 acres of the surveyed nonmineral unappropriated, and unreserved public lands of the United States within said State, in trust, for the reimbursement of Grant, Luna, and Hidalgo Counties for interest paid by said counties on the bonds of Grant County, and for the reimbursement of Santa Fe County for interest paid by said county on the bonds of Santa Fe County, all of which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897 (29 Stat. 487); and also for the payment of the principal of the bonds issued by the town of Silver City and likewise validated by said act of January 16, 1897, and to reimburse said town of Silver City for interest paid by said town on said bonds: *Provided*, That if there shall remain any of the 400,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or profits therefrom, after the payment of said items and debt, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State.

SEC. 2. That the said lands shall be selected in the same manner as provided for the selection of lands granted to the State of New Mexico by an act of the Congress of the United States approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and such lands shall be leased and sold in such manner and under such limitations and restrictions as may hereafter be provided by legislative act of the State of New Mexico.

SEC. 3. Said State of New Mexico, through the State board of finance, shall determine the interest paid by said counties on said indebtedness, and the manner of liquidating the same, and likewise the amount of the principal due on the bonds issued by the town of Silver City, and the interest paid by said town and the manner of liquidating the same.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Page 1, line 4, strike out the words "four hundred" and insert in lieu thereof the words "two hundred and fifty."

Mr. CRAMTON. Mr. Speaker, I will ask to have considered with that the same amendment on page 2, line 9.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 9, strike out the words "four hundred" and insert the words "two hundred and fifty."

Mr. CRAMTON. Mr. Speaker, in connection with that amendment, I would like to take this opportunity to express my appreciation of the cooperation of the gentleman from New Mexico [Mr. MORROW] in working out this legislation as well as other legislation of great importance to his State. The result that has been accomplished could not have been accomplished otherwise than by his broad and conscientious cooperation. [Applause.]

The bill in question is one that I had some hesitation about with respect to our obligations, but he has urged that we have some obligation, and inasmuch as the bill turns over a grant of land to his State which I believe will be helpful to the development of the State, and by reason of the very broad position the gentleman from New Mexico has taken on some other legislation in which we have been much interested, I am glad to support his bill.

I understand the amendment I have offered, while it has not been desired by the gentleman from New Mexico, will be accepted by him.

Mr. LAGUARDIA. Mr. Speaker, I appreciate the efforts by which the gentleman from Michigan [Mr. CRAMTON] is bringing about a compromise on this bill, but this situation which we are now seeking to rectify is proof of the hasty legislation of Congress, under the plea that it would not involve any expense to the Government. In 1907 Congress, for no reason at all, went out of its way to validate the issuance of bonds by Santa Fe County and Silver City, and I knew at that time the plea was made that the legislation involved no expense on the part of the Government. Here we are, many years later, confronted with the situation that we are morally bound to do something by reason of the act of 1907.

Mr. CRAMTON. My study convinces me that the action being taken on this bill is a very generous action on the part of the Federal Government. I am reconciled to it because the State of New Mexico, through its Representative, has been showing similar breadth of view with respect to other important pieces of legislation.

Mr. LAGUARDIA. We were assured that it would involve no expense to the Treasury.

Mr. MORROW. Mr. Speaker, I ask unanimous consent that the bill S. 2535 be substituted for the House bill 9207, and to accept the House amendment as offered to the Senate bill.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

Mr. CRAMTON. Then I offer as a substitute the Senate bill.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to the State of New Mexico 400,000 acres of the surveyed nonmineral, unappropriated, and unreserved public lands of the United States within said State, in trust, for the reimbursement of Grant, Luna, and Hidalgo Counties for interest paid by said counties on the bonds of Grant County, and for the reimbursement of Santa Fe County for interest paid by said county on the bonds of Santa Fe County, all of which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897 (29 Stat. 487); and also for the payment of the principal of the bonds issued by the town of Silver City and likewise validated by said act of January 16, 1897, and to reimburse said town of Silver City for interest paid by said town on said bonds: *Provided*, That if there shall remain any of the 400,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or profits therefrom, after the payment of said items and debt, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State.

SEC. 2. That the said lands shall be selected in the same manner as provided for the selection of lands granted to the State of New Mexico by an Act of the Congress of the United States approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and such lands shall be leased and sold in such manner and under such limitations and restrictions as are provided in the said act of June 20, 1910.

SEC. 3. Said State of New Mexico through its State board of finance shall determine the interest paid by said counties on said indebtedness, and the manner of liquidating the same, and likewise the amount of the principal due on the bonds issued by the town of Silver City, and the interest paid by said town and the manner of liquidating the same.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 4, strike out the words "four hundred" and insert in lieu thereof the words "two hundred and fifty"; and on page 2, line 9, strike out the words "four hundred" and insert in lieu thereof the words "two hundred and fifty."

The amendment was agreed to.

Mr. MORROW. Mr. Speaker, I want to thank both gentlemen on the other side for their expressions and I desire to extend my remarks in the RECORD by inserting the report upon this bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. HASTINGS. Mr. Speaker, were the House amendments incorporated in the Senate bill?

The SPEAKER. They were. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. MORROW. Mr. Speaker, this legislation is very important to four counties, namely, Santa Fe, Grant, Luna, and Hidalgo, and to the town of Silver City, N. Mex. The indebtedness of each one follows:

Grant County	$57,193.73
Luna County	25,758.07
Hidalgo County	22,748.20
Santa Fe County	88,552.00
Silver City	203,250.00
Total	397,502.00

The report clearly explains the entire transaction. The legislation clears up the situation which was attempted to be cleared up by the grant of land to the State of New Mexico under and by virtue of the enabling act of June 20, 1910 (36 Stat. 557), when 1,000,000 acres of land were provided to the State to be applied in the payment of the bonds and accrued interest issued by the then counties of Santa Fe and Grant. The town of Silver City was entirely overlooked. The proceeds after the paying of the bonds and the accrued interest thereon went to the common-school fund of the State. Under the compact with the State of New Mexico this fund could not be reached without amending the State constitution.

The legislation proposed is for the purpose of clearing up that situation. The House report is attached hereto:

[H. Rept. No. 890, 70th Cong., 1st sess.]

GRANTING CERTAIN LANDS TO NEW MEXICO

Mr. MORROW, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 9207):

The Committee on the Public Lands, to whom was referred H. R. 9207, having considered the same, report thereon with a recommendation that it be passed without amendment.

In 1880 Santa Fe County, in the then Territory of New Mexico, issued bonds to the New Mexico & Southern Pacific Railroad Co. in the aid of the construction of a line from Lamy to Santa Fe; in 1887 said county issued bonds to the Texas, Santa Fe & Northern Railroad Co., in aid of the construction of a line from Santa Fe to Espanola.

In 1883 Grant County, in the then Territory of New Mexico, issued bonds to the Deming, Sierra Madre & Pacific Railroad Co., in the aid of the construction of a line from Deming to Silver City. In the same year the town of Silver City, the county seat of said Grant County, issued its bonds to the same railroad, in aid of the construction of the same line.

At approximately the same time the counties of Pima, Maricopa, Yavapai, and Coconino, in the then Territory of Arizona, voted bonds in the aid of railroad construction.

Thereafter, in the case of Lewis *v.* Pima County (155 U. S., p. 54), the Supreme Court of the United States unanimously held the bonds issued by Pima County to be void ab initio because issued contrary to the restrictions imposed upon the legislatures of Territories by Congress, and that such bonds created no obligation against the county. The Pima County bonds were in exactly the same legal position and status as the railroad bonds issued by the various counties in the Territory of New Mexico and by the town of Silver City. This decision was rendered in 1894.

By act of Congress of January 16, 1897 (29 Stat. 487), the bonds so issued by Santa Fe and Grant Counties and by the town of Silver City were validated, approved, and confirmed, and said counties and said town were required to assume and pay the principal and interest on said bonds.

In the act to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union, approved June 20, 1910 (36 Stat. 557), a grant of land of 1,000,000 acres was made to the State of New Mexico "for the payment of the bonds and accrued interest thereon, issued by Grant and Santa Fe Counties, N. Mex., which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897."

When the enabling act was before the Senate for consideration, Senator Beveridge, in addressing the Senate on the report of the Senate committee, among other things, said:

"But the Senate committee agreed that there were certain bonds which the United States was morally obligated to pay. Those were the bonds of Yavapai and Maricopa Counties, in Arizona, and Santa Fe and Grant Counties, in New Mexico. In both of these cases bonds had been issued in the aid of a railroad. They had been illegally issued. The Supreme Court of the United States, when the case was taken there, said, by the unanimous opinion of the court, delivered by Mr. Justice Brown, in Lewis *v.* Pima County (155 U. S.), that it was 'too clear for argument' that the bonds were void ab initio.

"But whatever the reason was, Congress, after the Supreme Court had declared these bonds invalid, passed a law validating them. Upon that principle, I think, it was practically the unanimous opinion of members of the Committee on Territories that the United States should pay these bonds, because by reason of any act of Congress a moral obligation had been created."

By oversight the indebtedness of the town of Silver City was omitted from the provisions of the enabling act. The total of the sums paid by the said counties for interest, and the amount still due and owing by the town of Silver City, with interest to September 1, 1927, aggregate $397,502.

Luna County was carved out of Grant County in 1901; Hidalgo County was carved out of Grant County in 1920.

The District Court of the United States for the District of New Mexico held that no part of the proceeds of the congressional land grant could be used except for unpaid principal and interest; that the act was not a reimbursement act.

By the act of Congress approved June 5, 1920, the consent of Congress was granted to the State of New Mexico to apply any part of the proceeds of said grant theretofore made in the enabling act to reimburse said counties and town.

The Supreme Court of the State of New Mexico subsequently held, in the case of Bryant *v.* Board of Loan Commissioners of the State of New Mexico et al. (28 N. Mex., p. 319), that the act of the New Mexico Legislature of 1921, attempting to make the congressional act effective, was unconstitutional because, under the terms of the enabling act and the Constitution, a compact was formed with provision that it should not be changed thereafter, except by act of Congress, accepted through a constitutional amendment. Among other things, the court said:

"The result reached in this case operated as a great injustice upon Grant and Santa Fe Counties and the town of Silver City. The debts were invalid when contracted. Congress recognized this when it passed the enabling act, and recognized the moral obligation of the Government to pay these debts. Had it been advised that there was reimbursement to be made, it would doubtless have so provided, as it has since signified its assent thereto by the act of June 5, 1920."

The proposed act grants "surveyed, nonmineral, unappropriated, and unreserved" land to the State of New Mexico, in trust, with provision that it be selected, leased, and sold as provided in the original enabling act admitting said State into the Union. It also provides that the residue, if any there be after said municipalities have been fully reimbursed, shall be added to and become a part of the permanent school fund of said State.

The report of the Secretary of the Interior is attached hereto, as follows:

MARCH 5, 1928.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I have your request of February 17, 1928, for a report on H. R. 9207, in which it is proposed to grant 400,000 acres of land to the State of New Mexico in trust for the reimbursement of Grant, Luna, Hidalgo, and Santa Fe Counties, for interest paid on certain railroad bonds and for the payment of the principal of certain railroad bonds issued by the town of Silver City and to reimburse said town for the interest paid thereon.

This bill is similar to S. 380 of the Sixty-eighth Congress, and H. R. 210 of the Sixty-ninth Congress, upon which I submitted reports under dates of March 15, 1924, and January 13, 1926, respectively. The previous bills provided for a grant of 500,000 acres, while this bill provides for a grant of 400,000 acres.

This bill is identical with S. 2535, on which I submitted a report dated February 29, 1928.

I call attention to the grant of 1,000,000 acres in payment of these railroad bonds issued by Santa Fe and Grant Counties.

This grant of 1,000,000 acres has been fully satisfied by selections which have been approved and the lands certified to the State.

The history of this grant is, concisely, as follows: Bonds were issued by Santa Fe and Grant Counties, and by the town of Silver City, N. Mex., to aid in the construction of certain railroads, the first issue of such bonds being made by Santa Fe County in the year 1880.

In the case of similar bonds issued by Pima County, Ariz., it was held by the United States Supreme Court, October 29, 1894 (Lewis v. Pima County, 155 U. S. 54), that they had been illegally issued and created no obligation against the county which could be lawfully enforced. This decision was considered to establish the invalidity of all like bonds, and thereafter the counties in New Mexico refused to pay interest on the bonds or to recognize their validity.

By act of Congress approved January 16, 1897 (29 Stat. 487), the bonds issued by Santa Fe and Grant Counties, and by the town of Silver City were validated, it being provided by the act that nothing therein should be construed so as to make the Government of the United States liable or responsible for the payment of any of said bonds.

It was evidently by reason of this act of Congress validating such bonds, which otherwise the town and counties of New Mexico would not have been required to assume payment for, that Congress in the enabling act of June 20, 1910 (36 Stat. 557), made the grant to the State of New Mexico of 1,000,000 acres of land, it being provided that the proceeds of such lands should be applied to the "payment of the bonds and accrued interest thereon issued by Santa Fe and Grant Counties," and further provided that if there should remain any of the 1,000,000 acres of land so granted, or of the proceeds therefrom after the payment of said debts, such remainder of lands and the proceeds of the sales thereof should be added to and become a part of the permanent school fund of said State.

The counties of Luna and Hidalgo were afterwards carved out of Grant County, and these counties assumed their proportionate part of the debt of the parent county.

It appears that at the time of the passage of the act of June 20, 1910, no thought was given to the matter of the bonds that had been issued by the town of Silver City as separate and apart from the bonds issued by Grant County, and later the question arose as to the reimbursement for the interest that had already been paid.

By the act of Congress approved June 5, 1920, authority and consent were given to the State of New Mexico to apply any part of the proceeds of the 1,000,000-acre grant to the reimbursement of Grant, Luna, and Hidalgo Counties, and to Santa Fe County for the interest already paid upon these bonds, and also for the payment of the principal and interest of the bonds issued by the town of Silver City.

Inasmuch, however, as the provisions of the 1910 grant had been carried into the constitution of the State of New Mexico, it was held by the supreme court of that State that the 1920 act could not be effectuated without an amendment to the State constitution of New Mexico.

It was suggested in my reports on the similar bills of a prior Congress that before any further grant be made for the purpose the exact amount of interest paid be ascertained and the total amount of indebtedness of the town of Silver City, in order that a calculation might be made of the proper acreage to satisfy such reimbursements. There have been submitted by Senator BRATTON (1) a certified copy of the minutes of the meetings of the Board of Loan Commissioners of the State of New Mexico, of date August 19, 1921, determining the sums due the respective counties for interest paid by such counties, and the indebtedness of the town of Silver City for principal and interest, and (2) a certificate of the treasurer of Silver City under date of December 22, 1927, showing the total amount of indebtedness of the town of Silver City, with interest, to date September 21, 1927. From these reports the total amount of indebtedness for which reimbursement is sought is shown to be $397,502.

There were also submitted certificates of the treasurer and of the commissioner of public lands of the State of New Mexico, from which it is shown that in the month of September, 1925, there were sufficient moneys in the fund created by the sale and leasing of lands under the 1,000,000-acre grant made by the act of 1910 to pay the principal and accrued interest of the bonds issued by Santa Fe and Grant Counties, whereupon said bonds were retired with the moneys so accrued, since which date all proceeds from said land grant have been apportioned to the common school fund of the State of New Mexico. It is not shown what portion of the 1,000,000-acre grant had been sold by the State and the amounts remaining from which the proceeds are to be applied to common schools.

In connection with my report on S. 2535 the Director of the Bureau of the Budget advised that the proposed legislation would be in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that this bill may be temporarily passed over. There are some gentlemen on the way here from Evansville who are going to confer with the gentleman from Kentucky [Mr. KINCHELOE], and I would like to bring this bill up later in the afternoon.

The SPEAKER. The gentleman from Indiana asks unanimous consent that this bill may be temporarily passed over without prejudice. Is there objection?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent to proceed for five minutes on bridge legislation.

The SPEAKER. The Chair does not like to recognize gentlemen on consent day.

Mr. COCHRAN of Missouri. Mr. Speaker, I withdraw my request and my reservation of objection.

Mr. KINCHELOE. Mr. Speaker, reserving the right to object to the request of the gentleman from Indiana, I shall not object, with the understanding that the gentleman will not bring up the bill until he notifies the gentleman from Kentucky.

Mr. ROWBOTTOM. I will do that.

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question. Is it the intention of the State of Indiana to build a toll bridge?

Mr. ROWBOTTOM. They are issuing bonds, and as soon as the bonds are retired it becomes a free bridge.

Mr. LINTHICUM. If we build this bridge, will it make access to the Vice President's home any easier?

Mr. ROWBOTTOM. I could not tell the gentleman that.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DESCHUTES PROJECT IN OREGON

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the next bill on the calendar, S. 1186, to provide for the construction of the Deschutes project in Oregon, and for other purposes, be passed over without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent that Senate bill 1186, the next bill on the calendar, be passed over without prejudice. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Does the gentleman from Missouri desire to speak with reference to a bill on the calendar?

Mr. COCHRAN of Missouri. On bridge bills on the calendar, yes.

The SPEAKER. The Chair will recognize the gentleman. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, I realize all are anxious to expedite pending legislation and get home but I feel in the interest of the country I should add another chapter to the bridge situation.

I have checked up and find the Commitee on Interstate and Foreign Commerce has acted on 243 bridge bills during this session and 8 additional bills are pending in committee. Some of the measures provide for free bridges, others for railroad bridges, and the balance grant permission to corporations and private individuals to construct and operate toll bridges. This is evidence of the alarming situation which I have pointed out on several occasions.

I have received many letters on this subject which convince me of a nation-wide interest in the toll-bridge question. I have been exceedingly careful not to attack the integrity of any individual or corporation unless a thorough investigation warranted such action.

This morning a letter comes to me from Arkansas, containing a great deal of information relative to the Arkansas bridge situation, and also a clipping from a newspaper under a Little Rock date line of May 16, stating New York capitalists have acquired control of the toll bridge across the White River at De Valls Bluff, Prairie County, from a Mr. Kempner and a Mr. Lenon, of Little Rock, and the price realized was quoted as $500,000. This deal followed the sale of a $500,000 issue of first-mortgage bonds of the White River Bridge Corporation, a Delaware Corporation, of which Mr. Lenon is president and Mr. Kempner is the largest individual stockholder.

A man named Harry Bovay, whose name I have seen on numerous bridge bills, received the consent of Congress to construct this bridge, but the article says he is no longer connected with the corporation, evidence that he assigned the franchise. I am told Bovay requested some additional franchises, but certain Senators opposed his efforts and prevented the bills from being passed.

Now, here is the amazing feature. This toll bridge is on the Memphis-Little Rock Highway, and the charge is $1 per car to cross. The same cars that cross the private toll bridge also cross what is called the Harahan Viaduct, and this viaduct is operated by the State and the charge is 20 cents per car. At

20 cents per car, I am informed, the revenue is $30,000 per month, and the money is paying for the construction of a new viaduct.

Now, the article states the toll bridge cost $200,000 to construct, but we see where it sells for $500,000 to New York interests.

As I have stated before, I realize bridges are a public necessity, but I again emphasize my conviction that the Congress which makes the construction of these projects possible should in some way supervise the issuance of securities in connection therewith.

When I brought up this subject several months ago I was told by Members this was not feasible, but if the committee will learn just what the Water Power Commission is doing in this respect, in connection with applications for power sites, it will see it is feasible, and that Army engineers are assigned to the Water Power Commission to assist in making the necessary investigations.

I sincerely hope the Members will make some investigations in their localities during the vacation period of the toll-bridge situation, so that those of us who propose in the next session to demand a different form of bridge bills will have your assistance. [Applause.]

Mr. Speaker, I have telegraphed to Arkansas for permission to use the information I have, and I ask unanimous consent, if I receive that permission from the author of the communication, that I be permitted to publish it in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. DENISON. Mr. Speaker, I do not object to the gentleman's extending his own remarks, but I do object to printing newspaper articles on extraneous matters of that kind.

Mr. COCHRAN of Missouri. Mr. Speaker, I will withdraw the request if the gentleman from Illinois objects.

Mr. DENISON. I receive a lot of that stuff, and I could fill the CONGRESSIONAL RECORD full of it if I thought it was worth it.

THE CURTIS-REED BILL

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Reed-Curtis education bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MERRITT. Mr. Speaker, the so-called Curtis-Reed bill, which is H. R. 7, covers a proposition which has been long before the country. It gained considerable impetus as a result of the World War, because in time of war all the forces of the Nation are necessarily centralized and put under control of the President as the Commander in Chief of the Nation.

The result of the war was to demonstrate to the Nation what wide results and in some ways what quick results could be brought about by this centralized application of the Nation's power, and many people interested in education and who are sincerely interested in its improvement conceived the idea that this improvement could be brought about more thoroughly and more rapidly by creating a department of education at Washington, which should at least be in touch with and should give information and advice to the entire educational system of the Union.

This movement is only one of many which began as a result of the war and which has resulted in increasing immensely the activities of the central Government, so that in many ways it affects and curtails the activities of States and communities through new agencies created or extended since the war. It is generally agreed by statesmen and students of the Constitution that as the country grows in extent and in population and wealth it is not less important, but more important, to keep in mind the underlying principles of the Constitution on which the Government of the country rests and which have proved so admirably adapted and adaptable to a Nation which has grown from a few scattered communities along the Atlantic seaboard into a Nation of continental extent and with a population of more than a hundred millions.

My objection to this bill is based on the underlying proposition that the Constitution of the United States reserves to the States all power not delegated to the United States, and to the people all personal liberty consistent with public order and with the rights of others.

In consequence of this policy the States and the various communities and inhabitants in general of the United States have been known for their independence, their initiative, and their adaptability to new and changed conditions.

At the other end of the line we might perhaps cite the inhabitants of imperial Germany before the war, who were controlled in all their activities, both in public and private. This is especially true of the German educational system which, while in a way efficient, inculcated in the minds of its children and so passed on to the minds of all its inhabitants historical untruths and an unmoral basis of life which went far toward producing the Great War. In other words, the schools were used as the best method of an imperial and warlike propaganda.

Now the public-school system of America, while it has been perhaps unduly lauded from the educational side, has been a tremendous instrument in unifying the various races who have come to this country.

And one reason why it has been so successful has been that the schools have been managed by the different States and communities in accordance with the local conditions, and they have been adapted to the needs of the particular classes of people which they have served.

It is, of course, true that school advantages in different parts of the country have not been equal and that in many parts of the country to-day they are not adequate, but the different communities have felt that the responsibility was theirs, and as time went on they have felt more and more the pressure of local public opinion and outside public opinion to improve their educational facilities and methods. In whatever improvement was made the community felt a direct pride and had an incentive for further improvement.

It is to hasten the improvement of these methods and, as some proponents of the bill say, to unify the educational system of the United States, that a United States department of education, with its head a member of the President's Cabinet, is proposed.

Before the Great War there was in the minds of many people the notion that it was only necessary to have any project undertaken by the Government, and especially by the National Government, to insure the success of the project and to insure that it would be managed with superhuman wisdom and efficiency. But after the unified Government control of the railways, which almost destroyed the efficiency of the service and which cost the Nation nearly two thousand millions of dollars, and after the unified Government management of the Shipping Board, people familiar with the facts have ceased to believe that there is any magic, unless it is bad magic, in having great systems which affect all the people managed by a central Government agency.

As to unifying the system of public education, the tendency, and probably the necessity, of every central Government agency is to formulate policies and rules governing the whole country. In a country of the continental extent of the United States, and with over a hundred millions of people, rules which may perhaps fit the people of Maine may not be at all suitable to the people of Oklahoma, nor will the rules suitable for the State of New York suit the conditions in Montana; but to a department official nothing is so sacred as a department rule, and standardization has a very attractive sound and is favored by all central departments.

But in educational matters standardization means an educational and mental strait-jacket and prevents progress. It is said by the proponents of the law that there is no intention to interfere with the local control of schools or educational matters. But the history of all Government departments and bureaus is that they tend to increase their jurisdiction and their operations and their staff of employees. Being convinced of their own good intentions and their own superior knowledge, they constantly tend to impose their ideas and their methods on all those who are under their jurisdiction. And as they extend their power and influence they, in turn, exert more and more influence on Congress, and so the system tends to expand year after year. It is certain that if such a department should be founded it would not be long before its influence would extend to every public school in the United States. It is easily conceivable that under sudden waves of excitement or of passion circumstances might occur under which we should have, not a little flare-up of intolerence or bigotry in a remote county in Tennessee, or in a State, as in Oregon, but one which affected the United States.

The fact that an official is a member of the President's Cabinet at once puts him into politics. The Cabinet is expected to support the policies of the President and the party in power and to perpetuate and extend them. The power of such a department for propaganda through the schools in the rising generation is beyond imagination, and, as above stated, was shown in its effect on the German Nation. The science of propaganda was brought to great efficiency during the war, and some interesting facts in this regard were brought out in the hearings of the Joint Committee on Printing in the Sixty-sixth Congress. It appeared that numberless publications of the

Government in every department had been used in a carefully worked up propaganda in favor of the adoption of the League of Nations. One of the most active was the present Bureau of Education which now is a bureau in the Department of the Interior. It had various publications, among them National School Service, which had a circulation of nearly 600,000 copies. Just as an example, this journal in an editorial stated:

Against the narrow and selfish type of nationalism the Great War has been fought and won.

Another Bureau of Education publication called School Life had the following:

One large result of the present peace conference should be an international league for education in democracy. The leadership which the new world will ask for is a leadership expert and effective, in sympathy with democratic ideals of work and with democratic ways of living. The leaders we ask for must have world outlook.

These quotations are not inserted as arguments for or against any position on the treaty, but merely to show how Government publications may be the vehicle for extensive propaganda and, moreover, for political or religious propaganda.

If the argument for centralization and efficiency and standardization is sound, then we should carry the argument to its logical conclusion, which would lead us to run all intrastate matters from the State capitols so that the mayors and municipal governments of the various cities would all be appointed from the central State authority, and we should have efficient and standardized State and town governments. I fancy, however, that scarcely anyone would desire to push the argument so far.

Everything worth while must be bought at some price. The price one must pay for a free and democratic form of government is a certain looseness and inefficiency in the Government. But the gain is that by participating in their own government in all directions citizens learn about its structure, become directly interested in its success, and develop their own characters and judgments.

By centralized administration all these good qualities become atrophied, and even if the central government remains honest it eventually becomes fixed and wooden and therefore inefficient.

If any one doubts that the scope of the Department of Education under the Curtis-Reed bill would be tremendous and would touch the community at every point he has only to read section 8 of the bill, which is as follows:

SEC. 8. (a) The department of education shall collect such statistics and facts as shall show the condition and progress of education in the several States and in foreign countries. In order to aid the people of the several States in establishing and maintaining more efficient schools and school systems, in devising better methods of organization, administration, and financing of education, in developing better types of school buildings and in providing for their use, in improving methods of teaching, and in developing more adequate curricula and courses of study, research shall be undertaken in (1) rural education; (2) elementary education; (3) secondary education; (4) higher education; (5) professional education; (6) physical education, including health education and recreation; (7) special education for the mentally and physically handicapped; (8) the training of teachers; (9) immigrant education; (10) adult education; and (11) such other fields as in the judgment of the secretary of education may require attention and study.

The reasons for the Curtis-Reed bill on the side of Americanization are also fallacious and are subject to precisely the same objections stated above.

Real Americanization can not be taught in books, and certainly can not be taught from any central authority. Each community must assimilate and Americanize its own inhabitants. One primary essential of any true Americanization is the fostering in every individual, along with a sense of independence, of a feeling of personal interest in and responsibility for his own environment and his own Government. Most of the present-day immigrants come from countries where they look upon the government as a power which imposes its will from without. And they must learn from experience gained in their own communities that, under our system, government is the will of the people expressed in orderly processes of the law. The Curtis-Reed bill and other bills like it will hinder this conception of Americanization and hinder any true Americanization of our population.

In short, if the people are to be educated and if the schools are to be a good influence, not only in the matter of the education of children but for the Government and for the interest of the people in their Government, the educational system of every State and every community must spring from the people themselves and not be imposed upon them or regulated by some agency outside of and above them.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

THOMAS A. EDISON

The next business on the Consent Calendar was House joint resolution (H. J. Res. 243) to provide for the coinage of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman from New Jersey the striking out of the second section of this resolution. I am sure there can be no opposition to the first section, providing for a gold medal to be awarded to Mr. Edison, but the advisability of adopting the second section, which provides for the striking of coins and giving them to somebody to sell, is doubtful, as that has proved very unsatisfactory in the past. With that understanding, I shall not object, and I shall offer an amendment striking out the whereas clauses and the second section.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, I have been much in sympathy with this resolution. Edison's beginning was in my district, and naturally I am much in sympathy with it. I believe that the elimination of section 2 adds to the force of the tribute involved in the legislation.

Mr. LAGUARDIA. I think so, too. With that understanding, Mr. Speaker, I withdraw any objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Whereas Thomas A. Edison has demonstrated that inventive genius may be turned to a better and nobler purpose than the mere making of money, and has added more to the material elements of civilization, by his own inventions and what they have suggested to others, than any other one man in the history of the world; and

Whereas this Government under which Thomas A. Edison was born, and in which for more than a generation he has been an educational institution of the first rank, by arousing in the minds of young men some sense of the limitless possibilities of science when devoted to the service of man, has at no time seen fit to formally honor this one individual who has such a firm hold on the popular imagination as to force men to watch what he is doing and hear what he is saying: Therefore be it

Resolved, etc., That in recognition of the achievements of Thomas A. Edison, the Secretary of the Treasury is authorized and directed to cause to be struck and presented to Thomas A. Edison a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. For such purpose there is authorized to be appropriated the sum of $1,000.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to strike out section 2 of the bill.

Mr. VESTAL. Mr. Speaker, the gentleman from New Jersey [Mr. PERKINS] is not present this morning. I happen to be one of the members of the committee. I desire to say I think it has been really the wish of the committee in respect of all of these bills not to permit a bill to be reported from the committee authorizing coinage of any money. I have been opposed to all of them and I think it is perfectly all right that this section shall be stricken out.

Mr. LAGUARDIA. I thank the gentleman.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 10, strike out all of section 2.

The amendment was agreed to.

The preamble was stricken out.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

AMENDMENTS OF COPYRIGHT ACTS

The next business on the Consent Calendar was the bill (H. R. 8913) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have here three proposed amendments. Two of the amendments provide added protection to copyright holders in having their copyrighted article or play used by moving pictures. I do not believe it is hardly fair to flash these amendments so suddenly, and if the gentleman would desire it I would be pleased to have the bill passed for the present without prejudice so that the gentleman may study the amendments.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill may be passed over temporarily without prejudice.

Mr. BUSBY. Mr. Speaker, I object to the bill. I am on the committee, I know what the bill contains, and I am unalterably opposed to it and there is no use of having it passed over temporarily.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BUSBY. I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUSBY. I object, Mr. Speaker.

ALABAMA AND COUSHATTA INDIANS

The next business on the Consent Calendar was the bill (H. R. 5479) to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, since the purpose of the bill has been met, I move that the bill be indefinitely postponed, and in connection with this motion I would like to be heard.

Mr. BRIGGS. Will the gentleman just let the bill be passed over until action is taken on the deficiency bill in the Senate? I may state, Mr. Speaker, that the gentleman from Michigan and myself and others, including Representative LEAVITT, the able chairman of the House Committee on Indian Affairs, have reached an agreement with reference to these Indians whereby an appropriation was carried in the deficiency appropriation bill. The Indians are also to be put upon the status of other Indians and are to be given the same treatment. I am perfectly agreeable to the passing over of the bill.

Mr. Speaker, the Alabama and Coushatta Indians of Texas and those interested in them have struggled for recognition by the United States for many years. They have only received a small educational appropriation within the last 10 years and nothing before that time. In the Seminole War members of this tribe rendered splendid service to the great Andrew Jackson, leading the forces of the United States, and when he became President he made acknowledgment of that service in presenting a silver plate or collar inscribed:

From Andrew Jackson, President of the United States, to John Blount, his faithful guide in the Seminole War.

These Indians, with their present chief, Sun Kee, have almost become discouraged with their condition of helplessness in the face of adverse economic difficulties, but they will now look upon life with new hope and new resolution since the House of Representatives has recognized them in the deficiency appropriation bill, passed last Friday, as American Indians entitled to relief from their Government, and not only made an appropriation for them of $40,000 for the purchase of additional land, livestock, and agricultural equipment, being $35,000 for land and $5,000 for the other purposes, but has given assurance that these Indians will be accorded the treatment given other Indians at this time in the appropriations carried in the general appropriation bills.

It has given me deep satisfaction to have been able to present the cause of the Alabama and Coushatta Indians, and to have received the whole-hearted and generous support and encouragement which has been received from Mr. C. F. Fain, jr., of Livingston, Tex., who has not only been designated by the Indians as second chief but has also recently been named by the Governor of Texas as commissioner for these Indians. Commissioner Fain came to Washington with Chief Sun Kee and Chieftain Battiste and appeared before the House Committee on Indian Affairs with the chief and chieftain, in behalf of this measure, introduced by me for the relief of this tribe. All three, with myself, also conferred with the President and received an agreeable expression of interest in their plight.

The Polk County Chamber of Commerce and the citizenship generally of the county, as well as of a large part of the State of Texas generally, the press of Texas, the Texas Federation of Women's Clubs, and especially Mrs. Gertrude Cogdell, chairman of the division of Indian welfare of that organization, the General Federation of Women's Clubs and its legislative representative, Mrs. Kate Trentholm Abrams, as well as the Indian Rights Association and its representative, Mr. S. M. Brosius, the Reverend and Mrs. C. W. Chambers, missionaries to such Indians, and many others have also rendered splendid cooperation in bringing about the result attained.

When the Senate and the President shall have adopted the legislative relief mentioned, the Alabama and Coushatta Indians will be given an opportunity to continue to exist and to become self-sustaining and, with the other relief indicated, to again become members of the great family of American Indians.

Mr. DOWELL. Mr. Speaker, I make the point of order that it is not in order to move to postpone until the bill is before the House.

Mr. CRAMTON. Mr. Speaker, I withdraw the motion I made for indefinite postponement, and reserving the right to object I desire to supplement the remarks of the gentleman from Texas with reference to the action that has been taken for these Indians in the pending deficiency bill and I ask unanimous consent to revise and extend my remarks on this matter and in connection therewith to insert, perhaps, a letter or two from persons interested.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, H. R. 5479, as introduced, was impossible from my point of view. It proposed an appropriation of $125,000 for these Indians, or over $2,000 for each head of family. That was quite out of reason. Further, there was a lack of any evidence of effective cooperation by the local community and the State of Texas. Also, it seemed to me desirable to have some definite offers of land before Congress committed the Government and more definite information as to the character of the available land.

My remarks in the House brought me considerable information, especially from Mr. C. F. Fain, who has given much time and effort to the helping of these Indians, and Mr. L. O. Jackson, secretary-manager of the Polk County Chamber of Commerce. I am sure that proper roads have been or will be provided and that agricultural instruction will be made available and that, generally speaking, the community and State will take a substantial interest.

I have given much weight to the statements given me by Mr. Fain as to prices and character of available land, and will turn that information over to the Bureau of Indian Affairs. I am satisfied that $30,000 to $35,000 will buy all the land we should buy for these Indians, and that $5,000 to $10,000 will take care of urgent present needs as to stock, tools, and so forth.

By the time this information was in hand, it was so late in the session that to await passage of H. R. 5479, introduced by the gentleman from Texas [Mr. BRIGGS], authorizing an appropriation, would have meant no appropriation until next December. It seemed to me desirable that what we are to do should be done now, and I therefore proposed to Mr. BRIGGS, the introducer of the bill, the inclusion of the following item in the deficiency bill:

Alabama and Coushatta Indians, Texas: For the purchase of land for, and industrial assistance to, the Alabama and Coushatta Indians in Polk County, Tex., including not less than $5,000 for the purchase of livestock and agricultural equipment for such Indians, fiscal years 1928 and 1929, $40,000, to be reimbursed to the United States under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That title to any land purchased shall be taken in the name of the United States in trust for such Indians.

While Mr. BRIGGS was disappointed in not getting the full amount of $125,000, he recognized what the above appropriation of $40,000 would mean to these Indians and yielded to the situa-

tion. With his approval and that of the gentleman from Montana [Mr. LEAVITT], chairman of the Indian Affairs Committee, this item was put in the bill by the Committee on Appropriations, passed the House last Friday, and is now pending in the Senate. I have every reason to believe it will become law within a few days.

The advances for tools, stock, and so forth, are reimbursable in the same way as similar advances to other Indians, and it is my understanding with Mr. BRIGGS and Mr. LEAVITT that in future years the general appropriation for such advances will be made available to these Texas Indians as to others, as their needs may appear.

It is our understanding that this $40,000 item covers the situation, and H. R. 5479 will be abandoned if this $40,000 item becomes law.

Mr. LAGUARDIA. What happens to the bill?

Mr. BRIGGS. It will be passed over.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. LEAVITT. Mr. Speaker, I reserve the right to object only for the purpose of asking unanimous consent to insert a brief statement from the standpoint of the Committee on Indian Affairs with regard to this situation.

The SPEAKER. The gentleman from Montana [Mr. LEAVITT] asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, this bill, H. R. 5479, "To provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes," is being laid aside to-day because in the deficiency appropriations bill which passed the House last Saturday the purposes of this legislation were fully accomplished, making the passage of this measure now unnecessary. In fact, the action taken last Saturday is more advantageous to the Alabama and Coushatta Indians than would have been the passage of the bill now under discussion, because it provides an appropriation for the purchase of lands for these Indians to become available this summer, whereas the bill now before the House is an authorization for an appropriation and would probably pass the Senate too late for an actual appropriation to be included until next year.

Two representatives of the Alabama and Coushatta Indians, Chief Sun-Kee and Chieftain McOnico Battiste, came to Washington in connection with this legislation. They were accompanied by C. F. Fain, jr. It is my pleasure to state that no delegation presenting the cause of any tribe of Indians has made a more favorable impression for sincerity than did this delegation. The Indians presented a situation of need and gave a background of historic justice for the granting of their petition. Chief Sun-Kee wore a silver plate inscribed to show that it had been presented by President Andrew Jackson in return for friendship and loyalty on the part of the forefathers of these Indians, and that tradition has been maintained for a century. Legislation placing these Indians of Texas in exactly the same position as that enjoyed by other Indians is meritorious and well deserved.

I can not close without stating that the committee and myself were greatly impressed with the testimony and sincerity of Mr. Fain. He has been the one who has taken over the cause of these Indians and has carried it through to the point of a hearing before the Indian Affairs Committee and whose fealty to their interests has contributed to the success of this legislation in a way which could not have been spared.

Congressman BRIGGS has handled the matter here with energy and skill.

I go into this detail because I feel that the enactment of legislation for these Indians is one of the most worth-while steps in Indian legislation of this Congress. There has been full cooperation by the subcommittee of the Committee on Appropriations under the leadership of Mr. CRAMTON, and thus has been worked out a solution for one of the most appealing situations existing among the Indians of this country.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas that the bill be passed over without prejudice?

There was no objection.

ADJUSTMENT OF THE BOUNDARIES OF OLYMPIC NATIONAL FOREST, WASH.

The next bill on the Consent Calendar was the bill (H. R. 9297) authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any lands within 6 miles of the exterior boundaries of the Olympic National Forest, Wash., not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered and title thereto acquired in exchange for national-forest land or timber under and in accordance with the provisions of the act of March 20, 1922 (42 Stat. 465), and acts amendatory thereto. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Olympic National Forest.

With the following committee amendments:

Page 1, line 3, strike out the words "6 miles of the exterior boundaries" and insert in lieu thereof "3 miles of the north and east boundaries and 12 miles of the south boundary."

Page 1, line 10, before the word "and," insert "section 485, title 16, Code of Laws of the United States."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

The next business on the Consent Calendar was the bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park, State of California, by exchange.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent that the bill be stricken from the calendar.

There was no objection.

ROADS ON THE INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (S. 1145) to authorize an appropriation for roads on Indian reservations.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, and I do not expect to object, I have prepared an amendment to the bill which I have discussed with the gentleman from Montana [Mr. LEAVITT] chairman of the committee. He is in accord with it, and I give notice that I will offer that amendment. The nature of the amendment is to make it more certain that the appropriation involved will use Indian labor.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation of $250,000 is hereby authorized, out of any money in the Treasury not otherwise appropriated, to be available until expended, for the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal highway act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out lines 4 and 5 and insert in lieu thereof the following: "Appropriations are hereby authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision of engineering, employment of Indian labor in survey, improvements."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PREFERENCES IN THE EMPLOYMENT OF LABOR

The next business on the Consent Calendar was the bill (H. R. 11141) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BACON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, and I do not intend to do so, I ask unanimous consent to revise and extend my remarks by inserting a statement by the general manager of the General Contractors of America with reference to this legislation.

Mr. LAGUARDIA. And I ask unanimous consent, Mr. Speaker, to put in a statement of the Bricklayers, Masons, and Plasterers' International Union of America.

The SPEAKER. Is there objection to the requests of the gentlemen from New York and Michigan?

There was no objection.

The matter referred to is as follows:

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA (INC.),
Washington, D. C., May 17, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR SIR: Having noted your remarks on page 8736 of the CONGRESSIONAL RECORD relative to H. R. 11141, it occurred to us that you may be interested in an analysis of this bill, which we sent to the Interdepartmental Board of Contracts and Adjustments. As this analysis was not transmitted until May 1, it did not reach the board until after its meeting on April 27, when the subject was under discussion.

We do not feel that this bill is compatible with the best interests of the Government.

Very truly yours,

D. A. GARBER, *General Manager.*

MAY 1, 1928.

INTERDEPARTMENTAL BOARD OF
CONTRACTS AND ADJUSTMENTS,
Bureau of the Budget, Washington, D. C.

GENTLEMEN: Pursuant to your request, we are here transmitting a brief analysis of H. R. 11141, indicating its probable effect upon Government construction.

This act would establish a legal priority of employment for laborers and mechanics on Government construction in the following order:

(a) Persons who are citizens of both the United States and the State, Territory, or District in which the specific project is to be built, and who also have been honorably discharged from the naval or military forces.

(b) Persons who have this same requirement of citizenship, but have not served in the military or naval forces.

(c) Persons who are merely citizens of the United States.

(d) Aliens.

Under the proposed act contractors and subcontractors would be required to advertise and notify employment agencies of the mandatory preference prevailing on Federal construction before employing anyone to work on the project. Should they inadvertently or otherwise employ a nonresident of the State, when resident workmen qualified to perform the work are available, they would be guilty of violating the law. For violation of the law the penalty provided is $5 per day for each day that the nonresident workman or mechanic is employed contrary to the priority.

In view of the rapidity with which construction operations move, the great number of workmen who come and go on a single project and the difficulty of soliciting correct information from a man in need of work, it seems questionable whether such a law is practicable. Naturally the following questions arise:

1. In assembling a force of workmen, which must often be done quickly, how can a contractor ascertain whether a man is a citizen of the United States, a legal resident of the State, and an honorably discharged soldier or sailor? Accurate information can hardly be expected from a man in need of work. He probably will not feel such requirements should disbar him from securing employment.

2. If a man misrepresents his citizenship or other matters, is the contractor or subcontractor then required to pay a penalty for each day he is on the work?

3. Who would judge whether available workmen in the district are qualified for the specific work; and after such judgment is exercised, would the contractor be liable for penalty because of the opinion of an inspector?.

4. Why should subcontractors and general contractors be required to advertise and otherwise assume expense of giving publicity to a law, which is incompatible with usual and proper customs of conducting work?

5. Why should payment be held from a general contractor because some subcontractor, over whom he has practically no control with respect to labor matters, employs a workman contrary to the established priority?

These questions are addressed to the uncertainty, inconvenience, and liabilities which contractors bidding on Government work would have imposed upon them. Government work has already become unattractive to many responsible concerns, and it does not appear advisable to make them more so by the injection of disputes and delays, which would inevitably grow out of the proposed bill. Such conditions are peculiarly susceptible to acts of distortion against employers operating under penalty for delay in completion. These things, of course, pertain to the interests of contractors, but there are other matters which would seem even more directly to affect the interests of the Government.

If a contractor's key men or "handy men" are considered to be mechanics, then outside contractors might readily be precluded from competing for Government work in a specific district. They could not bring these men into the State and they can not always build up a new organization, drawn entirely from the locality of the project.

The tendency of the statute appears therefore to establish a wall around each district, which would preclude proper competition on Government work. Also it might result in a labor monopoly wherein the right of employment is denied to any workman who does not subscribe to the various arbitrary rules of the locality.

There does not seem to be any sound basis for reserving employment on Government work to those workmen who happen to live near the site selected for a Government project. The moneys which pay for such projects are provided by all of the taxpayers, and it seems improper that any citizen should be debarred from an opportunity to compete for or obtain employment, whether he is in business or offering his services as a workman.

Experience has almost invariably shown that legislation such as this, designed to eradicate local annoyances in the construction industry, has precipitated more serious conditions than those which it sought to remove.

Yours very truly,

D. A. GARBER, *General Manager.*

BRICKLAYERS, MASONS, AND PLASTERERS'
INTERNATIONAL UNION OF AMERICA,
Washington, D. C., May 18, 1928.

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: I am informed that the bill, known, I believe, as the Bacon bill (H. R. 11141), providing for employment of resident workers on Federal contracts, may be called up any day.

This bill, if I understand its provisions, is for the purpose of preventing the importation of cheap labor and alien labor for the performance of work on Government operations throughout the United States. That is a most laudable purpose. I feel certain that the measure will have your support, and I hope that is the case. I hope also that you will seek by all proper methods to bring about the passage of the bill.

Let me call your attention to a specific case in New York State. At West Point, where much work is being done and where much remains to be done, it is reported to us by our representatives that enlisted men are compelled to perform part of the work, while aliens, employed at low wages, are doing a great deal of the remainder of it. Manifestly this is not a proper condition to exist on any United States Government job; and it is particularly undesirable at such a place as West Point. Neither the enlisted men nor the aliens are qualified to do skilled work, and poor construction is the inevitable result.

Aliens are employed within the fortified and restricted area. At the same time representatives of our international union, who are loyal American citizens, can not enter that area either to see what are the conditions of work or talk to the men employed there. Of course, this is the doing of a military martinet, one Colonel Timberlake, but that does not minimize the seriousness of the situation.

In addition to this, it is reported to us that enlisted men are doing work on a polo field, which may or may not be Government work.

Another case in point is the Veterans' Hospital at Northport, Long Island, where the contractor, Algernon Blair, imported poorly paid colored workers from the South, with results that were naturally unsatisfactory from a structural standpoint, as well as every other standpoint. Contractor Blair was able to bid on the basis of low-paid imported labor against contractors paying the prevailing scale of wages of the locality in which the work was done.

To cite further instances at this time would be to repeat at too great length for this letter, but such cases have been and continue to be frequent and damaging to the interests of the workers and the people generally and to the Government itself. Moreover, if the Government stops the evil practice, it will greatly discourage that same practice on private work.

The point is that the Government and the contractors in these cases, as elsewhere, take full advantage of the present lack of safeguarding provisions of law. Workers are imported to the locality where work is to be done and resident mechanics are denied the employment that is justly theirs. Naturally the imported workers always come from a community where the wage rate is lower than it is in the community to which they are taken.

I do not know whether the bill now before Congress is so drawn as to correct the type of abuses to which I have particularly drawn your attention, but it ought to cover them. However, any measure that will prevent the shifting of workers so as to draw them always from the low-wage centers to the higher-wage centers so as to reduce wage rates, and that will give employment preference to resident citizens of the United States, is worthy of support, and, in behalf of our international union, with its membership spread throughout the country, I bespeak your support. It may interest you to know, if you are not already informed of it, that our organization does not take into membership those who have not at least secured their first papers. We stand for citizenship and employment for citizens first, a position which we believe is commendable.

There are employers everywhere who want the kind of conditions that are created by congestion of unemployed workers or workers employed at low wages. Some consistently preach the gospel of two men for every job, looking back to the condition that existed when the immigration doors were wide open. Those doors have been fairly tightly closed, but the evil of shipment from community to community for the purpose of driving down the standards of living still persists, with the United States Government, under present conditions, giving tacit encouragement to the practice. Whatever tends to stop this degrading practice will make for better citizenship.

Thanking you for your consideration of the thoughts here presented, I am, with deep respect,

Very truly yours,

WM. J. BOWEN, *President.*

RETIRED AND TRANSFERRED MEMBERS OF THE NAVAL RESERVE FORCE AND NAVAL RESERVE AND MARINE CORPS RESERVE

The next business on the Consent Calendar was the bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. I object.

ADDITIONAL CIRCUIT JUDGE FOR THE SECOND JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 11139) for the appointment of an additional circuit judge for the second judicial circuit.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York, Mr. BLACK of New York, and Mr. LAGUARDIA objected.

RECLAMATION AND BENEFITS OF PLANNED RURAL DEVELOPMENT

The next business on the Consent Calendar was the bill (H. R. 8221) to authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural development.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

Mr. CRISP. Will the gentleman withhold his objection for a moment?

Mr. CRAMTON. Yes.

Mr. CRISP. I am the author of the bill, and, of course, think it very meritorious. It has the support of practically all the southern Representatives and Members generally from the West. I realize the importance of the bill, and am frank to say that I did not have much hope of getting unanimous consent to consider it, but I have applied for a rule and was unable to obtain one, so there was nothing else for me to do but to place it on the calendar. I thoroughly understand and recognize the position of my friend from Michigan.

Mr. CRAMTON. Mr. Speaker, in view of the statement of the gentleman, I reserve the right to object to observe very briefly that, of course, I am sorry to object to a bill offered by the gentleman from Georgia [Mr. CRISP]. This is, however, an important bill that proposes to have the Government embark on an entirely new policy of taking money, not from the reclamation fund, or from any other special fund, but from the Treasury of the United States and going into certain States and using that money to develop farm lands therein.

Mr. CRISP. It extends the provisions of the Reclamation Service to some States of the South.

Mr. CRAMTON. But it is an entirely different proposition. The first investigation made was with the expectation that the Federal Government would use its skill in the Reclamation Service in investigating and supervising, but that the money was to be advanced by the States. The States involved are amply able to advance the money. When they got to the point where the Interior Department had investigated, then suddenly the gentlemen from the South came to the conclusion that they wanted money direct from the Federal Treasury. I do not want to take the time of going into the matter at length, but will say that if this bill should pass it would embark the Treasury on a program of development of farm lands that would apply to Michigan as well as Georgia, and would apply to every one of the 48 States, and I have no idea where it would end.

Mr. CRISP. In my judgment, if I can get the bill before the House for consideration, it is so meritorious that I think a majority of the House will pass the bill.

Mr. CRAMTON. There are great differences between this bill as to Georgia and other States and the reclamation policy as to the West. In the first place, the reclamation policy as to the West is carried on out of money received very largely from lands and mineral resources in those States, and in the next place, in the main, those States are undeveloped communities that have no funds available for their development. On the other hand, this bill proposes to take money from the Treasury without contribution from the resources of Georgia and the other States involved.

Mr. CRISP. Mr. Speaker, I do not subscribe to the doctrine that the lands or mineral resources of the Western States belong to the respective States. They are an asset of the United States Government, the same as the Treasury funds or any other property owned by the Government. This bill provides for a revolving fund, all of it to be paid back to the Government, the Government having title to the property to secure the repayment of the funds. I do not believe the United States will sustain any financial loss under it.

Mr. CRAMTON. Another suggestion I have is that the Southern States are developed communities and they have resources and could very well undertake this work themselves.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

RELIEF OF CERTAIN MEMBERS OF NAVY AND MARINE CORPS

The next business on the Consent Calendar was the bill (H. R. 8327) for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the military or naval forces of the United States, their widows and dependent children, a member of the Navy or Marine Corps who was enlisted between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been honorably discharged from the Navy or Marine Corps on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to a discharge under honorable conditions. No back pay or allowances shall accrue by reason of the passage of this act. In any such case the Secretary of the Navy shall, upon request, grant to such individual or his widow a discharge certificate showing that such former member of the Navy or Marine Corps is held and considered to have been honorably discharged under the provisions of this act.

With the following committee amendment:

Page 2, line 7, after the word "widow," insert "or next of kin."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POISONS IN THE MAIL

The next business on the Consent Calendar was the bill (H. R. 10441) to amend section 217 as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is it not true that the Postmaster General for some years has been resisting the demand for the amendment of the law which the gentleman's bill will bring about?

Mr. KELLY. Mr. Speaker, it is true that the Postmaster General and the department for two years have objected to the form of bill which was before the Post Office Committee. The Postmaster General is strongly in favor of the bill in the form in which it is now before the House. It is entirely different from the bill which the committee refused to bring out in the last Congress.

Mr. LAGUARDIA. Whence does the demand come for the amendment of the law?

Mr. KELLY. It is largely from the agricultural organizations and from organizations manufacturing certain chemicals.

Mr. LAGUARDIA. I think the latter part of the gentleman's reply is accurate, and by that I do not mean to imply that the gentleman is himself giving us inaccurate information.

Mr. KELLY. Mr. Gray, of the Farm Bureau, urges the passage of this legislation. I trust the gentleman will permit it to go through. The committee has been very careful in refusing to give permission to send chemical poison through the mail without perfect protection as to containers.

Mr. LAGUARDIA. What is the necessity for the legislation?

Mr. KELLY. This is to remedy an inadvertance in the act passed in 1920.

Mr. LAGUARDIA. Oh, it was not an inadvertance. The Postmaster General said that he did not want the discretion.

Mr. KELLY. In 1920 the act by inadvertance left out the clause which provided that manufacturers may send to physicians.

Mr. LAGUARDIA. Mr. Speaker, I will ask to have it go over without prejudice.

Mr. KELLY. I hope the gentleman will not do that. It is advocated by the farm organizations and the chemical manufacturers.

Mr. SCHAFER. I ask for the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

IRRIGATION DAM ON THE GREYBULL RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10308) to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

IRRIGATION DAM ON THE BEAR RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10309) to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

Mr. WINTER. Will the gentleman reserve his objection? I would like to ascertain if the gentleman from Michigan is maintaining a consistent position with reference to bills of this character? I call his attention to the fact that during this session of Congress we have passed similar bills, one on the Gila, introduced by Representative MORROW, of New Mexico. If the gentleman from Michigan can differentiate and explain his inconsistency I would be glad if he would do so.

Mr. CRAMTON. I can not explain any inconsistency because there is not any, but I can explain the differentiation. These bills are not necessary. There is just as much law now authorizing these things to be done as there would be if the bills were passed. If the gentleman insists that there is no money available I may say that these bills do not give the money, but there is a lump-sum appropriation given each year which could be used for that purpose. If the gentleman says that that money has already been allotted this year elsewhere, I reply that those funds can be used for these projects.

The committee in the case of the Gila River project took the position that there the local interests wanted to contribute half the cost, thus saving the reclamation fund that money. I had the bill marked for objection, but I felt it was proper to let the local interests contribute half the cost, under the circumstances, and that took it out from the operation of the general law.

Mr. WINTER. Did the gentleman submit an amendment on the New Mexico bill for that purpose?

Mr. CRAMTON. I do not know whether I submitted it or not, but I had an agreement with the gentlemen in charge of the bill that it would be submitted.

Mr. WINTER. Is the gentleman willing to accept an amendment of the same kind on this bill?

Mr. CRAMTON. The gentleman takes me by surprise. That might make a difference. But if the gentleman desires that, let us pass the bill over.

Mr. WINTER. I would like to have the two bills passed without prejudice.

Mr. CRAMTON. I do not care to lay it down as a general proposition that whenever they pay half locally we will authorize it, but it makes a great deal of difference.

Mr. WINTER. The gentleman does not wish to discriminate.

Mr. CRAMTON. No. If I did, it would be in favor of the gentleman from Wyoming.

Mr. WINTER. I ask unanimous consent, then, Mr. Speaker, that we pass over without prejudice the bills H. R. 10308 and H. R. 10309.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

PATENTS ISSUED TO PARTICIPANTS IN THE WORLD WAR

The next business on the Consent Calendar was the bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any person who served honorably in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and was subsequently honorably discharged, say within six months after the enactment of this act, upon payment of a fee of $20, make application to the Commissioner of Patents, comprising a verified statement, accompanied by supporting evidence of the following facts:

(A) That he is the inventor or discoverer of an invention or discovery for which a specified patent was granted prior to the 11th day of November, 1918, the original term of which remains unexpired at the time of the filing of the application.

(B) That between April 6, 1917, and November 11, 1918, and also at the time of the passage of this act, he held, by ownership or contract, a right in said invention or under said patent or to income by way of royalty or otherwise therefrom, whereby an extension of the term of said patent would benefit him.

(C) That between April 6, 1917, and November 11, 1918, he was not receiving from said patent an income, or that his income therefrom was reduced by his said service.

(D) That at the time of his induction into the service he was making diligent effort to exploit the invention covered by his patent.

(E) The names of all persons, firms, or corporations, if any, holding at the time of the passage of this act, by grant, transfer, license, or contract from him, any right or interest in the invention or discovery or under the patent, and their consent to the extension for which application is made, which shall be supported by an instrument, or instruments, executed by all such persons, firms, and corporations, evidencing their consent to such extension.

(F) The period of extension of the patent from the expiration of the original term thereof, for which he applies, which shall in no case exceed a further term of three times the length of his said service in the military or naval forces of the United States during the World War.

(G) That the licensee of a patent affected by this act shall automatically be granted an extension of said license for the period of the extension on the same terms and conditions as contained in said existing license, thereby creating an equitable adjustment of the benefits of this act.

(H) That such extension shall in no way affect the right of anyone who before the passage of this act was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patents extended under this act, nor shall any extension granted under this act affect the right of anyone who was lawfully manufacturing before the passage of this act the invention covered by the extended patent.

SEC. 2. In the case of a veteran, as described in paragraph 1 of this act, who dies, or has died, or who becomes insane or unable to act, which veteran owned an interest as described in this act in said patent at the time of his death or at the time he was declared mentally incompetent or became unable to act before said extension is granted, such application may be filed or proceeded with by his legal representatives substantially as provided in section 4896 of the Revised Statutes of the United States, as amended, with respect to proceedings in such cases for obtaining a patent.

SEC. 3. On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made, and if, on such examination, it shall appear that such application conforms, or by amendment or supplement is made to conform, to the requirements of section 1 of this act, the commissioner shall issue a certificate that the term of said patent is extended for the additional period for which application has been made as aforesaid, and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the commissioner may determine.

SEC. 4. Thereupon said patent shall have the same force and effect in law as though it had been originally granted for 17 years plus the term of such extension: *Provided, however,* That in any action, at law or in equity, for infringement after the expiration of 17 years from the grant of the patent and during the period of such extension, the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney 30 days before, may prove on trial that any of the statements of the application for extension required by section 1 of this act as not true in fact; and if any one or more of such statements shall be found untrue in fact, judgment shall be

rendered for the defendant, with costs: *Provided further,* That no person whose patent shall be extended under the provisions of this act shall be permitted to make any claim for damages against the United States for the period of the extension, and the rights of the United States shall remain in all respects as if these patents had not been extended.

With committee amendments as follows:

Page 1, line 6, strike out the word "say" and insert in lieu thereof the word "may."

Page 2, line 14, strike out the words "November 11, 1918" and insert in lieu thereof the words "July 2, 1921."

Page 3, line 8, strike out the words "during the World War" and insert in lieu thereof the words "between the date of April 6, 1917, and July 2, 1921, but exclusive of any reenlistment subsequent to November 11, 1918."

Page 3, line 16, strike out the word "affect" and insert in lieu thereof the word "impair."

Page 3, line 21, strike out the word "affect" and insert in lieu thereof the word "impair."

Page 4, line 7, after the word "States" insert "(United States Code, title 35, section 46)."

Page 4, line 15, after the word "commissioner," insert "shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within 45 days from such publication oppose the same on the ground that any of the statements of the application for extension required by section 1 of this act is not true in fact, which said notice of opposition shall be verified before an officer authorized by the laws of any State or Territory or the District of Columbia to administer oaths. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day of hearing. If after such hearing the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the commissioner as is now provided by law where an application for patent is refused. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the Commissioner of Patents."

Page 6, line 2, strike out the word "as" and insert in lieu thereof the word "is."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

REPEAL OF SECTION 1445, REVISED STATUTES

The next business on the Consent Calendar was the bill (H. R. 12879) to repeal section 1445 of the Revised Statutes of the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Reserving the right to object, what is this statute?

Mr. WOODRUFF. Congress, in passing the retirement law for naval officers, inadvertently failed to take care of dental officers. All naval officers below the grade of admiral, except dental officers, are now retired at the age of 64. The law today requires dental officers to serve until they are 70 years of age.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1445 of the Revised Statutes of the United States is hereby repealed.

SEC. 2. Section 1444 of the Revised Statutes of the United States is hereby amended to read as follows:

"When any officer below the rank of vice admiral, including any officer of the Dental Corps, is 64 years old, he shall be retired by the President from active service: *Provided,* That the retirement of officers at the age of 64 years subsequent to August 29, 1916, is hereby validated."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DEVELOPMENT OF VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (H. R. 12241) to provide for the further development of vocational education in the several States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPROUL of Kansas. Mr. Speaker, I object.

Mr. CRAMTON. Will the gentleman from Kansas reserve his objection for a moment?

Mr. SPROUL of Kansas. I will.

Mr. CRAMTON. Mr. Speaker, I am entirely in accord with the gentleman in his objection and I want to emphasize here that objection. The Government of the United States is responsible for the property of those Indians. I am entirely opposed to any proposition which would involve our turning the custody of their property over to some institution for 40 or 50 years, the Government still retaining a responsibility and with no opportunity of exercising that responsibility. Secondly, the bill opens the way for the taxation of the resources of these Indians. Those reasons, I think, justify the gentleman entirely in his objection.

The SPEAKER. Is there objection?

Mr. SPROUL of Kansas. Mr. Speaker, I object.

KANSAS OR KAW TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8901), to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, in view of the two vetoes by the President the other day and this having been already disapproved by the department, it would seem idle to pass the bill, so I object.

Mr. HASTINGS. If the gentleman will permit, this Kaw Tribe of Indians already has a jurisdictional bill and they are in court. As I understand it, this is an amendment of a jurisdictional bill which has heretofore been passed.

Mr. CRAMTON. But this broadens that bill in a way that the department disapproves and there seems no doubt it will be vetoed if passed.

Mr. HASTINGS. I did not know there had been a disapproval by the department.

Mr. CRAMTON. There has been.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

WINNEBAGO TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 7346), conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have discussed this bill with the gentleman from Nebraska [Mr. HOWARD] and he is willing to accept certain amendments. The most important amendments would be to strike out the language on page 7 which authorizes interest at 5 per cent to the time of judgment. It is not customary to allow interest in these cases. Secondly, to provide, as we did in the recent California Indians bill, that the judgment, if obtained, shall not be available for per capita payments, but shall be held for appropriation for health, education, industrial assistance, and so forth. Since the gentleman from Nebraska is agreeable to those amendments I will not object to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Winnebago Tribe of Indians or any band thereof may have against the United States which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants, and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States, it being the intent of this act to confer upon the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined and to render judgment thereon accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Winnebago Tribe of Indians or any band thereof party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Winnebagos approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and such contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian tribe to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian tribe.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be placed as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any Executive order, law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, including gratuities.

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any Executive order, law, treaty, or agreement, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Winnebago Indians in and to such money or other property.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian tribe for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Winnebago Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Winnebago Tribe in the Treasury of the United States.

With the following committee amendment:

"Strike out all after the enacting clause and insert the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1855 (10 Stat. 1172), and the act of February 21, 1863 (12 Stat. 658), or arising under or growing out of any subsequent act of Congress, Executive order, or treaty which said Winnebago Tribe of Indians, or any band thereof, may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

"SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit shall make the Winnebago Indians, or any band thereof, party plaintiff and the United States party defendant. The petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Winnebago Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Winnebago Indians as hereinafter provided. Official letters, papers, documents and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Winnebago Indians to such treaties, papers, correspondence, and records as they may require in the prosecution of any suit instituted under this act.

"SEC. 3. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Winnebago Indians, but any payment, including gratuities, which the United States may have made to said Indians subsequent to February 21, 1863, shall not operate as an estoppel but may be pleaded as an offset in such suit.

"SEC. 4. If it be determined by the court that the United States in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, the damages therefor shall be confined to the value of the money or other property at the time of such appropriation or the disposal thereof, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suit herein authorized, the decree of the courts shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Winnebago Indians in and to such money or other property.

"SEC. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

"SEC. 6. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend in the interest of the United States in such case.

"SEC. 7. Upon final determination of such suit the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in any event, not more than $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribe or bands of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

"SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be fixed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual cost necessary to be incurred by

the Winnebago Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Winnebago Tribe in the Treasury of the United States."

Mr. CRAMTON. Mr. Speaker, I offer several amendments to the committee amendment.

The SPEAKER. The gentleman from Michigan offers amendments to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON to the committee amendment:

Page 6, line 19, strike out the word "five" and insert in lieu thereof the word "three."

Page 7, line 11, strike out the word "but" and insert in lieu thereof the word "and."

Page 7, line 13, strike out the words "subsequent to February 21, 1863," and insert in lieu thereof the words "prior to the date of adjudication."

Page 7, lines 23 and 24, strike out the words "together with interest thereon at 5 per cent per annum from the date thereof."

Page 9, strike out all of the first sentence of section 8 and insert in lieu thereof the following:

"The amount of any judgment shall be placed in the Treasury of the United States to the credit of the said Indians, and shall draw interest at the rate of 4 per cent per annum, and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes, for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

The amendments were agreed to.

The committee amendment, as amended, was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PROTECTION OF TRADE-MARKS

The next business on the Consent Calendar was the bill (H. R. 13109) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Indiana, the chairman of the committee, if section 33 of the bill, page 42, is not a new departure. It authorizes an appropriation of an additional $50,000 annually.

Mr. VESTAL. It is probably necessary to have this much money in order to carry the provisions of the bill into effect.

Mr. LAGUARDIA. What I can not understand is this: We now appropriate annually for the Patent Office, which covers the protection of trade-marks, and the gentleman is seeking to codify the various laws on matters of trade-marks, but there is added in section 33 an authorization for an annual appropriation of $50,000. What is this for?

Mr. VESTAL. I think we need it because we are trying to collect all the trade-marks in the United States into the Patent Office where persons seeking to get new trade-marks will have some place to make a complete search. We have not such a thing now.

Mr. LAGUARDIA. Then this is to carry on the provisions which the bill makes for perfecting the work of the trade-mark division of the Patent Office.

Mr. VESTAL. Absolutely.

Mr. LAGUARDIA. The report does not say so. With that explanation, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the owner of a trade-mark in use in commerce within the control of Congress may register such trade-mark—

A. By filing in the Patent Office—

(a) A written application addressed to the commissioner, signed and verified by the applicant before any officer mentioned in section 15, stating the applicant's name, citizenship, domicile, residence and business address, upon what goods the trade-mark is used, the duration of such use, how the right was acquired, and, if by succession or assignment, from whom, and upon information and belief that the applicant is entitled to the exclusive use of the trade-mark in the United States, and that the applicant is using it in commerce. A description of the trade-mark may be included if desired by the applicant or required by the commissioner;

(b) A drawing of the trade-mark; and

(c) Such number of specimens or facsimiles of the trade-mark as actually used as may be required by the commissioner;

B. By paying into the Patent Office the sum of $10; and

C. By complying with such rules or regulations not inconsistent with law as may be prescribed by the commissioner.

If the applicant resides or is located in a foreign country, and the trade-mark has been registered by the applicant or an application for the registration thereof has been filed by him in such foreign country the application shall set forth this fact and shall give the date of such registration or application. In such cases the applicant need not allege use in commerce.

SEC. 2. No mark by which the goods to which it is applied by the applicant may be distinguished as to source or origin shall be refused registration as a trade-mark on account of its nature unless it—

(a) Consists of or comprises immoral, deceptive, or scandalous matter.

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.

(c) Consists of or comprises the portrait or signature of a living individual unless by his written consent, or the name, portrait, or signature of any deceased President of the United States during the life of his widow, if any, unless by her written consent.

(d) Consists of or comprises a mark which so resembles a trade-mark previously used by another as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers as to their source or origin.

When such previously used trade-mark is applied to merchandise of the same descriptive properties it shall constitute prima facie grounds for refusing registration.

(e) Consists of a mark which when applied to the goods of the applicant has merely a descriptive or geographical meaning or is merely a surname.

Rejection on any of the foregoing grounds shall be subject to rebuttal by evidence of relevant facts.

(f) Except as expressly excluded in paragraphs (a), (b), (c), and (d) of this section, nothing herein shall prevent the registration of any mark used as a trade-mark by the applicant in commerce which, in accordance with the principles of common law, shall be shown by proof convincing beyond a reasonable doubt to have acquired a secondary meaning distinguishing the applicant's goods.

(g) Registrations of a mark except under paragraph (f) of this section shall be prima facie evidence of ownership as of the date the application was filed. Registration of a mark by virtue of paragraph (f) shall be prima facie evidence of secondary meaning distinguishing the registrant's goods as of the date of registration.

SEC. 3. In addition to the registration provided in sections 1 and 2 of this act the commissioner shall keep a register of all marks communicated to him by an international bureau organized under the provisions of a treaty or convention to which the United States is a party and in connection with which the fee required by such conventions for international registration and the fee for registration provided by the laws of the United States have been paid where the mark so communicated is deemed by the Commissioner of Patents to be such that protection can be granted thereto in accordance with existing law. The communication from the international bureau shall show the name and address of the owner of the mark; the date of application for registration in the State of first registration or deposit, which State must be one of the signatory countries; the number of the registration and the date of expiration in the State of first registration or deposit; a facsimile of the mark; a statement of the goods on which the mark is used in the State of first registration or deposit; the date of the application for recognition of the rights claimed under the convention; and such other data as may be useful concerning the mark. If objection is made to the registration of such mark, notice thereof shall be communicated by the commissioner to the said international bureau.

Registration effected under the foregoing paragraph shall be subject to renewal and to cancellation in accordance with the provisions of this act.

When protection is refused to any mark communicated by an international bureau as above specified by reason of a prior registration or pending application for registration, the proprietor of the mark claiming recognition of rights under the treaty or convention shall have the right to seek and obtain the cancellation of the previously registered mark upon proving, according to the procedure fixed by existing law, such refusal and—

(1) That he had legal protection for his mark in any of the contracting States before the date of use of the mark the registration of which he seeks to cancel; or

(2) That the registrant had no right to the ownership, use, or employment of the registered mark at the date of its deposit; or

(3) That the mark covered by the registration which he seeks to cancel has been abandoned.

The time within which such application for the cancellation of a registration may be made shall be two years from September 30, 1926, if the refusal to register was made prior to that date, and in all other cases it shall be one year from the date of the receipt by the international bureau of the refusal to register.

The foregoing section shall be construed in accordance with the reservations adopted by the Senate of the United States on February 24, 1925, in ratifying the convention for the protection of commercial, industrial, and agricultural trade-marks and commercial names, signed at Santiago, Chile, on April 28, 1923, the third, fourth, and fifth of said reservations being as follows:

Third. That the expressions in Article I "without prejudice to the rights of third parties" and in Article II "in the absence of other proof of ownership of a mark" are, and shall be, interpreted to protect every user of a trade-mark in the United States having ownership thereof by reason of adoption and use, and with or without subsequent registration, from any claim of priority under this convention based upon an application or an entry in a signatory State subsequent to the actual date of such adoption and use in the United States.

Fourth. That the expression "legal protection for his mark" in section 2 (a) of Article V shall be interpreted to include ownership of the mark in the United States acquired by adoption and use and with or without subsequent registration.

Fifth. That nothing contained in this convention shall take away or lessen any trade-mark right or any right to use a trade-mark of any person residing or doing business in the United States heretofore or hereafter lawfully acquired under the common law or by virtue of the statutes of the several States or of the United States.

The commissioner may record transfers or assignments of trade-marks upon regular notification of such transfers or assignments received from the proper international bureau upon the payment of the statutory recording fee.

Owners of marks so registered, being domiciled in any country which is a party to said convention, shall enjoy, while the registration remains in force, all the rights and benefits conferred by said convention.

SEC. 4. In addition to the registrations hereinbefore provided for, the commissioner shall keep a register of marks as a continuation of the register of marks heretofore registered under paragraph (b) of section 1 of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes." Whenever any person engaged in manufacturing in, or exporting from, the United States shall apply for registration of any mark which distinguishes or is adapted to distinguish the goods as those of the applicant (including, for the purposes of this section, a trade-mark, symbol, label, package, configuration of goods, name, word, or phrase) other than those expressly excluded by paragraphs (a), (b), (c), and (d) of section 2, which is used upon goods manufactured by or for such applicant and exported, or about to be exported, to any foreign country, accompanied by a verified statement that such mark distinguishes or is adapted and intended to distinguish the goods as those of the applicant, and shall pay into the Patent Office the sum of $25, the commissioner, subject to prompt examination and search and determination that the mark distinguishes or is adapted to distinguish the goods as those of the applicant and is not excluded by paragraphs (a), (b), (c), and (d) of section 2, shall forthwith register said mark in said register and issue a certificate of registration for such mark, which shall be evidence of the date of filing the application therefor, and of the claim of the registrant of right in such mark. Registrations under this section, including marks heretofore registered under paragraph (b) of section 1 of said act of March 19, 1920, shall give the registrant the same protection in commerce of the marks so registered as the common law affords. Applications under this section shall not be published for opposition, as provided in section 7, and shall not be subject to opposition as provided in section 13, but the registrations shall be subject to cancellation under section 13, paragraph (b), or section 14, paragraph (f). Such registration shall not be used to stop importations under section 28. Registration under this section shall not preclude reregistration to the owner of a trade-mark under any other section of this act.

Upon the filing in the Patent Office of the written consent of a registrant under sections 1 and 2 hereof, a subsidiary or subsidiaries or representative or representatives of such registrant may register the same trade-mark under this section. By written notice to the commisioner the said registrant may withdraw such consent, whereupon the registration under this section shall be transferred on the records of the Patent Office to the name of the registrant under sections 1 and 2 hereof, or his nominee, or canceled at the said registrant's option.

SEC. 5. A. In order to have available for search purposes a collection of unregistered marks, the commissioner is authorized to form such a collection and to that end to accept, file, and classify such unregistered marks as may be entered as provided in this section.

(1) Any mark (including, for the purposes of this section, a trade-mark, symbol, label, package, configuration of goods, name, word, or phrase) used in commerce and identifying any merchandise or business may be entered in the Patent Office by the user by filing one or more copies, facsimilies, or representations thereof, as the commissioner may direct, on a form to be furnished by the commissioner, and under oath, and by paying into the Patent Office a fee of $2. Any person using in commerce any such mark which shall not have been registered and for which no application for registration has been filed before this act becomes effective, who shall fail either to apply to register or enter such mark before the expiration of one year after the first use thereof in commerce, or within one year after this act takes effect, shall, on applying to register in any form under this act, pay, as a fee for such registration, in lieu of any other fees prescribed in this act, the sum of $30. There shall be excepted from the foregoing the trade names embraced in article 8 of the convention mentioned in section 6 hereof, but such trade names may be entered under this section at the option of the user thereof. Any user of a mark solely within a State may, at his option, enter the same under this section.

(2) The commissioner shall not accept for entry any mark already registered, or for which an application for registration is pending, for the same goods.

(3) The commissioner shall mark as abandoned or canceled and may remove from this collection abandoned marks and marks which are immoral, scandalous, or otherwise unlawfully entered.

(4) Any mark entered under the provisions of this section shall be marked as abandoned or canceled and may be removed from said collection of unregistered marks at the end of five years following the date of entry thereof, unless within three months next preceding the expiration of such five years the entrant or his successor in business shall file in the Patent Office an affidavit in such form as may be prescribed by the commissioner to the effect that said mark is still in use by the entrant or his successor in business. A form of such affidavit shall be mailed by the commissioner to the entrant not less than three months prior to the expiration of such five-year period, but failure to receive such form shall not excuse the failure to file such affidavit. At the expiration of each succeeding five-year period thereafter a similar procedure shall be followed in the case of each entered mark and the entered mark shall be marked as abandoned or canceled and may be removed from said collection unless such affidavit is filed by the entrant or his successor in business within three months preceding the expiration of each such five-year period.

(5) An entry under this section shall have no legal effect except as evidence that at its date the entrant claimed a right in the entered mark.

(6) An entered mark shall not of itself be ground for rejection of an application for registration, but if the commissioner believes that an entered mark conflicts or may conflict with an application for registration under sections 1, 2, or 23 hereof, the commissioner, upon the publication of the applied-for mark, shall notify both the applicant and the entrant.

B. (1) The commissioner shall cause to be assembled for search purposes, in such form as the commissioner may determine, all marks—

(a) Now registered and which may hereafter be registered;

(b) For which applications for registration are pending;

(c) Which may be entered under section 5 A; and

(d) Any other marks in actual use which the commissioner may direct.

Such collection of marks shall be open to public inspection at such times as the commissioner may prescribe.

(2) The commissioner may remove from the file for search purposes abandoned or other marks at his discretion.

SEC. 6. (a) An application for registration of a trade-mark, filed in this country by any person who has previously regularly filed an application for registration of the same trade-mark in a foreign country wherein he is domiciled, and which is his first application in any country, if such country by treaty, convention, or law, affords similar privileges to citizens of the United States, shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which the application was first filed in such foreign country, if such application is filed in this country within four months from the date on which the application was first filed in such foreign country. Applications under this section shall conform as nearly as practicable to the requirements of section 1, but need not allege use in commerce.

(b) Every owner of a trade-mark, being domiciled in any country which is a party to the international convention entered into at Paris March 20, 1883, revised at Brussels December 14, 1900, and at Washington June 2, 1911, shall enjoy with respect to the registration of said trade-mark, and while such registration remains in force all the rights and benefits concerning trade-marks and unfair competition conferred by said convention. Rights of priority under such registration shall be determined as provided in said convention.

(c) Foreign or alien owners of trade-marks used in this country shall, unless otherwise provided by treaty, enjoy the same right to such trade-marks at common law, and the same right to register or enforce such trade-marks under the other sections of this act as citizens or residents of the United States, and their rights of priority, unless otherwise provided by treaty, shall be determined by their actual use of such trade-marks within the United States.

SEC. 7. Upon the filing of an application for registration under sections 1, 2, or 23 hereof, and payment of the fees herein provided for, the commissioner shall cause an examination thereof to be made, and if on such examination it shall appear that the applicant is entitled to

registration under the provisions of this act, the commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. If no notice of opposition, as hereinafter provided, is filed within the period specified in section 13, paragraph (a), the commissioner may issue a certificate of registration therefor. If on examination an application is refused, the commissioner shall notify the applicant, giving his reasons therefor. Applications under sections 3 and 4 shall not be published for opposition, but shall be published when registered. This section (section 7) shall not apply to marks entered under section 5.

SEC. 8. Every applicant for registration of a trade-mark or for renewal of registration of a trade-mark, who is not resident within the United States, shall, before the issuance of the certificate of registration or renewal, as herein provided, designate, by a notice in writing filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the registration of the trade-mark of which such applicant may claim to be the owner, brought under the provision of this act or under other laws of the United States, may be served, with the same force and effect as if served upon the applicant or registrant in person. Such designation shall be continuously maintained. Any nonresident registrant shall in like manner designate such a representative; and after this act takes effect no suit or action shall be brought under any registration owned by such nonresident registrant, and no profits or damages for infringement of such registered mark shall be recoverable under this act, until and unless such notice of designation has been filed and maintained. Such service may be made by leaving a copy of the process or notice at the last address of which the commissioner has been notified or by mailing it to such address.

SEC. 9. In an ex parte case, appeal may be taken to the commissioner in person from the decision of the examiner in charge of trade-marks and from the decision of the commissioner to the Court of Appeals of the District of Columbia. The conditions required in case of an appeal from the decision of the Board of Appeals by an applicant for patent, or a party to an interference as to an invention, shall be complied with in an appeal to said court of appeals under this section, and the same rules of practice and procedure shall govern in every stage of such proceedings, as far as the same may be applicable.

SEC. 10. (a) All certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the commissioner or have his name printed thereon and attested by an assistant commissioner or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with printed copies of the drawing and application, in the Patent Office in books to be kept for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant where the assignment has been recorded in the Patent Office. In case of succession or change of ownership the commissioner may, upon a proper showing at the request of the owner or successor and upon the payment of a fee of $10, issue to such owner or successor a new certificate of registration of the said trade-mark in the name of such owner or successor.

(b) The commissioner, upon application of the registrant, may permit any registration under this or any previous act to be canceled or for good cause to be amended or disclaimed in whole or in part, at any time, provided when so amended it shall still contain registrable matter, and shall make appropriate entry upon the records of the Patent Office and upon the certificate of registration or if said certificate is lost or destroyed upon a certified copy thereof.

(c) Copies of any records, books, papers, or drawings relating to trade-marks belonging to the Patent Office, and of certificates of registration, authenticated by the seal of the Patent Office and certified by the commissioner or in his name by a chief of division duly designated by the commissioner, shall be evidence in all cases wherein the originals would be evidence; and any person making application therefor and paying the fee required by law shall have such copies.

(d) Whenever a mistake in a trade-mark registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the office, a certificate stating the fact and nature of such mistake, signed by the commissioner and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of trade-marks and a printed copy thereof attached to each printed copy of the trade-mark registration, and such certificate shall thereafter be considered as part of the original, and every trade-mark registration, together with such certificate, shall have the same effect and operation in law on the trial of all actions or causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates heretofore issued in accordance with the rules of the Patent Office and the trade-mark registrations to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute.

(e) Whenever a mistake has been made in a trade-mark registration and a showing has been made that such mistake occurred in good faith through the fault of the applicant, the commissioner is authorized to issue a certificate of correction upon the payment of a fee of $10, provided the correction is not such as to necessitate republication of the mark.

SEC. 11. Each certificate of registration shall remain in force for 20 years and shall be effective throughout the United States: *Provided*, That the registration of any mark under the provisions of this act shall be canceled at the end of five years following the date of said registration, unless within three months next preceding the expiration of such five years the registrant shall file in the Patent Office an affidavit in such form as may be prescribed by the commissioner to the effect that said mark is still in use by the registrant. If, however, nonuse is due to special circumstances beyond the control of the registrant and not to any intention not to use or to abandon such trade-mark, the registrant shall file an affidavit to this effect at the time and in the manner provided for the affidavit of continued use, in which case the registration shall not be canceled because of such nonuse. Forms for such affidavits shall be mailed by the commissioner to the registrant or to his duly authorized attorney or to his representative designated as provided in section 8 hereof, not less than three months prior to the expiration of such five-year period, but failure to receive such form shall not excuse the failure to file such affidavit.

Certificates of registration may be renewed for like periods of 20 years from the end of the expiring period on payment of the renewal fees required by this act upon requests by the registrant, and such requests may be made at any time within six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force at the date at which this act takes effect shall remain in force for the period for which they were issued and shall have the same force and effect as if the acts under which they were issued had not been repealed, but they shall be renewable only under the provisions of this act, and when so renewed shall have the same force and effect as certificates issued under this act.

SEC. 12. (a) Registration under sections 1 and 2 hereof or under the act of February 20, 1905, shall, from the date when this act takes effect, be constructive notice as of the date of registration to all persons of the fact of registration and of the fact that the registrant claims the right to the exclusive use in commerce of the mark so registered.

(b) It shall be the duty of the registrant to accompany a trade-mark registered under sections 1, 2, and 3 hereof and trade names, marks, and devices registered under section 23 hereof with the words "Registered in U. S. Patent Office" or "Reg. U. S. Pat. Off.," and in any suit for infringement under this act by a registrant failing so to mark, no profits and no damages shall be recovered except on proof that the defendant had actual notice or knowledge and continued to infringe after such notice or knowledge, and no such profits or damages shall accrue except after such notice or knowledge.

(c) It shall be unlawful for any person to accompany any mark, name, or device used in commerce and not registered under sections 1, 2, 3, or 23 hereof or a mark merely entered under section 5 hereof, or merely registered under section 4 hereof, with the words "Registered in U. S. Patent Office," or "Reg. U. S. Pat. Off.," or "Deposited in the U. S. Patent Office," or "Entered in the U. S. Patent Office," or "Recorded in the U. S. Patent Office," or with any other letters, words, or abbreviations of like import; or to use in commerce in connection with any such mark any such words or abbreviations on any label or in any catalogue, circular, or advertising matter.

(d) Any person who violates the provisions of section 12 (c) of this act shall be guilty of a misdemeanor punishable by a fine of not less than $100 or more than $250.

SEC. 13. The following shall be the contested proceedings in the Patent Office:

(a) Opposition: Any person who would be damaged by the registration of a mark may oppose the same by filing notice of opposition in the Patent Office, in such form as the commissioner may by rule prescribe, within 30 days after the publication in the Official Gazette of the mark sought to be registered. A notice of opposition may be filed by an authorized attorney, but shall be void unless ratified by the opposer within a reasonable time after such filing. For good cause shown the time for filing notice of opposition may be extended by the commissioner not more than 30 days and for good cause shown the commissioner may receive a notice of opposition filed within 60 days from the date of publication.

(b) Cancellation: Any person who is damaged by the registration of a trade-mark, except a person against whom a suit is pending thereunder, may at any time apply to the commissioner to cancel the registration thereof by filing a petition in the Patent Office in such form as the commissioner may by rule prescribe. Abandonment shall be among the grounds for cancellation. Nonuse by the registrant for more than two years shall be prima facie evidence of abandonment unless such nonuse is shown to be due to special circumstances beyond the control of the registrant and not to any intention not to use or to abandon such trade-mark.

(c) Interference: Whenever application is made for the registration of a trade-mark which so resembles a trade-mark for which a certificate of registration has previously been issued to another, or for the registration of which another has previously made application, as to be likely, in the opinion of the commissioner, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers as to their source or origin, the commissioner may declare that an interference exists.

(d) In every case of opposition to registration, petition for the cancellation of a registered trade-mark, or interference, the commissioner shall direct the examiner in charge of interferences to determine the issues according to the common law or treaty rights of the parties, and under rules prescribed by the commissioner.

(e) Appeal may be taken to the commissioner in person from the decision of the examiner of interferences.

(f) The commissioner may refuse to register the mark against the registration of which opposition is filed, may cancel the registration of a registered trade-mark, or may refuse to register both of two interfering marks, or may register the trade-mark for the person entitled thereto. Action shall be stayed for 60 days after final decision by the commissioner to give time for proceeding as provided in section 14.

(g) Whenever there shall be pending in the Patent Office an interference and an opposition or cancellation concerning the same trade-mark and involving the same or like issues, so that the proceedings may conveniently be determined upon the same evidence, such proceedings may be consolidated upon motion of any party thereto or by direction of the commissioner.

(h) In any suit pending in a Federal court between the parties to a contested proceeding in the Patent Office involving the same trade-mark, the commissioner shall, on the request and at the expense of any party to such suit, certify and transmit to the clerk of the court a transcript of the record in such contested proceeding, including the testimony and exhibits, or such portion thereof as the parties may stipulate. The record so certified shall be treated as evidence in the suit and shall have the same force and effect as if taken and produced therein.

SEC. 14. (a) Upon the decision of the commissioner any party to any of the proceedings mentioned in section 13 hereof may, within 60 days after the decision of the commissioner, file a bill in equity for relief in any court of original jurisdiction named in section 21 hereof in the district of the residence or principal place of business of the adverse party; or, if there are two or more such parties, then in the district of the residence or principal place of business of any of them; or, if such party is not domiciled in the United States, then in the court of the district of the residence of the representative designated as provided in section 8 hereof; or, if no representative is so designated, then in the District of Columbia. The court shall then issue its process (which may be served anywhere in the United States) to all parties to such proceeding, and shall thereupon have general jurisdiction of the controversy and of the parties.

(b) In all suits brought hereunder the record in the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court may impose, without prejudice, however, to the right of the parties to take further testimony. The testimony and exhibits or parts thereof of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit.

(c) The court may determine the right to registration, order the cancellation of registrations, restore canceled registrations, and otherwise rectify the register, and shall make and enter such orders and decrees as the case may require, including relief by way of injunction, damages, profits, costs, and otherwise, as provided in section 18, and such judgment or decree may be enforced as provided in section 22 hereof.

(d) Except in ex parte cases, the provisions of section 4915 of the Revised Statutes shall not apply in trade-mark cases.

(e) Any order of the court with respect to the right of registration, the cancellation of registrations, the restoration of canceled registrations, or otherwise rectifying the register shall be served upon the commissioner, who shall make appropriate entry upon the records of the Patent Office and be controlled thereby.

(f) In lieu of the method provided in paragraph (b) of section 13 any person damaged by any registration of a trade-mark may have relief by a suit in equity against the registrant for cancellation of such registration brought in the district of the residence of the registrant or if the registrant is not a resident of the United States then in the district of the residence of the representative designated, as provided in section 8 hereof, or if no representative is so designated then in the District of Columbia, and the court on due proceedings had may, according to the circumstances of the case, adjudge the right to cancellation of such registration in whole or in part or to other rectification of the register. And such adjudication in favor of the right of a party shall authorize the commissioner to cancel such registration in whole or in part or otherwise rectify the register as the case may require, on the party filing in the Patent Office a copy of the adjudication and otherwise complying with the requirements of law.

SEC. 15. (a) Every registered trade-mark and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the business and good will in which the mark is used, or the portion thereof to which the mark is appurtenant, by an instrument in writing, duly acknowledged or otherwise proved, according to the laws of the country or State in which it is executed or made; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such a subsequent purchase. The commissioner shall keep a record of such assignments.

The commissioner shall not accept for record any such assignment in which the assignee therein named is not a resident within the United States unless and until such assignee shall designate by a notice in writing filed in the Patent Office some persons residing within the United States on whom process or notice of proceeding affecting the registration or entry of the mark of which such assignee may claim to be the owner, brought under the provisions of this act or under other laws of the United States, may be served with the same force and effect as if served upon the assignee in person.

(b) If any such assignment be acknowledged before any notary public of a State or any clerk or commissioner of any United States district court, or before any secretary of legation or consular officer authorized by the laws of the United States to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country and whose authority shall be approved by certificate of a diplomatic or consular officer of the United States, the certificate of such acknowledgment shall be prima facie evidence of the execution of such assignment, and when recorded in the Patent Office such record shall be prima facie evidence of the execution of such assignment.

SEC. 16. Fees payable to the Patent Office under this act shall be as follows: On filing each original application for registration of a trade-mark except under section 4, $10; under section 4, $25; on filing each such application after one year, as provided in section 5, additional, $20; on filing application under section 23, $10; on filing each application for renewal, $10; on issuing a new certificate under section 10, paragraphs (a) and (e), $10; on each entry under section 5, $2; on filing notice of opposition or a petition for cancellation (except under section 10 (b)), $10; on filing a disclaimer or an amendment to a registration, $10; on appeal from the examiner in charge of trade-marks to the commissioner, $15; on appeal from the decision of the examiner in charge of interferences to the commissioner, $15; for manuscript copies, for every 100 words or fraction thereof, 10 cents; for each printed copy of registration and drawing, 10 cents; for comparing other copies, 5 cents for every 100 words or fraction thereof; for certifying in any case, additional, 75 cents; for each additional registration or application which may be included under a single certificate, 25 cents additional; for recording every assignment or other paper of 300 words or under, $1; of over 300 and under 1,000 words, $2; and for each additional 1,000 words or fraction thereof, $1; for each additional trade-mark or application included, or involved in one writing where more than one is so included or involved, additional, 25 cents.

SEC. 17. The commissioner is authorized to refund fees paid by mistake or in excess.

SEC. 18. Any person who shall infringe in commerce any trade-mark registered under section 1, 2, or 3 hereof shall be liable—

(a) To an injunction restraining infringement of such registered trade-mark.

(b) To pay to the owner such damages as he may have suffered from the infringement.

(c) To pay to the owner all profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost or deduction claimed; but there shall be no recovery of profits from any defendant whose adoption and use of an infringing trade-mark was in good faith and without knowledge of the plaintiff's right thereto, except such profits as accrued therefrom after such defendant had actual notice or knowledge thereof.

(d) If the court shall find that the damages or profits, or both, are either inadequate or excessive, the court may, in its discretion, decree the payment of such sum as the court shall find to be just according to the circumstances of the case, such sum to constitute compensation and not a penalty.

(e) To deliver up, on oath, upon such terms and conditions as the court may prescribe, all copies, counterfeits, or colorable imitations of the registered trade-mark, to be impounded during the pendency of the proceeding.

(f) To deliver up, on oath, for destruction, all copies, counterfeits, or colorable imitations of the registered trade-mark, and all plates, molds, matrices, or other means of making the same.

(g) To deliver up, on oath, for destruction, all printed matter containing any copies, counterfeits, or colorable imitations of the registered

trade-mark, and all plates, molds, matrices, or other means of making the same; but when such printed matter is a catalogue, or otherwise consists mainly of noninfringing matter, the objectionable contents thereof may be obliterated or otherwise removed as the court may direct.

(h) The remedy of injunction against infringement of a registered trade-mark may extend throughout the United States or any lesser territory, as may be determined by the court according to the circumstances of the case, and need not be limited to be merely coextensive with the territory within which the owner has used such registered trade-mark; and the court may give the plaintiff the benefit of all other remedies named in this section.

(i) This section shall be applicable only to infringements committed after this act shall take effect; for infringements previously committed the remedies shall be those provided by the statutes heretofore in force.

(j) The benefits of this section shall not inure to entries made under section 5, or to registration under section 4.

(k) Rules and regulations for practice and procedure under this section and under sections 14 and 28 (c) may be prescribed by the Supreme Court of the United States.

SEC. 19. Any court given jurisdiction under this act may, in any action, suit, or proceeding, enter a judgment or decree enforcing the remedies herein provided. It shall be the duty of the clerks of said courts upon the filing of any pleading in any action, suit, or proceeding under this act to give notice to the commissioner, giving the title of the case and the numbers of the registrations or of any entry which may be involved therein, and upon the entry of each judgment or decree to give notice thereof to the commissioner; and for each such notice the clerk shall tax a fee of 50 cents as costs of suit. It shall be the duty of the commissioner on receipt of each such notice to enter the same in the file wrapper of each registration so named.

SEC. 20. The proceedings for an injunction, damages, and profits, and those for the seizure of infringing trade-marks, plates, molds, matrices, or other means for making such infringing marks may be united in one action.

SEC. 21. The district and territorial courts of the United States, the District Court of the Canal Zone, and the Supreme Court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the Court of Appeals of the District of Columbia shall have appellate jurisdiction of all actions, suits, and proceedings concerning registrations and registered trade-marks, trade names, and devices under this act, without regard to diversity or lack of diversity of the citizenship of the parties and irrespective of the amount in controversy, and the judgments of such appellate courts shall be final, except that they may be reviewed by the Supreme Court as provided by sections 239 and 240 (U. S. C. 346–347), respectively, of the Judicial Code.

SEC. 22. Any injunction which may be granted according to section 18 may be served anywhere in the United States, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other Federal court having jurisdiction of the party enjoined. The clerk of the court or the judge granting the injunction shall, when requested to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of any necessary papers on which the said injunction was granted that are on file in his office.

SEC. 23. Subject to the same provisions as appear in section 2 hereof relating to trade-marks, so far as the same may be applicable, any person, firm, corporation, union, agricultural or other association, being the owner thereof, may register any trade name or device, including union labels, collective marks, and the marks of associations, used in commerce upon or in relation to specific goods or specific service, in the same manner and with the same effect, and when registered they shall be entitled to the same protection and remedies against infringement as provided herein in the case of trade-marks used upon goods. Applications under this section shall comply as nearly as practicable with the requirements of section 1, and the same procedure shall be followed so far as applicable with respect to trade names and devices as is provided in the sections of this act relating to trade-marks.

SEC. 24. Nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had at common law; nor shall anything in this act deprive a defendant in a suit upon any registered trade-mark or in any proceeding under this act of any defenses against the validity of the trade-mark which he would have had if the trade-mark had not been registered.

SEC. 25. All applications for registration and all contested proceedings pending in the Patent Office at the time of the passage of this act shall be proceeded with under the provisions of this act.

SEC. 26. Any person who shall file application for or procure registration or entry of a trade-mark in the Patent Office by a fraudulent declaration or representations, oral, written, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party, and such fraudulent declaration or representation shall constitute perjury.

SEC. 27. The commissioner may make rules and regulations, not inconsistent with law, concerning the registration of trade-marks, trade names and devices, the entry of marks under section 5 (a) hereof and practice in proceedings in the Patent Office. He may require of the applicant or entrant such information and in such form as he deems necessary. He may require nonregistrable matter to be disclaimed, but no such disclaimer shall affect any common law rights. He may establish a classification of merchandise, for convenience of Patent Office administration, but not to limit or extend the applicant's rights. The applicant may register his trade-mark in one application for any or all goods included in one class upon which the mark has actually been used in commerce. The commissioner may establish a classification under section 23 hereof.

SEC. 28. (a) Any merchandise, whatever may be its source or origin, which shall bear any registered trade-mark or any infringement thereof, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of the registrant to such importation or entry be first had and obtained, or unless such offending mark be removed or obliterated; and if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise shall be amenable, at the suit of the registrant, to the liabilities prescribed in section 18 hereof, and in addition be required to reexport or destroy such merchandise or to remove or obliterate such infringing trade-mark therefrom, and such merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this section the registrant may require a copy of the certificate of registration of his trade-mark to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

(b) Any merchandise, whatever may be its source or origin, which shall bear the name or a simulation thereof of any domestic manufacture or manufacturer or trader, or of any manufacturer or trader located in any foreign country which by treaty, convention, or law affords similar privileges to citizens of the United States, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of such manufacurer or trader to such importation or entry be first had and obtained, or unless such offending name be removed or obliterated, and if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise may be enjoined from dealing therein and in addition be required to export or destroy such merchandise or to remove or obliterate such name therefrom, and the merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this section, any such domestic or foreign manufacturer or trader may require a statement of his business or commercial name and the locality where his business is located and where his goods are manufactured to be recorded in books which shall be kept for this purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of such record to be transmitted to each collector or other proper officer of customs.

(c) The owner, importer, or consignee of merchandise refused entry or seized under paragraphs (a) and (b) of this section may have relief against the registrant, manufacturer, or trader by a bill in equity or by a summary proceeding on petition in any court of original jurisdiction named in section 21, in the district where such merchandise is held, or where such registrant, manufacturer, or trader or a designated representative under section 8 is an inhabitant or may be found, and after such notice and upon such proceedings as the court may direct, the court may determine whether the plaintiff or petitioner for any reason has the right to import such merchandise under the names or marks which it bears.

(d) A decree or order of such court for the plaintiff or petitioner, upon being certified to the collector of the port where the merchandise is held, shall be warrant to such collector to release the merchandise from arrest or seizure or forfeiture under this section.

(e) Such order or decree, whether interlocutory or final, shall be appealable, and the court making such order or decree may, in its discretion, suspend the operation thereof pending appeal.

SEC. 29. Any person who shall affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, or any false description or representation including words or other symbols, tending falsely to identify the origin of the merchandise, or falsely to describe or represent the same, and shall cause such merchandise to enter into commerce, and any person who shall knowingly cause or procure the same to be transported in commerce, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to a suit in equity for an injunction, at the suit of any person doing business in the locality falsely indicated as

that of origin, or in the region in which said locality is situated, or of any person who is or is likely to be damaged by the use of any false description or representation, or at the suit of any association of such persons, and any article marked or labeled in contravention of the provisions of this section shall not be imported into the United States or admitted to entry at any customhouse of the United States. The owner, importer, or consignee of merchandise refused entry in any customhouse under this section may have any recourse by protest or appeal that is given under the customs revenue laws, or may have the remedy given by paragraphs (c), (d), and (e) of section 28.

SEC. 30. In the construction of this act, unless otherwise plainly apparent from the context, the United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia, the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The word "commerce" means all commerce within the control of Congress. The terms "person" and "owner" and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this act include a firm, corporation, or association, or any legal representative or entity capable of possessing and transferring title, as well as a natural person. The terms "applicant" and "registrant" embrace the legal representatives, successors, and assigns of such applicant or registrant. The term "commissioner" means the Commissioner of Patents. The term "trade-mark" includes any mark so used as to distinguish the source or origin of the users' goods, and a trade-mark shall be deemed to be applied to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution. The term "registered" means registered under this act or under any of the prior acts named in the following section so long as such registration shall remain in force, but has no application to marks entered under section 5. Words used in the singular include the plural, and vice versa. Except as otherwise expressly provided, this act is declaratory of the common law of trade-marks, trade names, and devices and applies such law, so far as concerns registered trade-marks, trade names, and devices, to commerce within the control of Congress, and in case of doubt its provisions are to be construed accordingly.

SEC. 31. This act shall be in force and take effect 60 days after its passage. All acts and parts of acts inconsistent herewith are hereby repealed, including the following, namely: The act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks," the act of February 20, 1905 (U. S. C., title 15, secs. 81 to 109, inclusive), as amended, entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations, or among the several States, with Indian tribes, and to protect the same," the act of March 19, 1920 (U. S. Code, title 15, secs. 121 to 128, inclusive), entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes," and section 526 of the "tariff act of 1922" (U. S. C., title 19, secs. 141 to 143, inclusive), except that this repeal shall not affect the validity of registrations under said acts, respectively, or rights or remedies thereunder for infringements committed before this act shall take effect. Registrations under the act of March 19, 1920, shall expire in 20 years from the date of registration, and such registrations shall not be used to stop importations under secton 28 of this act. Sections 13 and 14 of this act (except paragraph (a) of section 13) shall apply to registrations under the act of March 19, 1920.

SEC. 32. Section 4 of the act of January 5, 1905 (U. S. C., title 36, sec. 4), as amended, entitled "An act to incorporate the National Red Cross," and secion 7 of the act of June 15, 1916 (U. S. C., title 36, sec. 27), entitled "An act to incorporate the Boy Scouts of America, and for other purposes," are not repealed or affected by this act.

SEC. 33. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical service, office equipment, stationery, and supplies for carrying into effect this act for the fiscal year ending June 30, 1929, $50,000, and thereafter such sums as Congress may deem necessary, to be expended by the Commissioner of Patents.

SEC. 34. This act may be cited as the "trade-mark act, 1928."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REISSUE OF DEFECTIVE PATENTS

The next business on the Consent Calendar was the bill (H. R. 7112) amending the statutes of the United States with respect to reissue of defective patents.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 2823, may be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 4916 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4916. Whenever any patent is wholly or partly inoperative or invalid, by reason of a defective or insufficient specification or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake and without any fraudulent or deceptive intention, the commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a patent for the same invention, and in accordance with the corrected specification, to be reissued to the patentee or to his assigns or legal representatives for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the reissued patent, but in so far as the claims of the original and reissued patents are identical, such surrender shall not affect any action then pending nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent. The commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters patent. The specifications and claims in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so reissued, together with the corrected specifications, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

OSAGE INDIANS OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. HOWARD of Oklahoma. Will the gentleman withhold that for a moment?

Mr. CRAMTON. Yes. I will simply say that I have the impression this is not urgent and we might just as well let it wait a little while. I have not made a thorough study of the bill. The gentleman from Montana [Mr. LEAVITT] urges that it be passed, but if the bill came up to-day I would have to object, and I am making this request so that I may have a chance to study it.

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object to the consideration of this measure, I want to say that all the land and mineral rights and practically all the Indians affected by the bill live in the district which I have the honor to represent. There is some legislation relative to Osage Indian matters necessary. I am not in thorough accord with this bill myself, Mr. Speaker; but it has been worked out, I think, honestly by the members of the Indian Affairs Committee, of which I am a member. Being not in accord with the bill, I realize I could object and stop the consideration of the bill, but I realize that being asked for by the department it can be passed under a suspension of the rules. There is some legislation necessary, and I will say to the gentleman from Michigan that under the conditions I have thought it best to let the bill pass here and go to the Senate where it will not pass this session, but can be ironed out in committee and in conference.

Mr. CRAMTON. Does the gentleman state that this bill which concerns chiefly his constituents will not be passed at this session of the Senate?

Mr. HOWARD of Oklahoma. Yes; and it was my idea, although I object to some of it, not to object, but to let the bill pass the House and go to the Senate and be considered by that body.

Mr. CRAMTON. That confirms my impression that there is no necessity for the House to hurry its consideration.

Mr. HOWARD of Oklahoma. I withdraw my objection to the request of the gentleman from Michigan.

The SPEAKER. May the Chair be permitted to suggest that in view of the length of the Consent Calendar and its importance and interest to many Members, if gentlemen have made up their minds to object to a bill, may the Chair suggest that they do so?

Mr. CRAMTON. Mr. Speaker, my request was that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNITED STATES COURT FOR CHINA

The next business on the Consent Calendar was the bill (H. R. 12955) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof," and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin objected.

INTERNATIONAL CONFERENCE FOR SAFETY OF LIFE AT SEA

The next business on the Consent Calendar was House joint resolution (H. J. Res. 266) authorizing an appropriation of $100,000 for the expenses of participation by the United States in the international conference for the revision of the convention of 1914 for the safety of life at sea, to be held in London, England, in 1929.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object——

Mr. PORTER. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 131 in lieu of the House resolution.

Mr. LAGUARDIA. I would like to ask the gentleman why it is necessary to appropriate $100,000 to send a delegation to this conference which is far in excess of what is usually appropriated?

Mr. PORTER. This resolution was approved by the Secretary of State and by the President. It is unnecessary for me to go into the importance of safety at sea. There has been no conference since 1914.

Mr. CRAMTON. But why is it necessary to appropriate $100,000?

Mr. PORTER. The department recommends that sum.

Mr. LAGUARDIA. How many delegates will there be?

Mr. PORTER. I do not know.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this may go over without prejudice until we can get the proper information.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

TWENTY-THIRD INTERNATIONAL CONGRESS OF AMERICANISTS

The next business on the Consent Calendar was the Senate joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expense of such Congress.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Whereas the Twenty-third International Congress of Americanists will be held in New York City during the week beginning September 17, 1928, for the consideration of (1) the aboriginal races of America and their relationship to other peoples, (2) the archæological remains found in America and time relations as revealed by them, (3) the habits and customs of the various groups of American Indians and questions of the origin and distribution of these in the Old and New Worlds, (4) the native languages of America, (5) the early history of America, especially in regard to its discovery and early settlement, and (6) geographical and geological questions, especially as related to human activities: Therefore be it

Resolved, etc., That the President is authorized to appoint three delegates to represent the United States at the Twenty-third International Congress of Americanists, to be held in New York City during the week beginning September 17, 1928.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be paid by the Secretary of State to the proper officials of such congress as the contribution of the United States toward defraying the expenses of such congress.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

VIADUCT ACROSS THE MAHONING RIVER AT NILES, OHIO

The next business on the Consent Calendar was the bill (H. R. 12894) granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the times for commencing and completing the construction of the overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio, authorized to be built by the board of county commissioners of Trumbull County, Ohio, by the act of Congress approved July 1, 1926, are hereby extended one and three years, respectively, from the date of approval hereof, and the said act of Congress approved July 1, 1926, is hereby revived and reenacted for such purpose.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE TENNESSEE RIVER AT CLIFTON, TENN.

The next business on the Consent Calendar was the bill (H. R. 13141) authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, does the gentleman from Tennessee know T. S. Hassell?

Mr. ESLICK. I have known Mr. Hassell for a number of years. I know he is of the best type of our citizenship. I have in my possession a petition from practically every business man of the town of Clifton, and a large number of farmers, asking the passage of this bill, and in addition to that, Mr. Hassell is a man of large means and able to build the bridge himself. Neither the county of Wayne nor the county of Decatur will ever build this bridge. The State is building three other toll bridges across the Tennessee River, and the commissioners of highways for Tennessee say there is no possibility of the State building the bridge.

Mr. LAGUARDIA. I withdraw my objection.

The following committee amendment was read:

Page 2, line 16, strike out the words "twenty-five" and insert the word "twenty" in lieu thereof.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE NORTH FORK OF THE CUMBERLAND RIVER AT BURNSIDE, KY.

The next business on the Consent Calendar was the bill (H. R. 13203) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at Burnside, Pulaski County, Ky.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were read, as follows:

Page 1, line 7, strike out the words "the town of."

Page 1, line 8, before the word "Kentucky," insert the words "Pulaski County."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, COUNCIL BLUFFS, IOWA

The next business on the Consent Calendar was the bill (S. 3693) authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the city of Council Bluffs, a municipal corporation of the State of Iowa, and the city of Omaha, a municipal corporation of the State of Nebraska, or either of them, are hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Council Bluffs, Iowa, and Omaha, Nebr., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There are hereby conferred upon the city of Council Bluffs and the city of Omaha, or either of them, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RAILROAD BRIDGE ACROSS BOGUE CHITTO RIVER

The next business on the Consent Calendar was the bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, can any of my colleagues from New York inform me when Tammany became saintly?

Mr. O'CONNOR of New York. The gentleman apparently has not read the history of that great organization.

Mr. LAGUARDIA. I have been living with it, and hence the inquiry.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Lamar Lumber Co. (Inc.) is hereby authorized to construct a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La., some few miles below where the New Orleans Great Northern Railroad crosses that stream, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 2, after the figures "1906," insert a colon and the following: "*Provided*, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes the same shall be removed from the river by the Lamar Lumber Co. (Inc.), or its assigns, at its or their own expense."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT HELENA, ARK.

The next business on the Consent Calendar was the bill (H. R. 13380) authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, may I ask the gentleman from Arkansas whether he is acquainted with the grantees named in this bill?

Mr. DRIVER. Yes; I know both of the men named. Mr. Hargraves is a resident of the locality at which place it is proposed to construct the bridge and the other man is a resident of the county immediately beyond in Mississippi.

Mr. LAGUARDIA. And there is no desire on the part of the counties to construct the bridge?

Mr. DRIVER. They are unable to do so, financially and legally. The bill has all of the necessary limitations and protective features in it.

Mr. WHITTINGTON. I may say that I am acquainted with Mr. Dulaney, who is named in the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Helena, Phillips County, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Arkansas, the State of Mississippi, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable

charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Arkansas and Mississippi, a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DEVELOPMENT OF PARK AND PLAYGROUND SYSTEM, NATIONAL CAPITAL

The next business on the Consent Calendar was the bill (S. 1284) amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso in section 1 (a) in the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924" (Stat. L., vol. 44, p. 374), is hereby amended by striking out the words "subsistence not in excess of $10 per day and of travel when attending meetings of said commission or engaged in investigations pertaining to its activities," and inserting in lieu thereof the following: "travel when attending meetings of said commission or engaged in investigations pertaining to its activities and an allowance of $8 per day in lieu of subsistence during such travel and services," and is hereby reenacted so as to read as follows: "*Provided*, That the first members appointed under this act shall continue in office for terms of three, four, five, and six years, respectively, from the date of the passage of this act, the terms of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All members of the said commission shall serve without compensation therefor, but each shall be paid actual expenses of travel when attending meetings of said commission or engaged in investigations pertaining to its activities, and an allowance of $8 per day in lieu of subsistence during such travel and services. At the close of each Congress the Presiding Officer of the Senate and the Speaker of the House of Representatives shall appoint, respectively, a Senator and a Representative elect to the succeeding Congress to serve as members of this commission until the chairman of the committees of the succeeding Congress shall be chosen. The Director of Public Buildings and Public Parks of the National Capital shall be executive and disbursing officer of said commission."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMITS FOR DRIVERS OF GOVERNMENT-OWNED VEHICLES, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926, (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

PRIVATE CONDUIT ACROSS LINCOLN ROAD, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 2542) for the construction of a private conduit across Lincoln Road NE., in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission to Trinity College to lay a conduit for the transmission of power from their power house under and across Lincoln Road NE., between Michigan Avenue and Fourth Street, in the District of Columbia, into and upon the property of Trinity College, which is located on both sides of Lincoln Road, under the regulations and subject to the limitations prescribed in the act entitled "An act regulating permits for private conduits in the District of Columbia," approved May 26, 1900.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PROTECTION OF FISH, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 2972) for the further protection of fish in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of May 17, 1898, entitled "An act for the protection of fish in the District of Columbia," and so forth, as amended by the act of March 3, 1901, entitled "An act to amend the acts for the protection of birds, game, and fish in the District of Columbia," be, and the same is hereby, further amended so as to read as follows:

"SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 1st day of January and the 29th day of May of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHANGING NAME OF RAILROAD AVENUE

The next business on the Consent Calendar was the bill (H. R. 10073) to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the necessity for changing the name of this street?

Mr. JENKINS. This Railroad Avenue in this section has now become valuable property and the people think the name "railroad" militates against the value. They have had the matter up with the commissioners, and the commissioners are quite agreed to it.

Mr. LAGUARDIA. Do I understand that the name of railroad mitigates against the value of properties?

Mr. JENKINS. It does in that one locality, but not everywhere.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the name of the street now known as Railroad Avenue, between Nichols Avenue and Massachusetts Avenue, part of which is not yet cut through, but now on record as Railroad Avenue SE., be, and the same is hereby, changed to Parkside Avenue, and the surveyor of the District of Columbia is hereby directed to enter such change on the records of his office.

With the following committee amendment:

Line 7, strike out "Parkside" and insert "Fairlawn."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF SECTION 574, TITLE 28, UNITED STATES CODE

The next business on the Consent Calendar was the bill (H. R. 12250) to amend section 574, title 28, United States Code.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That paragraph 14 of section 574, title 28, United States Code, is hereby amended to read as follows:

"For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, such amount as the court, on petition setting forth the facts under oath, may allow."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ADDITIONAL JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object, Mr. Speaker; and following the admonition of the Speaker, I shall not make the speech I had in mind.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

MILITARY SERVICE OF AMERICAN CITIZENS OF FOREIGN BIRTH

The next business on the Consent Calendar was the resolution (H. J. Res. 268) requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth, or parentage, from liability to military service in such nations.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President be, and he is hereby, respectfully requested to endeavor as soon as possible to negotiate treaties with the remaining nations with which we have no such agreement, providing that persons born in the United States of foreign parentage, and naturalized American citizens, shall not be held liable for military service or any other act of allegiance during a stay not exceeding two years in duration in the territory subject to the jurisdiction of any such nation.

With a committee amendment as follows:

Page 2, line 1, strike out the words "not exceeding two years in duration"; and on page 2, line 3, after the word "nation," insert the words "while citizens of the United States of America under the laws thereof."

Mr. JOHNSON of Washington. Mr. Speaker, I would like to ask some one in charge of the resolution why the amendment which strikes out the two-year clause? As I understand it, naturalized American citizens who remain abroad two years are deemed to have expatriated themselves unless they report to the American consul. They cure that expatriation by returning to the United States. Therefore I am inclined to think, while not knowing much about the resolution, that that amendment should not be adopted.

Mr. KELLY. The amendment of the committee covers that point exactly. After two years the presumption is that they have lost their American citizenship.

Mr. JOHNSON of Washington. I withdraw my reservation of an objection.

The SPEAKER pro tempore (Mr. SNELL). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BONDING OF DISBURSING OFFICERS

The next business on the Consent Calendar was the bill (H. R. 12203) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any disbursing clerk, or officer, person, or agent who may be charged with the disbursement of public money of the United States, hereinafter referred to as principal disbursing officer, may, when considered necessary and approved in writing by the head of the executive department, or the independent bureau, establishment, or office in which employed, hereinafter referred to as heads of executive departments and establishments, designate and authorize a deputy or deputies, a supervisory officer or officers, or a clerk or clerks in his office, hereinafter referred to as acting disbursing officers, to act for him, and further may authorize one or more of such acting disbursing officers to issue and sign checks for and in the name of the principal disbursing officer for whom they are acting. Heads of departments and establishments shall require such acting disbursing officers to give bond to the principal disbursing officer, which bond, after approval as required for the bond of the principal, shall be filed with the bond of the principal disbursing officer, the form of bond to be approved by the Secretary of the Treasury, and where the bond of the principal disbursing officer is executed by a corporate surety the bond of each acting disbursing officer shall be executed by a corporate surety. In cases where the bond of the principal disbursing officer is $15,000 or less the bonds of the acting disbursing officers shall be in the same penalty as the bond of the principal; if the bond of the principal is in a penalty of more than $15,000 the bonds of the acting disbursing officers shall be in the same penalty, except where the head of the executive department or establishment shall be of the opinion that the safety of the public funds will not be jeopardized, in which event the bonds of the acting disbursing officers may be accepted in a penalty less than that of the bond of the principal but in no case with a penalty less than $15,000.

SEC. 2. In cases where an acting disbursing officer is designated and authorized to act for his principal for a period not exceeding 90 days in the aggregate during the year, to be so stated in the body of the bond, fractions of a day being counted as full days, the heads of the executive departments and establishments shall require such acting disbursing officer to give bond in the same penalty as the bond of the principal. In such cases principal disbursing officers shall include with each monthly or quarterly account, as the case may be, a certificate on form approved by the Secretary of the Treasury to the effect that the provisions of this section have been fully complied with during the period for which the account is rendered and for prior periods. Bonds required under this section shall not be approved if the annual premium rate therefor is over one-third the annual premium rate charged on the bond of the principal, except that a minimum charge of $5 may be made in any such case.

SEC. 3. The bond of the principal disbursing officer shall be answerable to the extent of the penalty of the bond of each acting disbursing officer for the act or acts of such acting disbursing officer; liability under the bond of the principal disbursing officer for his own acts shall not be reduced by any recovery or right of recovery thereon on account of the act or acts of the acting disbursing officers; liability under the bond of the principal disbursing officer for the act or acts of the acting disbursing officers shall not be reduced by reason of any recovery or right of recovery thereon on account of the act or acts of the principal

disbursing officer. The United States shall have the right to recover on the bond of the principal to the full extent of the aggregate penalties of both the bond of the principal and the bonds of the acting disbursing officers where losses occur due to the joint act or acts of the principal and the acting disbursing officers.

SEC. 4. All liabilities and penalties prescribed by law for official misconduct of principal disbursing officers shall from the effective date of this act apply in like measure to acting disbursing officers.

SEC. 5. Liability in accordance with the provisions of this act shall not attach to sureties on the bonds of principal disbursing officers where such bonds have been executed prior to the effective date of this act unless there first be secured from such sureties their written consent thereto.

SEC. 6. The provisions of this act shall not be held to modify or repeal any existing legislation under authority of which a deputy or deputies or other person or persons may act for and sign official checks in the name of any disbursing clerk or officer, person, or agent who may be charged with the disbursement of public money of the United States: *Provided, however,* That the provisions of this act shall be applicable in such cases where considered necessary and approved in writing by heads of departments and establishments. This act shall take effect January 1, 1929.

With a committee amendment as follows:

Page 4, line 6, strike out the word "also."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

INMATES OF INDUSTRIAL REFORMATORY AT CHILLICOTHE, OHIO

The next business on the Consent Calendar was the bill (H. R. 12249) to remove the age limit of persons who may be confined at the United States industrial reformatory at Chillicothe, Ohio.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker—and I am going to object—I want to call the attention of the House to this bill. I am certain that the distinguished chairman of the Committee on the Judiciary has not obtained all the facts. We created a reformatory on this farm and provided that the sentences of boys should be fixed by the Federal Government from the ages of 17 to 30, except boys convicted of murder of the first and second degree, rape, or arson. We have received communications stating that they want to remove the age limit of 17. That is the very purpose of the reformatory.

Mr. O'CONNOR of New York. Does the gentleman want to remove it down or up?

Mr. LAGUARDIA. I am coming to that. The first step is to remove the 17-year age limit, so that a judge can send a boy direct to the penitentiary. Then they go on and want to remove the 30-year limit, and that is the most drastic request ever made by the Department of Justice, so that any influential prisoner having sufficient influence, instead of being sent to the penitentiary, may be sent to this farm. I am going to object to this and oppose the proposition in every form.

Mr. GRAHAM. I do not suppose that I can remove from the gentleman's mind his objection to this proposition, but I want first to deny his assertion that I do not know the facts. This bill is not my creation, nor have I personally sponsored it. It was passed by the committee, which heard about the bill and realized its importance. There are cases where the 30-year limit works a great hardship on first offenders and there are cases where the 17-year limit works an equal hardship upon persons, where they are calculated to demoralize the institution instead of being themselves helped or promoted by it.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

AGRICULTURAL DAY

The next business on the Consent Calendar was Senate Joint Resolution 61, to provide for an agricultural day.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. CRAMTON. Mr. Speaker, I object.

NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

The next business on the Consent Calendar was the bill (H. R. 12236) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to suggest to the gentleman from New Jersey that on page 2, line 2, after the words "payment of claims" we insert the words "in full settlement," so that we may not have a repetition of these claims later on the ground that they did not receive adequate compensation. If the gentleman will accept that amendment, I shall not object.

Mr. ACKERMAN. Mr. Speaker, under the reservation, may I submit a further amendment, increasing the amount to $353,838.75, being the amount of claims as filed with the Navy Department and shown in House Document 202?

Mr. UNDERHILL. Mr. Speaker, this bill has been considered by the committee. It is of a very important character and an extremely complicated one. This method of settling or attempting to settle these claims was suggested because of the tremendous amount involved, and any amendment which might be offered at this time would not have the approval of the committee—and I am speaking more particularly of the chairman, because I would have no time to look into it.

The Navy Department was given authority to investigate the explosion at Lake Denmark. They spent a great deal of time in gathering evidence, in appraising the damage, and have brought in a most complete report. Now, if the gentleman or his constituents are dissatisfied with the amount which the Navy Department has awarded, their course should not be to offer an amendment which materially increases the amount carried in the bill as reported by the committee. To do that this afternoon is rather short notice to give the Committee on Claims and will jeopardize the proposed legislation. I will have to oppose the amendment, but I will not oppose the consideration of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, with the understanding that the amendment I have suggested will be accepted by the gentleman from New Jersey, I shall not object to the consideration of the bill; but I think I shall join with the gentleman from Massachusetts in opposing the amendment the gentleman from New Jersey has suggested. I think the gentleman from New Jersey should take the $161,000 as carried in the bill, because I can see the distinguished gentleman from Wisconsin on his feet now, and there is great likelihood that there may be an objection to the consideration of the bill.

Mr. ACKERMAN. I will accept the amendment suggested by the gentleman from New York.

Mr. LAGUARDIA. But what about the amendment the gentleman has suggested?

Mr. ACKERMAN. I will have to withdraw it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $161,622.10 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of claims for property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, to the respective persons and in the respective amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 202, Seventieth Congress, first session, pursuant to the act of March 2, 1927 (44 Stat., pt. 3, p. 1800).

With the following committee amendment:

Page 1, line 3, strike out all of the language in lines 3 and 4 and insert in lieu thereof the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $161,622.10, or such portion as may be necessary, to enable the."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment. On page 2, line 2, after the word "claims," insert the words "in full settlement."

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 2, after the word "claims," insert the words "in full settlement."

The amendment was agreed to.

Mr. ANDRESEN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDRESEN: At the end of the bill add a new section, as follows:

"SEC. 2. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to O. A. Alfson the sum of $5,000. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the death of Orlando M. Alfson, the son of the said O. A. Alfson, and late private in the United States Marine Corps, who on July 10, 1926, was killed in the fire and explosion which occurred at the naval ammunition depot, Lake Denmark, N. J."

Mr. UNDERHILL. Mr. Speaker, this bill is not complete; that is, not all of the claims are covered by the report from the Navy Department. There are a number of death claims which, I believe, have just been submitted to Congress by the Navy Department, which have not as yet even been printed. I do not know whether the name of this individual who was killed is included in the list of those who suffered death by this explosion. From the reading of the amendment, if he were a member of the United States Marine Corps, he certainly would come under the provisions of the law which provides pensions for dependents of soldiers. It is very dangerous to bring these amendments up on the floor of the House without any consideration whatever. This claim may be included in the report that has just been received from the Navy Department, and if so his dependents would probably be paid a double allowance under the amendment offered by the gentleman from Minnesota.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. And is it not the orderly procedure in the consideration of bills on the Consent Calendar that when an amendment is contemplated to serve notice of the amendment so that the House may be apprised of it before consenting to consideration? We can not legislate properly in this way.

Mr. SCHAFER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SCHAFER. If it had been known that these amendments were going to be offered to the bill, which has received the careful consideration of the Claims Committee, this bill certainly would not now be before us under unanimous consent. In view of this situation I think the amendment should be defeated.

Mr. UNDERHILL. That is the general procedure and every Member of the House knows that when these bills come up, either on the Consent Calendar or on the Private Calendar, if any Member has an amendment to offer, if he is dissatisfied with the report of the committee, he notifies the committee that he is going to offer an amendment, which gives the committee a chance to protect itself before the bill is even allowed consideration. I think it a dangerous practice to follow or precedent to establish to act on an amendment which may or may not have been properly considered by the committee. It certainly is unfair to the committee, and in this instance wrong to all the other claimants who have been injured or killed. I hope the House will not accept the amendment.

The SPEAKER pro tempore. The present occupant of the chair feels that if the gentleman were going to offer an amendment of this character he should have given notice before the time of objection had expired. So the Chair will open the bill for objection again, if the amendment is to be considered.

Mr. SCHAFER. Then I shall object to the consideration of the bill.

Mr. NEWTON. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. NEWTON. This bill came up here, it was unobjected to, amendments were submitted and have been voted upon. I make the point of order it is too late for an objection to be made. The gentleman from Minnesota [Mr. ANDRESEN] is attempting to perfect the bill to take care of the dependents of a man who lost his life in this explosion, who is not protected under the terms and provisions of the bill as described in the document. The committee that has deliberated over this whole business has had all the evidence before it. This is not something that is extraneous to the issue presented to the committee, and I submit the gentleman ought to have the amendment acted upon.

The SPEAKER pro tempore. The present occupant of the chair feels that when we are transacting unanimous consent business, where everything is done by unanimous consent, it is rather unfair to the House to bring in entirely new matter at the amendment stage. The present occupant of the chair will rule in this way, and if the gentleman desires to appeal from the decision of the Chair, very well.

Mr. NEWTON. I must confess I do not know of any precedent for the gentleman's ruling.

The SPEAKER pro tempore. The Chair thinks we have got to protect the membership of the House when we are acting by unanimous consent.

Mr. LAGUARDIA. Mr. Speaker, in order not to establish a precedent in the matter, I reserve my right to object to state that the action of the gentleman from Minnesota takes me entirely by surprise, and this being so, I now move that the action of the House in considering this bill be now vacated. This will bring the matter squarely before us.

Mr. DOWELL. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOWELL. I think the gentleman's motion is not in order at this time.

Mr. CRAMTON. Mr. Speaker, in order not to waste a lot of the time of the House, when there are so many bills awaiting consideration, may I suggest to the gentleman from Minnesota that he take the course that has always been taken in similar situations. The gentleman has suggested his amendment, there has been a protest against its consideration, and let me suggest that the gentleman withdraw his amendment and not hold up consideration of the calendar.

Mr. ANDRESEN. Mr. Speaker, I will say to the gentleman from Michigan that the only reason I am bringing up the amendment at this time is on account of certain statements made by officials in the Navy Department regarding death claims. I called at the Navy Department and they told me they did not regard the value of life as of such great consequence as they regarded damage to property.

Mr. SCHAFER. If the gentleman will yield, if this man was a member of the military or naval forces of the United States, his dependents would be entitled to pension benefits, the same as in the case of every other soldier, sailor, or marine killed in line of duty.

Mr. ANDRESEN. Mr. Speaker, I think I am entitled to speak on my amendment.

The SPEAKER pro tempore. The gentleman is recognized for five minutes.

Mr. ANDRESEN. This case is that of a farmer boy from my district.

Mr. CRAMTON. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from Michigan.

Mr. CRAMTON. I want to state to the gentleman that the House has the right, when a question is asked if there is objection to consideration of the bill, to suppose that the question relates to the bill before the House and not to a bill with a number of amendments that have not been offered. The gentleman takes the House by surprise. If the gentleman desired to offer an amendment he should have given the House notice.

Mr. ANDRESEN. The bill has been considered by the Claims Committee. I did not know there was any particular individual in this House that we had to consult.

Mr. CRAMTON. You do not have to consult anyone, but you have to consult the House.

Mr. ANDRESEN. I have offered the amendment, and I presume that I consulted the House when I offered it.

Mr. CRAMTON. Without giving the House notice when the House could have stopped it by an objection.

Mr. ROMJUE. Will the gentleman yield? I want to call attention to the fact that the bill was not objected to, and one amendment was adopted, and after that the gentleman from Minnesota offered his amendment.

Mr. ANDRESEN. I can not yield further. I want to give the House some facts about this amendment. This young man was a marine. He was formerly a boy from my district, and he enlisted in the Marine Corps and was stationed at Lake Denmark, where the explosion took place and he lost his life. Prior to his enlistment this young boy was on an 80-acre farm with his father and mother. He worked there without compensation. He wanted to see a little more of life, and so he took an enlistment in the Marine Corps. His father and mother are along somewhere about 55 or 60 years old, and were partially dependent on the boy. They have two other children in the family, a girl and a boy. I feel in justice to them that they should have some consideration, and I propose in the amendment that his father shall have $5,000, which I think is the maximum amount under the law. I hope the amendment will prevail.

Mr. SCHAFER. Mr. Speaker, I rise in opposition to the amendment. If the House is going to adopt the policy of approving amendments to bills which the House does not have notice of prior to the bill passing the objection stage, and which amendments are opposed by the committee reporting the bill, I feel constrained to object to the consideration of every bill on the Unanimous Consent Calendar. We know that generally on the days that the Private and Consent Calendars are considered under the unanimous-consent rule that far from a majority of the membership is present.

Here we have a bill involving a good many thousand dollars which was very carefully considered by the Claims Committee, reported out by that committee, and placed on the Unanimous Consent Calendar. I agree that the father and mother may be dependent, but this young man was in the military service of the United States. If he was killed in line of duty that father and mother, if dependent, have the same pension rights that the father and mother of any other boy in the Navy, Marine Corps, or the Army who was killed in line of duty has.

Mr. O'CONNOR of New York. What does the gentleman mean by saying the House must have notice of the amendment? The gentleman offered his amendment just as other amendments have been offered all the morning of which the House had no previous knowledge.

Mr. SCHAFER. Generally when a bill is before the House, when a reservation to object is made the Member having amendments gives notice that he will offer such an amendment. The bill under consideration would never have passed the objection stage if members of the Committee on Claims thought that amendments such as the pending one would be offered.

Mr. CRAMTON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. CRAMTON. Of course, the gentleman from New York [Mr. O'CONNOR] will recall something of the practice in these cases, and that I am consistent even when it hurts me to be so. On a previous Consent Calendar day, a bill came up with reference to the transfer of seized automobiles to the use of the Immigration Service. No objection was made to the bill. When the bill came up for consideration, after it had passed the objection stage, I offered an amendment of which I had not given notice, making it apply also to boats, because there seemed to me to be good reason for that. The gentleman from Illinois, Mr. CHINDBLOM, on the committee, protested at my offering that amendment at that stage, not having given notice. He said that I took him by surprise. Therefore I sought to withdraw my amendment, although I believed in it, and there was sentiment here for it. I was not permitted to withdraw it, and then on a standing vote, I stood up and voted against my own amendment in order to keep faith with the House. That is what I feel the gentleman from Minnesota [Mr. ANDRESEN] should do, because Members who are here have a right to rely on the nature of the bill that is going to come up.

Mr. O'CONNOR of New York. Gentlemen talk about giving notice to somebody and calling it the House.

Mr. CRAMTON. But it is notice to the House.

Mr. O'CONNOR of New York. The gentleman offered amendments to-day. Did he give notice to anybody about them?

Mr. CRAMTON. I have not offered an amendment to-day that I did not give advance notice of before the objection stage was passed.

Mr. O'CONNOR of New York. To whom?

Mr. CRAMTON. By a public statement made here in the House.

Mr. O'CONNOR of New York. I am not aware that the gentleman did that.

Mr. CRAMTON. And the RECORD will show that I have done it on every occasion.

Mr. SCHAFER. I will say for the benefit of the gentleman from New York [Mr. O'CONNOR] that a bill came up to-day to create an additional judgeship in the State of New York. It was objected to this afternoon by three Members from New York. How would those three Members from New York feel if another bill to create a judgeship in another State should come before the House for consideration under unanimous consent, and after the objection stage was passed and the bill was before the House for consideration, a Member interested in creating the additional judgeship in New York should offer an amendment to do so?

Mr. O'CONNOR of New York. I would probably make a point of order that it was not germane.

Mr. SCHAFER. I hope this amendment is defeated. I intend to use every parliamentary advantage that I can to defeat it. If the House is going to adopt amendments which it does not have notice of prior to passing the objection stage and which amendments are opposed by the committee reporting the bill I am going to object to the consideration of every bill on the Unanimous Consent Calendar in order to protect the committees.

Mr. REED of New York. Mr. Speaker, I offer the following amendment to the amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REED of New York to the amendment offered by Mr. ANDRESEN: At the end of the amendment insert "and to John Little, of Cattaraugus, N. Y., the sum of $5,000."

Mr. REED of New York. Mr. Speaker and gentlemen of the House, I must confess that this method of putting claims on a bill under unanimous consent takes me as well as others very much by surprise. However, I would be derelict in my duty if I were to stand by and not try to protect the parents of a heroic boy, John A. Little, from Cattaraugus County, N. Y. I shall never forget as long as I live the day his father, mother, and little crippled sister came to my home and told me their sad story. The little sister had become crippled about the time that the boy lost his life in this explosion. He was a marine and had gone out as a result of the lurid advertisements put out by the Navy Department. If you could see the letters of commendation from General Lejeune and others you would be very much inclined to agree to this amendment. The boy rushed in, at the risk of his own life, and lost his life trying to save the lives and property of others. It was tragic and heroic. If it is fair for the parents of one boy to get $5,000, it is certainly fair for this particular boy to get $5,000 under similar circumstances.

Mr. HUDSON. Was the case that the gentleman from New York presents and the case of the gentleman from Minnesota before the Claims Committee when this bill was adopted?

Mr. REED of New York. I have been before the chairman.

Mr. HUDSON. But they did have notice?

Mr. REED of New York. I had no notice of this coming up in this form. The only reason that the parents of this boy are not compensated is because of the usual technicality. He was in the service and killed in the discharge of his duty, but it so happens that his father and mother can not come forward and swear that they were absolutely dependent upon the boy; that he contributed to their support. As a matter of fact, when these boys go out and join the marines in most cases the money they get is not enough for their own support, at least not to the extent of sending money home to actual dependents.

Mr. HUDSON. Was this case presented to the Committee on Claims so that they had cognizance of it?

Mr. REED of New York. I have gone over it all with the chairman of the committee, and I am not criticizing him at all. There is a technicality that stands in the way just the same as in the way of this other bill for the boy from Minnesota. The parents of both of these boys have suffered, and they should be compensated. If we are going to bring these bills up in this way, it is as fair for the parents of one boy to be compensated as for the parents of the other boy.

Mr. NEWTON. As I understand it, the Navy Department takes the position that if the income of the father and mother exceeds $300 there is not a case of dependency made out under the pension law.

Mr. REED of New York. That is true, and they apparently attach little value to life, but for property destroyed they will give liberally.

Mr. NEWTON. Yes.

Mr. REED of New York. But here is this heroic boy, who is commended for his heroism in letter after letter; this boy who rushed in at the risk of his own life to save lives and property. They have this little crippled girl, they are heartbroken, and they have had a hard time to get along. This boy would in years to come have been their main support.

Mr. NEWTON. I think we ought to see that the dependents of every enlisted man and every officer who lost his life should be at least entitled to what he got while in the service.

Mr. REED of New York. I have letters on file showing that these soldiers who lost their lives had absolute notice that it was only a question of time until they would be brought out.

Mr. LAGUARDIA. Why do you take up one and not all?

Mr. REED of New York. I say let us take care of them all or none.

Mr. ACKERMAN. I understand another batch of claims was brought in on Saturday, but the document has not yet been printed.

Mr. UNDERHILL. Mr. Speaker, I think I can clarify the situation. There is no difference between the gentleman from New York [Mr. REED] and the gentleman from Minnesota and the Committee on Claims or the Navy Department, except that the Navy Department is carrying out the law as framed by Congress. There are 729 claims before you in this bill of Mr. ACKERMAN'S. Most of them are for property damaged, ranging from small sums up to thousands of dollars. There are only two death claims included. Last Saturday the Navy Department sent in a supplemental report with about 129 more claims, about 20 of them being death claims.

Now, irrespective of what the law says the Navy Department shall do in the way of pensioning dependents of service men killed in the performance of their duty, that does not bind or prevent those who are adjudicating these claims from

bringing in a favorable claim for $5,000 for the death of these men, and they may be included in this batch which has just recently been sent in, and which I have not seen.

Mr. REED of New York. They will not be included unless they prove to be absolute cases of dependency; unless they can prove that the boy was sending money home to his father.

Mr. UNDERHILL. That is with reference to the pension law. That does not refer to these claims. The Committee on Claims does not take that into consideration. A husband is killed, and the family is dependent on him. We give a certain amount as authorized for that. The wife of a man is killed. He is not dependent on her, but we make an allowance for the death of that woman. My understanding is that all these who were killed in this explosion are going to be considered. But the question this afternoon is, Do you want to stop payment to 729 deserving claimants who have been waiting for two years for the settlement of their claims in order that you may take up two cases, which may possibly be included in this new batch that has just been received by the House?

Mr. NEWTON. I notice from the House report that when a naval officer is killed the widow puts in her claim, and it comes here, and is turned down by the Comptroller General because under existing pension laws she has a pensionable right, and therefore gets no more. The committee approves that in their report. I am not questioning that, but I do say that here is a case of an enlisted man——

Mr. UNDERHILL. If she had not been allowed anything or had not come under the laws which Congress passed, it is not my fault, and not the fault of the Committee on Claims. It is the fault of Congress. But we are asked to make exceptions of one or two cases where several people lost their lives and much property was destroyed and many people permanently injured for life. You can not take two cases and because of two cases jeopardize the payment of the claims of 729 people who have been waiting for two years for the adjudication of their claims by the United States Government.

Mr. SUMNERS of Texas. Have these two claims been considered by your committee?

Mr. UNDERHILL. No.

Mr. ANDRESEN. My claim has been considered by the committee and rejected.

Mr. UNDERHILL. How could you do otherwise? Congress has authorized the Navy Department and the Comptroller General to make a thorough investigation of all these claims.

The SPEAKER pro tempore. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. REED of New York) there were—ayes 34, noes 43.

So the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question is on the original amendment.

The question was taken; and on a division (demanded by Mr. ANDRESEN) there were—ayes 32, noes 47.

So the amendment was rejected.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PRELIMINARY EXAMINATIONS OF SUNDRY STREAMS

The next business on the Consent Calendar was the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, why are not these items included in the regular rivers and harbors bill?

Mr. KOPP. I make the answer to the gentleman by reason of the enforced absence of the chairman to-day. These were all considered by the Committee on Flood Control and they merely call for preliminary surveys.

Mr. LAGUARDIA. That is quite true.

Mr. HOOPER. Mr. Speaker, I object.

RECLAMATION OF KOOTENAI INDIAN ALLOTMENTS IN IDAHO

The next business on the Consent Calendar was the bill (H. R. 11468) authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have two perfecting amendments which I have discussed with the gentleman from Idaho [Mr. FRENCH] and I expect to offer those amendments if the bill is considered.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, does the gentleman think that is sufficient notice to give to the House—the statement that merely perfecting amendments are to be offered?

Mr. CRAMTON. I will give as much information as the gentleman from New York desires.

Mr. O'CONNOR of New York. These amendments may be perfecting amendments but there may be other important amendments.

Mr. LAGUARDIA. But somebody else can object.

Mr. CRAMTON. I have given the notice and it has given the gentleman from New York a chance to show his interest. In view of that interest I will take the time of the House for the purpose of stating that the amendments are as follows: On page 3, line 13, strike out the words "and for the benefit of the Indians" and insert in lieu thereof the following:

And the balance placed in the Treasury to the credit of the Indians to bear interest at the rate of 4 per cent per annum.

On page 3, lines 18 to 20, strike out the words:

And the balance owing at that time shall be due and payable in not less than 20 annual installments.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to enter into an agreement with drainage districts now formed or to be formed in pursuance to the drainage laws of the State of Idaho providing for the drainage and reclamation of Kootenai Indian allotments situated within the exterior boundaries of any of such districts after he shall have first determined the plans submitted by such district or districts of the work to be accomplished that shall benefit the Indian allotments. The share of the cost that may be apportioned shall not exceed $114,000 for the total acreage of Indian lands approximating 2,436 acres, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work, shall be payable in not less than 20 annual installments, payments to begin on the same date that payments are to begin for lands other than Indian that are within the respective irrigation districts, and such payments shall be made without interest: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with the plans submitted to him by any of the districts with which contract may have been executed as herein provided for, he shall notify the district of its delinquency and advise that payments will not be made under the contract until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of such work to be paid on behalf of the Indian lands to the district within which such lands are situated, there shall be taken into consideration any deductions that may not properly be apportioned against the Indian lands, and in no event shall the Indian lands bear a share of the cost in excess of the ratio their acreage benefited bears to the total lands benefited within any such district, the total Indian acreage to be benefited to be definitely determined by the said Secretary of the Interior: *Provided further*, That the amount herein authorized to be appropriated to cover the share of the cost of the work on behalf of the Indian lands shall be reimbursed to the United States from the proceeds of leases covering the Indian lands benefited by the drainage work, and said Secretary is hereby authorized to lease such lands not actually being cultivated by the Indians themselves for agricultural purposes for periods not in excess of 10 years, and the proceeds derived therefrom shall be used for payment of the cost of said work and for the benefit of the Indian: *Provided further*, That there is hereby created against such lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the Indians but that in case of sale of any such lands said lands shall be sold subject to the first lien herein created, and the balance owing at that time shall be due and payable in not less than 20 annual installments: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by any district with which contract shall be entered into in accordance with the provisions of this act in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative: *Provided, however*, That said Indian lands shall not be subject to the provisions of any district laws until such time as the Indian title in and to any such lands shall

become extinct, nor shall they be subject to operation and maintenance charges during the period that such lands remain in Indian ownership.

Mr. CRAMTON. Mr. Speaker, I offer two perfecting amendments.

The SPEAKER pro tempore. The gentleman from Michigan offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 3, line 13, strike out the words "and for the benefit of the Indians," and in lieu thereof insert the following: "And the balance placed in the Treasury to the credit of the Indians to bear interest at the rate of 4 per cent per annum."

Page 3, lines 18 to 20, strike out the words "and the balance owing at that time shall be due and payable in not less than 20 annual installments."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MECHANICAL REPRODUCTION OF MUSICAL COMPOSITIONS

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, acting for the gentleman from Indiana [Mr. VESTAL] I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LINCOLN NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 12113), providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, and I do not intend to object, I want to ask a question about the bill because of my interest in the policy with reference to these timber lands of the West. Does this bill provide for the exchange of lands within the national forest or forest reserve which have valuable timber on them or lands upon which the valuable timber has been taken away by private interests? In other words, is it taking cut-over lands and giving fresh timber lands to private concerns?

Mr. MORROW. As I understand, this is timber land now in the national forest that is privately owned. The national-forest people themselves desire to exchange this land for lands outside upon the public domain. The parties, I understand, live outside the State of New Mexico and are desirous of getting lands for grazing purposes without the national forest in exchange for lands within the forest which are valuable to conserve the watershed of the country and the rivers. The bill has the approval of the Forest Service itself. They want to eliminate the private holdings in the forest in order that they may supervise the forest to better advantage. These people are willing to exchange, and the exchange must be made on an equal-value basis and it must be approved by both the Secretary of the Interior and the Secretary of Agriculture in agreement with the private holders. No advantage can be taken in any way because it is upon an equal-value basis and they want to get, as I understand it, grazing land without the forest.

Mr. HUDSON. I am not so much concerned about the equal-value basis as I am about conserving the watershed, and this does that?

Mr. MORROW. That is exactly the purpose of the act.

Mr. JOHNSON of Washington. It is also in the interest of proper fire protection and general conservation.

Mr. MORROW. It will also improve the general supervision of the Forest Service.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever the owner or owners of any privately owned lands, situated within townships 16 and 17 south, range 13 east, New Mexico principal meridian, within the county of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain situated elsewhere in the State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national-forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendations as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise; and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered, in his discretion, to enter into and conclude negotiations with such owner or owners thereof, and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof to the United States by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of nonmineral, nonirrigable grazing lands not suitable for agricultural purposes, except for raising grass, situated within the said State of New Mexico, of equal value, as near as he may be able to determine, to the lands so conveyed to the United States.

SEC. 2. That any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest.

SEC. 3. That before any exchange of lands as above provided is effected, notice of such exchange proposal describing the lands involved therein shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the report upon the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, the enactment of this legislation (H. R. 12113) permits the national forest supervision to eliminate privately owned lands. It allows the Forest Service to carry forward conservation, in protecting the timber at the headwaters of the streams, in forest-fire control, and in the general preservation of this natural resource.

I am in favor of the National Forest Service policy as it is being carried out in our arid States. This policy, strictly complied with, will tend to protect the moisture which is so essential for arid-land development. As stated, with this policy I am in full accord. But in the exchange of land there must be careful supervision, so that the Government will at all times be fully protected. The report, which I attach, will explain clearly the purposes of the bill:

[H. Rept. No. 1526, 70th Cong., 1st sess.]

ACQUISITION OF CERTAIN LANDS IN LINCOLN NATIONAL FOREST, N. MEX.

Mr. MORROW, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 12113):

The Committee on the Public Lands, to whom was referred H. R. 12113, providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

In my opinion, this is proper legislation, especially in the State of New Mexico, where the national forest should be protected to conserve the moisture at the headwaters of streams, and also to remove from within the forest all privately owned lands. The bill contemplates doing this in the Lincoln National Forest. The lands proposed for exchange aggregate an area of approximately 11,520 acres. The selection will be on an equal-value basis.

I have the assurance of the Department of Agriculture that the exchange will be carried out in the most satisfactory manner possible; that the value placed on the lands to be exchanged within the forest is now estimated at $2.50 per acre. Lands without the forest are to be selected in lieu of these lands. It is to the advantage of the Forest Service to own all lands embraced within the forest area, and it is to the advantage of the State to protect the forests wherever possible, and especially in the arid belt.

The letters from the Secretary of Agriculture and the Secretary of the Interior are attached hereto and made a part of this report.

APRIL 6, 1928.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. SINNOTT: Reference is made to your letter of March 22, inclosing copy of H. R. 12113, a bill providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State, and asking for a report thereon.

The proposed legislation would authorize the exchange of privately owned lands within certain townships in the Lincoln National Forest, which were found to be valuable for forestry purposes, for an equal value of public nonirrigable grazing lands within the State of New Mexico not suitable for agriculture except for the raising of grass. The value of the privately owned lands is to be determined by the Secretary of Agriculture, while the publicly owned lands are to be valued by the Secretary of the Interior. The exchange can not be consummated except with the approval of the Secretaries of the Interior and Agriculture. The bill is identical with an act passed February 14, 1923 (42 Stat. 1245), except that it relates to different townships within the Lincoln National Forest.

Since it is the policy of the Federal Government to consolidate its holdings within the national forests whenever this can be done on an equitable basis, it is the feeling of this department that the proposed legislation would be in the public interest, particularly if it is the policy of the Federal Government to pass the unreserved public lands into private hands as rapidly as this can be done in an orderly and equitable manner. Congress has authorized several methods whereby private lands within the exterior boundaries of national forests and national parks may be acquired and the Government's holdings consolidated. The method most commonly used is to give Government timber in exchange for such land. However, the method authorized in this bill seems in every way the most desirable of all, since it passes to private ownership lands which the Government wishes to dispose of, gives the Government title to lands of a class it desires to reserve, and does not draw upon our limited supply of merchantable saw timber. It is especially desirable locally, since it materially increases the county's share of receipts from the national forests without reducing its income from the taxation of land.

In the judgment of this department, the enactment of the legislation contemplated by H. R. 12113 would be in the public interest. Since the public domain may be affected by the legislation, it is assumed, of course, that the views of the Secretary of the Interior will be obtained.

Sincerely yours,

R. W. DUNLAP, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1928.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt of your request for report on H. R. 12113.

The bill proposes to authorize the conveyance to the United States of privately owned lands within the Lincoln National Forest in Otero County, N. Mex., not described by legal subdivisions, but anywhere within townships 16 and 17 south, range 13 east, New Mexico principal meridian, for other lands within the public domain anywhere in the State of New Mexico, and since there is no provision in the bill for the selected land to be in a compact body, it would permit the selection of desirable 40-acre tracts, not contiguous.

This bill would in effect revive to a limited extent the act of June 4, 1897 (30 Stat. 36), which authorized the exchange of privately owned lands situated within the boundaries of national forests for equal areas of public lands without such reservations and which operated so injuriously to the interest of the Government that it was repealed by the act of March 3, 1905 (33 Stat. 1264).

This department has been consistent in declining to approve exchanges of privately owned lands in national forests for lands in the unreserved public domain, believing that adjustments of privately owned areas in the forests for the benefit of the national forests can be best accomplished in public interest under the act of Congress approved March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090).

I am opposed to the enactment of legislation authorizing an exchange involving lands outside a national forest, and am aware of no good reason for an exception in this instance. Therefore I recommend that H. R. 12113 be not enacted.

Very truly yours,

HUBERT WORK.

PRELIMINARY EXAMINATIONS OF SUNDRY STREAMS

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 759 (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I believe a statement should be made to show why these surveys are not included in the regular annual rivers and harbors bill. I would like to have this information for the RECORD in order that this bill may not establish a precedent.

Mr. HUDSON. If the gentleman will permit, this has to do with flood control and not navigation. Therefore it comes from the Committee on Flood Control and not from the Committee on Rivers and Harbors.

Mr. KOPP. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. KOPP. Mr. Speaker, the gentleman from Michigan has given the proper reason. These are flood-control matters and are within the jurisdiction of the Committee on Flood Control, and this jurisdiction has been exercised in previous Congresses.

Mr. LAGUARDIA. That being so, the present tendency now is—we can see it—that we are going to have as many surveys with respect to flood control as we have with respect to rivers and harbors. Let this not be a precedent whereby bills of this kind may get by in the future on the Consent Calendar. Let the Committee on Flood Control use their day to bring up these matters when we can have time to consider them. I shall not object to this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations to be made of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes:

West Branch of the Susquehanna River, Pa.; Auglaize, Blanchard, and Ottawa Rivers, Ohio, and their tributaries; St. Marys River, Ohio; Kootenai River, Idaho; Mouse River, N. Dak.; Black River, Ark.; Mud River, Ky.; Lumber and Little Pee Dee Rivers, S. C.; Lynchs River, S. C.; Mayfield Creek, Ky.; Missouri River, near Elk Point, S. Dak.; and Salmon River, Alaska.

SEC. 2. The reports of the preliminary examinations of the West Branch of the Susquehanna River, Pa., and the Auglaize, Blanchard, and Ottawa Rivers, Ohio, shall also contain data relative to devising methods whereby the sources of pollution of said streams may be removed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

POTASH DEPOSITS IN THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 496) authorizing an appropriation for development of potash jointly by the United States Geological Survey of the Department of the Interior and the Bureau of Mines of the Department of Commerce by improved methods of recovering potash from deposits in the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Whereas potash is one of the principal ingredients of commercial fertilizer; and

Whereas the preservation and prosperity of American agriculture are in large measure dependent on a readily obtainable, easily available, reasonably priced supply of fertilizing material; and

Whereas our dependence on foreign countries for probably 90 per cent of the potash used in making fertilizer for American farms makes eminently desirable every possible effort to develop potash supplies within our own borders; and

Whereas the United States Geological Survey of the Department of the Interior has made investigations and has reported officially that great surface potash deposits exist in the leucites of Wyoming in an amount calculated at 2,000,000,000 tons, running 10 per cent or more in potash and 10 per cent or more in aluminum and substantial percentages in other valuable by-products; and

Whereas it is the conclusion of the United States Bureau of Soils of the Department of Agriculture that natural raw material such as the leucites of Wyoming constitute an extensive source of potash and that

results so far obtained indicate clearly that practicable processes of recovery can be developed or the technology of manufacture so improved that this source can be made to yield potash of such purity and quantity and at such a price as to supplant the foreign commodity on the American market; and

Whereas it is the conclusion of the said Bureau of Soils that the minimum amount required to conduct systematic chemical, engineering, and manufacturing research of processes of recovering potash from said leucite would be $250,000 over a period of five years, or $50,000 annually; and

Whereas the difficult, expensive, and uncertain nature of such research and recovery work make it apparently impracticable to secure adequate research and recovery work by private enterprise: Therefore

Be it enacted, etc., That there be, and hereby is, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 for the fiscal year ending June 30, 1929, and the sum of $50,000 for each succeeding fiscal year for three years, to be expended jointly by the United States Geological Survey of the Department of the Interior and the Bureau of Mines of the Department of Commerce, under the direction of the Secretaries of said departments, in the construction of the necessary plant; purchase, lease, or condemnation of necessary land for erection of a plant; purchase of leucite, operation of plant, chemical engineering and manufacturing research, and clerical and technical assistance, for the purpose of determining more improved methods and cheaper processes for recovering potash from the leucite deposits in Wyoming or other like deposits in the United States.

With the following committee amendments:

Strike out the preamble; and in line 5, on page 2, strike out "$100,000" and insert in lieu thereof "not to exceed $50,000"; and in line 1, on page 3, insert, after the word "of," the words "not to exceed"; and in line 2, after the word "year," strike out the remainder of the bill and insert in lieu thereof "for three years, to be expended jointly by the Department of Agriculture through its Bureau of Soils and the Department of Commerce through its Bureau of Mines, for the purchase of necessary incidental supplies for conducting chemical engineering and manufacturing research and employing clerical and technical assistance for the purpose of determining more improved methods and cheaper processes for recovering potash from the leucite, alunite, and other potash-bearing deposits in the United States."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

CRITICISM OF PUBLIC MEN

Mr. KEARNS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio rise?

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to proceed out of order for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KEARNS. The following editorial was published in the Daily Times, a newspaper published in Portsmouth, Ohio, and it appeared in the issue of that publication of Saturday, April 28, 1928. The author, Mr. George W. Payne, had in mind when preparing this editorial the many fake newspaper writers who know that it is easier to direct attention by public denunciation of Congress than it is to write the truth about the membership.

I ask unanimous consent that the Clerk read this editorial in my time.

The Clerk read as follows:

PITY THE MAN IN PUBLIC LIFE

Nothing is easier than to criticize the personality of the man in public life, particularly in Washington. He is always in the public eye and the searchlight of the press is always beating upon him. We all forget that the man in public life is a human being, even as we are. Once sent to Congress or appointed to office he becomes the legitimate prey of every critic, high and low. But these "public" men in Washington are the same sort of men we have back home. The only difference is their environment and their concentration in one city.

All this is overlooked by a recent critic of "public" men who writes in Harper's that the "public" men in Washington are "nearly illiterate and universally lazy," and as a class are working primarily for money or personal advancement. The writer is Henry F. Pringle, "who, during many years as a newspaper correspondent has known intimately scores of mayors, governors, Senators, Representatives, and other public officials."

Well, we don't know Mr. Pringle. We do know some Members of the House and Senate, and some of the public officials. Not one of them comes within the category established by Mr. Pringle, the erudite and experienced correspondent. Whatever Senator FESS may be, he is not illiterate. Senator WATSON, of Indiana, is not lazy. Congressman KEARNS is not working primarily for personal advancement. Speaker LONGWORTH is not illiterate, not lazy, not working for money. Would you call BURTON illiterate? Is Mellon, of the Treasury, seeking only personal advancement? We have no especially high regard for Secretary Wilbur but we do not doubt that he is far above Critic Pringle in every respect.

Mr. Pringle goes on to clinch his argument by saying:

"Ask any bookseller in Washington whether Congressmen buy books. Examine the type of magazine they read. Glance at the CONGRESSIONAL RECORD for their manner of speaking in public. Drop into the Senate or House Office Buildings and see how many of these notables are at their desks before 11 o'clock. Check up on the rarity with which either of the legislative bodies convenes at its scheduled hour."

In the name of all the gods and little fishes, what of it? Most of the men in public life have more books in their libraries in Washington and back home than they would ever have time to read if they never did anything else. Congressmen and public officials like to read books and magazines as well as do the rest of us, but what time have they for reading in Washington? Their committees, the requests from back home, the sessions of Congress, the entertainment of visitors, the demands of society—and in Washington society makes very real demands—calls at the various departments, correspondence, a thousand and one things take of their time. Late in getting to their offices? Of course they are. The wonder is that they ever get there or to the sessions of the House or Senate.

Mr. Pringle, if he has been a newspaper correspondent in Washington "for many years," knows all this. Then why doesn't he write it? Because the other slush is more popular. There are bad men in Congress, bad men in public office, illiterate and lazy men, just the same as there are back home, but the great majority of the "public" men in Washington are like the great majority of the men back home—they are literate, honest, industrious, patriotic, and, nine times out of ten, called on to do twice as much work as a Washington correspondent.

[Applause.]

ASSESSMENT OF IMPROVEMENTS ON LEVEE ROAD DRAINAGE, ETC.

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road drainage, and other improvement district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. DRIVER. Will the gentleman reserve his objection? If the gentleman will permit me, I will make a short explanation.

Mr. CRAMTON. I fear the precedent.

Mr. DRIVER. I want to make an explanation so that the gentleman will not be fearful of it.

Mr. CRAMTON. Why not ask that it go over without prejudice?

Mr. DRIVER. Mr. Speaker, I will ask that this bill go over without prejudice.

There was no objection.

STATE OF OHIO

The next business on the Consent Calendar was the bill (H. R. 12938) for the relief of the State of Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I reserve the right to object.

Mr. SPEAKS. Mr. Speaker, I desire to inform the House that the usual itemized statement covering every item lost or destroyed is on file with the committee report. A cyclone in 1924 wiped out a good portion of the city of Lorain, Ohio, with great loss of life and property. The National Guard was ordered there to protect life and property and to extend relief and assistance. Military stores were loaned and issued to the stricken people, some of the supplies being lost and stolen during the period immediately following the calamity. The State of Ohio is responsible to the Federal Government for the losses and can be relieved only by action of Congress. That is the purpose of this bill. There is a long line of precedents for its favorable consideration, some occurring during the present session.

Mr. SCHAFER. In view of the gentleman's statement I withdraw the objection.

Mr. CHINDBLOM. Has the War Department or any department of the Federal Government approved of this?

Mr. SPEAKS. The bill was drawn at the War Department.

Mr. CHINDBLOM. That does not answer my question.

Mr. SPEAKS. Surveys have been ordered in accordance with law and the losses have been fully itemized in every respect. The bill has been approved by the Military Committee.

Mr. CHINDBLOM. I will say that when I introduce a bill and send it to the gentleman's committee I am required to get a report from the department.

Mr. SPEAKS. That is not necessary when the authority and responsibility rests with Congress.

Mr. CHINDBLOM. I think it is the proper policy.

Mr. JOHNSON of Washington. Why should we do it with reference to this particular bill? One man might object because it had the approval of the War Department and another might object because it did not.

Mr. CHINDBLOM. I am not going to object. I simply wanted to know whether the War Department had approved this bill or not.

Mr. SPEAKS. I will say frankly that in matters where the responsibility devolves upon Congress I am not governed by departmental recommendation. I admit it may be desirable in some cases.

Mr. CHINDBLOM. This report shows nothing as to the attitude of the department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of Ohio be, and it is hereby, relieved from all responsibility and accountability for certain quartermaster property, to the approximate value of $8,830.64, the property of the War Department, which was lost or destroyed incident to the tornado at Lorain, Ohio, on June 28, 1924, while in the possession of troops of the National Guard, State of Ohio, and the Secretary of War is hereby authorized and directed to terminate all further accountability for said property.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GRANT OF LANDS FOR AGRICULTURAL COLLEGE, ALASKA

The next business on the Consent Calendar was the bill (H. R. 10157) making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis levee district of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States, but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser and such entryman or purchaser may be entitled to patent therefor.

SEC. 2. All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever, and the consent of the Government of the United States is expressed thereto subject to the conditions aforesaid.

SEC. 3. This act shall be available to the St. Francis levee district of Arkansas, and to any such improvement district within the boundaries of the St. Francis levee district heretofore created or hereafter created as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas.

SEC. 4. That in all cases where there has been a foreclosure of the liens of any improvement district and said lands have been purchased by the said districts, it shall be the duty of the Commissioner of the General Land Office, upon proof of such sale and purchase and upon the payment of the sum of $5 per acre, together with the usual fees and commissions charged entry of lands under the homestead laws, where such payment has not heretofore been made, to execute to said district or districts a patent to said lands; and in all cases of future foreclosures and purchases by said districts it shall be the duty of the Commissioner of the General Land Office, upon the payment of a like sum and proof of the foreclosure and purchase by the said districts, to execute to them patents for the lands so purchased upon the expiration of the period of redemption.

SEC. 5. If any portion of this act be held unconstitutional, such decision shall not affect the remaining provisions of the act.

SEC. 6. This act shall repeal all laws and parts of laws in conflict herewith and shall take effect forthwith.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SEPARATION OF JURIES IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12350) to regulate the separation of juries in felony cases in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object. When the bill was before the House on another occasion I made the objection that the second section of the bill was wrong.

Mr. ROMJUE. Mr. Speaker, let me say that I have an amendment to this bill, to the last line in section 2. The section provides that an agreement may be made between the attorneys in the case that the jury may be separated, and in the amendment I provide that whenever the attorneys on the two sides of the case do enter into an agreement that agreement shall be reduced to writing and filed with the court and entered on the record. The purpose of that, I will say to the gentlemen, is to prevent any dispute after the trial of the case between the attorneys as to whether or not it was agreed that the jury might be separated, because, having no record, it might be possible that there might be a disagreement arise in the future.

Mr. LAGUARDIA. In cases less than a capital offense the court ought to have some discretion as to whether juries should separate or not.

Mr. ZIHLMAN. The bill says that the judge may permit it. That is in the second section.

Mr. ROMJUE. The first section provides for the trial of capital cases and in cases where the jury is separated; under this section it has to be done on the recommendation of the court.

Mr. LAGUARDIA. That is all right. We agree on that.

Mr. ROMJUE. That covers that situation. In cases less than capital offenses this amendment applies. This bill, as it now stands, provides that the jury may be separated by agreement between the attorneys and this amendment merely seeks to preserve that agreement by having the court enter it of record so that it will show it has been agreed to.

Mr. LAGUARDIA. The gentleman is directing his amendment to one objection; and my objection is this, that in petty cases the separation of the jury is left to the discretion of the court, and does not require the consent of both sides.

Mr. BRAND of Georgia. This bill does not interfere with the trial of such cases to which the gentleman refers.

Mr. LAGUARDIA. Cases less than capital offenses.

Mr. BRAND of Georgia. Felony cases only.

Mr. LAGUARDIA. A great many felony cases are not so important.

Mr. BRAND of Georgia. I was answering the gentleman's inquiry that it deals only with capital cases and felonies less than capital cases. It met with the approval of every member of the committee, and with the approval of the Commissioners of the District and the attorney for the Commissioners of the District.

Mr. SCHAFER. Should not this bill have been referred to the Committee on the Judiciary?

Mr. BRAND of Georgia. No; I think not. At first I had that idea, but afterwards I found that it had to go to the District of Columbia. It applies only to cases in the District of Columbia.

Mr. LAGUARDIA. The gentleman's bill would put it in the power of either side to inconvenience and harass the jury. Such matters ought to be left to the discretion of the court.

Mr. ROMJUE. The gentleman has a misconception of this. Mr. BRAND, the author of this bill, very plainly states the matter. There can be no question about the separation of the jury unless the attorneys on both sides agree to it. This amendment seeks to have the agreement put in writing and entered of record by the court.

Mr. LAGUARDIA. Exactly; and one side can object.

Mr. O'CONNOR of New York. I want to get this clear, because this is a new idea in criminal jurisprudence. Unless

the district attorney consents, the jury must be "locked up," even though it be a case of stealing, say, $60, when $50 is the limit of petty larceny? That is, unless the judge, the district attorney, and counsel for defendant, all three, consent to free the jury, the jury must be locked up?

Mr. ROMJUE. This takes away no power from the court which the court already has. There is nothing in this bill to prevent the court supervising the custody of the jury, as he should do, but where a jury is kept overnight separation by agreement should be provided for.

Mr. O'CONNOR of New York. This section provides that the jury shall not be permitted to separate unless two things happen: First, that the judge may permit them to do so, and, second, that such separation is agreed to by the attorneys for both sides. In other words, they can not be separated; they must be "locked up"; and "locked up" is the technical term, unless both the judge and the two lawyers on the opposite sides consent that they may go home to their families. Such an outrageous proposal is beyond the comprehension of any one in an enlightened day like this.

Mr. GRAHAM. Mr. Speaker, reserving the right to object, I want to say a few words. This bill apparently is a measure to regulate judicial procedure in one of the courts of the United States. It ought to have been referred to the Committee on the Judiciary.

Mr. ROMJUE. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. No. It is not a matter that should go to the District Committee. It would be unwise to have a different practice in the United States courts here from that which obtains in the rest of the country. The bill should have been referred to the Committee on the Judiciary for action, with a view to uniformity. There is no reason why it should have been referred to the District Committee. I must, therefore, enter my objection to the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects. This bill requires three objectors.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. STOBBS. Mr. Speaker, I object.

CARE OF CERTAIN INSANE CITIZENS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I should like some information from the gentleman from Washington [Mr JOHNSON] as to the main object of the bill. The first section reads as if the purpose was to make it possible to commit to the institution at Morningside and to maintain at Federal expense certain persons who at some time might have been in Alaska but who left there, thus providing for their maintenance at Federal expense and relieving the State of Washington.

Mr. JOHNSON of Washington. Not quite so.

Mr. CRAMTON. Partly so?

Mr. JOHNSON of Washington. No. If the gentleman will permit me to make a brief statement, I believe I can convince all of those who have made inquiries about this bill. It has been considered twice in the Committee on the Judiciary of two Congresses, but not on the floor. It has the indorsement of all of the departments that have to do with the subject in Alaska, and of the superintendent of Federal prisons, and of others, including the Delegate from Alaska.

Mr. CRAMTON. I might suggest to the gentleman, so that he will know to what to address his remarks, that I recognize that section 2 and section 3 are new law and are probably desirable, but I do not recognize anything new in section 1, except to make it a little easier to turn their maintenance from the State of Washington on to the Federal Government.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Will the gentleman withhold that for a moment?

Mr. LAGUARDIA. Yes; in deference to the gentleman from Washington, but it is my purpose to object to it.

Mr. JOHNSON of Washington. If the gentleman from Michigan [Mr. CRAMTON] will give attention——

Mr. CRAMTON. Yes——

Mr. JOHNSON of Washington. The mildly insane are sent to the Morningside institution in Oregon from the Territory of Alaska. The soldier insane are sent to American Lake Veterans' Bureau in the State of Washington, and are taken care of there. The criminal insane are sent out from Alaska, usually on the last boat, and dumped out of Alaska, and they belong here in the insane asylum in the District of Columbia. The department says there are no beds at American Lake to spare, and rather than send them to St. Elizabeths Asylum in the District of Columbia, where they belong, they are left in the State of Washington.

Mr. LAGUARDIA. You mean they are dumped on the State of Washington from Alaska?

Mr. JOHNSON of Washington. You might describe it as a policy of dumping.

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

INDEX TO THE FEDERAL STATUTES

The next business on the Consent Calendar was the bill (H. R. 9778) to amend an act entitled "An act providing for the revision and printing of the Index to the Federal Statutes," approved March 3, 1927.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. We have a bill here providing for the indexing of the Federal Code and the supplement to the Federal Code. What is this Scott and Beaman index? It comes down to the Seventieth Congress. What is this?

Mr. GRAHAM. This is in relation to the act which was passed by the last Congress providing for the index of the Statutes of the United States. There was an authorization of an appropriation of $25,000. When the matter came to be practically considered by the Librarian of Congress it was found that this work could not be done for less than $50,000.

Mr. LAGUARDIA. Who is doing the work?

Mr. GRAHAM. The Librarian of Congress.

Mr. LAGUARDIA. None of the law publishers?

Mr. GRAHAM. No.

Mr. LAGUARDIA. It might be a good thing if they were.

Mr. GRAHAM. They have undertaken to do it for $50,000. This is very important work and is needed by the courts and the bar of the country.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of March 3, 1927, entitled "An act providing for the revision and printing of the index to the Federal Statutes" (ch. 375, 44 Stat. L. 1401), be, and the same is hereby, amended to read as follows:

"That the Librarian of Congress is hereby authorized and directed to have the index to the Federal Statues, published in 1908 and known as the Scott and Beaman index, revised and extended to include the acts of Congress down to and including the acts of the Seventieth Congress, and to have the revised index printed at the Government Printing Office.

"SEC. 2. There is hereby authorized to be appropriated for carrying out the provisions of this act the sum of $50,000, to remain available until expended."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AMENDMENT TO SECTION 321 OF THE PENAL CODE

The next business on the Consent Calendar was the bill (H. R. 7200) to amend section 321 of the Penal Code.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Is this amendment applicable to the Territory of Hawaii? The Territory of Alaska has made a similar request. They ask to have the Penal Code amended in this way.

Mr. GRAHAM. If the gentleman will permit, if he will frame a suitable amendment to include Alaska, I, as chairman of the committee, so far as I have authority to do so, will accept the amendment.

Mr. LAGUARDIA. Mr. Speaker, I will send up an amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 321 of the Penal Code be amended to read as follows:

DEFINITION OF "PUGILISTIC ENCOUNTER"

By the term "pugilistic encounter," as used in the section preceding, is meant any voluntary fight by means of fists, or otherwise, without

gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged. The term "pugilistic encounter," as used in the preceding section shall not apply to boxing or sparring matches or exhibition, for money, or prize, or championship titles, at which admission fees may be charged, when the following conditions are observed: (1) That the contestants therein wear 5-ounce or heavier gloves, or where such boxing or sparring match or exhibition is not held on Sunday, or where the match or exhibition is not in each case in excess of 10 rounds, or where any one round of each such match or exhibition is not in excess of three minutes' duration, or where such match or exhibition is being held with one minute rest between each round; (2) That any person being a contestant in any such match or exhibition is over 18 years of age, that any person being a contestant shall, one hour prior to such match or exhibition, have been examined by a locally licensed physician, who shall certify in writing over his signature to the referee that such contestant is physically fit to engage in such match or exhibition.

SEC. 2. All acts in conflict with the above are hereby repealed.

With committee amendments as follows:

Page 2, line 2, strike out the word "The" and insert the words "*Provided*, That the"; line 6, strike out the word "when" and insert the words "in the Territory of Hawaii"; line 22, strike out all of section 2.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 2, line 6, strike out the word "Territory" and insert in lieu thereof "Territories" and after the word "Hawaii" insert "and Alaska."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MEMORIAL HIGHWAY BETWEEN MOUNT VERNON AND ARLINGTON MEMORIAL BRIDGE

The next business on the Consent Calendar was the bill (H. R. 4725) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. SCHAFER, and Mr. LAGUARDIA objected.

The SPEAKER pro tempore. Three objections are heard. The Clerk will report the next bill.

LAW CLERKS TO UNITED STATES CIRCUIT JUDGES

The next business on the Consent Calendar was the bill (H. R. 9054) to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GILBERT and Mr. ROMJUE objected.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

VERIFICATION OF CERTAIN WRITTEN INSTRUMENTS

The next business on the Consent Calendar was the bill (H. R. 9343) to provide for dispensing with oath or affirmation as a method of verifying certain written instruments.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEVENSON. Reserving the right to object, Mr. Speaker, I would like to know what oath they are going to dispense with here? I reserve the right to object.

Mr. LAGUARDIA. The purpose of this bill is that where any return or oath is required a statement in lieu of the oath may be made, and any misstatement in such statement will be punishable in the same way as perjury will be punished if a man goes before a notary public.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That except in a judicial proceeding or in a proceeding in a course of justice, no written statement required by law shall be required to be verified by oath or affirmation before a magistrate if it contains or is verified by a written declaration that it is made under the penalties of perjury. Whoever signs and issues such a written statement containing or verified by such a written declaration shall be guilty of perjury and subject to the penalties thereof if such statement is willfully false in a material matter.

With the following committee amendment:

Page 1, line 6, after the word "magistrate," insert the words "or person authorized by law to administer oaths."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO SECTION 8 OF THE FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 13071) to amend section 8 of the food and drugs act approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask some member of the committee why it is deemed necessary to cause these marks to be placed on imported food products and not on local food products?

Mr. SWING. The reason is that local products are protected at the present time.

Mr. JOHNSON of Washington. How?

Mr. SWING. By the pure food and drugs act.

Mr. JOHNSON of Washington. As a matter of fact, the pure food law has fallen down in every respect with reference to fruits.

Mr. SWING. I do not agree with the gentleman.

Mr. LAGUARDIA. Is it the gentleman's intention to mark every fig that comes from Smyrna "Made in Smyrna" and have every date that comes to this country from another country marked so as to show the country from which it comes?

Mr. SWING. That is the law at the present time, written in the tariff act, that imported articles must disclose on the label the country from which they come. The practice has been that after they have gotten through the customs house they then break the packages and repack, and on the repacked packages there is no disclosure of the origin of the goods.

Mr. LAGUARDIA. But the gentleman knows that the quality of the products of California is so superior to anything else that that in itself is full protection.

Mr. SWING. The fundamental cause that brought this up was the practice of importing Manchurian and Chinese walnuts and then putting a label on stating that they were packed by the XYZ Co. in San Francisco, Calif., thereby giving the consumer the idea that they were California products.

Mr. LAGUARDIA. The gentleman knows it is exceedingly difficult to mark each walnut.

Mr. SWING. This provides for the marking of the package only.

Mr. LAGUARDIA. And then if a grocer takes a walnut out of one package and puts it in a bushel of other walnuts in his store he would be subject to a penalty.

Mr. McKEOWN. Mr. Speaker, I object.

CONTRACTS CONNECTED WITH THE PROSECUTION OF THE WAR

The next business on the Consent Calendar was the bill (H. R. 11411) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. LAGUARDIA, Mr. SCHAFER, and Mr. SPROUL of Kansas objected.

FEDERAL RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 9956) to provide for aided and directed settlement on Federal reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. COLLINS, and Mr. HUDSON objected.

SUPPLEMENTS TO THE CODE OF LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to take up out of order at this time two bills on the Consent Calendar as matters of emergency and of great interest to all Members of the House. The first bill on the calendar is H. R. 13621, to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia, and of such code and of supplements thereto, and for distribution.

The bill provides for the printing of the supplements to the Code, the printing of bills to codify the laws relating to the District of Columbia, and the distribution of 10 copies of each to each Member of the House. If these bills are not passed at this session, the supplement to the Code of Laws can not be indexed and in the hands of Members until the next session. I therefore ask unanimous consent for the present consideration of H. R. 13621.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of H. R. 13621, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is so far down on the calendar that I have not had a chance to read it. I am in sympathy with the purpose of it, but does the bill provide for any extensive free distribution?

Mr. ROY G. FITZGERALD. No; the distribution is simply to Members of the House. Every Member of the House will get 10 copies, and then it will be put on sale at cost by the Public Printer. The estimated price is $1.25.

Mr. CRAMTON. Personally, I would like it better if the bill cut out most of the free distribution, and if that were done, I think it would be an improvement.

Mr. ROY G. FITZGERALD. This corrects the code, and the supplement to the code bill which will immediately follow contains 537 corrections of imperfections in the Code of Laws. Of these, 409 are clerical or typographical errors. There are corrections of 128 errors of substance and of these 40 were errors of omission. The small number of errors found in so great a work is astonishing and many less than could be expected from the experience with the Revised Statutes of 1874. The most diligent search has been made and hundreds of people enlisted to ferret out every error.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be prepared and published under the supervision of the Committee on Revision of the Laws of the House of Representatives a supplement to the Code of Laws of the United States in one volume, in the style and form of said code, to contain the general and permanent laws of the United States enacted during the Sixty-ninth Congress and in force December 5, 1927, a restatement of such statutes or parts of statutes as were inaccurately set forth in the code, and statutes of a general and permanent nature in force December 6, 1925, omitted from the code, and other perfecting amendments to the code, together with preface, table of contents, parallel reference tables, table of statutes repealed since December 6, 1925, and indexes on durable paper and bound in buckram with thumb inserts and other devices to distinguish the parts, and with such explanatory and advertising slips as seem suitable.

SEC. 2. That in addition there be prepared and published under the supervision of said committee a supplement containing the general and permanent laws of each session of the Seventieth and succeeding Congresses, cumulatively embracing the legislation and ancillaries of the preceding supplement or supplements.

SEC. 3. That said committee is hereby authorized to print bills to codify, revise, and reenact the general and permanent laws relating to the District of Columbia and cumulative supplements thereto, similar in style, respectively, to the Code of Laws of the United States, and supplements thereto, and to so continue until final enactment thereof in both Houses of the Congress of the United States.

SEC. 4. That in all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States, the laws set forth in the supplements provided for by sections 1 and 2 of this act shall, together with the Code of Laws of the United States, so amended and supplemented, establish prima facie the laws of the United States, general and permanent in their nature.

SEC. 5. That copies of the Code of Laws relating to the District of Columbia, when and if completed, and copies of the supplements provided for by this act, printed at the Government Printing Office and bearing its imprint, shall be conclusive evidence of the original of such code and supplements in the custody of the Secretary of State.

SEC. 6. That copies of the Code of Laws relating to the District of Columbia, when and if completed, and of the supplements provided for by this act shall be distributed by the Superintendent of Documents in the same manner as bound volumes of the Statutes at Large: *Provided*, That no slip or pamphlet copies of the Code of Laws relating to the District of Columbia, when and if completed, and of the supplements provided for by this act need be printed or distributed: *And provided further*, That the Code of Laws relating to the District of Columbia, when and if completed, and the supplements provided for by this act shall, upon enactment, be published as separate parts of the Statutes at Large.

SEC. 7. That in addition to quotas provided for by section 6 of this act there shall be printed, published, and distributed of the Code of Laws relating to the District of Columbia, when and if completed, with tables, index, and other ancillaries, suitably bound and with thumb inserts and other convenient devices to distinguish the parts, and of the supplements to both codes as provided for by this act, 10 copies of each for each Member of the Senate and House of Representatives of the Congress in which the original authorized publication is made, for his use and distribution, and in addition for the Committee on Revision of the Laws of the House of Representatives and the Committee on the Judiciary of the Senate a number of bound copies of each equal to ten times the number of members of such committees, and one bound copy of each for the use of each committee of the Senate and House of Representatives.

SEC. 8. That in addition the Superintendent of Documents shall, at the beginning of the first session of each Congress, supply to each Senator and Representative in such Congress, who may in writing apply for the same, one copy each of the Code of Laws of the United States, the Code of Laws relating to the District of Columbia, when and if completed, and the latest supplement to each code: *Provided*, That such applicant shall certify in his written application for the same that the volume or volumes for which he applies is intended for his personal use exclusively: *And provided further*, That no Senator or Representative during his term of service shall receive under this section more than one copy each of the volumes enumerated herein.

SEC. 9. Section 5 of the act of July 1, 1902 (32 Stats. L., 631), is hereby repealed.

SEC. 10. That for preparation and editing an annual appropriation of $6,500, in addition to appropriations for the Code of Laws relating to the District of Columbia, is hereby authorized to carry out the purposes of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 6518) entitled "An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,'" disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DALE, Mr. BROOKHART, Mr. BLAINE, Mr. MCKELLAR, and Mr. GEORGE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House of Representatives to bills of the following titles:

S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated; and

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

CONSENT CALENDAR

CODE OF LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the bill H. R. 13622. Is there objection?

There was no objection.

The Clerk read the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MEMORIAL HIGHWAY FROM WASHINGTON CITY TO MOUNT VERNON VIA THE ARLINGTON MEMORIAL BRIDGE

Mr. ROBSION of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1369) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington.

The SPEAKER. The gentleman from Kentucky moves to suspend the rules and pass the bill S. 1369, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington (hereinafter referred to as the commission), created by Public Resolution No. 38, approved December 2, 1924, be, and the same is hereby, authorized and directed to take such steps as may be necessary to construct a suitable memorial highway to connect Mount Vernon, the home and burial place of George Washington, in the State of Virginia, with the south end of the Arlington Memorial Bridge, now being constructed across the Potomac River at the city of Washington, D. C., acting through and by utilizing the services of the United States Department of Agriculture.

SEC. 2. That the Secretary of Agriculture is hereby authorized and directed to cooperate with said commission in carrying out the provisions of this act. He shall cause to be made such surveys as may be deemed necessary of the route or routes between the points named in section 1 hereof. The said commission shall determine the route on which said highway shall be constructed. The Secretary of Agriculture shall cause to be prepared such plans, specifications, and estimates for the construction of said highway as may be necessary, which shall include provision for the planting of shade trees and shrubbery and for such other landscape treatment, parking, and ornamental structures as he may prescribe, such plans and specifications to be subject to approval by the commission. He shall advertise for bids and enter into contracts for and supervise the work of constructing said highway.

SEC. 3. That the highway authorized to be constructed under the provisions of this act shall have a right of way of such minimum width as the commission shall determine, and shall be constructed only of such durable type of surfacing as will adequately meet the present and probable future traffic needs and conditions thereon. The Secretary of Agriculture is hereby authorized to occupy such lands belonging to the United States or to the District of Columbia as may be necessary for the location, construction, and maintenance of the highway authorized herein.

SEC. 4. That the Secretary of Agriculture is hereby authorized to acquire such lands as may be necessary for the proper location, construction, and maintenance of said highway, including parking, by purchase, condemnation, gift, grant, dedication, devise, or otherwise, from any source whatsoever. The Secretary of Agriculture may accept funds from any State, county, or political subdivision of a State, or from any individual or association, for the purpose of aiding in carrying out the provisions of this act. Such lands as may be acquired by purchase or condemnation may be paid for from funds authorized to be appropriated under this act or from funds that may be donated for the purpose of aiding in carrying out the provisions hereof. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the State of Virginia for the purpose of carrying out the provisions of this act, such proceedings shall conform to the laws of said State now in force in reference to Federal condemnation proceedings. No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

SEC. 5. That after the construction of said highway, the Secretary of Agriculture shall cause the same to be properly maintained, and shall pay the cost thereof from funds to be appropriated annually for that purpose, which appropriations are hereby authorized to be made. The Secretary of Agriculture shall have control over the vehicular and pedestrian movement on and over the highway constructed hereunder and may issue rules and regulations to govern such traffic and all uses of said highway, including limitations on the size, kind, weight, and speed of vehicles: *Provided*, That nothing herein shall be so construed as to conflict or interfere with the concurrent jurisdiction of the State of Virginia reserved by the laws of said State now in force over property acquired therein by the United States, or with chapter 494 of the acts of the General Assembly of Virginia, approved March 25, 1926, authorizing cooperation on the part of the State and interested subdivisions thereof in the construction of the highway herein provided for.

SEC. 6. That for the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, or so much thereof as may be necessary, to be available until expended: The sum of $500,000 for the fiscal year ending June 30, 1928; the sum of $2,000,000 for the fiscal year ending June 30, 1929; the sum of $1,000,000 for the fiscal year ending June 30, 1930; the sum of $1,000,000 for the fiscal year ending June 30, 1931.

SEC. 7. That out of the appropriations made under this act, or acts amendatory thereof or supplemental thereto, the Secretary of Agriculture is authorized to employ such assistants, engineers, clerks, and other persons, in the city of Washington and elsewhere, to pay the salaries of like persons regularly employed by the Government whose services may be utilized hereunder and to incur such travel and other expenses as he may deem necessary for carrying out the purpose of this act.

The SPEAKER. Is a second demanded?

Mr. CRAMTON. Mr. Speaker, I demand a second.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER appointed as tellers Mr. ROBSION of Kentucky and Mr. CRAMTON.

The House divided; and the tellers reported that there were—ayes 116, noes 25.

So a second was ordered.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies, and gentlemen of the House, I have moved to suspend the rules and pass Senate bill 1369, looking to the construction of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge, which crosses the Potomac River at Washington, to honor the memory of George Washington. This Senate bill is identical with the House bill 4625, which was referred to the Committee on Roads of the House, and after hearings submitted a favorable and unanimous report. By public resolution approved December 2, 1924, the Bicentenary Commission was created in anticipation of the two hundredth anniversary of the birth of General Washington and with a view to celebrate this event in an appropriate manner. The personnel of this commission is as follows:

COMMISSION FOR THE CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON

Senate

Hon. Simeon D. Fess, vice chairman, Yellow Springs, Ohio.
Hon. Arthur Capper, Topeka, Kans.
Hon. Carter Glass, Lynchburg, Va.
Hon. Thomas F. Bayard, Wilmington, Del.

House

Hon. Willis C. Hawley, Salem, Oreg.
Hon. John Q. Tilson, New Haven, Conn.
Hon. John N. Garner, Uvalde, Tex.
Hon. Joseph W. Byrns, Nashville, Tenn.

PRESIDENTIAL COMMISSIONERS

Mrs. Anthony Wayne Cook, of Pennsylvania, former president general of the National Society of the Daughters of the American Revolution, Continental Memorial Hall, Washington, D. C.

Mrs. Mary Sherman, of Colorado, president general Federation of Women's Clubs, Denver, Colo.

Henry Ford, of Michigan, Detroit, Mich.

Col. Hanford MacNider, Mason City, Iowa.

C. Bascom Slemp, Washington, D. C.

Edgar B. Piper, Portland, Oreg.

Prof. Albert Bushnell Hart, 775 Widener Library, Cambridge, Mass.

Bernard M. Baruch, 598 Madison Avenue, New York, N. Y.

EX OFFICIO COMMISSIONERS

Calvin Coolidge, President of the United States, chairman.

Gen. Charles G. Dawes, Vice President of the United States, Evanston, Ill.

Hon. Nicholas Longworth, Speaker of the House, 1612 First National Bank Building, Cincinnati, Ohio.

William Tyler Page, Maryland, executive secretary, Clerk's Office, House of Representatives.

You will observe that this commission is made up, among others, so as to include four Members of the Senate and four Members of the House. The ex officio commissioners are the President of the United States, Calvin Coolidge, chairman; Vice President CHARLES G. DAWES; Speaker of the House, Hon. NICHOLAS LONGWORTH; Hon. William Tyler Page, Clerk of the House of Representatives, executive secretary.

A suitable memorial highway project in honor of George Washington has the approval of the President, the National Capital Park and Planning Commission, the Fine Arts Commission, and a large number of the civic and patriotic organizations of the country. I call your attention to that part of the President's annual message to Congress, December 7, 1927, in which he said—

provision is being made to commemorate the two hundredth birthday of George Washington. Suggestion has been made for the construction of a memorial road leading from the Capital to Mount Vernon, which may well have the consideration of Congress.

This project has also been strongly commended by the Hon. Thomas H. McDonald, Chief of the Bureau of Public Roads, in his report of date January 17, 1927, to the chairman of the Committee on Roads of the House of Representatives. This investigation and report were made at the request of the Committee on Roads of the House and is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., January 17, 1927.

Hon. CASSIUS C. DOWELL,
Chairman Committee on Roads,
House of Representatives.

MY DEAR MR. DOWELL: Complying with a resolution of your committee dated February 15, 1926, the Bureau of Public Roads has made a very careful study of the best location for a memorial highway between the city of Washington and Mount Vernon. A report has been prepared under the general direction of Capt. P. St. J. Wilson, chief engineer, which I am transmitting to your committee, together with maps and other detailed material.

The President expressed in no uncertain terms in his message to Congress of December last the spirit which has guided this bureau in the report which is now placed before you. Monumental highways have ever been a physical expression of conscious national power, authority, and beauty. The capitals of the great nations to-day have developed monumental boulevards and parks. The boulevards, parkways, and parks of Paris are world famous. The city of Washington could never become in a physical sense the vision expressed in the President's message unless the basic plan provides wide boulevards, parkways, and monumental highways. These are the foundation stones upon which any great plan for the building of a beautiful capital must rest.

There is only one location for a highway of fitting character to connect the city of Washington and Mount Vernon. There are other locations which would make possible the building of an ordinary highway. The location following closely, but not necessarily exactly, that of the report must be chosen if a memorial highway is to be built. No attempt has been made to plan in fine detail the construction or to set forth the exact line to be followed, but the report and estimates give a concrete and very definite conception of the type and character of a highway that this bureau believes necessary to do justice to the expectations of the citizens of this country. They should not be disappointed.

Respectfully submitted.

THOS. H. MACDONALD,
Chief of Bureau.

The Department of Agriculture, through its Bureau of Public Roads, has made surveys and submitted tentative estimates and plans. At least two routes are open for consideration. One of these is known as the river route and the other follows more the line of the highlands or ridge. If a 200-foot right of way is used with a grade 120 feet wide, a 40-foot hard-surfaced roadway, the upper route is about 12 miles long, and will cost approximately $3,100,000. It is estimated that the lower or river route is 14 miles long and will cost about $1,000,000 more. I might say, however, that this commission, headed by the President under this bill, has the power to make the plans and to fix the width and type of highway to be constructed. When the plans are once approved it will devolve upon the Bureau of Roads to secure bids by public advertisement and to supervise the construction of this highway. For the purpose of carrying out the provision of this act there is authorized to be appropriated so much as may be necessary, but not to exceed the sum of $500,000, for the fiscal year ending June 30, 1928; the sum of $2,000,000 for the fiscal year ending June 30, 1929; the sum of $1,000,000 for the fiscal year ending June 30, 1930; and the sum of $1,000,000 for the fiscal year ending June 30, 1931.

It will be observed that the sums referred to by me are merely authorized and not appropriated. If this distinguished commission, in its wisdom, desires to construct a highway of less width, of course, the total cost will be reduced in proportion. It has been intimated that perhaps much of this fund would be wasted or squandered. I can not conceive that a commission made up of such distinguished and capable men as President Coolidge; Vice President DAWES; Speaker LONGWORTH; Hon. William Tyler Page, Clerk of the House of Representatives; Senators FESS, CAPPER, GLASS, and BAYARD; and such distinguished Members of the House as HAWLEY, TILSON, GARNER, and BYRNS; and such outstanding citizens as Henry Ford, Hon. C. Bascom Slemp, Mrs. Anthony Wayne Cook, Mrs. Mary Sherman, Col. Hanford MacNider, Mr. Edward B. Piper, Prof. Albert Bushnell Hart, and Hon. Bernard M. Baruch will approve of plans or type or width of a highway that will involve any waste or useless expenditure of the public money.

Neither can we conceive that the Hon. Thomas H. McDonald who has been the Director of the Bureau of Public Roads and under whose supervision and direction this great highway is to be constructed will tolerate any graft or useless expenditure of the public funds authorized for this undertaking.

The gentleman from Michigan [Mr. CRAMTON] who is leading the opposition to this proposal asserts that he is not opposed to the construction of a suitable memorial highway from the memorial bridge at Washington to Mount Vernon, but he favors an extension of this proposition to the Great Falls, on the Potomac. The plan he has in mind, as I understand it, would cost the Government at least three times as much as is involved in this measure.

It is also argued that the construction of this highway will enhance the value of real estate adjoining or near to this highway. This may be true. It is difficult to make any improvement either public or private that does not reflect itself in enhancing the value of other property at or near the improvement. With this in mind, the members of our committee have urged that the people of Virginia contribute the rights of way, and we have been assured that all or practically all of the rights of way will be contributed.

There are two or more routes open from which a selection may be made. This will prevent the United States Government from being imposed on in the event they should not meet this pledge.

If the river route is adopted, we are advised that the Government already owns 25 per cent of the right of way involved, and there will be little opportunity for enhancing the value of other real estate along the river route.

Another objection to this is that part of the money will be used to build a highway or street in the city of Alexandria. We are advised that this proposed highway will traverse one of the streets of Alexandria that is well built and is from 60 to 80 feet wide and it will not be necessary to use any of these funds for the improvement of that part of the memorial highway.

The commission is not authorized to undertake the construction until a good and sufficient title has been procured for the rights of way to the United States from the owners of such rights of way.

WORK SHOULD BEGIN AT ONCE

One of the main considerations for the construction of this memorial highway is that it is needed and may be used for the 1932 two hundredth anniversary celebration. If the river route is selected, a considerable part of the road will be constructed over hydraulic fills and must have a long period to settle. The material with which to make these fills will be pumped from the Potomac River. It is estimated that there will be 2,500,000 cubic yards of this hydraulic embankment and the cost will be about 30 cents per cubic yard. If it is necessary to make these fills from earth and rock shipped in, the cost for this filling would be almost doubled, and therefore if the lower route is to be selected and this road is to be ready for use in 1932, by acting now we will save the Government about $750,000.

Some of the opponents to this measure have pointed out the large cost per mile for the construction of this highway. This highway will cross a number of small bays of the Potomac River and a number of creeks flowing into the Potomac. The bridges, culverts, and so forth, will entail a cost of something like a million dollars. Seventy-five thousand dollars of this sum is to be used for landscape treatment.

THIS HIGHWAY NECESSARY

There is no suitable or adequate highway to accommodate those who desire to visit Mount Vernon, the home and tomb of General Washington. A movement to provide a suitable highway to Mount Vernon and at the same time to provide a suitable memorial to the Father of our Country was started as early as 1886. This movement has been warmly commended and indorsed by various Presidents of the United States, Secretaries of War, hundreds of Members of Congress, and by nearly all the great national, patriotic, and civic organizations.

The need for improved highway facilities to Mount Vernon has greatly increased from year to year. In 1885 there were about 35,000 yearly visitors to Mount Vernon. In 1926 there were 395,636, and we are advised that last year this passed the 400,000 mark.

We began as early as 1924 to make preparations for suitable observance of the two hundredth anniversary of the birth of Washington in 1932. It has been estimated that there will be 2,000,000 or more people visit Mount Vernon during the year of 1932.

As the years come and go the need for additional highway facilities to reach the home and tomb of Washington will become more pressing. The highway facilities are such at this time that many of our distinguished visitors are taken to Mount Vernon on the *Mayflower* instead of by way of the present highway, so that admirers of Washington who visit his tomb may not see how we have neglected this important matter.

RICHLY DESERVED

Some have asked, Why build a road so wide and beautiful? If we are going to make an ordinary road, it will not be a memorial to Washington. [Applause.]

It has been well said that the principles which he championed and the unselfish service that he gave to our country changed alike the destiny of this country and the course of human history. His service, his sacrifice, and his fine example constitute the first and greatest lesson in American patriotism and devotion. His home and his tomb have come to be a shrine not to his countrymen alone, but to the lovers of liberty of every land. [Applause.]

At Mount Vernon we have the tomb of him who was first in war, first in peace, and first in the hearts of his countrymen.

I am advised that up to this time this great, rich Republic has made no expenditure at Mount Vernon to honor his memory.

In his eight years of service on the battle field and eight years as the President of this Republic he contributed more to the welfare of mankind than any king or potentate in all the centuries that had gone before; yet his tomb so far as the Government of the United States is concerned has received not one penny. It is true that we have a great monument for him here in the Nation's Capital. This was started and about two-thirds of the expense provided by popular subscription.

The Masonic fraternity of this country is now expending about five and a half million dollars in the erection of a Masonic temple at Alexandria, Va., as a tribute to Washington, the Mason, the citizen, and patriot.

No Mason has expressed the opinion that this is a waste of their funds. They built this great memorial joyfully and strongly commend this memorial highway.

I daresay no great nation has failed to contribute from its public treasury to the shrine of its outstanding soldier and statesman like Washington, except our own country.

Some of the opponents to this measure have stated Washington does not need a memorial highway to honor him. May I say that we need to build this great memorial that we may honor ourselves in honoring him and show our gratitude and devotion for his sacrifice?

This measure passed the Senate without a dissenting vote. May we indulge the hope that no votes will be cast against it in the House? Let us respond in honoring him as he responded to the call of the struggling colonies and by his sacrifice contributed more than any other man to the welfare of mankind and to the welfare of this the richest, the finest, and most wonderful country that the world has ever seen. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield myself 10 minutes. It is not to be believed that any vote that any American sitting in this Chamber casts to-day on an expenditure of money to build a road should be taken by anyone, anywhere, at any time as a test of our love, affection, and admiration for the Father of His Country. No; that love of Washington that is inherent in every breast in this House, in the breast of every American everywhere, is being traded upon in an improper way by this proposition to build for local benefit, for one section of one State, the most extravagant piece of road building that this country has ever known.

I have had some experience in the cost of roads that were difficult of construction. The most expensive road I know of is one now being built in the Mount Zion National Park in Utah—a road 8 miles in length, and that 8 miles includes over 1 mile of boring through solid rock. That 8 miles of mountain road and the tunnel through solid rock will cost $125,000 a mile.

The road under this proposition in the bill before you is to cost four and one-half million dollars for 15 miles, or $300,000 a mile; gross, gross extravagance, and an American can not properly honor the memory of the great Washington by gross extravagance at any time. [Applause.]

I looked up the debates when this committee was appointed for the celebration of the two hundredth anniversary of Washington's birth. The debate was very limited. But I did find that they quoted this from Mr. Eliot, the very distinguished American who was formerly president of Harvard University, a great scholar, who no doubt loved Washington as much as anyone here, and he said, speaking of the character that should be had in the celebration—"this celebration, however, of the birth of Washington should be solemn, not gay; spiritual, not materialistic."

Can anyone think of anything more grossly materialistic than the construction of this extravagant piece of road to benefit a certain section of Virginia?

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I shall be glad to proceed without interruption until I complete it, and then I will be glad to yield.

The gentleman from Kentucky must realize that under the course that he is pursuing there is to be no amendment and very limited debate. I would have preferred a much longer debate. The report filed by the gentleman from Kentucky [Mr. ROBSION] sets forth the cost of this road. The gentleman seems quite uncertain where the road will be built. My information from the Bureau of Roads—and I saw a very beautiful map of the proposed road—is that the river road is to be followed, the cost of which is outlined on page 8 of the report. The great cost is due to two things: First, they propose to build a road very largely in the river; that is, it is to be made ground. Something like 7 miles of it are to be filled and made ground, and that will cost a tremendous amount of money. The other reason for the great cost is that the 7 miles of what amounts to bridge work is to be a duplicate in ornamentation and finish of the Arlington Memorial Bridge across the Potomac. I am not opposed to a road down the river to Mount Vernon. I have had in mind what to me would be a worthy honor to George Washington, and that is the development of the Potomac on both sides from Mount Vernon to Great Falls—from Mount Vernon, where he was born, along the river that he loved, through the city that he founded, and on up to Great Falls where he labored for the industrial development of the young Republic. Such a Washington memorial parkway from Mount Vernon to Great Falls would be a proper monument to his memory, if not marked by wasteful extravagance of the money of the people. This bill does waste it.

What does the President think about this kind of legislation? This bill has no provision for donation of the right of way, no provision for any contribution by adjacent property owners who are to be tremendously benefited by the building of this memorial road, no contribution now or hereafter to be made by the State of Virginia. We build the road and we perpetually maintain it at our sole expense. There is no provision for a contribution by the property owners who are benefited or by the State.

The other day Congress passed a bill authorizing the construction of roads at Federal expense of $3,500,000 a year for three years over the lands that the United States owns in the West, Indian reservations, public lands, forest lands.

In those sparsely settled regions, as, for instance, in Coconino County, Ariz., the second largest county in the United States, 89 per cent of the area is nontaxable, consisting of Indian reservation, national parks, national forests, public lands. A county such as that manifestly can not build the roads that are necessary to connect with the Federal-aid highway program, so Congress passed a bill to allow the Federal Government to build roads, through these lands that the Government owns itself, and which, therefore, are exempt from taxation, to connect up Federal-aid routes. The Bureau of Public Roads had in mind cheap construction to take care of the needs of the traffic and meet the needs of connecting up the road. The bill passed the House unanimously and passed the Senate unanimously. It was vetoed the other day by the President and why? The President said—

> The bill would provide for entire construction from Federal funds of main roads through unappropriated or unreserved public lands and nontaxable Indian lands. Such expenditures could not be justified on the basis of protection or development of Federal resources and would constitute a radical departure from the established policy of Federal aid on a cooperative basis in road construction.
>
> Having in mind the increasing ability of the States to finance road construction due to the general adoption of the gasoline tax and the increase in revenue from this source which would accrue to States from roads constructed through public and Indian lands therein, I see no reason why the States should be relieved from their contribution toward the construction of these roads as required by existing law.

Having vetoed that bill that proposed that the Government should expend 100 per cent in building roads across its own lands, land in great areas exempt from taxation, you can not make me believe that the President of the United States really approves of this bill which proposes, without any local cooperation, where there is abundant ability to cooperate, without State cooperation, that there shall be this extravagant squandering of the people's money.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. Is it not a fact that one of the main purposes of that bill which was vetoed was to protect our forests where there is no fire protection?

Mr. CRAMTON. Oh, it was urgently needed to protect our own property. I reserve the remainder of my time.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, very little can be said in favor of this bill in two minutes. I take exactly the opposite position from that taken by the gentleman from Michigan [Mr. CRAMTON]. This proposition is neither extravagant, nor is it one that will not appeal to the good judgment of the President of the United States. [Applause.] I call attention to the difference in the quantity of use of such a road as this in comparison to the road which was provided for in the bill which the President vetoed last week. Over the road suggested in this bill there probably will travel 1,000 people to 1 over the roads in the Indian reservation referred to. It connects this great city of Washington, our National Capital, with the home and burial place of George Washington, and the criticism of extravagance can not be leveled at such a connection as that. We are using the people's money for the best purpose it can be used for. Veneration for the memory of Washington and practical purposes of the people. Think of how many thousands of visitors come to this Capital City yearly. Do they not look with reverence on the home of George Washington at Mount Vernon? Do they not return to their homes better and prouder Americans? Let us see to it that Washington is not only a great Capital but that the memory of the man whose name it bears is forever honored. Further, the Masonic fraternity is recognizing its duty to the memory of George Washington by erecting a $5,000,000 memorial, contributed from the purses of the Masons of this country, on Shooters Hill as you go into Alexandria. Will the gentleman from Michigan say that the Masons of this country are also showing extravagance when they put this sum of money into a proper memorial to George Washington? There is nothing more of interest to the people of this country to-day than such a memorial to be dedicated at the time of the anniversary of his birth. Further than that, no route has been selected for this road. It is in the hands of the President of the United States to lay out the road. The report from the Bureau of Roads does not carry any weight, any more than the opinion of the men who made it. The power is given in this bill to the President of the United States, to act through the Secretary of Agriculture. I think we should pass this bill at this time. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. LAGUARDIA. Mr. Speaker, the glory and the greatness of George Washington are such that they do not need a national road to emphasize them. [Applause.]

We have embarked upon and we have a fixed policy of road building, and the sponsors of this bill should be able either to stand or to fall under the requirements of Federal-aided roads in getting appropriations for this road. That is all there is to it.

I can understand a great monument, a great public improvement, after its completion being dedicated to the memory of any great American, as in the case of the Roosevelt Dam or the Wilson Dam or the Lincoln Highway, but I can not understand the philosophy of seeking to dedicate a great American to an asphalt road. If the veneration and admiration of Americans for George Washington are such that we shall not go to Mount Vernon unless we build a $5,000,000 road, I can not understand that admiration.

Yes; real Americans, real liberty-loving Americans, real admirers of George Washington, will go in pilgrimage year after year, even if there is a bad road, to pay tribute to the memory of the Father of our Country. If this road is to be built, decide the question upon the merits, but why pin it on to George Washington? [Applause.] I do not think much of Americans who refuse to go to Mount Vernon unless they have a $5,000,000 road to travel on.

We have already one of the greatest monuments in the world dedicated to the memory of George Washington—the Washington Monument. We have the Capital of the Nation named in his honor. We have a great State named in his honor; and I repeat that the love entertained for the memory of George Washington by the people of this country does not require the building of this road. Why, Mr. Speaker, after the World War every monument or proposed appropriation that had no merit was sought on the ground of being erected as a memorial. O Memorial, how many appropriations have been passed in thy name?

That is what we are doing here. We authorized the creation of the Washington Memorial and when that memorial was created the building of roads was not in the mind of any Member of this House. Why not a Federal road to Valley Forge, one to Gettysburg, and one to Grant's Tomb?

The gentleman from Massachusetts suggests another memorial being built. But we might just as well now appropriate for a Federal road from Washington to the city of Alexandria. The question is not a question of cherishing the memory of George Washington. The question is a question of building a State road with public funds.

I can see no sentiment in a 5-ton truck lumbering along an asphalt road. I can see no sentiment or honor to the founder of the Republic in wheedling $5,000,000 for a road a State should provide. This kind of veneration, this kind of patriotism, this kind of a memorial, is so sordidly material as to disclose its own sordid purpose.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

The SPEAKER. The gentleman from Massachusetts is recognized for two minutes.

Mr. UNDERHILL. Mr. Speaker, just as the gentleman from New York [Mr. LAGUARDIA] has said, Washington needs no memorial. The city of Washington is a memorial to him. But Mount Vernon is a shrine. The city of Washington is the Capital of the Nation. There is now no proper connecting link between the Capital of the Nation and the shrine to which the people of the country make pilgrimages. There are literally millions of people who come to Washington from all over this country during the year, and there will be more millions in the years to come than we can count.

Mr. ALLGOOD. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Not now. We have built a memorial bridge, or provided for one, across the Potomac River at an expense of $15,000,000.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Not now. It ends at the river bank and it leads nowhere. You can not spend $15,000,000 for that project and leave the objective incomplete. You have got to carry it clear through to Mount Vernon before it becomes of real value to the community, and by the "community" I mean the whole country.

I have stood firm and steadfast in behalf of the $9,000,000 limit as the proper appropriation on the part of the Federal Government toward the annual maintenance of the Nation's Capital, but I am going to urge and stand for every proposition that advocates an improvement of Washington's surrounding within a radius of 20 miles. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. DICKINSON].

The SPEAKER. The gentleman from Iowa is recognized for three minutes.

Mr. DICKINSON of Iowa. Mr. Speaker, in my judgment this proposal sets a very dangerous precedent. When the gentleman from Michigan [Mr. CRAMTON] comes in with his proposal to go up and down the river 20 miles, I will oppose the same. When we built the Memorial Bridge everybody knew it led nowhere, and now it is simply being used as a means of getting money out of the Public Treasury to get to the other side of the river. You are not only proposing to spend $4,500,000 here for a road, but you are imposing upon the Federal Treasury its maintenance, not only for one year but forever. Who is going to travel over it? You have probably 400,000 visitors a year going to Mount Vernon. If they know how to go and look at that shrine from the viewpoint they ought to see it from, they ought to go down by way of the Potomac, and if we have not enough ships or boats to get them down there, we ought to get a boat or two and let them go that way.

But that is not the approved way to go and see that shrine. You are not only setting a precedent here that will be a tax upon the Public Treasury for years to come, but you are setting a precedent that will lead on and on indefinitely so far as the Public Treasury is concerned. You are not only building a road to the shrine of George Washington, but you are building up property along it everywhere. You are building up the value of property in Alexandria with no contribution from anyone, and by the time you get this down to Mount Vernon it may be considered a good thing to build a road to the city of Richmond in the name of the eminent generals who fought in the Civil War on both sides.

Then some men might be in favor of extending this memorial road to Gettysburg, where one of the great decisive battles was fought during the Civil War. There are some men and some Members of Congress who believe the United States Treasury

ought to be made the goat for all these pretended memorials in behalf of our great men.

If George Washington were alive to-day he would never build a 200-foot right of way from Mount Vernon to Washington for any purpose whatsoever, unless it was for the benefit of the people that travel that road. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. MOORE]. [Applause.]

Mr. MOORE of Virginia. Mr. Speaker, the gentleman from Michigan has denounced the proposal contained in this bill as grossly extravagant and materialistic. I beg to point to the fact that the President of the United States, who has never on the floor of this House been charged with extravagance or undue materialism, is warmly and emphatically in favor of its passage. [Applause.] I thank him, remembering that another son of Massachusetts, afterwards President, was the man who at the outset of the Revolution rose on the floor of the Continental Congress and made the motion which put George Washington at the head of the struggle for independence. Now, another Massachusetts man, filling the great office Adams once occupied, believes, so we understand, that there is no more fitting and dignified way of commemorating the services of the man who did more than anyone else to establish the Republic of which we are all proud to be citizens than to construct the highway contemplated by this bill.

The gentleman has talked about the cost. Look at the bill. It proposes a maximum of $4,500,000, but it intrusts the commission with authority to make the expenditure what it pleases, because to the commission is given the duty of locating and planning the road, determining its width and, therefore, within the limit provided, determining its cost.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield the gentleman one additional minute.

Mr. MOORE of Virginia. I, for one, am not prepared to entertain any lack of confidence in a commission made up as this commission is made up. It is so made up as to give it a standing rarely attaching to any commission that has been created. At the head of it is the President. Next is the Speaker of the House, the Vice President, four eminent Senators, and four Representatives whom we have gladly followed on many occasions—the gentleman from Connecticut [Mr. TILSON], the gentleman from Oregon [Mr. HAWLEY], the gentleman from Texas [Mr. GARNER], and the gentleman from Tennessee [Mr. BYRNS]. If we can not trust those men to show wisdom and fidelity to the public interests in discharging the duty which is to rest with them, then I say we may despair of trusting any set of men to whom a duty may be delegated. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has again expired. The question is on the motion of the gentleman from Kentucky to suspend the rules and pass the bill.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-two gentlemen have risen, not a sufficient number.

So the yeas and nays were refused.

Mr. CRAMTON. Mr. Speaker, I ask for the other side.

Mr. CHINDBLOM. There is no other side.

Mr. LAGUARDIA. We have not had a division.

The SPEAKER. The Chair thinks that could only be demanded on a division.

Mr. CRAMTON. Then, Mr. Speaker, I will ask for a division.

The House divided; and there were—ayes 177, noes 61.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill passed.

A similar House bill was laid on the table.

EXTENSION OF REMARKS—MOUNT VERNON MEMORIAL HIGHWAY

Mr. LOZIER. Mr. Speaker, I have given the pending bill (S. 1369) careful consideration. As a result I find myself strongly opposed to its enactment. It authorizes the expenditure of $4,500,000 of public funds for the construction of a highway in the State of Virginia from the Arlington Memorial Bridge to Mount Vernon. It is argued by those who favor the bill that the expenditure is justified on patriotic grounds and by building this highway we will honor the memory of George Washington. I reverence the memory and achievements of George Washington—no Member of this House appreciates his accomplishments and sacrifices more than I, but I do not think we need to make this extravagant expenditure in order to show our appreciation of our revolutionary leader and first President. He was first in war, first in peace, and as long as our Republic endures he will be first in the hearts of his grateful countymen. The American people have not neglected to honor him. He was chosen President for two successive terms.

The Nation's Capital was named for him. One State and scores of cities bear his name. In sight of this Chamber the Washington Monument, 555 feet in height, bears mute but eloquent testimony of the high esteem in which he is held by the people of the United States, without regard to race, religion, or political creed. His birthday is observed as a national and State holiday. His achievements in statecraft are recognized and respected, and his wise counsel followed in the development of our institutions and in formulating our national policies.

Building this proposed highway will not add anything to his fame nor increase the reverence we have for him. This road is not being built for patriotic purposes. Extravagance and selfishness are the controlling motives behind this project. The road is to be built entirely in the State of Virginia. Its construction will tremendously increase the value of property along or through which it passes. It is not a national but a State project, and the expense should be borne by the State in which it is located, supplemented by such contributions as the Federal Government grants to States for road-building purposes under existing laws. I do not object to the Federal Government bearing a part of the expense of constructing a highway to Mount Vernon, but the contribution from the Federal Treasury should be made under the provisions of the law granting Federal aid to States for road-building purposes.

If the State of Virginia desires to improve the 15-mile strip of road between the Arlington Memorial Bridge and Mount Vernon, then let the Federal Government contribute in the same manner as it contributes to the building of highways in other States. We shall not depart from the well-constructed and definitely defined policy under which Federal funds are being allocated to States to aid our road-building projects.

It is estimated that the 15 miles of road in question will cost $300,000 per mile, a record-breaking price, which means a prodigal expenditure of funds derived by taxing the American people.

The Appian Way, constructed by Appius Claudius Cæcus, from the city of Rome through Padua to Brundusium, now Brindisi—the most famous highway of ancient times—was only 18 feet wide, but the pending bill contemplates the construction of a highway 200 feet wide, a portion of which will be utilized for planting shrubs, shade trees, and for parking and ornamental structures. The expenditure proposed, so far as I am informed, is the most extravagant for road-building purposes in the annals of time. I can not conscientiously vote $4,500,000 for the construction of this road. It will establish a bad precedent and invite similar raids on the United States Treasury. It will probably be followed by proposals to construct similar highways to Monticello, the home of Jefferson; Montpelier, the home of Madison; to Springfield, Ill., the burial place of Lincoln; to Philadelphia, where the Declaration of Independence was promulgated; and to other national shrines. There is just as much reason why the United States should construct other roads to these other national shrines as there is for spending $4,500,000 to build this exceedingly expensive highway to Mount Vernon.

I am just as patriotic as my colleagues who are promoting this prodigal expenditure of public funds. The claim that this road should be built for patriotic reasons is a mere cloak to direct attention from the palpable fact that this bill is nothing more or less than a raid on the National Treasury for the benefit of a few people who live in Virginia along or near this proposed American Appian Way.

Moreover, I do not think this bill should be considered on a motion to suspend the rules and pass the measure. Under this procedure no amendments can be offered or considered. If we had an opportunity to offer amendments, the specifications for the highway could be brought within reasonable limits, and the appropriation materially reduced. Furthermore, under the rules the debate is limited to 20 minutes on the side. In this short time only a few Members can be heard and the merits and demerits of the measure can not be deliberately considered. The bill is brought up in this way in the closing days of the session, and it is being railroaded through Congress under whip and spur. I regret that President Coolidge gave his approval to this extravagant and unjust expenditure of public funds. By no process of logical reasoning can anyone justify this rape of the United States Treasury. It is idle for the President and his party leaders to talk about economy when they sanction such extravagant and wasteful appropriations as are carried by the pending bill. For the reasons stated I will vote against this bill.

Mr. LUCE. Mr. Speaker, under leave to extend my remarks I would take the Mount Vernon memorial highway bill as a peg on which to hang sundry observations upon special assessments, or what are known in my part of the country as "betterments." This I do partly because of their bearing on the program for spending many millions of dollars on public improvements in and about Washington, and partly because the ignorance of the subject disclosed in the debate on the flood control bill indicates there are many States where information might accrue to the great benefit of the taxpayers and also might speed desirable public undertakings.

The merits of neither the Mount Vernon memorial highway nor flood control are here to be considered. The immediate question is purely of finance.

When the flood control bill came to the House from the Senate it contained this proviso:

Provided, That in all cases where the execution of the flood-control plan results in benefits to any person or persons, or corporations, municipal or private, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The House committee advised limiting this to "special benefits" and also inserted "or public-service corporations," the latter change being of no consequence here.

Before debate began the committee had decided to recommend striking out all of this paragraph, and the House so voted, the proviso going out with the rest. When the bill reappeared, coming from the conference committee, the proviso had been restored, taking this form:

Provided, That in all cases where the execution of the flood-control plan herein adopted results in benefits to property, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

That has now become law.

Anticipating the removal of the proviso in the course of the House consideration of the bill, I offered to a preceding section this amendment:

Provided, That in all cases wherein execution of the flood-control plan results, in the opinion of the board created in section 1 of this act, in special benefits to any person or persons, or corporations, municipal or private, or public-service corporations, such benefit shall be assessed upon the property benefited and shall constitute a lien thereon, and shall be collected by such proceedings as the Secretary of War may prescribe, which proceedings shall provide for deferred payments to such extent as may be deemed just and reasonable under all the circumstances.

Immediately the cry of unconstitutionality was raised, and it is probable that some votes were thereby affected. Nevertheless, 110 votes were for the amendment to 118 against. Had debate not been under the five-minute rule, possibly this particular objection could have been adequately met and the outcome might have been otherwise.

That would be water over the dam were it not for the fact that the same argument would undoubtedly have been presented if it had been possible to offer a like amendment to the Mount Vernon Highway bill, which was prevented because action was under suspension of the rules, precluding amendment; and that the same argument will be raised in the matter of such parts of the coming park system here as are to be in Maryland or Virginia, and possibly even when it is proposed to apply the principle within the District. This makes it worth while observing that the flood control law as it now stands does recognize the principle of betterments. To be sure, it goes only to the point of applying that principle to lands of which some part is damaged, but does that of itself affect the principle? Suppose an improvement benefits the lands of Smith and Jones, side by side. Does the fact that the work happens to hurt one corner of Smith's property but does not touch the land of Jones make a betterment assessment on Smith constitutional while one on Jones would be unconstitutional? On the contrary, might not the imposing of such an assessment on Smith without imposing one on Jones be an inequality that of itself would make the assessment on Smith unconstitutional?

That question may bring trouble when the flood control law is set at work, but here it may be dismissed as a side issue. The main thing at the moment is to note that the flood control law does accept the principle of betterments.

My proposal to extend the principle to all property specially benefited received another characterization—one that suggests the need for spreading light on the subject throughout the country. A veteran Member from Illinois, usually well informed, proceeded to describe my amendment in saying:

A proposition socialistic in the extreme, and not dreamed of by any advocates of the single-tax system, narrowly escaped incorporation in the bill.

This strongly appealed to the sense of humor of some of my colleagues, as well as to my own, and it would in fact be altogether humorous but for its disclosure of a serious lack of information on a subject of much importance. In my own State this principle has been established for threescore years—so long that everybody nowadays accepts it as a matter of course. Illinois itself had authorized special assessments in 1837. Chicago in 1923, the latest year for which I have figures at command, raised $11,472,000 by their use. The principle is to-day applied in at least 37 of the 48 States.

Why, then, congressional ignorance about it? The reason must be that in almost all the States it is used only for matters relating to streets, sewers, and water; and in many of the States its use is so restricted that its bearing otherwise as a matter of principle has not become familiar. Massachusetts is almost alone in carrying the declaration of that principle to its logical conclusion, the language of her statute being—

Whenever a limited and determinable area receives benefit and advantage, other than the general advantage to the community, from a public improvement, such board * * * shall * * * assess upon each parcel thereof a proportionate share of the cost of such improvement, etc.

This language was the result of long development through a series of enactments beginning as far back as 1658. The idea was even then old, for it is known that there were statutes in force in England authorizing the levy of what would now be deemed special assessments as far back as 1427. Statutes were enacted in the reign of Henry VIII (1491–1547) of a similar character. In connection with the Mississippi problem it is interesting to note that these statutes related to damages caused by the inundations of the sea and related either to the repair of damages to sewers, bridges, causeways, and drains caused by such inundation, or to the erection of walls and dikes to prevent further damage. In all of these statutes the cost was apportioned among the owners of land benefited by the work in proportion to benefit.

Sundry drainage statutes following levied the assessment on the basis of value, and so were more in the nature of special taxes. With the rebuilding of the city of London, however, after the great fire of 1666, benefit was firmly established as the measure. The persons appointed to determine the location of all common sewers, drains, and vaults, and the order and manner of paving and pitching the streets and lanes were empowered—

to impose any reasonable tax upon all houses within the said city or liberties thereof, in proportion to the benefit they shall receive thereby.

In France, as early as 1672, the cost of widening a street was, in certain cases, imposed upon the property abutting on the street in proportion to the benefits conferred; and in 1807 a statute going the whole distance of what should be done in Washington brought in for special assessment private property, acquiring a marked increase in value as a result not only of street opening, but also of new public places, the construction of quays, or any other public work, general, departmental, or commercial, ordered and approved by the Government. Special assessments are also common in Germany, and the system has been longer under development and carried farther in Holland and Belgium than anywhere else.

For this information and other data herein I am indebted to a thorough and admirable discussion of the subject by Philip Nichols, Esq., of Boston and Newton, taking the shape of a report to the City Planning Board of Boston, and appearing in the annual report of the board for 1926. From this report I learn that in 1923 of the 248 cities in the United States having a population of more than 30,000, all but 15 financed the whole or part of their public improvements by special assessments. In the extent of the use of the system, however, States and cities vary greatly. Of the cities with more than 300,000 population, Indianapolis led in 1923, raising 19.9 per cent of its total revenue receipts by special assessments, with Seattle a close second by so raising 19.8 per cent of such receipts.

The Massachusetts law is not the best on the subject and sadly needs rewriting. As the result of its defects the system is by no means so productive there as it should be, but it has furnished at least one instance that might well set Congressmen and the taxpayers of Washington to thinking, in view of the park construction in sight. An area of marshland now known as the Fenway was filled in and developed with a park, parkways, streets, and other usual improvements at a cost of $1,247,189.70. The betterment assessments that were found

valid amounted to $330,333.89. To be sure, it was intended to get back the whole cost by such assessments, and the system failed to the extent of the difference; but to get back a quarter of the cost was something.

It would not have been an unreasonable or an unjust thing to have drawn the Mount Vernon boulevard bill so that the Government would recoup itself to the extent of at least one quarter of the cost, so lessening the net outlay by $1,125,000. That boulevard is to be about 14 miles long, and if none of it is directly on the river bank its two sides will have an abutting frontage of more than 112,500 linear feet. Is it improbable that this land will not rise on the average more than $10 a front foot in value, or about a cent a square foot on all the land within a fifth of a mile of the boulevard?

When we have spent fifty millions on making the triangle the site of the most wonderful group of public buildings in the world, how much will the land on the opposite side of Pennsylvania Avenue have risen in value? Should every cent of that rise accrue to its owners?

When we lay out a park, making every lot facing it more valuable for residence purposes, should the taxpayers carry the whole cost?

These are questions to which public-spirited citizens of Washington might well address themselves, and to which some thought might well be given by Congress, the guardian of the taxpayers of both the District of Columbia and the Nation.

FIFTEENTH AND SUBSEQUENT DECENNIAL CENSUSES

Mr. FENN. Mr. Speaker, I move to suspend the rules and pass H. R. 393, to provide for the fifteenth and subsequent decennial censuses.

The SPEAKER. The gentleman from Connecticut moves to suspend the rules and pass House bill 393, with amendments. The Clerk will report the bill and amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That a census of population, agriculture, irrigation, drainage, distribution, and mines shall be taken by the Director of the Census in the year 1930 and every 10 years thereafter. The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, and Porto Rico. A census of Guam, Samoa, and the Virgin Islands shall be taken in the same year by the respective governors of said islands and a census of the Panama Canal Zone by the Governor of the Canal Zone in accordance with plans prescribed or approved by the Director of the Census.

SEC. 2. That the period of three years beginning the first day of July next preceding the census provided for in section 1 of this act shall be known as the decennial census period, and the reports upon the inquiries provided for in said section shall be completed within such period.

SEC. 3. That there may be employed in the Bureau of the Census, in addition to the force provided for by the appropriation act for the fiscal year immediately preceding the decennial census period, two assistant directors, one of whom shall act as executive assistant to the director, performing, in addition, the duties usually assigned to the chief clerk, and the other, who must be a person of known and tried experience in statistical work, as technical and statistical advisor; these officials to be appointed by the Secretary of Commerce, upon the recommendation of the Director of the Census, in conformity with the civil service laws and rules.

In addition to the force hereinbefore provided for, there may be appointed by the Director of the Census, without regard to the provisions of the classification act, for any period not extending beyond the decennial census period, at annual or piece-price rates of compensation to be fixed by him, as many temporary employees in the District of Columbia as may be necessary to meet the requirements of the work: *Provided*, That hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified, to hold such positions: *Provided further*, That all such clerical, mechanical, and subclerical appointments shall be made in conformity with the civil service laws and rules.

That special agents, supervisors, supervisors' clerks, enumerators, and interpreters may be appointed by the Director of the Census to carry out the provisions of this act and of the act to provide for a permanent Census Office, approved March 6, 1902, and acts amendatory thereof or supplemental thereto, such appointments to be made without reference to the civil service or the classification acts. The Director of the Census may delegate to the supervisors authority to appoint enumerators. The enlisted men and officers of the Army, Navy, and Marine Corps may be appointed and compensated for the enumeration of Army, Navy, marine, and other military posts. Employees of the Post Office Department may, with the consent of the Postmaster General, in cases of necessity and in far-distant and outlying localities, be appointed and compensated for work performed under the provisions of this act. The special agents, supervisors, supervisors' clerks, enumerators, and interpreters thus appointed shall receive compensation at per diem or piece-price rates to be fixed by the Director of the Census: *Provided*, That special agents appointed at a per diem rate shall not be paid in excess of $8 per diem except as hereinafter provided; and that the compensation on a piece-price basis may be fixed without limitation as to the amount earned per diem: *Provided further*, That during the decennial census period the Director of the Census may fix the compensation of not to exceed 25 special agents at an amount not to exceed $12 per diem: *Provided further*, That permanent employees of the Census Office and special agents may be detailed, when necessary, to act as supervisors or enumerators, such permanent employees and special agents to have like authority with and perform the same duties as the supervisors or enumerators in respect to the subjects committed to them under this act.

SEC. 4. That the fifteenth and subsequent censuses shall be restricted to inquiries relating to population, to agriculture, to irrigation, to drainage, to distribution, and to mines. The number, form, and subdivision of the inquiries in the schedules used to take the census shall be determined by the Director of the Census with the approval of the Secretary of Commerce.

SEC. 5. That each supervisor shall perform such duties as may be imposed upon him by the Director of the Census in the enforcement of this act, and the duties thus imposed shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census; that each enumerator or other employee detailed to serve as enumerator shall be charged with the collection in his subdivision of the facts and statistics called for on the population and agricultural schedules and such other schedules as the Director of the Census may determine shall be used by him in connection with the census. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required for the census; and in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries, then it shall be lawful for the census employee to obtain the required information as nearly as may be practicable from the family or families or person or persons living nearest to such place of abode who may be competent to answer such inquiries.

SEC. 6. That the census of the population and of agriculture required by section 1 of this act shall be taken as of the 1st day of May, and it shall be the duty of each enumerator to commence the enumeration of his district on the day following unless the Director of the Census in his discretion shall change the date of commencement of the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made and to forward the same to the supervisor of his district within 30 days from the commencement of the enumeration of his district: *Provided*, That in any city having 2,500 inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof.

SEC. 7. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as supervisor, enumerator, or clerk, or other employee, or shall in any way receive or secure to himself any part of the compensation paid to any supervisor, enumerator, clerk, or other employee, he shall be deemed guilty of a felony, and upon conviction thereof shall be fined not more than $3,000 or be imprisoned not more than five years, or both.

SEC. 8. That any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee who, having taken and subscribed the oath of office, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $500; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provisions of this act, or the act to provide for a permanent Census Office or acts amendatory thereof or supplemental thereto, he shall be guilty of a felony and upon conviction thereof shall be fined not to exceed $1,000 or be imprisoned not to exceed two years, or both so fined and imprisoned in the discretion of the court; or if he shall willfully and knowingly swear or affirm falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this act or of the act to provide for a permanent Census Office or acts amendatory thereof or supplemental thereto, he shall be deemed guilty of perjury, and upon conviction thereof shall be fined not exceeding $2,000 or imprisoned not exceeding five years, or both; or if he shall

willfully and knowingly make a false certificate or a fictitious return he shall be guilty of a felony, and upon conviction of either of the last-named offenses he shall be fined not exceeding $2,000 or be imprisoned not exceeding five years, or both; or if any person who is or has been an enumerator shall knowingly or willfully furnish or cause to be furnished, directly or indirectly, to the Director of the Census or to any supervisor or other employee of the census any false statement or false information with reference to any inquiry for which he was authorized and required to collect information, he shall be guilty of a felony, and upon conviction thereof shall be fined not exceeding $2,000 or be imprisoned not exceeding five years, or both.

SEC. 9. That it shall be the duty of all persons over 18 years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the families to which they belong or are related, and to the farm or farms of which they or their families are the occupants; and any person over 18 years of age who, under the conditions hereinbefore stated, shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $500 or be imprisoned not exceeding one year, or both.

And it is hereby made unlawful for any individual, committee, or other organization of any kind whatsoever, to offer or render to any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other officer or employee of the Census Office engaged in making an enumeration of population, either directly or indirectly, any suggestion, advice, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, either as to the number of persons resident in any district or community, or in any other respect; and any individual, or any officer or member of any committee or other organization of any kind whatsoever, who directly or indirectly offers or renders any such suggestion, advice, information, or assistance, with such unlawful intent or purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000.

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other building; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions hereinbefore stated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $500.

SEC. 10. That it shall be the duty of every owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, to answer completely and correctly to the best of his knowledge all questions relating to his respective company, business, institution, establishment, religious body, or other organization, or to records or statisties in his official custody, contained on any census schedule prepared by the Director of the Census under the authority of this act, or of the act to provide for a permanent Census Office, approved March 6, 1902, or of acts amendatory thereof or supplemental thereto; and any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions, or by willfully giving answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $10,000, or imprisoned for a period not exceeding one year, or both so fined and imprisoned.

SEC. 11. That the information furnished under the provisions of this act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Census Office whereby the data furnished by any particular establishment or individual can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports.

SEC. 12. That all fines and penalties imposed by this act may be enforced by indictment or information in any court of competent jurisdiction.

SEC. 13. That the Director of the Census is hereby authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of this act, to wit: Blanks, schedules, circulars, pamphlets, envelopes, work sheets, and other items of miscellaneous printing; that he is further authorized to have printed by the Public Printer, in such editions as the director may deem necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this act or by the act to establish a permanent Census Office and acts amendatory thereof or supplemental thereto, and to publish and distribute said bulletins and reports.

SEC. 14. That all mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided,* That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

SEC. 15. That the Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for.

SEC. 16. That there shall be in the year 1935, and once every 10 years thereafter a census of agriculture and livestock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of the 1st day of May and shall relate to the crop year. The Director of the Census may appoint enumerators or special agents for the purpose of this census in accordance with the provisions of the permanent census act.

SEC. 17. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, for every second year after 1927, statistics of manufacturing industries; and the director is hereby authorized to prepare such schedules as in his judgment may be necessary.

SEC. 18. That the Director of the Census be, and he is hereby, authorized at his discretion, upon the written request of the governor of any State or Territory or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies and $1 additional for certification; and that the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and $1 for supplying a certificate; and that the Director of the Census is authorized to furnish transcripts of tables and other records and to prepare special statistical compilations for State or local officials, private concerns, or individuals upon the payment of the actual cost of such work: *Provided, however,* That in no case shall information furnished under the authority of this act be used to the detriment of the person or persons to whom such information relates. All moneys hereafter received by the Bureau of the Census in payment for labor and materials used in furnishing trancripts of census records or special statistical compilations from such records shall be deposited to the credit of the appropriation for collecting statistics.

SEC. 19. That the act establishing the permanent Census Office, approved March 6, 1902, and acts amendatory thereof and supplemental thereto, except as are herein amended, shall remain in full force. That the act entitled "An act to provide for the fourteenth and subsequent decennial censuses," approved March 3, 1919, and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

During the reading of the bill the following occurred:

Mr. FENN. Mr. Speaker, I ask unanimous consent that the bill may be considered as having been read.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the bill may be considered as having been read with the amendments. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I will not object if somebody will tell me what the bill is.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. If I can not learn what the bill is, I shall have to object.

Mr. FENN. If the gentleman will give me a chance, I will endeavor to tell him.

Mr. HOWARD of Nebraska. I am giving the gentleman all the time in the world.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Nebraska. Mr. Speaker, I do object unless you give the gentleman an opportunity to tell me about the bill.

The SPEAKER. The Chair put the question, and there was no objection.

Mr. FENN. Mr. Speaker, I will withdraw the request.

The SPEAKER. It occurs to the Chair that if we are to make any progress this afternoon we should not read a bill of 15 pages, because anybody can tell what the bill is about by reading the title.

Mr. HOWARD of Nebraska. Mr. Speaker, I have not even heard the title.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. HOWARD of Nebraska. That is entirely satisfactory.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The reading of the bill was dispensed with.

The SPEAKER. Is a second demanded?

Mr. KETCHAM. Mr. Speaker, I demand a second.

Mr. FENN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Connecticut is entitled to 20 minutes, and the gentleman from Michigan is entitled to 20 minutes.

Mr. FENN. Mr. Speaker, I yield myself five minutes.

Mr. Speaker and gentlemen of the House, I have been asked several times this afternoon if this is a reapportionment bill. This is not a reapportionment bill, although if a future Congress decides to reapportion under the 1930 census, this will be the bill, if adopted, under which the reapportionment of the House will be made at that time.

This is a bill providing for the taking of the 1930 decennial census. The census of population is a matter which the Constitution provides for and it is mandatory that the Congress should provide for the taking of the census in the decennial year 1930.

This bill in the main is a reenactment of the bill under which the census was taken in 1920, the only addition being that for distribution.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. FENN. Certainly.

Mr. COCHRAN of Missouri. There is a change in the date of the taking of the census, is there not?

Mr. FENN. I will come to that a little later.

Mr. COCHRAN of Missouri. I understood the gentleman to say there was only one change in the bill.

Mr. FENN. I did not say that. I said it was a reenactment in the main of the bill under which the census of 1920 was taken.

The bill provides for a census of population, agriculture, irrigation, drainage, distribution, and mines. All of these items were included in the last census with the exception of distribution, distribution being the new feature. The census of distribution, the Secretary of Commerce and other authorities, consider most desirable. From it will be ascertained the course of products from the manufacturer, through the various agencies, from the manufacturer to the wholesaler, the wholesaler to the retailer, and the retailer to the ultimate consumer.

The benefit of this will be to ascertain, through the 2,000,000 distributors, so-called, throughout this country, just how much business is done in respective localities.

After long and profound consideration the committee decided, and has so reported in this bill, that the census of population and agriculture and the others, as far as the law allows, should be taken on the same date, and that was determined as May 1.

It has been the practice to take a census of agriculture and of population on the same date, continuing throughout the several decennial years in which a census has been taken. If you will bear with me a moment I will give you those dates. Beginning with the Sixth Census, of 1840, the date was June 1, and population and agriculture were taken on that date. The same date was prescribed in the censuses taken in 1850, 1860, 1870, 1880, 1890, and 1900, all of the dates being as of June 1. In 1910 the census of population and of agriculture was taken on April 15, and the Fourteenth Census, of 1920, was taken as of January 1, both for population and agriculture.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. FENN. Yes.

Mr. O'CONNOR of New York. Is this the first occasion when you have made a separate date for taking the population and the agriculture?

Mr. FENN. In this bill we have not provided a separate date.

Mr. O'CONNOR of New York. According to your report, you are going to take the census of population in May, and you are going to take——

Mr. FENN. Where does the gentleman find that?

Mr. O'CONNOR of New York. Page 3.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. FENN. Mr. Speaker, I yield myself five minutes more.

Mr. O'CONNOR of New York. In reference to the census of agriculture, the gentleman has amended the bill on page 13 to take it in May instead of November. There has been a protest from the farm organizations of my State, for instance, the Dairymen's League.

Mr. FENN. Yes; I am aware of that.

Mr. O'CONNOR of New York. They state it will put them to great inconvenience to change the date.

Mr. KETCHAM. Will the gentleman yield?

Mr. FENN. Yes.

Mr. KETCHAM. Is the gentleman from New York correct in the statement that he has a protest from the farm organizations to changing the date from November 1 to May 1?

Mr. O'CONNOR of New York. Yes. I have no doubt about the protest against taking the agricultural census on May 1 instead of November 1.

Mr. KETCHAM. If I may be permitted, I hold in my hand a copy of a letter from your own commissioner of agriculture——

Mr. O'CONNOR of New York. I am talking about the men who are engaged in the business and who constitute the Dairymen's League of the State of New York.

Mr. McFADDEN. Will the gentleman yield to me?

Mr. FENN. Surely.

Mr. McFADDEN. I do not care to dissent from my friend the gentleman from New York, but the Dairymen's League in my district desires this census be taken in November instead of May.

Mr. O'CONNOR of New York. That is what they want in New York State.

Mr. FENN. I wish to say to the House that the same disagreement has occurred on the floor here that occurred before the committee among the witnesses that appeared before us.

There seems to be no unanimity in regard to this date amongst representatives of agriculture throughout the country. The committee was obliged to fix a date, and therefore fixed this particular date. Let me also tell you that the cost of taking an agricultural census at a date different from the date of taking the census of population is estimated at from $3,000,000 to $5,000,000 more than taking it on the same date. This had some weight with the committee, I have no doubt, and I trust it will have some weight with the House.

Mr. THURSTON. Will the gentleman yield?

Mr. FENN. Certainly.

Mr. THURSTON. Referring to that portion dealing with the commodity data that used to be collected, no provision is made therein about the cost. Can the gentleman assure the House that when the distribution data is collected that the food costs will also be included?

Mr. FENN. I understand that is to be included. We were so informed by the Census Bureau. Of course, there will not be the cost of each item, but the aggregate cost of different products.

Mr. O'CONNOR of New York. Will the gentleman yield for a question for information?

Mr. FENN. I yield to the agriculturalist from New York.

Mr. O'CONNOR of New York. As I read the bill, the only change made in it is with reference to the date of the census, am I correct in that?

Mr. FENN. I think so.

Mr. O'CONNOR of New York. That is an amendment to the bill and the only one in it?

Mr. FENN. I believe it is the only one in the entire bill.

The cost of taking the census will be between $35,000,000 and $40,000,000. In the report it is stated as $36,000,000. It is necessary—and I trust the House will agree—to get the bill through this session if we can. It is a good bill, we have worked hard on it, and one reason we want to get it through as early as possible is so that the Census Bureau may get ready and give us an absolutely good population census that can not be found fault with.

Mr. Speaker, I reserve the balance of my time.

Mr. KETCHAM. Mr. Speaker, I yield myself five minutes. Mr. Speaker and Members of the House, I ask to be indulged for a few minutes, but I shall not take all the time that has been allotted to me. The gentleman from New York [Mr. O'CONNOR] stated that he was in receipt of word from various agricultural authorities in his State opposing the change that he understood had been made in the bill by putting the date of the agricultural census on the 1st of November. If I am correctly advised by the chairman, that change has not been made and the date for taking the agricultural population is of May 1.

Now, I want to say in justification of my position that I not only have definite statement from the commissioner of agriculture in New York that he is opposed to May 1 as the date for taking the agricultural census, but I want to refer to other distinguished authorities that I am sure the gentleman from New York will readily understand ought to have something to say about this date in his own State.

Mr. O'CONNELL. Did I understand the gentleman to say that the commissioner of agriculture was opposed to taking the census on May 1?

Mr. KETCHAM. I did.

Mr. O'CONNELL. That is what I said; that the Dairymen's League was opposed to it.

Mr. KETCHAM. When the gentleman gets the transcript of his remarks he will find that he stated it the other way.

Mr. O'CONNELL. They want to take it in November.

Mr. JOHNSON of Washington. It is clear that if we take these censuses on two dates we double the cost of taking them.

Mr. KETCHAM. Oh, that is not the case.

Mr. JOHNSON of Washington. It would greatly increase the cost.

Mr. KETCHAM. My understanding of the bill is that the population census and the agricultural census are to be taken as of May 1, 1930. Am I correct?

Mr. RANKIN. Is the gentleman from Michigan in favor of separating them and taking two censuses?

Mr. KETCHAM. I am in favor of having both of them taken at the same time. But if we can not agree, I do believe that the agricultural census in 1930 is going to be so vitally important that we can well afford the additional expense of having an extra agricultural census taken at the most favorable date. Now, what is the most favored date?

Mr. JOHNSON of Washington. It will cost $40,000,000 to take census anyway.

Mr. KETCHAM. The extra cost for taking an agricultural census would be a million and a half or two million dollars provided a separate census is to be taken.

Now, I want to talk very earnestly to all Members of the House who have agricultural constituencies. The census of 1930 is to be, in my opinion, the most important census that has been taken in recent years so far as ascertaining the real facts relating to agriculture is concerned. No question has been more recently debated on the floor of this House more earnestly than the question of agriculture, and we have had to depend on statements from the Census Bureau with reference to the condition of agriculture. If that be true, then certainly everything that can be done to make the census of 1930 absolutely accurate so far as agriculture is concerned ought to be done.

Mr. WILLIAM E. HULL. Mr. Speaker, will the gentleman yield?

Mr. KETCHAM. Not until I have completed this statement. You could scarcely select a more unfortunate date than May 1 for taking the agricultural census. The reasons are perfectly apparent to a man who thinks. You must remember, in the first place, that a very large proportion of the men who are upon the farms are tenant farmers. When May 1 has come around, in many instances they are not on the same farm they have been tilling the year before. If they are there, they have forgotten to a very large degree what they did the year before. Therefore, what information they could give is very inaccurate. But doubly so will it be inaccurate and of little value if they have gone, as a great many of them do, to another farm 25 or 30 miles away, and you have to depend on one who was not on that farm at all to gather and report figures for the preceding year. Therefore, if the census is to be accurate, I think you will agree that we ought to take it on another date, at a date when the tenant is still living on the farm that he has operated that year. Then taking the farmers who do live upon their own farms when the operations of the new season have begun, they are trying as best they can to forget what was done the year before; at least, their memory is not clear and distinct as to the transactions of the year before, and when the enumerator comes around and propounds the questions that are involved in the agricultural questionnaire they do not recall what has been done. That being true, it seems to me that this date ought to be changed, even if it is required that we shall have a separate date for the taking of the agricultural census and if it involves an expenditure of a million and a half or two million dollars. It is worth while from the standpoint of accuracy.

I have here requests from the two Secretaries of the President's Cabinet who are interested primarily in the farm census; first, the Secretary of Commerce; and second, the Secretary of Agriculture, both of whom, very earnestly, advocate a change of date for the taking of the agricultural census from May to November. I have here also communications which I shall not take the time to read from almost every agricultural State in the Union including testimonials and requests from practically every one of the leading farm organizations, showing how futile and of what little value an agricultural census taken in May will be. For these reasons I earnestly urge your consideration of this proposition.

Of course I understand the impossibility of the practical proposition involving any change here. We are not privileged to amend this bill under the suspension rule, but I am bringing these facts to your attention so that you may get in touch with your United States Senators in case the bill should pass in its present form, and see that it is properly amended in the Senate, so that we may have the best possible date for an agricultural census. I now yield to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. The gentleman has answered the question that I was about to ask him and that is what we could do about it now?

Mr. KETCHAM. Yes; all we can do is to do what I have been doing, and that is to call the matter to the attention of the Members.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. COCHRAN of Missouri. I suggest to the gentleman that he offer a motion to recommit, to change both dates to November.

Mr. KETCHAM. Of course I could, but I hesitate to stand in the way of the passage of important legislation like this.

Mr. WILLIAM E. HULL. Mr. Speaker, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. WILLIAM E. HULL. Are those who will take the census for population the same men who will take the census for agriculture?

Mr. KETCHAM. Yes.

Mr. WILLIAM E. HULL. Is it not better to have both censuses taken on the same date, even if it is on November 1, because these men will go there and get the data on both matters at the same time. If they are going to change the date for taking the agricultural census, why not change the date for the population census and let the men take it when they go around.. Why duplicate the matter?

Mr. KETCHAM. I would be entirely agreeable to that change, but I do not want to take the position of opposing the best possible date for the population census. I believe May 1 is the best date for rural communities.

Mr. THURSTON. Mr. Speaker, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. THURSTON. I rise just to correct the gentleman in respect to the statement that a separate census for agriculture would cost only one and a half million dollars. The officials of the Census Bureau state that a separate agricultural census will cost more than $5,000,000. The gentleman is familiar with the facts of course that if these statistics are to be available and comparable, they must be in the zero year and if they are taken in November, they could not be of value for comparing them with another year.

Mr. KETCHAM. I think the gentleman's argument is not tenable, because so far as farm statistics are concerned, if they were taken as of November 1, practically complete figures could be taken for that year.

Mr. JOHNSON of Washington. If you take the agricultural census in November you do not get the zero year. If you take the population census in November you will find that the farmer population to a very large extent has migrated to the cities.

Mr. KETCHAM. I do not see why your agricultural census, if taken in November following the population census in May, would not be taken for the zero year, the year 1930.

Mr. JOHNSON of Texas. If an attempt was made to do that the same men would take the census about the same time and save $5,000,000.

Mr. KETCHAM. Even if it costs $4,000,000, I feel that its increased accuracy would be worth the additional cost.

Mr. JOHNSON of Texas. Following what was said by the gentleman from Iowa [Mr. THURSTON], I am impressed with the idea that on November 1 in the cotton section the crop will not have been gathered and they will not know what the crop is for that year.

Mr. KETCHAM. Of course, I could not speak of your conditions with authority; but certainly I do believe that a November farm census date is worthy of consideration, and I have taken this time this afternoon in order to bring the matter to your attention so that this change might be considered in the Senate.

Mr. FENN. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, the gentleman from Michigan [Mr. KETCHAM] shows clearly that he is not familiar with the struggle through which the Census Committee has passed in trying to arrive at the details of this bill.

In the first place, he suggests that we take this census in November, 1929. Let me call his attention to the fact that the census of population must be taken within the 10-year period beginning January 1, 1930. It would be unconstitutional to take it before the 1st of January.

Mr. KETCHAM. Why could it not be taken in November, in 1929, the year before?

Mr. RANKIN. That is just what I say.

Mr. KETCHAM. Then in the following year.

Mr. RANKIN. They never have done it; and they have never taken the two censuses separately; and the Department of Agriculture has never successfully challenged one of these agricultural censuses. The trouble is that the Bureau of Agricultural Economics in the Department of Agriculture really wants to take this matter into their own hands, and, so long as I am on the Committee on the Census, I assure you that they are not going to do it with my consent. [Applause.]

As a rule, the census has been taken on the 1st of June, except, I think, twice. At one time it was taken in August, and in 1920 some people who did not know anything about the taking of the census had their way and had the census taken in January. We did not get a correct census of the population of the rural districts, and as a result of that we have not been able to make reapportionment under that census.

Mr. JOHNSON of Washington. It was off by millions.

Mr. RANKIN. Yes. We had this question up before the Census Committee, and the Bureau of Agricultural Economics and others have been represented, and finally every member of the committee agreed upon this bill—to take the census of both population and agriculture as of the 1st of May, 1930, and thereby save at least $5,000,000. If it takes $40,000,000 to take the two together, it would likely take $15,000,000 to take agriculture separately.

You are not getting anywhere by voting this motion down. You simply leave this bill exactly where it is, and at the next session you are going to have the same members of the Census Committee, and they will have the same opinions they have on this question to-day. You may possibly get a change in the Senate, but I do not think you will.

This is the very best bill we could work out. We discussed the question of taking the agricultural census in the fall of the year, but it was decided that that would not be best. We decided we could best get both the population census and the agricultural census as of May 1, 1930.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield there?

Mr. RANKIN. Yes.

Mr. JOHNSON of Texas. Is it not true that in the month of May the agriculturists are on the farm more than at any other time?

Mr. RANKIN. Certainly.

They talk about "tenant farmers." Evidently the gentleman from Michigan [Mr. KETCHAM] is not familiar with tenant farmers. The fact is that just as soon as they get their crops gathered many of them go away to seek employment for the winter. If you go out in January or in November and take the census you will not find the tenant farmers. You will get a more accurate census in May than in November.

They say they are getting these propaganda reports, inspired by this bureau of economics in the Department of Agriculture. How long, I ask, are we going to legislate by telegram here? It has not been a week since we had a bill up here about which we received telegrams which influenced Members' votes to their sorrow.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RANKIN. May I have five minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Members of Congress are yet trembling in their boots because last week they were misled by letter propaganda and telegram propaganda to vote for a measure they now repudiate. How many of the men who have written you know anything about this bill? Why have they not come in here and challenged the census taken in 1900, which was taken on June 1 of that year? Why have they not shown that there was something wrong with the census of 1890, which was taken on June 1? The truth is they have never found a flaw in the census of agriculture when it has been taken in the spring or early summer, and they will find no flaw in this one. We will get a more accurate census by taking both of them on the 1st day of May than if taken at any other possible time of the year.

Let me remind my friend from Michigan again that we are going to try to see that a thorough census is taken not only of agriculture, but of population, and when the report is made we will reapportion the House of Representatives on the basis of that census.

Mr. MOORMAN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. MOORMAN. Is cotton ginned and corn gathered and other crops taken in by the 1st of November?

Mr. RANKIN. No. It has been brought out by the committee that a great many of these crops are not gathered by that time.

This is just the beginning of a lot of propaganda you are going to get to try to turn this over to the Bureau of Agricultural Economics.

Mr. MOORMAN. Will the gentleman yield further?

Mr. RANKIN. Yes.

Mr. MOORMAN. Here is a report given me at my request by the Census Bureau.

The statement that I desired to insert in the RECORD was a part of the hearings before the Census Committee, as reported on page 152, and giving the dates of the censuses since 1790, in response to a question I asked the witness, Doctor Hill, as follows:

Mr. MOORMAN. A statement was filed upon that discussion, I believe.

Doctor HILL. That is as to the dates. This gives three reasons.

Mr. MOORMAN. This gives the reasons. I think that this should be filed now.

Mr. RANKIN. Let it go in the record.

The CHAIRMAN. Very well.

The statement referred to is printed in the record in full as follows:

"See section 6, page 5, and section 16, page 12. The date of enumeration and the subjects of population and agriculture are shown below:

"First Census, 1790, first Monday in August—Population.
"Second Census, 1800, first Monday in August—Population.
"Third Census, 1810, first Monday in August—Population.
"Fourth Census, 1820, first Monday in August—Population.
"Fifth Census, 1830, June 1—Population.
"Sixth Census, 1840, June 1—Population and Agriculture.
"Seventh Census, 1850, June 1—Population and Agriculture.
"Eighth Census, 1860, June 1—Population and Agriculture.
"Ninth Census, 1870, June 1—Population and Agriculture.
"Tenth Census, 1880, June 1—Population and Agriculture.
"Eleventh Census, 1890, June 1—Population and Agriculture.
"Twelfth Census, 1900, June 1—Population and Agriculture.
"Thirteenth Census, 1910, April 15—Population and Agriculture.
"Fourteenth Census, 1920, January 1—Population and Agriculture.

"Three reasons why the census of population and agriculture should be taken together:

"(1) A more complete and accurate census of agriculture is secured by taking the two together, as has been shown by the experience of the Bureau of the Census in taking the census of 1920, which included agriculture and population, and the census of 1925, which included agriculture alone. The censuses of population and agriculture have been taken together and by the same enumerators ever since the first census of agriculture was taken, in 1840.

"(2) It will prevent a duplicate enumeration or a duplication in Government work. If taken together, the field force will be employed only one-half as long as if taken separately. A census is a personal canvass. Hence, the enumerator on visiting each farm in the United States will secure the information for population and for agriculture on one visit. If taken separately it would mean two separate canvasses at two different times and only a few months apart.

"(3) It will prevent additional cost for the field enumeration. It will mean a saving in Government expenditures. If taken separately it will cost approximately $3,000,000 or $4,000,000 more than if taken together."

All these years since 1790, when the census was taken in August and in June, agriculture had more consideration accorded it. Agriculture, then, was treated as meaning more in our economic system than to-day. Is it possible that the added feature of the census—distribution—can be better served by a November 1 date? Anyway, why was the date changed in 1920 to January 1? When we spend $40,000,000 and employ 100,000 people to do a job we should exercise the greatest care. I ask every interested Member to read the report of the hearings before our committee.

It will be observed that the Department of Agriculture seems not to have tried the experiment of taking the census in the wintertime until the census of 1920, which was taken January 1. Therefore since the first census, in 1790, the census of population has been taken in the month of August until 1830, when the date of June 1 was substituted. Each census thereafter until 1920 has been one of population and agriculture

combined, and up to 1900 was taken June 1. In 1910 the date of April 15 was substituted for the census of both population and agriculture. For some reason, in 1920, the date was shifted to January 1. What were the results? If you will turn to the majority report of the Census Committee, made on the reapportionment bill, recommitted last Saturday, you will find the chief reasons assigned for failure to reapportion were given in the report in the following language:

The technical reason given for failure to reapportion in 1920 was that the census of 1920 did not fairly represent the population of the rural districts. This charge was based on two grounds:

First. That the census of population was taken as of January 1, 1920, which was considered unfair to the rural districts, especially in the years following the close of the World War; and

Second. That the actual enumeration was not efficient.

I requested that Doctor Hill, and those associated with him representing the Bureau of the Census, before the Census Committee, give me the reasons why two censuses should be taken together. They are the ones above inserted in the RECORD. For some unexplained reason, after Doctor Stewart returned from Europe he was a witness before our committee, and you can see that his statements show a change of policy from that laid down by Doctor Hill. I respectfully refer those interested in this subject to his testimony, during which the chairman of our committee, Hon. E. HART FENN, placed in the RECORD a joint communication from Secretary Hoover and Secretary Jardine, recommending that the census be taken as of November 1. The Secretaries' letter is recorded on page 298 of the hearings.

The committee felt that a full and accurate enumeration of population was necessary, in the light of the complaints made of the 1920 census. It was unanimously agreed that the spring was the proper and best time for taking the census of population. This being agreed upon, the next question was whether we should have a separate census of agriculture or take them together. This made three to five millions difference in cost. It was for this reason that I requested the reasons of the Bureau of the Census for taking the censuses together. Their reasons seemed almost conclusive. So if the censuses had to be taken together, it was our duty to fix a date that was fairest to the country as a whole. This date was agreed upon finally as May 1. There are possibly some reasons why November 1 might be a better date for agriculture. However, these arguments presented before our committee came from statisticians and from the Department of Agriculture, all of whom are largely interested in the census from a standpoint of comparisons and other kindred angles.

November 1 was objected to by many from agricultural sections for several reasons, among which the following might be noted, namely:

1. Tobacco is not all stripped nor sold by November 1 and neither the amount nor the quality thereof is known.

2. Corn is not all gathered.

3. Cotton is not all ginned.

4. Cattle are on feed and unsold, and the same is true of the hogs.

5. When crops are laid by, many people, both landowners and tenants, go to the cities to work in the various industries.

6. Tenants begin moving from place to place, and they are usually settled somewhere by May 1.

7. Many roads are impassable after November 1, and taking the census would last four or five months, and it would be impossible to get from place to place in many sections. After November 1 the weather would be getting cold, and when the enumeration was in full operation would seriously interfere. If the persons visited kept books, he could give the figures as well May 1 as he could in November; and if he did not, he would have to rely on his memory any time. Another advantage argued for May 1 was that many teachers would be released in time to become enumerators. They would be somewhat familiar with the sections and would be qualified to do good work.

On the whole, considering that there is a great desire and demand for an accurate enumeration of population, and the committee practically unanimously agreeing that May 1 was the best time to take the census of population, especially in the rural districts, and believing that date would be fair to everybody, we fixed the date as of May 1.

Mr. RANKIN. I thank the gentleman from Kentucky [Mr. MOORMAN] for that statement, which further proves that May 1 is the best date for both the census of population and that of agriculture.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Connecticut to suspend the rules and pass the bill with amendments.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PREFERENCE TO THE WIVES AND MINOR CHILDREN OF ALIEN DECLARANTS IN THE ISSUANCE OF IMMIGRATION VISAS

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 5, as amended, to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas.

The SPEAKER pro tempore. The gentleman from Ohio moves to suspend the rules and pass Senate Joint Resolution 5, with amendments. The Clerk will report the resolution.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That section 4 of the immigration act of 1924 is amended by striking out the word "or" at the end of subdivision (d) and by striking out the period at the end of subdivision (e) and inserting in lieu thereof a semicolon and the word "or" and by adding after subdivision (e) a new subdivision to read as follows:

"(f) A woman who was a citizen of the United States and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien."

SEC. 2. That subdivision (a) of section 4 of the immigration act of 1924 is amended to read as follows:

"(a) An immigrant who is the unmarried child under 21 years of age, the wife, or the husband, of a citizen of the United States;"

SEC. 3. Section 6 of the immigration act of 1924 is amended, to take effect July 1, 1928, to read as follows:

"SEC. 6. (a) Immigration visas to quota immigrants shall be issued in each fiscal year as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers, or the mothers, of citizens of the United States who are 21 years of age or over; and (B) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 18 years, of such immigrants skilled in agriculture, if accompanying or following to join them.

"(2) The remainder of the quota of each nationality for such year, plus any portion of the 50 per cent referred to in paragraph (1) not required in such year for the issuance of immigration visas to the classes specified in such paragraph, shall be made available in such year for the issuance of immigration visas to quota immigrants of such nationality who are the unmarried children under 21 years of age, the husbands, or the wives, of aliens lawfully admitted to the United States for permanent residence.

"(3) Any portion of the quota of each nationality for such year not required for the issuance of immigration visas to the classes specified in paragraphs (1) and (2) shall be made available in such year for the issuance of immigration visas to other quota immigrants of such nationality.

"(b) The preference provided in paragraphs (1) and (2) of subdivision (a) shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise, in the next calendar month."

The SPEAKER pro tempore. Is a second demanded?

Mr. DICKSTEIN. Mr. Speaker, I demand a second.

Mr. BOX. Mr. Speaker, I demand a second.

Mr. DICKSTEIN. Mr. Speaker, I yield to the gentleman from Texas.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 20 minutes and the gentleman from Texas [Mr. Box] is recognized for 20 minutes.

Mr. JENKINS. Mr. Speaker, I yield myself five minutes.

Mr. ROBSION of Kentucky. Will the gentleman yield to me to prefer a unanimous-consent request?

Mr. JENKINS. Yes.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent that those Members who spoke on the George Washington Memorial Road have the right to revise and extend their remarks.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that all Members who spoke on the George Washington Memorial Road bill have the right to revise and extend their remarks. Is there objection?

There was no objection.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members who may speak on the pending resolution may have permission to revise and extend their remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS. Mr. Speaker and Members of the House, this is an immigration resolution. I might say at the outset that this is not the resolution about which you have been receiving communications within the last few days; in other words, it is not the Box bill. I think you will find that Judge Box will be in favor of this resolution. I might say also that this resolution carries with it the unanimous recommendation of the Committee on Immigration. It has to do with a very troublesome question, a question that has troubled the Immigration Committee for several years. It has to do with the reuniting of families. We have heard that matter discussed for years.

Now, what does this resolution do? If I am not interrupted by questions for about five minutes I think I can tell you, in substance, what this resolution proposes to do.

Mr. O'CONNOR of New York. Will the gentleman yield for a parliamentary inquiry?

Mr. JENKINS. Yes.

Mr. O'CONNOR of New York. Mr. Speaker, I want to inquire how the gentleman from Texas [Mr. Box] obtained the time in opposition to the resolution if he is not opposed to it.

The SPEAKER pro tempore. He was the only gentleman who claimed recognition.

Mr. LAGUARDIA. No; I was on my feet.

Mr. DICKSTEIN. Mr. Speaker, I was on my feet, and I yielded to Judge Box.

Mr. COOPER of Ohio. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Texas has been recognized, and the gentleman from Ohio will proceed.

Mr. LAGUARDIA. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The Chair will count.

Mr. CHINDBLOM. Mr. Speaker, a point of order. I want to suggest that the question of recognition has not yet been determined. It does not necessarily belong to the man who demands a second unless he can qualify when the time comes.

The SPEAKER pro tempore (after counting). Two hundred and twenty-five Members are present, a quorum.

Mr. JENKINS. Mr. Speaker and gentlemen of the House, this bill comes to us for consideration as a Senate bill. The Senate passed a bill dealing with the admission of families, but your Committee on Immigration thought it wise to amend that bill, and the amendments to the bill are of such a nature that the Senate bill itself is really lost sight of; in other words, it is clear that a parliamentary advantage might be had in striking out all after the enacting clause of the Senate bill and inserting in lieu thereof the Jenkins bill, which has been done. The bill for consideration, therefore, is the Jenkins bill, concerning which many of you have had many inquiries. Your Committee on Immigration has spent much time in hearings and discussions, and the Jenkins bill is the result of the most careful consideration of your committee. If it is not passed here to-day, there will be no chance for its passage at this session. It has the support of many organizations interested in immigration matters. It does not go far enough to suit many others. It is sanctioned by the restrictionists. It is a restrictionist measure, but is designed to smooth over some of the rough places in the law.

Now, what does the bill do? In the first place, it amends section 4 of the immigration act in two or three respects. These amendments let in but very few additional persons; they relieve some situations which have been a source of worry to many social and religious workers and which have excited the sympathies of many people. What is section 4 of the immigration act? Section 4 is that section that sets out in detail the various classes of immigrants that may come in outside the quota.

Now, how does this resolution amend that section? The first amendment provides that a woman who was a citizen of the United States prior to September 22, 1922, and who lost her citizenship prior to that time by reason of her marriage to an alien, might, if she wishes to return to the United States, be permitted to do so as a nonquota immigrant. This means any woman who was formerly a citizen of the United States who married prior to 1922, when the Cable Act went into effect, and lost her citizenship thereby, if she is now in some foreign country and wants to return, can return nonquota.

Now, how many are there of this class? I do not know. We are told by the department that there are very, very few of them. This applies, as I said before, to people who were citizens before 1922. This is one exception outside of the quota. This class will not be a continuing class. Those who want to come in under this class are those who were unfortunate in their marriage. Most, if not all, are women born in America, who, after a period of residence in some other country, wish to return. There can be no serious objection to this.

What is the next amendment? The next amendment to section 4 does this: Section 4 now says that wives of American citizens may come into this country nonquota. Those who were here when the original bill was framed have told me it was intended at that time that the word "husband" should have been included, but it was not included. There has been a great clamor among different classes of people to let down the bars that far; in other words, to let down the bars so that husbands of women who are American citizens may come in nonquota. If the wives of American citizens are permitted to enter nonquota, why should not the husbands of American citizens? The only objection is that this increase would be that many more in competition with American citizens already here. Recognizing restrictive immigration as a national policy, we are still consistent when we consider that a happy family life is the corner stone of Americanism. Your support or opposition to this amendment will depend somewhat on the number admitted hereunder. It is estimated that the number now awaiting to come in who come under this amendment are only about 700.

Mr. JOHNSON of Washington. Which is the accumulation of four years' time.

Mr. JENKINS. And as my chairman has said, this is an accumulation of four years. This does not mean that in the future there will be 700 a year, but means there will probably be 100 or 150. In fact, after this accumulation is absorbed, it is my judgment that the number will decrease. Should it increase so as to become at all alarming, Congress will still be able to reach out and, by amending the law, stop it. Now, what other class is provided for outside of the quota?

There was one other class. There has been a great clamor in this country to raise the limitation from 18 to 21 years of age for children of American citizens. Personally, I have not been much in favor of this, but it is claimed that the age of 18 is an important period in the lives of children who are attending school. This recession on the part of us who are considered restrictionists is an instance of compromise which is so often an important factor in procuring the passage of legislation. The fact that this does not apply to any but unmarried children changes the situation greatly.

It will be remembered also that these amendments apply only to husbands and children of American citizens. We hope and confidently believe that the passage of this will be accepted as a final solution of this question of the reuniting of families.

The SPEAKER pro tempore. The gentleman from Ohio has used five minutes.

Mr. JENKINS. Mr. Speaker, I yield myself five minutes more.

Now, how many does this class include? In my report filed with the original Jenkins bill and also with this Senate bill I say there is an accumulation of about 3,000 in four years.

This number will lessen very materially in my judgment in the next few years. This will result from the shifting and increasing of the preferences within the quotas as is done in another section of this bill. It is my judgment that when the last section of this bill begins to operate practically all the children will come in within the preferences for an immigrant who is here for legal residence will be able to get his children in sooner under the quota than by waiting until he becomes a citizen which he would be required to do in order to bring them in outside the quota. It is my judgment that in a short time this will adjust itself so that few children will come in outside the quota. This opinion is shared in part by the Department of State as will appear from a report of the committee prepared by myself.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. JENKINS. I gladly yield to my distinguished friend and colleague from Ohio.

Mr. COOPER of Ohio. Under your bill if a girl who is an American citizen went to a foreign land and married an alien, could he come in as a nonquota immigrant?

Mr. JENKINS. If she is an American citizen, yes. We went into that matter very thoroughly. We had representatives of the State Department and the Labor Department before us and they tell us that the number of husbands who go abroad to marry women just to bring them in in circumvention of the law are very few. The departments go into these cases very thoroughly and they hold that such a marriage is not a marriage in contemplation of the quota law. It is therefore safe to presume that they will be able to control the matter of American girls seeking to marry aliens in order that these men might come in. If this privilege is abused, the legislative arm

of the Government is ever ready to come to her defense with corrective legislation.

Mr. JOHNSON of Washington. Let me answer that question a little further. If she marries and goes out to an alien husband and stays there for two years, the presumption is she has lost her citizenship. We have provided a way whereby under certain circumstances they can come back nonquota, but to do that they have to go through the full process of getting a nonquota visa, which covers the situation.

Mr. COOPER of Ohio. But under the bill she could leave the country, go to a foreign land and marry an alien, and he could come in as a nonquota immigrant?

Mr. JOHNSON of Washington. Yes.

Mr. COOPER of Ohio. Now, I would like to ask the gentleman one other question. The present law contains a provision with respect to minor children up to 18 years and, as I understand it, this bill increases it to 21 years.

Mr. JENKINS. From 18 to 21; yes.

Mr. DYER. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. DYER. The gentleman stated that this bill applies to all American citizens. The gentleman will recall that American citizens born in this country of Chinese ancestry are not permitted even to bring in their wives under the law, and the bill does not remedy that.

Mr. JENKINS. No.

Mr. DYER. Some of them are World War veterans.

Mr. JOHNSON of Washington. The reason for that is that there is so much fraud in the Japanese and Chinese immigration that we are afraid at the present time to enlarge it for fear of more fraud.

Mr. DYER. I think the gentleman's statement is incorrect. I have not heard of so much fraud among the Chinese as among the other nationals.

Mr. JENKINS. Let me say that the Chinese immigration is controlled by a different law. The quota law of 1924, which is the law under discussion, does not deal with Chinese at all. The Chinese immigration is controlled by an entirely different law and under an entirely different policy.

Mr. BURTNESS. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. BURTNESS. What effect will this have on the present provisions of the act with reference to preference being given to agriculture?

Mr. JENKINS. It does not change it in the least. I am coming to that. The next provision in the bill that we deal with is section 6. What is section 6? That is the section that deals with preferences within the quota. By that I mean that those who come under the quota are classified as to priority of preference. Husbands and children between the ages of 18 and 21 and fathers and mothers have a 25 per cent preference under the present law, and farmers and their families of countries with quotas of over 300 have a preference to the extent of 25 per cent of the quota and that leaves 50 per cent for the general immigrants. Our bill—and I think this is the most important and vital part of this bill for those favoring the reuniting of families is in this next provision, and that is that this remaining 50 per cent that has been going to general immigration is given as a preference to the families of aliens in this country who are here for permanent residence. In other words, if there is an alien from Italy who has been here a number of years and has indicated his desire to make this his permanent home, and he has his own family back in the old country, then this bill gives him a preference over the alien who is waiting his turn to come in under the quota. In this way the family of the workingman and the man already here will come in, and he will be a more satisfied and better citizen, and new immigrants will be compelled to wait until these women and children are in. This feature of the bill is just and equitable and meets the approval of every fair-minded man.

Mr. O'CONNELL. Does that eliminate the man who wants to come to this country but who has no relatives?

Mr. JENKINS. If the preferences to members of families exhaust the quotas—yes.

Mr. CELLER. Then there is no possibility of any new blood coming in under this bill?

Mr. JENKINS. Oh, yes; there is abundant possibility. It will have no effect on the big countries. Take Italy as an example. The quota is 3,600, and 1,800 would be in this last class. If we give the preference to women and children of aliens in this country it will take about two years to consume that quota, and after that they will all come in as heretofore. That is in the order of their application and qualification for visas.

Mr. SCHAFER. It provides for the family of aliens who have signified intention to remain here?

Mr. JENKINS. Yes.

Mr. SCHAFER. Under subdivision 2, section 1, if an alien comes here and remains 20 years and is not naturalized——

Mr. JENKINS. He must indicate his intention that he is here for permanent residence.

Mr. KINDRED. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. KINDRED. Under this bill with reference to united families how much will be the total increase in immigration?

Mr. JENKINS. For the first year it will be a little over 3,000, which is an accumulation of four years, but in future years the total will dwindle until in five years, in my judgment, it will be practically nothing.

Mr. KINDRED. Two thousand five hundred total in any case?

Mr. JENKINS. As I have already stated not many more than 3,000 to start with and a gradual decrease in future years.

Mr. Speaker, I reserve the balance of my time.

Mr. BOX. Mr. Speaker, the gentleman from Texas is supporting the bill; and if he is not entitled to demand a second, he does not wish to.

The SPEAKER. The Chair thinks that some one opposing the bill is entitled to demand a second. The gentleman from Texas was the only Member demanding a second, and so the Chair recognized him.

Mr. DICKSTEIN. Mr. Speaker, I am opposed to the bill. I am a member of the committee, and I demand a second.

The SPEAKER. The Chair will recognize the gentleman from New York to demand a second.

Mr. DICKSTEIN. Mr. Speaker, I will yield myself 10 minutes. Mr. Speaker and Members of this House, those of you who believe that this is an immigration bill ought not to be alarmed—it is not an immigration bill at all. This bill does not do one solitary thing to increase the number in the quota. The quota is 163,000 under the act of 1924, and it is going to remain 163,000. The committee in its wisdom is simply switching the preference. In other words, instead of calling it A they call it Z. How do they do it?

They simply turn around and practically suspend immigration until the families will be united under certain provisions and in certain categories.

Mr. JOHNSON of Washington. Is the gentleman willing to accept the bill for what it is?

Mr. DICKSTEIN. I will come to that in a moment.

Mr. JOHNSON of Washington. It does not make much difference.

Mr. DICKSTEIN. Neither does it make much difference, because I do not think in reality you are uniting the families at all, and to leave the impression in this House that you are giving something away, is wrong, and the gentleman should get it out of his head, because you are giving nothing away, in so far as this immigration policy is concerned. One thing you are doing in this bill which we did in 1924 is to increase the age limit of American children from 18 years to 21 years. We had that in the act of 1924, but the Senate for some reason or other took it out.

The next thing you do is simply to change the preferences. You take the father and the mother of American citizens, and you take 50 per cent of the total of 163,000, and you throw them into one pot, and you say, "Go on and scrap it out, between yourselves," and who will come in first? Then you take the other 50 per cent, and you are going to unite the families, which means that a person who has been here in this country, who has a wife and children, may have the right given to the wife and children to come in here under the preference. We ought to unite the families. We ought to give the wife the benefit of coming to her husband, and we ought to give the children the opportunity to see their fathers and mothers. You are separating them because under your very preference it will take at least three to four years. Oh, but I am mindful of the fact that the time is growing late, and if we go back to the committee we will not get another bill out, and under these circumstances I shall probably vote for this bill for what it is worth, but it is worth very little.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. CELLER. Is it not true, however, that under this enactment you will preclude new blood coming from the countries that have the small quotas?

Mr. DICKSTEIN. Absolutely. There is no new immigration that will come into this country until the preference of those I have enumerated is exhausted.

Mr. KINDRED. Is the gentleman's estimate the same as that of the preceding speaker, that the total increase will be at least in any case 3,500?

Mr. DICKSTEIN. No; I do not think so. There are 200 husbands of American citizens in the past four years and there is at least probably a thousand or fifteen hundred American children, or two thousand, who are over the age of 18.

Mr. STOBBS. This bill at least does reunite the families.

Mr. DICKSTEIN. It does not. It helps create a condition in this country by increasing the age limit of American children up to 21 instead of 18.

Mr. STOBBS. It does make possible, does it not, that the fathers and mothers of aliens who are already over here, or the wives and children of aliens already over here, who are not citizens, can come in?

Mr. DICKSTEIN. I also agree with the gentleman that under the present law if we are going to extend a waiting line that has been waiting there for several years and put them aside, naturally the father and mother under this preference that you find in the bill will come in first.

Mr. LAGUARDIA. The gentleman is a member of the committee?

Mr. DICKSTEIN. Yes.

Mr. LAGUARDIA. I understood him to state that he is opposed to the bill.

Mr. DICKSTEIN. I am opposed to the bill, but at the same time I want to be frank with the gentleman and say that I think I am going to support it, because I think that that is the best that you can get at this time.

Mr. MACGREGOR. I think the gentleman is confusing the situation when he says it does not permit the wives and children to come in. It does unite families to the extent of 50 per cent of the quota.

Mr. DICKSTEIN. Fifty per cent of the quota, and that is exactly what we are doing now under the present law. As I said, this bill was the only kind of a bill which I could prevail upon the committee to pass. As far as it goes it will bring some relief to American families which are now separated by virtue of our harsh immigration laws. But this bill is not going far enough and is certainly not going to help our American families to a very large extent. It certainly will not add one single immigrant to the total of immigration now allowed into the United States and it can hardly be said that Congress has done anything by this bill to relieve existing conditions.

This is not the first time that it has become my duty to call the attention of Congress to the fact that separation of families was one of the worst misfortunes that could be imagined. We have so many cases of fathers and mothers separated from their children and husbands separated from their wives. There is only one answer to it and that is our immigration policy which is embodied in our legislation.

The family relation is the most sacred known to man. It is the foundation of the state. Its maintenance makes for morality, decency, and happiness. The law as it now stands encourages immorality, indecency, and makes for unhappiness. Husband and wife should not be severed; and if they are separated, it can only result in distressing circumstances. The same reasoning applies to the separation of parents and children. To separate fathers and mothers from their offspring means not only cruelty to both but it leads to demoralization; and in the course of time must result in the creation of abnormal conditions and the destruction of the mental and moral fiber of both parents and children.

I believe that at this time it requires no citation of authority to prove that the man whose wife and children are living with him has a greater incentive to become an industrious and useful member of the community than one who has been separated from his family and who can not respond to those calls upon fundamental decency which the maintenance of a family makes upon any rightfully constituted man.

There are frequently instances where the father and mother have been forced to leave the country of their birth and where the children were left behind at a time when they were approaching the age of adolescence. Sometimes they may be girls between 13 and 14 years of age whose father has left them and who have reached the age of between 18 and 21 years. Fortunately, the Immigration Committee saw fit to include in the nonquota class children of American citizens between the ages of 18 and 21. This is a step forward.

But a mere granting of a preference to alien declarants is hardly going far enough to solve this question of uniting of families. Not only must children and their parents be united, not only husbands and wives be united, but why should not parents of American citizens be permitted to come to the United States without the quota? Their number is not large. What logical reason can be assigned for the keeping out of the United States of aged parents who are for the most part dependent upon their children, whose children are willing and ready to support them, but who simply can not come into the United States because of the arbitrary limitations in our existing immigration laws.

I reiterate there is not only the increase of the age limit of American children, but we ought to include the father and mother, and we ought to forget this arbitrary distinction which the bill now places between the quota and nonquota immigrant.

You are not increasing by one immigrant the number of those who can come in from the quota of the act of 1924. You are simply making it impossible for any immigrants to enter the United States unless they happen to have relatives in this country already. As far as you go, you have relieved the condition to some extent, but you have not done what in justice and humanity you should have done and for what I have been giving my time, energy, and effort during the entire time that I was a member of this august body and of the Immigration Committee.

I want to warn this country at this time of the dire consequences which this unfortunate haphazard and unscientific immigration policy has accomplished. We must once for all get away from the idea of forbidding desirable prospective citizens to enter this country under the restrictions placed by Congress. Some day you gentlemen will awaken to the truth of the situation and will come to realize that to create a great nation it is necessary to act without prejudice and without preconceived notions or views about the inferiority of a certain type of immigrant or superiority of another type. Do not, for Heaven's sake, count the number of desirable citizens who are to make their home with us. If the husband is good enough to stay here, I believe his wife and children are just as good. If the father is good enough to stay with us, I believe his wife and children are also good enough to stay with us.

You should have exempted all these desirable classes from the operation of the quota law, but as you do not see fit to do so, and as this bill is the only one which has a chance to pass before recess of Congress, I will have to reluctantly vote for it and trust to time and tide to change your views and to liberalize some of the provisions of immigration legislation which you saw fit to put in our statute books. [Applause.]

Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. Box].

Mr. WAINWRIGHT. Mr. Speaker, before the gentleman begins, will he yield to me for a question?

Mr. BOX. Yes.

Mr. WAINWRIGHT. Will the gentleman please tell us what the bill actually does?

Mr. BOX. This bill preserves the quota restrictions by admitting certain relatives of foreign-born people here within the restrictions of the quota so as not to increase the body of our immigration—to bring them to join their relatives here within the quota. There has been a strenuous effort for many years to admit numbers ranging from a few thousand to several hundred thousand relatives of immigrants outside the quota, which would add that much to the volume. We here reject that idea and require that such relatives as are admitted come within the quota, thereby preventing any substantial increase in the volume of our immigration, but at the same time permitting the greatest possible number of divided families to reunite themselves in a manner consistent with our policy to permit no increase of immigration. It does two things in that respect: First, it stops families from dividing themselves. Uncle Sam has never divided any families. It tends to stop families from dividing themselves and allows greater portions of the quotas to be used by relatives of those who have already legally come so as to reunite the families which have divided themselves. There are three small exceptions to the statement that such relatives must come within the quota. The original immigration act of 1924, as presented to the House and passed by it, provided that the husband of an American citizen should come to join the wife, just as the present law provides that the wife of an American citizen should come to join her husband.

It was changed before the legislation was finally enacted, so that the husband of the citizen wife could not be admitted to join her. This bill restores that provision to the law. I care not much for that.

We made the age of children of American citizens who are nonquota from 18 to 21 years. Originally it was 18 years, and here we make it 21 years.

Mr. CELLER. How many will that be?

Mr. BOX. That will be all together of both classes about 3,000, perhaps 3,500, of those who have accumulated during four years. The number of unmarried children of citizens, that is children between 18 and 21 years, is very small.

Mr. CELLER. How many from 18 years to 21?

Mr. BOX. About 750 or 800—something like that. That is a four-year accumulation. Only a slight annual dribble will follow. The total of both classes is about 3,500. Those within these classes coming hereafter will be exceedingly small unless we change the basis on which they are admitted which I shall oppose.

Then there are in Europe and elsewhere a few American girls who have lost their American citizenship by marriage prior to the time the Cable Act became effective. They can not return to the United States under the law except by waiting until they are reached in the quota, and in many cases that will be some time in the indefinite future, when their turn in the quota is reached, 4 or 5 or perhaps 10 years hence. In some cases perhaps they may never be reached. So we believe that the foolish girls, sweet, and unwise as they are, ought to get back under their fathers' roofs. [Laughter and applause.] We therefore ask that they be admitted, and we hope the next time they will marry American men and become the mothers of good American citizens. This bill is restrictive and constructive. Gentlemen, you can afford to vote for it. [Applause.]

Mr. DICKSTEIN. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has 11 minutes left.

Mr. DICKSTEIN. I yield four minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Ohio [Mr. JENKINS] and the other sponsors of this bill tell you, without batting an eye, that it is the purpose of the Immigration Committee not to increase the immigration to this country. [Applause.] Keep your applause a moment. Wait until you hear the rest. They have forgotten to tell you that they have refused to prevent the entry of 300,000 Mexicans who come here and work on starvation wages.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. In a moment. The Box amendment was before the committee and everybody was for it, but because three railroad men came before the committee and a couple of sugar-beet planters came before the committee you heard no more about the Box resolution; so that all this talk about keeping down the number in order to protect American labor is all bunk. As long as immigrant labor will submit to exploitation and work under miserable conditions at low wages there is no talk of immigration restriction. The committee had opportunity to do it, but they refused to do it. The hearings had before the committee speak for themselves. Those hearings are full, and fully prove beyond doubt that the Committee on Immigration have not really the interests of American labor at heart. I will stand by what is in those hearings. I want to say, in all fairness, that the gentleman from Texas [Mr. Box] is standing loyally by his flame and is in no way responsible for the neglect of the committee to act.

We have had a great deal of talk about the depression in agriculture. We have heard the talk that we have too many people engaged in agriculture. Here we provide for bringing some more in, always, of course, if they will work for low wages. This House would vote for any amendment to the immigration law that would permit the entry of fathers and mothers as citizens. The committee knows it and will not dare to put it to the House. We can not under suspension of the rules as this bill is being considered offer an amendment as to fathers and mothers of citizens, and the committee proposes to jam this measure down under a suspension of the rules; and the best test of their unwillingness to consider this matter upon the merits is that you divide the time for the discussion of the bill only among those who favor the bill. No other committee of this House would do that.

If it were the purpose of the Committee on Immigration to prevent competition with American labor they could have stopped 300,000 Mexicans each year at the boundary. When the immigrants come from southeastern Europe they already have their relatives here; they have their contact here; and they do not go to work for starvation wages under the padrone system. That is why they are undesirable to the committee and employers of cheap labor. But you go down to the Mexican border, as the hearings show, and there they hire those people and pay them shamefully low wages and work them all hours of the day and night, and you do not hear anything from them about the restriction of immigration.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JENKINS. Do you favor this bill?

Mr. LAGUARDIA. No; I do not. [Applause.]

Mr. JENKINS. I have put you on record.

Mr. LAGUARDIA. Yes. You have put me on record and you put yourself on record. You do not do a single thing here except to provide for bringing in the titled husband of some girl who married a titled alien. A few American girls went to Europe and married, or rather bought, a title, and now you let the titled husbands in.

Mr. JENKINS. You say this bill does not do anything for the prospective Italian immigrants, women, and children. Can you answer that question?

Mr. LAGUARDIA. Of course I can answer the question. It will permit children of American citizens between the ages of 18 and 21 to come in, nonquota, that now come as preferential.

Mr. JOHNSON of Washington. If they can get a passport from the Italian Government, which is none of our affair.

Mr. LAGUARDIA. I want to try to help run the American Government without attempting to run the Italian Government. [Laughter.]

It was agreed at the beginning of this session, after the President's message was received, that you would come in here with some measure that would permit the entry of fathers and mothers of citizens as nonquota immigrants and to permit the coming of the wives of those immigrants who arrived prior to 1924 and who had declared their intention of becoming citizens, and you have not kept that promise. The American Federation of Labor appeared before the committee and approved an amendment to that extent.

Mr. JOHNSON of Washington. Within the quota. The gentleman should read the record.

Mr. LAGUARDIA. I have read the record and conferred with officials, and the American Federation of Labor placed no such limitation.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COOPER of Ohio. The fact is that this bill does increase the number of nonquota immigrants.

Mr. CELLER. Yes; by 800.

Mr. LAGUARDIA. Well, make it 1,000.

Mr. COOPER of Ohio. The chairman says 3,700 while you say 1,000.

Mr. LAGUARDIA. Well, grant them 3,700. What of it? I want to keep faith.

Mr. CELLER. The gentleman from Texas [Mr. Box] said 800.

Mr. LAGUARDIA. I want the mothers and fathers of citizens to come here as nonquota immigrants.

Mr. COLE of Iowa. How many are there?

Mr. LAGUARDIA. A man can not have more than one mother.

Mr. COLE of Iowa. Does the gentleman mean to imply that he would have all parents of all American citizens come here?

Mr. LAGUARDIA. Yes; I want parents, fathers and mothers of citizens, to come here; certainly.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Is it not a fact that we do not have restricted immigration in this country to-day to protect the labor of the American workingman and that we have Mexicans coming here in droves and working for disgracefully low wages?

Mr. LAGUARDIA. Certainly; and every member of the committee knows that.

Mr. SCHAFER. They are driving down wages in the industrial cities of the country and American workingmen are walking the streets.

Mr. LAGUARDIA. To give an idea of the bunk contained in this bill and how little, if anything, is really being accorded, I want to point out that any American woman who is married to an alien—and I am not talking about the social riffraff who have purchased tarnished coronets and obsolete titles of nobility—may now enter without any difficulty. So that this meaningless bill is not granting anything to these American girls. The Department of State has promulgated a rule to the effect that a citizen of the United States who has made definite arrangements to return immediately in good faith to the United States for permanent residence may be considered in a position to overcome the presumption of noncitizenship and granted a passport valid for the journey to this country. And this ruling affects particularly American wives of alien husbands. So even that mite of pretended generosity must be subtracted from the bill. I consider this bill far from being in keeping with the President's message. I consider this bill by no means a fulfillment of the pledges and promises made by the majority party, and I consider this bill as granting so little relief of not deserving the slightest merit.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, a great philosopher, scholar, and sage once remarked that all the world loves a lover. If I may be permitted to paraphrase that beautiful sentiment, I would say, "All the world loves a fighter," particularly if he is fighting for an ideal, for a principle, for freedom, and for liberty. To-day, ladies and gentlemen, irrespective of what has been going on here in this great forum of public opinion, I realize every speaker has been fighting sincerely for an ideal and principle which he honestly believes in.

In regard to the quota restrictions under our laws it seems to me that this distinguished House can be classified in two groups on the principle of restricted immigration. First, those who believe in absolute restriction and maintain that there should be no letting down of the bars, while on the other hand there are Members of this House like myself who are fighting for the ideal of the preservation of the home and reuniting of families that have been severed by this inhuman immigration law that is now upon our statute books, irrespective of the quota. [Applause.]

The previous speakers have referred to the aliens who come into our country as immigrant foreigners. Mr. Speaker, ladies, and gentlemen, when you go out of the White House, the home of the President of the United States, there facing his home directly you will find a square which is hallowed by the statues of four great foreign soldiers. On one corner there stands a monument to that distinguished French general, Lafayette, who brought the aid of the French people to the cause of the American Revolution.

On another corner there is a monument to Rochambeau who, in conjunction with Lafayette and Washington, was responsible in lowering the colors of Cornwallis, bringing victory to the cause of the Revolution. On the third corner is a monument to that militant German strategist General Baron Von Steuben, who helped to train the undisciplined army of Washington at Valley Forge. While on the fourth corner there stands a monument to two Polish patriots Kosciusko and Pulaski, who fought in the battle of Saratoga. These men were all foreigners.

In the cemeteries of our country everywhere throughout the length and breadth of our land there are humble shafts that commemorate the lives of alien immigrants who fought for our country in time of war, and who gave their last full measure of devotion on the altars of industrial service to our country in time of peace, to make our Nation the greatest and most prosperous on the face of the earth. [Applause.]

In the modest dwellings of most of our American citizens we find the beautiful sentiment "God bless our home." How can a home be blessed that is devoid of father and mother who would love to be amongst their children, to complete and perfect the unity of home life? I want to see fathers and mothers permitted to come here to this country to join the children they have loved and worked and struggled for outside of the quota law. [Applause.]

I want to see the time when this wonderful land that we love and revere will help children to preserve that divine Fifth Commandment, which says: "Honor thy father and thy mother so thy days may be long on earth."

As a patriotic citizen of our country representing those who believe in the principles of humanity I contend it is our privilege, nay, our duty, to let these devoted children bring in their loved fathers and mothers who have struggled, toiled, and drudged for them before they came to this country, before Father Time calls them to eternal rest. [Applause.] I listened to the distinguished gentleman from Texas [Mr. Box] and I heard him say that the Government of the United States is not responsible for a man coming here alone and leaving his family over there. I say to you, honored sir, with all respect I have for you, that if you believe in that sentiment and believe in it sincerely it is your duty to pass a law preventing a man who is married from coming into this country unless he brings his wife and children with him. [Applause.]

Mr. BOX. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Texas.

Mr. BOX. This bill is aimed at that very purpose.

Mr. SIROVICH. If this bill is aimed at that purpose, then you and your associates on the Immigration Committee should have given consideration in the original immigration bill to all aliens who came here in the past that they might have taken due notice and governed themselves accordingly. For the bill as it is breaks up the ties of family life. It disintegrates the home. It places a premium upon desertion. It invites illicit unions and bigamy. It produces divorce without the wife's consent. It neglects the education of the children. It impairs the health of the father here and the family over there. The United States suffers economically. So in my humble opinion from every conceivable angle, from a social, physical, economical, and humanitarian standpoint it is brutal to fathers and mothers, to children and to husbands and wives who are separated from one another. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. CELLER].

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes.

Mr. CELLER. Mr. Speaker and gentlemen of the House, I was rather startled at the statement made by the distinguished gentleman from Texas, that this bill has been brought forward to stop families from dividing themselves. We have been dividing families. The families do not want to divide themselves. I say to you gentlemen, however, that this bill is a mere sop. You give something with one breath and you take it away with another breath. In fact, you give nothing. You simply, in the main, rearrange the preferences within the quota.

Why, our whole country has been developed by immigrants, male immigrants, who came here first without families. I can name you many of the most historic men who came here alone and not with their families. Gallatin did not come here with his family, nor did Hamilton, St. Gaudens, or Carl Schurz. Invariably, all virgin continents and countries are built up by immigrants who first come alone, and then after they have their stake in the country they bring their families over.

This has been the history of this country as well as all other countries like Canada and Australia where there has been great immigration, but we have divided families. Strange to relate, too, the courts of this country have helped keep families divided. We have had this very anomalous situation—which still obtains in certain benighted parts of the country. An alien tries to bring his wife over here and the district courts say, "No; we are not going to allow you to bring your wife over here because you are not a citizen," and when they ask to become citizens some of the district judges say, "No; we are not going to allow you to become a citizen because you are immoral. You did not bring, in the first place, your wife over with you." So these poor devils are confronted with a two-edged sword that gets them coming and going. They can not bring their wives here because they are not citizens, and they can not be citizens because they did not bring their wives over.

Of course, it is argued that even if this bill creates a little benefit in the way of uniting families it should be accepted. I disagree. The principle of the necessity of preserving the family status is so overpowering that unless we go the full way the bill is unacceptable. The first portion of the bill permits children of citizens between 18 and 21 to come in as nonquota. It puts them in the same category as children under 18. This should have been done in 1924. You are not giving us anything. You have simply recognized your previous mistake. Why should a child of 18 be treated differently than a child of 17?

Heretofore only the husband citizen could bring over his alien wife, but the wife citizen could not bring over the husband. I never could understand this distinction. Now, again you recognize the error and you put both husband and wife on a parity. It is well to point out, however, that great hardship was caused for your failure to right this wrong.

The preferential immigration-alien clause practically remains undisturbed except that after immigrant fathers and mothers of citizens and skilled agriculturists are duly considered and there is any portion of the quota remaining, then that portion remaining shall be given to quota immigrants who are the unmarried children under 21 years of age, the husbands, or the wives of aliens lawfully admitted to the United States for permanent residence.

Let us analyze this clause. After the fathers and mothers of citizens and skilled agriculturists are considered there will be practically nothing remaining of the quota, particularly in countries like Italy, Poland, Russia, and other lands of southern and eastern Europe. But in any event, even if portions of the quota remain, see what the situation develops. You do not increase immigration. While it is true in a very limited sense you allow preference within the quota to the fireside relatives you do so at a great cost, the cost of totally shutting out new immigration blood. You do not permit any newcomers who have no relatives here.

Thus nothing whatsoever is given in this subterfuge bill. It is purely make-believe. It reminds me of the story of the married man who said to his friend that he could not understand his wife. "Yesterday she asked me for $5 and last night she asked me again for $5, and this morning once more she asked for $5." "My," said his friend, "what does she do with all that money?" To which the married man replied, "I do not know; I have not given her any yet." And so as to this

bill, we are supposed to get much but in truth and fact we get nothing.

Mr. JENKINS. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker and gentlemen, I believe there is no Member of this House who has paid any attention to the question of Mexican immigration who does not know that I have devoted a great deal of attention to efforts to stop it. We had hearings for some weeks in which I presented every available fact in support of my bill (H. R. 6465), which proposes to rigidly restrict Mexican immigration. If anybody will read those hearings he will see whether or not the gentleman from Texas was active in urging the passage of that necessary legislation. I have not come here to discuss it, gentlemen, because that is not the question here involved. The gentleman from Texas believes that that immigration ought to be restricted, and that when the country knows the menace to which it is exposed by this mass peon Mexican immigration that will be done. [Applause.]

Mr. SIROVICH. Will the gentleman yield?

Mr. BOX. I yield.

Mr. SIROVICH. Is the gentleman in favor of allowing the father and mother of American citizens to come in outside of the quota law?

Mr. BOX. I am in favor of holding the present restriction of immigration strictly in line. [Applause.]

Mr. JENKINS. Mr. Speaker, I yield the balance of my time to the greatest immigration expert in America, Hon. ALBERT JOHNSON. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, in response to this compliment, which I appreciate, I desire to thank all the members of the Committee on Immigration, no matter on which side they have been on these highly debatable questions. The public wants restriction, and more restriction; the public wants the most distressing of the relative cases relieved. This bill does the latter. Members can tell from this sharp debate here of only 20 minutes on a side that the matter of deciding the question of certain relatives to join other relatives here is not one to be decided easily. It was one that has occupied much of the time of your committee.

This committee brought out a bill last year, somewhat similar, which we could not pass through the Senate owing to a last-minute filibuster. The bill now before you is a substitute for a Senate bill, and is a little more generous than the Senate bill. Our hope is that that body will see the necessity for the relief; will see that this measure does not weaken but protects the quota law. Full consideration has been given to this bill, and I am sure that if the roll were called, this bill would pass 30 to 1 in the House.

The question of admission of certain relatives has stood in the way of important and necessary bills that must be made into workable law in a short time, and among them are the following:

Regulation and restriction on the Mexican border and for this hemisphere.

Public opinion and conditions in the Southwest are forcing this bill to the front very fast.

A rewriting of the naturalization laws, doing away with the present style of declaration of intent which is now being used and misunderstood by surreptitious newcomers who are paying lawyers and others to get it for them on the ground it will give them citizenship which they never can get.

A set of the laws defining citizenship. We are getting a lot of lip service here among so-called citizens, fascists, and others that will not do at all.

These problems have all had to stand aside while the committee has wrangled and wrangled with the question of relatives.

Now, what is the present and immediate trouble? We analyzed a couple of thousand applications in the State Department from citizens for their relatives and we analyzed a two days' supply of similar applications in the Labor Department—200 or 300—and they both came out in the same percentage with respect to applications of citizens for their relatives: About 84 per cent for their fathers and mothers, 13 per cent for their wives, and 3 per cent for their children.

Our committee assumes that the application will continue to run in about that percentage.

We assume that if this bill is passed, which we ask you to vote for to-day, it will admit 3,500 to 4,500 the first year and thereafter will fall back to normal, and with the exception of a very few of the minor countries, such as Armenia and Turkey, the wives and children will be able to catch up and join their husbands here. One year should bring the situation to normal from most quota countries.

Now, then, the second part of the bill: After the farmer preference and the preference for certain relatives of Americans in certain places, it may take all the quota for wives and children for countries with small quotas. And that is why we have this present outcry. Do you know what it is? After we take care of wives and children we find standing by the hundreds of thousands over there, in all countries, the cousins, nephews, uncles, and aunts trying to come over here as new seed. We have heeded as far as we could the appeal for relatives. We will give the places to the legitimate relatives and the new seed will have to wait, for that is the purpose of the idea of restriction of immigration. In other words, we can not restrict and at the same time let everybody in. Some day after we have caught up with the wives, we may do something for the fathers and mothers of aliens, but not yet. The quota law is not going to be broken down no matter what you may read to the contrary. [Applause.]

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that all Members may have three legislative days in which to write their own views on immigration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MORROW. Mr. Speaker, the question of immigration from alien countries into the United States is a problem which is now confronting the Nation. In the early history of the United States we were anxious and willing to admit people from other countries to help develop and settle what is now this great Nation of ours. With the tremendous increase of population within the Nation it would appear that we will have within the United States, in just a few more generations, sufficient people to completely fill the country.

It is true that we have to-day an excess of labor in various industries; especially is this true in the most thickly populated sections of our country. The quota restriction law, concerning all countries, is correct. The principle of quota should be fair in dealing with the foreign nations in not separating families where people are desirous of changing their country, but such quota should always be proper to protect home industry and labor.

Senate Joint Resolution 5, which passed the House yesterday, has for its purpose the uniting of families for the preservation of a home. This is humanitarian in its purpose and is certainly proper legislation.

There appears to be a demand from labor that the Mexican labor brought into the United States in great quantities tends to interfere with labor conditions in the United States along certain lines. The question is also raised as to this class of labor; the Mexican laborer is much more economical in his habits and lives on much less than the American labor family has been taught to use in their living conditions. It should be the purpose of the Committee on Immigration to prevent any unjust competition with American labor, and there should be a proper quota law concerning labor brought in from Mexico. It should not be so drastic as to interfere with our neutrality laws, but should be on a proper basis to protect our American labor. American labor has been taught certain living conditions, and a sufficient wage should be paid so that such living condition can be carried out.

It is claimed, and truthfully, that Mexican labor from the Republic of Mexico is taking the place of our own citizens upon the farm, upon railroads, in repair and construction work, in general upkeep labor, and upon the highway work. Mexican living conditions are much different from American labor. Thus the price of labor in the locality where the Mexican immigrants locate in numbers is brought down to a lower scale.

There should be restriction upon Mexican immigration, and especially as it applies to the bringing in of great numbers of laborers. Unless such a quota restriction is estabiished, the time is near at hand, in my opinion, when this class of labor will be in direct competition with our own citizens; it will bring to American labor a living condition which is not tolerable. This problem must be approached from an intelligent viewpoint.

The annual quotas allotted from other countries under the immigration law of 1924 amounts to 164,667 persons. Yet the immigration into the United States per year is more than one-half million. This is explained by the Department of Labor by the fact that during the last fiscal year, 1927, 95,704 nonimmigrant—which term includes government officials, temporary visitors, aliens in transit, and so on—and 284,227 nonquota immigrants were also admitted during the year.

These nonquota immigrants included 10,084 wives and 8,421 children of United States citizens, 95,910 alien residents of the United States returning from a visit abroad, 4,514 veterans of the World War who were admitted under special legislation, 1,833 students, and a smaller number of ministers of religious denominations and professors, and so forth. The largest number of immigrants admitted under a nonquota status were natives of Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, and independent countries of Central and South America, who are exempt from quota requirements. The number admitted under this exemption was 158,637 during the fiscal year.

The control of immigration under the quota-limit system has been a gradual development. The permanent quota act of 1924 extended the quota system to all the world except natives of Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, and independent countries of Central and South America. The total population of this nonquota territory is 105,000,000 people.

It is apparent that if all this great nonquota territory remains in such status there will be a great wave of immigration from those countries into the United States as time goes on.

The question that is now agitating the people of the United States, and especially the labor organizations, is whether we shall have a quota restriction on Mexico as to immigration.

Heretofore there has been little immigration from Central and South America, but there has been an increase in this immigration of late. Records concerning Mexico indicate that there is a wave of immigration coming from that country. Its population is estimated at 14,000,000 people.

Immigration from Mexico, as given by the report of the Secretary of Labor for the past 7 years, is averaged as 49,630 yearly, the lowest being 19,551 and the highest 89,336 for one year. The annual average for the 6 years previous to the World War was 17,435. The Mexican immigration during the past fiscal year was 66,766 persons.

It would appear, therefore, that the time has arrived in which some plan based upon the other quotas now prevailing should be applied, at least, to Mexico.

There can not be much objection made to the enactment of the bill passed in the House yesterday, Senate Joint Resolution 5; it has for its purpose the protection of families and the building of homes by uniting all members of a family; this is proper.

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, I am glad that the Committee on Immigration and Naturalization has reported favorably the pending bill, which liberalizes in several respects the present immigration law. I hope that the House will pass it.

OFFERED AMENDMENT FOUR YEARS AGO

When the present immigration law was under consideration in this House on April 11, 1924, I offered an amendment which would have admitted as nonquota immigrants minor children under 18 years of age, parents over 55 years of age, the husband or the wife of one who has declared his or her intention to become a citizen of the United States as well as of those who are citizens.

MAKE IT POSSIBLE FOR IMMIGRANT TO HAVE HIS FAMILY

The purpose of that amendment—which was indeed modest enough—I said at the time, was to protect the family. The basis of our present civilization is the family. The tribe and the nation are only enlarged families.

If you destroy the family you destroy the fabric of our civilization as we know it. If you let an alien come in to make this country his home, you ought to make it possible for him to bring in his wife and children, especially after he has declared his intention of becoming a citizen.

OTHERWISE IMMORALITY IS CREATED BY LEGISLATION

I said at the time that there can be no doubt that the wives and children of the immigrants we have permitted to come in can not be considered a disturbing element in our country.

On the contrary, if you Congressmen do not encourage immigrants to send for their families as soon as these newcomers have the necessary money, you, by your legislation, help immorality; in fact, you create it.

My amendment was defeated.

TO-DAY COMMITTEE SPEAKS OF SANCTITY OF FAMILY

To-day, just four years after, those who voted against my amendment bring in a bill which liberalizes the immigration somewhat along the lines I advocated, although not to the same extent.

And to-day the members of the Committee on Immigration speak of the sanctity of the marriage institution and of its importance to civilization.

CRUELTY FINALLY ALWAYS AROUSES OPPOSITION

During the four years that have elapsed they have made the important discovery that the American people, no matter what they may think of the respective merits or demerits of restrictive immigration legislation, will not look with favor upon a policy that separates a husband from his wife and that keeps children from their parents.

In the long run, an inhuman and cruel policy, such as the one we have pursued—and such as we are still pursuing—will arouse the opposition of all fair-minded people.

THE PRESENT BILL

The present bill amends the immigration in three particulars.

In the first place a woman who was a citizen of the United States and who married an alien prior to the Cable Act, and who thereby lost her citizenship, will be able to return to the United States as a nonquota immigrant.

In the second place a wife who is a citizen of the United States will now be able to bring in her husband as a nonquota immigrant. Under the present law the husband who was a citizen could bring in his wife as a nonquota immigrant, but a wife could not bring in her husband.

In the third place children of citizens up to 21 years of age will be able to enter as nonquota immigrants. The present law places the limit at 18 years of age.

IS STEP IN THE RIGHT DIRECTION, BUT THOSE STEPS NECESSARY

As I said before, this bill does not at all meet the problem satisfactorily. A large number of declarants who would have been able to bring over their wives and children irrespective of the quota restrictions under the amendment I offered, will still be denied that opportunity.

To that extent our immigration policy remains immoral and inhuman. No good purpose can be achieved by denying to these people that happiness that comes from a home and family.

But the present bill is a step, although a short step, in the right direction. For that reason I shall vote for it.

I do hope, however, that the next time our Committee on Immigration considers legislation it will decide on a genuine humane policy. This it can do even without departing from the restrictions upon which our recent legislation is based.

CHARLES A. LINDBERGH

Mr. TILSON. Mr. Speaker, I ask to proceed for one minute.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for one minute. Is there objection? There was no objection.

Mr. TILSON. Mr. Speaker, this is an important anniversary, and I believe that no one here has referred to it to-day. Just one year ago to-day, and almost at this very hour—for it was 10.21 p. m. in Paris and 5.21 p. m. here—that Lindbergh landed at Le Bourget Field, in Paris. [Applause, Members rising.]

ANNIVERSARY OF THE CONQUEST OF THE NORTHWEST TERRITORY

Mr. LUCE. Mr. Speaker, I present a conference report on Senate Joint Resolution 23, providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by George Rogers Clark and his army, and so forth, for printing in the RECORD.

COMPENSATION OF EMPLOYEES IN THE CUSTOMS SERVICE

Mr. BACHARACH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13143) to adjust the compensation of certain employees in the Customs Service.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following annual rates of compensation are hereby established for the employees in the Customs Service hereinafter specified:

(a) Laborers, $1,500.

(b) Verifiers, openers, and packers, $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

(c) Clerks, entrance salary, $1,700; clerks having one year's satisfactory service, $1,800; clerks having two years' satisfactory service, $1,900; clerks having three years' satisfactory service, $2,000; clerks having four years' satisfactory service, $2,100; thereafter promotion of clerks to higher rates of compensation shall be in accordance with existing law.

(d) Customs guards, $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, $2,300, and $2,400.

(e) Inspectors $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, $3,200, and $3,300.

(f) Station inspectors, $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

SEC. 2. All new appointments of employees specified in section 1 shall be made at the minimum rate of the appropriate salary range.

SEC. 3. Nothing in this act shall be construed to prevent the promotion of any employee at any time to a vacant position in a higher grade, and when so promoted such employee shall receive the compensation fixed in accordance with law for such position; and nothing herein contained shall be construed to reduce the rate of compensation of any employee in the Customs Service.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to pay the rates of compensation herein established.

SEC. 5. (a) Sections 1 and 2 of this act shall take effect on July 1, 1928.

(b) The remainder of this act shall take effect on the date of its enactment.

The SPEAKER pro tempore. Is a second demanded? If not, the question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent that all Members may have leave for five legislative days to extend their remarks in the RECORD on this bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. BACHARACH. This bill comes to the House for consideration after a very thorough and complete investigation made by a subcommittee of the Committee on Ways and Means, appointed by the former chairman of that committee in February, 1927, and consisting of Messrs. TIMBERLAKE, of Colorado, WATSON, of Pennsylvania, KEARNS, of Ohio, CRISP, of Georgia, MARTIN of Louisiana, DICKINSON, of Missouri, and myself as chairman.

We began public hearings immediately following the appointment of the committee. Under authority granted by the House to the subcommittee to sit during the adjournment of Congress and to continue our investigation outside of the city of Washington, we resumed hearings in October, 1927, and in November the subcommittee visited the ports of New York and Boston, spending a week's time in obtaining first-hand information of the workings of the Customs Service and hearing representatives of the various groups of employees as well as many outside the service.

It will be seen from this brief history that our committee has been engaged in this important work covering a period of about 15 months. As chairman of the subcommittee I wish to take this occasion to make public recognition of the splendid service and cooperation accorded me by the members of the committee.

As a result of our investigation we were convinced that conditions in the Customs Service were not all that they should be particularly in the matter of salaries paid in the lower groups or grades.

I think I speak for all members of the subcommittee, and for the full committee, in stating that we are of the opinion that the Customs Service, because of its paramount importance, should be treated as a distinct and separate service in the matter of classification and salaries just as the Postal Service and the Foreign Service is treated. That is chiefly what we seek to do by this legislation.

In my opinion there is no branch of the Government so important to its needs as is the Customs Service, and there is no group of employees so necessary to the proper functioning of any governmental agency than the employees of the Customs Service, for they have the administration of two extremely important matters—the collection of revenues and the proper interpretation and application of the tariff law and the duties imposed by the law, which has a direct bearing upon the welfare of the Government and the protection of American industries; an incorrect or improper interpretation of the tariff law means a loss of revenue for the Government and permits unfair competition from the cheap labor markets of Europe and the Orient with American-made goods.

The bill comes to the House with the unanimous approval of the Ways and Means Committee.

It also has the approval of all the officials of the Treasury Department who have control over the Customs Service, although the Director of the Budget states that "it is in conflict with the financial program of the President."

While it may be well contended that this bill should cover all groups and grades in the service, the committee deemed it wise to limit it to those grades which make up the lowest paid employees. We have grouped these employees into six grades and have set a range of compensation within the grades which we believe may well act as a guide to the customs officials in establishing proper rates of compensation for those in the service who are not covered by this bill.

In determining the rates of compensation carried in the bill we approximate the pay given to employees in the Postal Service under the postal pay bill which was passed in the second session of the Sixty-eighth Congress. It might be well to remark that that bill passed the House under a suspension of the rules, and when it came back from conference it passed by a vote of 367 to 9; the opposition being to the postal rate provisions of the bill rather than to the salary schedules. There is no reason why one who voted for the postal pay bill can not support this bill.

The bill provides increased salaries for 4,834, or about 60 per cent of all the employees in the Customs Service.

Of this number 785, or 16 per cent, are laborers; they are at the present time receiving $1,320 per year. We propose to give them a flat salary of $1,500 per year, the same salary as is paid laborers in the Postal Service.

It might be well to point out that the work performed by laborers in the Customs Service is not of the ordinary variety; they are what is generally termed skilled laborers; their work requires mental judgment, as well as physical skill, and promotions from this grade are made to the higher grades of the service as experience is acquired. We propose for them a rate of pay commensurate with the character of their work and which more nearly approximates the pay scale for similar work in private enterprise.

One of the largest groups affected by the bill is that of the clerks. Of the 4,834 employees covered by the bill, 1,357, or 28 per cent, are in the clerical grades, and we have provided for them a range of salaries equal to that in the Postal Service, which is the greatest competitor of the Customs Service in the employment field. For the clerical service the bill provides an entrance salary of $1,700, with automatic promotions of $100 per year up to $2,100 for four years' service, and thereafter in accordance with existing law.

For the guards, numbering 784, or 16 per cent, we provide a scale of pay which is comparable with the pay given for work of similar character outside the Government service. Guards make up a very important part of the Customs Service and the pay which they are now receiving is not commensurate with the mental training they must possess and the duties they are required to perform.

The inspectors compose the remainder of the employees covered in this bill, and we have provided for them a scale of compensation which we believe they are justly entitled to receive, considering the very important work which they perform.

The Customs Service, as we all know, is a revenue-collecting body, with revenues approximating $600,000,000 annually, and it is especially necessary, therefore, that we have in the service men and women of the highest character and exceptional ability. A careless and inefficient personnel necessarily means the loss of revefiue, while an alert and efficient service means increased revenues. In recent years there has been a considerable turnover in personnel due to the more attractive pay that is available in employment outside the Government service. This is particularly true among the experienced men and women upon whose retention depends the efficiency and welfare of the service.

In this connection I want to quote from the testimony given before our committee by Mr. Camp, the Commissioner of Customs:

> With reference to the organization and salaries, in the early days, 45 years ago, the entrance salary of the Customs Service was attractive; it was one of the most attractive services from the standpoint of pay. College graduates competed in the civil-service examinations, and as a result many very well-qualified men were induced to come into the service. At the present time if you go to New York you will find the old stalwarts, most of them now beyond the retirement age, to be of that type—college graduates—and as the assistant collector up there states, a good many of them were country school-teachers, who from their experience are very careful and conscientious and make fine administrative officers. In 1884, for example, in reviewing an old pay roll, I find that the average salary at the port of New York was $1,435. That was over 40 years ago, and this committee understands that was then an attractive salary. At the present time the average pay at the port of New York is $1,990, an increase during this period from $1,435 to $1,900. I think it would be advisable for this committee to determine whether the policy of attracting people with a good basic education into the Customs Service was a good policy or whether it was a wasteful policy. We are benefiting much from the old policy now, and I am somewhat apprehensive that 10 or 15 years from now the Customs Service will suffer from a lack of personnel material.

And again he says:

> A review has been made this last year by the Bureau of Efficiency. The work has been well performed, but I do not believe the putting

of the classification recommended by the Bureau of Efficiency into effect will entirely correct the situation. My reason for saying that is that the Bureau of Efficiency takes the position that a file clerk should be paid the salary of a file clerk and should compare with a file clerk in any other office; that a stenographer is no better than a stenographer in business; that we ought to compete in the market for stenographers. There is, however, a difference in civil service and in private employment. In civil service these file clerks, these stenographers, are the material we have for making assistant collectors, liquidators, cashiers, and various other responsible officers. The company on the outside will employ stenographers with no idea that when vacancies occur in responsible positions they will be filled by the promotion of these stenographers. They go on the outside and find suitable men for the places. It would be exceptional now for a college graduate to compete in a civil-service examination for a customs position and, at the present time there is only one channel for obtaining material. We employ at the bottom and promote on through. The entrance salary is the measuring stick of the caliber of the people that will be in the Customs Service 10, 15, and 20 years hence, and the measuring stick is very much shorter than it was 40 years ago. And, while the report of the Bureau of Efficiency is a very fair report, there is a question of policy involved that I do not think adopting the conclusions of the Bureau of Efficiency will entirely correct.

Following what the commissioner has to say with respect to the difficulty which the Customs Service is experiencing in getting suitable personnel because of competition not only from the outside but from other services of the Government, particularly the Postal Service, it may be stated that at a civil-service examination recently held in Baltimore approximately 2,100 took the examination for appointmtnt in the Postal Service, while only 250 took the first-grade examination which is required for appointment in the Customs Service. In New York 5,500 applied for the postal examination, while only 1,500 took the first-grade test, and out of that number only 270 passed.

In the Customs Service it is necessary for one to have made an average of 85 per cent in arithmetic in order to be considered for appointment; this average is not required for appointment in other branches of the Government; and in addition to passing the civil-service examination an applicent for the Customs Service is required to pass an oral examination.

Bearing upon this phase of the question I quote from the testimony of Mr. Henry C. Coles, New York City district secretary of the United States Civil Service Commission:

Mr. COLES. Gentlemen, I have been interested in personnel problems for a great many years. I have been in New York since 1909, directly identified with the customs, and also representing the United States Civil Service Commission as its district secretary. In that time we have examined for civil service several hundred thousands of people, and all of the appointments to the civil service, to the local branches of the Federal Government have gone over my desk, so I have had quite an opportunity to observe. Furthermore, back in 1915, at the suggestion of the collector, a committee on personnel was organized here, of which I was designated as chairman, and that committee still holds together, probably one of the longest unauthorized committees by law specifially to stand together. In that time I believe I have talked personally with nearly every one of the approximately 3,000 employees in the Customs Service at this port. Many of them have laid bare their heartstrings, their difficulties, and their troubles to me in a way they would not to their immediate superiors. It has been obvious as the years roll on we are not bringing into the service the type of people that came in before the war. I have been particularly concerned and interested with the Customs Service because of my special work. It must be realized that the customs deals with the most technical law on the statute books. The tariff law requires real executives and the future must be built up from those who are coming into the service now; and it presents a serious problem. That also applies to other departments.

Now, with regard to the people who are coming into the Government service through civil-service examination, as an illustration: Prior to the war teachers in public schools in New York City started at $2 per day as substitutes. Then they had a chance to get an appointment at $1,200 per annum. To-day the teacher's salary to start is $1,900. Prior to the war our civil-service lists were filled with people that were educated to a point that they could have easily qualified as teachers in public schools. Some of our deputies to-day were educated for positions of that kind, I believe. To-day if you will look over the classes in the field service you will see a very different type of people. With a little research upstairs in my room I could present many illustrations to back me up, but I do not believe it is necessary.

I will tell you an experience in my own little office: I had a vacancy for more than a month and could not fill it from the civil-service list. We had some good eligibles on there and a great many who by reason of their personality, surroundings, etc., were extremely undesirable. I was authorized to fill the job at $1,500. I offered it to eight eligibles on the list. All but two declined, although that was about the highest they could hope to get. Two of them told me they would accept. Two days later each called me up and told me that when they went back to their employer to give him notice they promoted them largely in excess of what they were getting. They thanked me for offering the position to them, because it helped them. Finally, I had to go through the Washington register and get somebody from Norfolk. Those that would accept were obviously unfit to meet the public and deal with people in the way it was necessary in my office.

The hearings before our committee are replete with statements made by employees of the Customs Service bearing upon living conditions in the various cities and reciting the hardships which they are forced to undergo in order to maintain their families on their present salaries. Without taking up too much time, I wish to quote from the testimony of one or two of these witnesses:

STATEMENT OF ROY DONNECKER, CLERK, CUSTOMS SERVICE, PORT OF NEW YORK

Mr. KEARNS. How long have you been in the service?
Mr. DONNECKER. Four years.
Mr. KEARNS. You started with $1,500?
Mr. DONNECKER. Yes, sir.
Mr. KEARNS. And you are now making what?
Mr. DONNECKER. $1,600.
Mr. KEARNS. Are you married or single?
Mr. DONNECKER. Single.
Mr. KEARNS. Where do you live?
Mr. DONNECKER. I live in Mount Vernon, N. Y.
Mr. KEARNS. You live outside the corporate limits of New York?
Mr. DONNECKER. Yes; 14 miles out.
Mr. KEARNS Do you live at home?
Mr. DONNECKER. I board.
Mr. KEARNS. What do you have to pay for your room and board per week?
Mr. DONNECKER. I pay for my room separately. I have my breakfast separately, and I dine out separately. It costs me about $70 a month.
Mr. KEARNS. What kind of a room have you?
Mr. DONNECKER. A medium-sized room, perhaps 12 by 12.
Mr. KEARNS. How does it compare with the room in the average workingman's home?
Mr. DONNECKER. It is just an average room. It is neat and clean and comfortably furnished; nothing fancy. It is on the third floor.
Mr. KEARNS. Do you know what the other employees, single men, who rent rooms and board have to pay for their room and board?
Mr. DONNECKER. I think mine is about the average.
Mr. KEARNS. Of course, you have to buy your clothes and pay laundry bills?
Mr. DONNECKER. Clothes, laundry, and commutation is extra.
Mr. WATSON. How much does it cost you in way of fare to the custom-house?
Mr. DONNECKER. $10.60 a month on the railroad and 10 cents a day from the Grand Central Depot.
Mr. WATSON. Could you live in New York on $80 a month with the same conveniences you have now where you live?
Mr. DONNECKER. I do not think I could get a room like I have in New York. I think I would have to pay more.
Mr. KEARNS. You have to pay 10 cents a day car fare?
Mr. DONNECKER. Yes; from the Grand Central.
Mr. WATSON. That is more than $10 a month, then?
Mr. DONNECKER. Yes; for my railroad commutation ticket only.
Mr. WATSON. Then that makes it about $13 a month?
Mr. DONNECKER. Yes.
Mr. WATSON. You can not rent a room here for $83 a month with the same conveniences as where you live?
Mr. DONNECKER. I do not think so.
Mr. DICKINSON. You are paying $70 a month for room and board?
Mr. DONNECKER. That is very conservative, because I have only allowed $1.25 for my dinners and lunches, which is a small amount.
Mr. BACHARACH. You are living in Mount Vernon because you can get a better room there than you could get in New York?
Mr. DONNECKER. That is right; and I have other personal reasons.

STATEMENT OF JOSE A. GONZALEZ, CLERK, CUSTOMS SERVICE, PORT OF NEW YORK

Mr. KEARNS. Where do you live?
Mr. GONZALEZ. West One hundred and thirty-ninth Street, New York City.
Mr. KEARNS. Are you married or single?
Mr. GONZALEZ. Single. I can not get married.
Mr. KEARNS. Do you live at home or board?
Mr. GONZALEZ. Board.
Mr. KEARNS. What do you pay a month for room and board?
Mr. GONZALEZ. I pay by the week. I just rent a room and eat outside.
Mr. KEARNS. How much a week?

Mr. GONZALEZ. $7 for the room alone, and I give 50 cents a week tip to the woman who fixes the room up.

Mr. KEARNS. What does your board cost you?

Mr. GONZALEZ. I figured about $1.75 or $2 a day for breakfast, lunch, and dinner.

Mr. KEARNS. Is that the cheapest room and board you can get?

Mr. GONZALEZ. I am living very limited there. I would like to have a better room than I have.

Mr. WATSON. Is your room a front or back one?

Mr. GONZALEZ. Back room.

Mr. WATSON. Have you any bathing accommodations there?

Mr. GONZALEZ. There is one bath for all the tenants. We have to take turns.

Mr. WATSON. How many are there in the house?

Mr. GONZALEZ. Four more.

Mr. WATSON. And only one bath?

Mr. GONZALEZ. One bath; so we have to arrange it among ourselves.

Mr. WATSON. It costs you 10 cents a day for car fare?

Mr. GONZALEZ. Yes; and then there is laundry, shaving, newspaper, etc.

Mr. KEARNS. It costs you, then, around $100 a month?

Mr. GONZALEZ. I would be glad if I could make it $100.

Mr. KEARNS. You are paying more than $100?

Mr. GONZALEZ. Yes.

Mr. WATSON. Do you attempt to save anything out of your salary?

Mr. GONZALEZ. I can not save much. There is no use. If I put it in the bank, I would have to take it back again.

STATEMENT OF PATRICK GALVIN, CLERK, CUSTOMS SERVICE, PORT OF NEW YORK

Mr. KEARNS. Are you married?

Mr. GALVIN. Yes, sir; with a baby.

Mr. KEARNS. What is your salary?

Mr. GALVIN. $1,500 a year.

Mr. KEARNS. Do you live in an apartment?

Mr. GALVIN. In a two-family house.

Mr. KEARNS. How much rent do you pay?

Mr. GALVIN. $30 a month.

Mr. KEARNS. Where is it located?

Mr. GALVIN. Ridgewood, Queens County.

Mr. KEARNS. What does it cost besides the $30 a month rent to live?

Mr. GALVIN. Well, it costs $15 a week for food, and that is very economical; then there is $2 to $3 a month for gas and $1 for electric. Then there is coal to buy. About 2 tons keep the stove; that is about $30 for coal. At the end of the month I am just about $3 to $5 behind what I make. I make $120 a month and my living expenses average about $125 a month. That is for three people—my wife, the baby, and myself.

Mr. KEARNS. If you have no other income, how do you get along?

Mr. GALVIN. Sometimes I go out and hack for a while; sometimes I run a taxicab on Sunday. I may make between $5 and $10 on a Sunday. With that added money it just about pulls me through. I can not save anything. I can not live; I just exist. I dress, eat, and come to work and go home again.

Mr. KEARNS. This $30 a month rent you pay, is that the average rent paid by other men of like income?

Mr. GALVIN. No, sir.

Mr. KEARNS. Below or above?

Mr. GALVIN. Below it.

Mr. CRISP. We are not inquisitive and have no desire, of course, to delve into your private affairs; but we desire simply to get this evidence so as to have it in Washington, hoping that it will result in benefit to you. If we went back and recommended an increase and there was no special reason for our recommendation, it would be more difficult to get legislation.

Mr. BACHARACH. And, furthermore, we figure it is going to be beneficial to the committee as a whole and to the Members of the House.

Mr. KEARNS. I would say that I have no thought of asking these questions except that we want to have something to start our demand for an increase for you, if we are going to ask for an increase.

The committee was very much impressed with the morale of the Customs Service; while there was general complaint of the inadequacy of the pay of the service, there is throughout the service a fine esprit de corps which continues to uphold the fine traditions of the service. This is especially remarkable when we consider the temptations which daily confront the employees of the service, particularly those whose duties bring them in touch with the traveling public. It was very gratifying to the committee to learn that the number of employees who fall for these temptations is relatively small, while on the contrary we had brought to our attention numerous cases where professional smugglers and other misguided travelers who try to bring in dutiable merchandise without properly declaring it are daily detected by the guards and inspectors, resulting in the recovery of many thousands of dollars annually in duties, fines, and penalties.

Here is the record of one inspector who has been in the service for 19 years, and who is now getting $2,400 per year, as he gave it to the committee:

STATEMENT OF CHARLES E. M'KENNA, INSPECTOR OF CUSTOMS, PORT OF NEW YORK

Mr. MCKENNA. I have been an inspector of customs for 19 years. For the past two years my salary has been $2,400 a year. The maximum I could get now is $2,700. I believe the entrance salary should be high enough to attract better people into the service than the below-par men that have come into it lately. The men who came into it under the old régime were of a higher grade than we have been getting since the war.

Here is my record for the month of October: On one declaration the duties and penalties amounted to $2,797.04, not a dollar of which would have been collected unless I had put in two or three hours on baggage. On the next declaration duties and penalties amounted to about $2,580.70. The same conditions apply. On the third declaration duties and penalties amounted to $2,403. That is from the 3d to the 17th of October of this year. Since the first of the year I have examined probably 6,000 pieces of baggage.

Here is an abstract of the statement of W. W. Trumble, acting deputy surveyor in charge of customs guards, port of New York:

* * * They are subject to all kinds of temptations, and the wonder of it is that they stand up to the work as they do.

A gentleman here this morning, the president of the American Jewelers Association, presented himself here this morning and stated the case of a customs guard making four seizures. These seizures were made without a scrap of information. One was made from the purser of the S. S. *Leviathan*. He was carrying diamonds in his brief case, and the others were made from members of the crew.

This afternoon I sent up to the United States attorney's office a dozen men, half of them prisoners and half of them guards. We made a seizure of commercial diamonds, and it is the consensus of opinion of everybody that it will amount to about a million dollars.

That is what we are up against. That is what we are trying to school our men to combat, and how can we do it in the face of this proposition of underpay that they receive? I do not want to speak of the temptations they are up against, or anything like that. We all have temptations, and some of us fall; but I want to say that the most of the men are all right; they are good sturdy Americans. They mean to do right, and they will do right if they get where they should get, and that is on a proper salary basis.

The high efficiency desirable and necessary for the proper functioning of the Customs Service can only be maintained by the retention of experienced employees in the service. To accomplish this there must be offered to the employees some guaranty that faithful and efficient service will be rewarded by promotions in grades and compensation.

It is our opinion that the enactment of this legislation will materially encourage and improve the morale of the present personnel and in addition it will serve to attract to the service in the future the high type of men and women who have been identified with it in the past.

What we propose to do for the employees covered in this bill is only an act of fairness and justice. We have spent nearly a year and a half investigating this matter and no further investigation is necessary.

As a reward for faithful service rendered this bill should become a law.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, when I came to Congress nigh on to 10 years ago I met John Nolan, of California. A quick but lasting friendship sprang up between him and me. He was then championing what was known as the minimum wage bill. I joined my humble efforts to his heroic struggles for the underpaid Government clerks. The first speech that I made in this House was upon that now famous bill. I say famous bill because it really was the torch that lighted the way to those other brave souls who followed in his wake and made for the uplift of the many splendid men and women who devote the best of their lives to the service of the Government which they are proud to claim as their own. Poor John Nolan has gone west forever. He is out beyond the Pleiades and far beyond the sun at the great white throne of God. He was a hero in every strife and his spirit goes marching on. I loved him well, for he was a friend to mankind. He generously allowed me as his friend a good part of the time which was at his command to discuss the historic Nolan minimum wage bill. Nothing gives me greater pleasure than to vote to increase the pay of our public servants, because I know that a good governmental wage is not only an inspiration but a persuasive suggestion and gesture

to private interests to do commensurately as well by their employees. I know that I am promoting the public welfare by making happy and content a large number of men and women and their families through a decent wage. I know that this wage adds to the purchasing power of the community, and that the shop people and the wholesale people prosper as a result of good salaries when paid to the working people of our country. The passage of this bill will be good tidings of a great joy to a splendid crowd of workers, among whom I have a large number of friends.

The bill has the approval of the officials of the Treasury Department in charge of customs. Following is a letter, signed by the Undersecretary of the Treasury as Acting Secretary, which gives in tabulated form the changes in salaries carried in the bill as compared with present salaries:

APRIL 4, 1928.

Hon. W. R. GREEN,
Chairman Committee on Ways and Means,
House of Representatives.

MY DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter dated February 16, 1928, inclosing a copy of H. R. 10644, which is a bill to adjust the compensation of certain employees of the Customs Service. You state that the committee would appreciate any comments or recommendations that I care to make in respect to this bill.

There are approximately 8,000 employees in the Customs Service, and this bill provides for the adjustment of the compensation of 4,834 employees. The balance of the employees in the Customs Service not covered by this bill are, as a rule, the higher paid and more technical positions in the service.

There is quoted below a statement covering the positions provided for in this bill. This statement under proper captions shows the number of positions, the present average salary, the proposed average salary according to the terms of the bill, and the total salary increase necessary to bring the employees to the average of the grade, as provided in section 2 (b):

Title	Number of positions	Present average salary	Proposed average salary	Total salary increase
Laborers	785	$1,319.00	$1,500.00	$142,085.00
Verifiers, openers, and packers	483	1,584.00	1,860.00	133,308.00
Customs guards	784	1,693.00	2,111.42	328,041.00
Station inspectors	60	2,700.00	3,300.00	36,000.00
Inspectors	1,365	2,118.00	2,700.00	794,430.00
Clerks:				
Less than 1 year	95	1,500.00	1,700.00	19,000.00
1 year	195	1,529.00	1,800.00	52,845.00
2 years	358	1,732.00	1,900.00	60,144.00
3 years	329	1,926.00	2,000.00	24,346.00
4 years	380	1,980.00	2,100.00	45,600.00
Total	4,834			1,635,799.00

The present entrance salary for first-grade clerks in the Customs Service is $1,500 per annum, with no definite assurance of an increase in compensation. The bill provides for an entrance salary of $1,700 per annum, with automatic promotions of $100 per annum for four years up to $2,100.

The above is furnished for the information of the committee.

The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the financial program of the President.

Very truly yours,

OGDEN L. MILLS,
Acting Secretary of the Treasury.

It will be noted from this tabulation that the bill provides increases for 4,834 of the approximately 8,000 employees in the Customs Service. The balance of the force is made up of those in the administrative and technical groups; while a considerable proportion of the latter groups, if not all, are no doubt entitled to salary increases, as stated above, the committee deemed it wise not to include the higher salaried groups in this bill.

The estimated total increase is $1,635,799. This represents an average increase of $338 per person over present salaries, or slightly less than 19 per cent.

During the course of its investigation the committee was very much impressed with the morale and fine esprit de corps of the Customs Service employees, although there was a general complaint of the inadequacy of the pay of the service. With the numerous and great temptations surrounding many of the employees and the opportunities which are offered daily for enriching their pockets for favors granted in disregard of their sworn duties, it is gratifying to note that but few, by dereliction to duty, have disgraced the high traditions of the customs service. But the committee was very strongly impressed with the high turnover in personnel, due to the fact that many experienced employees are leaving the service to enter private business, where salaries are more attractive and the opportunity for advancement more certain.

In the consideration of this legislation it is important to keep before us the fact that the Customs Service is a revenue-collecting body through which sums to the extent of $600,000,000 and over are collected annually. It is therefore especially necessary that the service shall be composed of men and women of high character and exceptional ability.

A careless and inefficient personnel necessarily means the loss of revenue, while an alert and efficient service means an increase in revenue. It is a service whose highest efficacy can be maintained only through the retention of experienced employees in the service. To accomplish this there must be offered to the employees some guaranty that faithful and efficient service will be rewarded by promotion in rank and compensation. A promise to do this is not sufficient; it should be promulgated by substantive law.

It is the opinion of the committee that the enactment of this legislation will materially encourage and improve the morale of the present personnel by holding out to all a definite prospect of advancement, both in grade and pay, and thus continue to attract to the service the high type of men and women who have been identified with it in the past and which is so necessary for its efficient and proper functioning in the future.

Now, let us pass the Welch bill, which I hope will carry a provision which will insure a substantial increase to every worker, but particularly to those humble mortals that are at the bottom of the list, near the "submerged tenth," "whose youth bore not flowers in its branches, whose hopes burned in ashes away."

Mr. CELLER. Mr. Speaker, your deliberations must lead you to the conclusion that the salaries of the men in the Customs Service are shockingly low. Forty years ago the average salary in the service was $1,435, while at the present time it is $1,990. During the same period the scale of living has advanced so rapidly and to such a height that all luxuries and many necessities are now far beyond the reach of the customs personnel. Customs receipts were over $579,000,000 in the fiscal year of 1926. Customs salaries were less than 3 per cent of that amount. Try to find any private industry where labor cost can be cut as low as that. That is not economy. It is parsimony.

At the port of New York it costs only two-tenths of 1 per cent to collect the customs, which in the fiscal year 1926 amounted to over $323,000,000. The reason is plain. We work our inspectors, appraisers, and guards like slaves and give them starvation wages.

I have often been down to the piers and watched these men examine passenger baggage. They work with unmatched energy, tact, and thoroughness. This summer I disembarked as a traveler from Europe on the steamship *Leviathan* at Pier 86, North River, N. Y. Two thousand seven hundred tourists rushed down the gangway to meet some 7,000 members of their families. Six thousand trunks and miscellaneous baggage were soon spread all over the pier. There was confusion, crowding, noise. Yet, despite this chaos the inspectors and appraisers quietly and patiently went about their duties and in a few hours the pier was cleared of travelers, their relations, and their baggage. They had worked with remarkable efficiency and celerity. That was a typical day. It was no novelty for these men.

Most of them have grown gray in the service. They know how to work with dispatch and cool-headedly.

The port of New York is a busy port, and during the tourist season it is a common occurrence to have seven and eight big ocean liners arriving each morning, loaded with tourists and baggage. One day, recently, 9,000 ocean travelers landed there. As soon as the inspectors and appraisers finish one ship, they tackle another. Only men of experience and intelligence can do this work with any degree of proficiency and with profit to the Government.

The tourist leaves the dock and has forgotten about the inspector and appraiser, but the work of the inspector and appraiser continues long after that tourist has left the dock. They have their declarations, manifests, entries, liquidations, and what not to consider. Their work is not by the clock. That work invades their evenings, their Sundays, and their holidays.

I have accompanied them down New York Bay from the Battery in the early winter mornings to meet the ships anchored at quarantine. I have climbed with them the shaky narrow ladder leading from the revenue cutter to the deck of the ship, high above. One mistep on that ladder means a plunge into the icy waters of the bay. Many of those men have gone up that ladder for over 30 years. Then, too, the revenue cutters used for the trip are mere rotten hulks over a quarter of a

century old. They offer no protection to the winter blasts and storms. But our men go about their tasks uncomplaining.

They have thus struggled and striven and will continue so to do in the interests of the Government, but they deserve better consideration at our hands.

Probably there is no branch of Government service, outside of the Prohibition Department, where opportunities for venal conduct are greater. Yet among customs men there is little or no graft. Particularly among the inspectors and appraisers there has always existed a pride of office. They are rightfully jealous of their reputation for professional honesty. I personally know many of the New York men. They are highly intelligent and have a thorough knowledge of customs affairs—an intelligence and knowledge worthy, indeed, of a far better compensation than now received.

If the fine traditions of the service are to be maintained, the salaries must be increased. The older men can not leave the service. But how are their ranks to be recruited when death removes them? Young men of tact and intelligence are not attracted. They go elsewhere. The future of the service is really in jeopardy. If we do not take heed, we may be converting the customs into another Prohibition Department, where the men, deprived of a living wage, will with "itching palms" stoop to chicanery and bribery—vices which do not now taint the customs branch, and never will as long as the present personnel remains. But they will not endure forever.

We heard the plea of the postmen and raised their salaries. We should do no less for the men in the customs branch. A laborer in the post office gets $1,500, while the same man doing the same work at the customhouse gets $1,320. Such disparity is breeding discontent. If the wrong is not righted, that discontent will become in time sullen resentment.

The collectors at the larger ports recommended, as far as inspectors were concerned, salaries ranging from $2,400 to a maximum for supervising inspectors, of $4,000. The collectors know the requirements and can gauge the proper salaries. Their advice should be followed. Such a range would permit a proper self-respecting entrance salary and allow for meritorious service leading to promotions.

Similar and proportional increases should be made in the appraisers' division and other branches of the service.

In any event it is well to keep in mind that the Bureau of the Budget is sympathetic to an increase. General Lord, in 1926, was willing to allow $800,000 for additional salary. That would be an average of $100 a man, there being 8,000 men in the service. But that, of course, is inadequate. Especially so when we recall that the postal employees averaged a $300 raise.

Mr. O'CONNELL. Mr. Speaker, I am very much delighted to find that after an exhaustive investigation by a subcommittee, the great Ways and Means Committee of the House brings before us at this time for final passage the Bacharach bill, intended to adjust compensation of the employees of the Customs Service of the United States.

Among the many bills that have received the attention of the Congress at this session this measure occupies a distinguished place.

The author deserves the thanks of his colleagues and the country for recognizing the splendid service this great and loyal army are rendering to the people. It is not to be wondered at that the committee makes a unanimous favorable report and thus gives us the long-sought-for opportunity to send it along to passage and to law. No one on the floor of the House has any doubt of the result. The officials of the Treasury, the Director of the Budget, the financial officers of the Government are enthusiastic supporters of this legislation.

The committee very wisely decided that for the present the bill should affect those grades which make up the lowest-paid employees. It grouped these employees into six grades and set the standard of compensation within the grades which it believed might well be a guide to the customs officials in arranging proper rates of compensation for those in the service for which this legislation does not provide.

The bill provides increased salaries for 4,834 or about 60 per cent of the entire personnel in the Customs Service. The figures in Mr. BACHARACH'S very comprehensive report show that of this number 785 or 16 per cent are laborers, who, at the present time, are receiving $1,320 per year. This bill brings up their annual salary to $1,500, putting them on the same level or basis as the laborers in the Postal Service.

The distinguished author of the bill [Mr. BACHARACH] very wisely said:

> It might be well to point out that the work performed by laborers in the Customs Service is not of the ordinary variety; they are what is generally termed skilled laborers; their work requires mental judgment, as well as physical skill, and promotions from this grade are made to the higher grades of the service as experience is acquired. We propose for them a rate of pay commensurate with the character of their work and which more nearly approximates the pay scale for similar work in private enterprises.

Then the bill gives consideration to the clerks. Of the 4,834 already referred to, 1,357 or 28 per cent are in the clerical division, and these also are brought up to the equality in compensation to that paid in the Postal Service. For this branch the new scale offers an entrance salary of $1,700 with automatic promotion increases of $100 per year up to $2,100 for four years' satisfactory service and thereafter they will operate under existing law.

The guards number 784, or 16 per cent; a scale of pay is arranged along the lines that prevail in other equal positions in the Government. It is gratifying to observe that the bill recognizes in a fairly substantial manner the efficient and important work that is being performed day and night by that courteous and competent group, the customhouse inspectors.

All of these affected classes bring into the Public Treasury annually about $600,000,000, showing how well these men and women carry on their always important duties.

For information I append at this point the bill as we are about to pass it, and I am glad to be permitted, as a Member of the Congress, to give it my full and enthusiastic support.

> *Be it enacted, etc.*, That the following annual rates of compensation are hereby established for the employees in the Customs Service hereinafter specified:
>
> (a) Laborers, $1,500.
>
> (b) Verifiers, openers, and packers, $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.
>
> (c) Clerks, entrance salary, $1,700; clerks having one year's satisfactory service, $1,800; clerks having two years' satisfactory service, $1,900; clerks having three years' satisfactory service, $2,000; clerks having four years' satisfactory service, $2,100; thereafter promotion of clerks to higher rates of compensation shall be in accordance with existing law.
>
> (d) Customs guards, $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, $2,300, and $2,400.
>
> (e) Inspectors, $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, $3,000 $3,100, $3,200, and $3,300.
>
> (f) Station inspectors, $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.
>
> SEC. 2. All new appointments of employees specified in section 1 shall be made at the minimum rate of the appropriate salary range.
>
> SEC. 3. Nothing in this act shall be construed to prevent the promotion of any employee at any time to a vacant position in a higher grade, and when so promoted such employee shall receive the compensation fixed in accordance with law for such position; and nothing herein contained shall be construed to reduce the rate of compensation of any employee in the Customs Service.
>
> SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to pay the rates of compensation herein established.
>
> SEC. 5. (a) Sections 1 and 2 of this act shall take effect on July 1, 1928.
>
> (b) The remainder of this act shall take effect on the date of its enactment.

Mr. Speaker, I congratulate the author and the committee on the presentation of this bill, which is a long step forward in the right direction. It is fair, it is just, and shows the appreciation of the Government for services well and loyally performed. I shall always look back with satisfaction to a knowledge of the fact that my vote helped to enact the bill into law.

Mr. WINTER. Mr. Speaker, I am glad to embrace the opportunity afforded by the present consideration of H. R. 13143, a bill reported by the Committee on Ways and Means, by Mr. BACHARACH, for the purpose of adjusting the compensation of certain employees in the customs service, to say something in behalf of these employees and their work and the justice of providing for them a greater and more befitting compensation. Further, I desire in this connection to express some sentiments which I have long held regarding labor and the wage earner.

A thorough investigation and extensive hearings were held on this bill, and weeks of time were devoted to getting first-hand information as to the character of work performed by the various groups in the Customs Service. It was found and recommended—and I join in that recommendation—that there must be offered to the employees some guaranty that faithful and efficient service will be rewarded by promotion in rank and compensation. The increase of salary represented by this bill is an average increase of $330 per person per annum over present salaries. While this is liberal it is not overgenerous or extravagant. It is well merited, proper, and just.

"The laborer is worthy of his hire." We in America maintain the highest standard of living for our working people of any

nation in the world. It is double and thribble, and even greater than that as compared to other countries.

It is obvious to me that the same rule and standard should obtain with reference to Government employees as for labor in general. Many of the things formerly regarded as luxuries are now common and necessary things of all the people. Wages and salaries should be so adjusted that these things may be commanded and enjoyed by every wage earner in a fair proportion to the rest of the units of society.

I have supported these ideas by my voice and vote on a number of measures during this session. One of these was the bill imposing stricter standards regarding the employment of child labor in the District of Columbia. The bill has passed both Houses and is now in conference. I sincerely hope it will find a final vote. It makes the new minimum age for minor employment 14, except boys who deliver papers after school; requires more rigid physical examination; reduces the number of hours all may work; eliminates most all night labor; and sets up machinery for enforcement and establishes a system of penalties for violation.

I have worked and voted for the Lehlbach retirement bill, which will raise the annuities of Government workers after retirement from $1,000 to $1,200. I also am in favor of the increase of salaries of those engaged in the postal service, particularly the higher rate of wages for night work; also the bill providing for fourth-class postmasters, rent, fuel, and light. I am favoring H. R. 11141, a bill to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor to the end that the Federal Government should not be a party to upsetting labor conditions throughout the country when engaged in Federal construction work. This bill, H. R. 11141, was drawn by the Council of the Labor Department.

In his last message, President Coolidge stated his position when he said, "The Federal Government should continue to set the example as a good employer." The present law provides that an 8-hour day shall prevail on Federal construction work. This proposed legislation would supplement the present law. Further, it would prevent contractors from bringing in cheap outside labor supply disturbing local labor conditions. It will prevent discrimination against local contractors by the ability of outside contractors to bring in cheap, itinerant labor.

In this connection, I desire particularly to call attention to H. R. 11886 and H. R. 12263, bills to create in the Bureau of Labor Statistics of the Department of Labor a division of safety. We can not take too many precautions against sickness and accident in our factories and in our mines. The terrible disasters in our coal mines throughout the country have wrung the hearts of all of the people of the Nation. As a member of the Committee on Mines and Mining, I have been glad to take advantage of my opportunity to speak and vote for measures of greater safety in our mining operations with particular reference to our coal mines, which naturally are more dangerous than any other. Secretary Davis of the Department of Labor, is very much interested in these bills. They do not infringe upon the work of the States. There is no compulsion as to the States and they are just as free to proceed as they are now. They provide cooperation with the various States governments and various bureaus and industrial commissions. We have a Mine Safety Bureau, having jurisdiction over mines and mining and accidents incident to mining. We had before the Committee on Mines and Mining experts on mine safety from all over the United States and the Bureau of Mines. We intend, as far as possible, to inaugurate a campaign of education and have Government agencies place their safety-mine bureaus or subbureaus in different locations throughout the country.

Among the important measures of this session was the Hawes-Cooper bill (S. 1940 and H. R. 7729) presented by the Senate Interstate Commerce Committee and the House Committee on Labor. A conference committee comprised of representatives of the American Federation of Labor, the Joint Federation of Women's Clubs, and manufacturers strongly indorse the favorable reports of the committee on the bill, commonly called the convict labor bill. Hearings were held on every possible phase of the Hawes-Cooper bill. Members of the Senate and House committees were practically unanimous in their approval of the bill. The prison contractors were conspicuously absent from the proceedings. There can be no doubt that grave abuses have been associated with the prison-contract system. Employers of nonunion as well as the union labor were strongly on record in opposing prison idleness in every form or degree and have offered full cooperation in the practical development of prison industries. The bill takes away the interstate character of prison-made goods and subjects such goods when shipped into the State, upon arrival and delivery, to the laws of such State concerning prison-made goods.

I gave my support to the Smoot-Welch bill, which gave increased pay to 145,000 Government employees.

These are only a few of the measures I have been interested in. Time does not permit the enumeration of all of them.

One who has done physical labor can never forget that experience, and he never can ignore the claim of labor. Because I have worked on the farm and the ranch, helped build and lived in sod houses, labored in sawmills and wheel-scraper factories, swung a "double jack" in the mines, and stood in line to go past the paymaster's window to get my weekly pay envelope, I shall always sympathize with those who toil and favor every reasonable and proper demand they may present. I rejoice when legislation proposed is such that I can give it my support.

I congratulate labor that there is such an auspicious and significant day as Labor Day. The fact that there is such a day set apart by the State and recognized by the Nation and all its people is of itself a great tribute to the part which free labor has performed in the advancement and achievements of the Republic. I congratulate labor on its universal high standard of education and intelligence, its steady employment at good wages, its prosperity, all unequaled in all the world.

In a sense we are all employers and employees. No one's status in this country is fixed forever. The employee becomes the employer. We are all consumers. Labor in early times was applied to those who were employed in toilsome outdoor work, but later came to include domestic workers, then to include the application of skill, and all those who engaged in indoor industrial occupations. Technically, to-day the term "labor" is not applied to those possessing scientific or professional skill. As a matter of fact, we are all engaged in some form of labor, physical or mental or both. The term has ever become broader and more inclusive.

There has likewise been a steady advancement and improvement in the general rights of labor as is shown by the history of labor legislation. In early England the worker, under the law, was a bondman. Even after the form of bondage known as villenage was abolished, laws made labor compulsory, confined workers to an existing place of residence, and fixed a maximum wage. As men's minds and hearts were enlightened and broadended these tyrannous laws became obsolete and were finally repealed. Involuntary servitude is no more.

Subject to the restriction by the State in the interests of all the people, the right to dispose of one's labor is a right entitled to legal protection. This right is not superior, of course, to the same rights in others. The American courts have recognized the fact that the earlier English legislation and decisions were made solely in the interests of the employer; and accordingly, they have not only held efforts of labor organizations to improve their conditions lawful, but meritorious and praiseworthy.

By Federal legislation in 1914 labor of a human being is held not a commodity and labor organizations not in restraint of trade and not subject to the antitrust law. That is because the function of a labor union is for the rightful object of inducing employers to establish usages in respect to wages and working conditions which are fair and reasonable, and to regulate conditions between employers and employees.

The right to combine for concerted action is fully recognized, with a necessary limitation of due regard for the rights of others. The right to strike and the right of collective bargaining by an agent or representative is generally upheld. We will all agree with the law which forbids force or violence, intimidation and coercion, destruction of property or life in the assertion or prosecution of any right. There is, of course, the exception of self defense, a right which no law denies to any human being and which every law upholds.

Injunctions should be issued only to prevent the doing of specified unlawful acts. Congress has enacted a law in response to public sentiment prohibiting the Federal courts from granting injunctions unless necessary to prevent irreparable injury to property or property rights or where there is no adequate legal remedy. The same law provides that no restraining order shall prohibit the doing of certain things specified in the statute and that those specified acts shall not be considered violations of any law of the United States.

Much of our legislation, both Federal and State, is designed to promote the safety and protect the health of the workman. Modern industry and its conditions have compelled the enactment of these laws. Many employers provided these bettered conditions before the laws were passed. Some employers to-day provide more than the laws require. Some employers have to be compelled by law. We find on the statute books to-day

safety appliance acts, eight-hour laws, employers' liability acts, workmen's compensation laws, mechanics' lien provisions, statutes of preferences in claims, exemptions, child labor laws in the States, and laws regulating the conditions of the employment of women; special laws covering work in mines and smelters, manufacturing establishments, railroads and public works.

I cite these matters to show the gradual but sure betterment and security of labor, the certain establishment in the law of the land of the rights of those who toil.

We have kept pace with the dictates of humanitarianism. The sympathy and support of the American people have always been and always will be with labor in its just and reasonable demands. But gradually a better day has come about, always tending to bring capital and labor together in harmony rather than in conflict. Share holding in the business and the ownership of banks by labor help wonderfully to understanding. It is gratifying to all that some of the foremost representatives of both labor and capital are stressing more and more not only the desirability but the necessity of the application of the golden rule in the solution of their problems.

Labor forms a great proportion of the grand total of our common citizenry. Labor shares with all of us the common pride and the common responsibility of American citizenship in our country and its future. All the people are the State. Government with us begets citizens, not subjects. Citizens with us beget government, not monarchs. A great man once wrote that the worth of a nation is the worth of the individuals composing it. The individual, the common man, creates and constitutes government, and in the individual lies the greatness, the safety, and the perpetuity of the State.

Judges, legislators, orators, and leaders may give expression and direction to the laws and policies of the Nation, but, after all, they emanate from the people. As in military life the issue depends finally upon the common soldier, so in civil life it depends upon the common citizen. He is the power that drives the wheels of traffic, that draws from the earth its wealth of product, that constitutes the busy marts of trade. He comprises within himself the enterprise, the courage and the intelligence of the city; he gives the Commonwealth its standard of morality; he forms our national character. He makes our Nation great. We rejoice in the steady progress of labor which constitutes so solid and vital a part of the citizenship, which comprises the United States of America.

PERMANENT CONSTRUCTION AT MILITARY POSTS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 20 and consider the same.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The resolution was agreed to.

CONSTRUCTION OF RURAL POST ROADS

Mr. DOWELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of $75,000,000 for the fiscal year ending June 30, 1930.

The sum of $75,000,000 for the fiscal year ending June 30, 1931.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23.

The sum of $7,500,000 for the fiscal year ending June 30, 1930.

The sum of $7,500,000 for the fiscal year ending June 30, 1931.

SEC. 3. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed and this act shall take effect on its passage.

The SPEAKER pro tempore. Is a second demanded?

Mr. ALMON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman a member of the committee and opposed to the bill?

Mr. ALMON. I am not opposed to the bill.

The SPEAKER pro tempore. Is there any Member opposed to the bill? If not, the Chair will recognize the gentleman from Alabama to demand a second.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DOWELL. Mr. Speaker, this bill is to extend the present authorization to the years 1930 and 1931, and I ask unanimous consent to extend my remarks on the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that all Members may have leave to extend their remarks on this legislation.

Mr. CHINDBLOM. For what time?

Mr. DOWELL. For five days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DOWELL. Mr. Speaker, the bill before the House authorizes a continuation of the Federal-aid appropriations in the building of roads and also authorizes the continuation of the appropriations for forest roads and trails. The bill before the House in no manner changes the Federal-aid program, but it extends it for the fiscal years of 1930 and 1931.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. CRAMTON. The press this morning carried a story that this bill was likely to meet with a veto at the White House by reason of the striking out of the automobile tax in the revenue bill. Has the gentleman from Iowa any information as to whether the House is doing a vain thing in passing this bill to-day?

Mr. DOWELL. I shall have to answer the question by saying the gentleman from Iowa is not able to give the information and is not responsible for the news items.

Mr. CRAMTON. Would the gentleman, as chairman of the committee, be able to state whether this bill has the approval of the administration through the Budget?

Mr. DOWELL. I have not that information.

Mr. CRAMTON. I hope the newspaper article is not correct. I think it would be highly regrettable that the only aid to good roads would be over here in Virginia.

Mr. HASTINGS. Does the gentleman from Iowa think that every time the Congress wants to exercise its legislative function upon a bill that is pending here it is necessary to go out and consult the executive branch of the Government? [Applause.]

Mr. TREADWAY. Mr. Speaker, will the gentleman yield for a question?

Mr. DOWELL. I yield for a question but not for an argument.

Mr. TREADWAY. Does this bill increase the appropriation of good roads in any respect?

Mr. DOWELL. It does not. It extends the authorization to 1930 and 1931.

Mr. RAMSEYER. Will the gentleman tell the House how many years we have appropriated $75,000,000 a year for good roads?

Mr. DOWELL. I would say that since 1925, $75,000,000 has been authorized each year up to and including 1929.

Mr. RAMSEYER. And this bill continues that policy?

Mr. DOWELL. This bill merely continues this authorization for the fiscal years 1930 and 1931.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. CHINDBLOM. The authorization for forest roads and trails amounting to $7,500,000 for the two fiscal years 1930 and 1931 is also a continuation of the present policy?

Mr. DOWELL. It is identical. It is the same amount exactly. There is no change whatever between this bill and the one enacted two years ago.

The Federal-aid system has been of great importance to the people of the United States. Back in the early days roads were

principally of local interest and the people of the neighborhood built and maintained their local roads. The coming of the automobile, however, has so changed the method of travel and the use of the highways that the entire system and method of road building has been changed. The local roads, therefore, have now been connected, and now form a part of a great system of national highways.

It was not until 1912 that Congress took notice of the importance of a great highway system, and since that time there has been a great improvement in the construction and use of the highways. A joint committee was appointed, composed of Members of the Senate and Members of the House of Representatives, to make a thorough investigation of the subject and report to Congress what part, if any, it should take in the construction of roads. This committee made a thorough investigation of the subject and reported its findings to the House of Representatives and the Senate in 1915, and the legislation for Federal aid in the construction of highways has resulted from this investigation and report. The first legislation enacted by Congress on the subject was approved July 11, 1916, and while this legislation was largely experimental, it provided for a five-year program and authorized an appropriation of $75,000,000; $5,000,000 became available the first year, $10,000,000 became available the second year, $15,000,000 became available the third year, $20,000,000 became available the fourth year, and $25,000,000 became available the fifth year. The next legislation on the subject was passed on February 28, 1919. It was an appropriation of $200,000,000 covering a period of three years. Fifty million dollars became available at once, $75,000,000 became available for the fiscal year ending June 30, 1920, and $75,000,000 became available for the fiscal year ending June 30, 1921.

After considering the whole subject carefully, and after a careful investigation of the benefits growing out of the appropriations made by the Federal Government in 1921, Congress took up the subject with the view of providing a definite and comprehensive program in the construction of highways. This legislation provided for a program of road construction throughout the entire Nation, embracing 7 per cent of the roads in each State. The 7 per cent aggregates approximately 200,000 miles of primary and secondary roads. For the first time Congress established a definite governmental program and policy of cooperation with the several States in the construction of a national highway system. Seventy-five million dollars was authorized for this work in the first year.

Following this general policy in 1922, Congress authorized the expenditure of $50,000,000 for the fiscal year ending June 30, 1923, $65,000,000 for the fiscal year ending June 30, 1924, and $75,000,000 for the fiscal year ending June 30, 1925.

In 1925 Congress authorized the expenditure of $75,000,000 for the fiscal year ending June 30, 1926, and $75,000,000 for the fiscal year ending June 30, 1927, and in 1927 $75,000,000 was authorized for the fiscal year ending June 30, 1928, and $75,000,000 for the fiscal year ending June 30, 1929. The present bill provides for an authorization of $75,000,000 for each of the fiscal years ending June 30, 1930, and June 30, 1931. Briefly this is a review of all the money authorized and appropriated by the Government for Federal aid in the construction of roads.

I am inserting a table of authorizations for Federal-aid roads by years:

Federal authorizations for roads

1917	$5,000,000
1918	10,000,000
1919	65,000,000
1920	95,000,000
1921	100,000,000
1922	75,000,000
1923	50,000,000
1924	65,000,000
1925	75,000,000
1926	75,000,000
1927	75,000,000
1928	75,000,000
1929	75,000,000
1930	75,000,000
1931	75,000,000
Total	990,000,000

I am also inserting a table of the appropriations by Congress for roads by years, since the inauguration of the present Federal-aid policy.

Federal appropriations for roads

1917	$5,000,000
1918	10,000,000
1919	65,000,000
1920	95,000,000
1921	100,000,000
1922	75,000,000
1923	25,000,000
1924	29,300,000
1925	13,000,000
1926	98,900,000
1927	75,000,000
1928	71,000,000
1929	71,000,000
Total	733,200,000

When the Government established the Federal-aid system of highways it also made provision for the construction of forest roads and trails, and this policy has been carried out in the present bill, which authorizes the appropriation of $7,500,000 for the fiscal year ending June 30, 1930, and $7,500,000 for the fiscal year ending June 30, 1931.

I am inserting a table showing the Federal authorizations for forest roads and trails since the inauguration of the present Federal-aid policy, and also a table showing the actual appropriations by years.

Federal authorizations for forest roads and trails

1917	$1,000,000
1918	1,000,000
1919	4,000,000
1920	4,000,000
1921	4,000,000
1922	6,000,000
1923	11,000,000
1924	7,500,000
1925	7,500,000
1926	8,500,000
1927	7,500,000
1928	7,500,000
1929	7,500,000
1930	7,500,000
1931	7,500,000
Total	92,000,000

Federal appropriations for forest roads and trails

1917	$1,000,000
1918	1,000,000
1919	4,000,000
1920	4,000,000
1921	4,000,000
1922	6,000,000
1923	11,000,000
1924	7,500,000
1925	7,500,000
1926	8,500,000
1927	7,500,000
1928	1,675,000
1929	7,500,000
Total	71,175,000

Under the present law the Federal Government apportions the funds appropriated to the several States, and these funds are used in the construction of roads approved by the Secretary of Agriculture. Federal participation under the law can not exceed 50 per cent of the cost of construction of the road, nor can it exceed $15,000 per mile, and not more than 60 per cent of the Federal aid allotted to any State shall be expended on the primary or interstate highways.

The law provides the method for the distribution of Federal-aid funds to the States on the basis of one-third according to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States; and one-third of the ratio which the mileage of the rural delivery and star routes bear to the total rural-route delivery and star routes in all the States. You will observe that this will slightly change the amount annually that each State will receive, by the various changes in population, in mileage, or in rural-route delivery and star routes.

Under the Federal law the highways receiving Federal aid are constructed under the direction of the State highway commissions, but the law empowers the Secretary of Agriculture to withhold Federal aid on any given project if it does not come up to the proper standard in compliance with the regulations of the department, and if it does not in the same respect, comply with the general system or policy of highway construction as provided in the Federal law.

When the highway has been constructed with Federal-aid funds, it then becomes the duty of the State in which it is located to maintain the highway in a proper manner, and if the State fails to so maintain any highway constructed with Federal funds, the Secretary of Agriculture may maintain such highway from Federal-aid funds allotted to that State, or he may withhold any Federal aid to that State until the highway has been placed in a proper condition.

On the 1st of January, 1928, under the Federal-aid highway system, totaling approximately 200,000 miles of roads, 25,381 miles of this system was improved with a high-type surface, consisting of concrete; 1,449 consisting of brick; 3,626 miles consisting of bituminous concrete; 8,487 miles was surfaced with bituminous macadam; and 7,591 miles was surfaced by water-bound macadam; 45,435 miles were surfaced with gravel;

and 7,222 miles were surfaced with sand clay; 28,152 miles have been only graded and drained. Other types, 5,261 miles. This leaves approximately 70,000 miles of the 7 per cent system of the highway program unimproved and undeveloped. Herewith I am inserting a table giving the types and mileage of roads improved under the Federal-aid system.

Federal-aid highway system; mileage of roads improved by types

January 1—	Graded and drained	Sand-clay	Gravel	Water-bound macadam	Bituminous macadam	Bituminous concrete	Concrete	Brick	Other types
1922 [1]	6,986	2,663	11,070	1,203	1,420	821	4,645	393	----------
1923 [1]	8,686	4,224	15,593	1,375	2,450	1,029	7,285	591	----------
1924	23,544	7,427	34,700	7,225	6,200	3,039	16,780	1,775	1,107
1925	27,319	5,668	41,128	6,580	10,225	3,267	20,570	1,356	3,934
1926	28,279	5,793	52,097	5,742	7,100	3,688	22,610	1,243	3,657
1927	28,152	7,222	45,435	7,591	8,487	3,626	25,381	1,449	5,261

[1] With Federal aid only.

NOTE.—Reduction in mileage of a type means that some of this mileage has been changed to another type.

It is interesting to note that a little more than five years ago 43 per cent of the rural-mail carriers were using horse-drawn vehicles upon their routes, while to-day less than 15 per cent are using horses. Also the time involved in the delivery of rural mails has been reduced more than one-half.

Under the present program, with $75,000,000 expended every year, the Government is aiding in the improvement of approximately only 200,000 miles of this more than 1,000,000 miles of rural-mail mileage.

I wish to introduce a table which shows the payments to the several States out of the present appropriations from July 1, 1926, to June 30, 1927. Also the agreements entered into for new contracts between the Federal Government and the several States for the same period.

State	Cash payments July 1, 1926–June 30, 1927	Federal funds put under agreement
Alabama	$1,206,220	$1,928,421
Arizona	721,244	927,076
Arkansas	986,718	988,778
California	2,978,865	2,256,968
Colorado	1,289,507	1,415,321
Connecticut	613,842	914,991
Delaware	450,337	427,755
Florida	1,434,044	697,392
Georgia	2,535,286	1,526,260
Idaho	1,236,845	1,354,224
Illinois	2,427,393	3,747,465
Indiana	2,055,736	2,961,840
Iowa	2,845,968	4,234,277
Kansas	2,730,003	3,139,133
Kentucky	1,420,629	2,690,799
Louisiana	1,124,563	1,290,613
Maine	878,954	507,584
Maryland	650,107	525,102
Massachusetts	799,464	1,129,638
Michigan	2,692,098	3,265,637
Minnesota	2,590,339	3,136,928
Mississippi	1,589,121	1,346,951
Missouri	4,099,339	2,148,860
Montana	894,780	1,690,712
Nebraska	2,370,258	2,136,493
Nevada	1,083,653	1,034,412
New Hampshire	424,769	539,192
New Jersey	732,593	1,377,533
New Mexico	1,110,390	1,709,180
New York	4,367,135	3,865,097
North Carolina	2,441,688	1,418,090
North Dakota	2,530,261	1,699,538
Ohio	2,580,503	2,096,015
Oklahoma	1,339,252	1,762,927
Oregon	1,301,855	712,663
Pennsylvania	3,180,313	2,624,342
Rhode Island	466,586	331,605
South Carolina	1,187,023	743,202
South Dakota	1,074,687	1,058,153
Tennessee	1,793,805	1,284,093
Texas	4,710,228	3,386,173
Utah	830,083	1,089,996
Vermont	625,424	349,202
Virginia	1,868,893	1,357,408
Washington	1,146,672	331,642
West Virginia	648,203	1,138,590
Wisconsin	2,357,069	3,400,581
Wyoming	696,804	512,641
Hawaii	253,061	347,167
Total	81,371,013	80,458,660

The Federal aid system also includes all of the highways, more than 53,000 miles, which after careful survey, the War Department considered as necessary for our national defense.

Recognizing the importance and benefits of highway improvement both of the great political parties at their last national conventions, convened in 1924, gave utterance to their views in the following language:

The Republican platform:

The Federal aid road act, enacted by the Republican Congress in 1921, has been of inestimable value in the development of the highway systems of the several States and of the Nation. We pledge the continuation of the policy of Federal cooperation with the States in highway building.

The Democratic platform:

Improved roads are of vital importance not only to commerce and industry, but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter, and favor a continuation of Federal aid under existing Federal and State agencies.

Referring to the subject of Federal aid in the construction of roads, President Coolidge, in his message to Congress on December 6, 1927, used the following language:

The importance and benefit of good roads are more and more coming to be appreciated. The National Government has been making liberal contributions to encourage their construction. The results and benefits have been very gratifying. * * * The agricultural regions will especially be benefited by low cost of transportation which the improvement will afford.

Let us hope that when the Republican and Democratic conventions convene this year they may continue to indorse in their platforms the Federal aid road program, which has accomplished so much in the development of a splendid highway system throughout the Nation and which is now so vital to commerce, industry, and agriculture.

The importance of a complete system of Federal highways throughout the Nation can not be estimated in its benefits to the people of the Nation, in convenience, in recreation, in education, and in financial value.

When Congress enacted the Federal aid law back in 1921 it was hoped by this legislation to improve the highways from the farms to the market places throughout the country, and thus aid in facilitating the marketing of farm products. Much has been accomplished along this line, as is shown by the hearings before the Committee on Roads. Highway improvements are not only bringing this about, but the evidence shows that better highway facilities are bringing the producer and consumer closer together, to the great benefit and profit to both.

The development of the automobile industry and of automobile traffic has necessitated greater and more extensive highway improvements.

In 1895, just at the beginning of the automobile industry, there were but 300 automobiles in the United States. In 1900, five years later, only 14,000 automobiles had been manufactured. In 1910, 10 years later, the automobiles registered had grown to a half million. In 1920, 10 years later, it had increased and approximately 9,000,000 cars were being used throughout the United States. In 1925, five years later, the automobile industry had an enormous growth; the automobiles on the streets and highways more than doubled, and we had 19,954,347, almost 20,000,000 automobiles. In 1927, 23,127,315 motor vehicles were registered.

These figures indicate clearly that these increases will continue in the future no one knows where.

It is apparent to everyone who has given the subject even a casual consideration that with more than 23,000,000 motor vehicles in operation throughout the country a nation-wide system of highway construction is necessary in the United States, and this necessarily will grow day by day and year by year as these motor vehicles increase in number, in importance, and in value.

The transportation question has become an important factor in road building throughout the country. The farm-to-market

road must not only be maintained but the bus and truck transportation for short distances has become an important factor in transportation.

The telephone service has been in operation for more than half a century and has become a necessity in almost every household, yet we are told to-day there are more motor vehicles in the United States than there are telephones.

From estimates made by the National Automobile Chamber of Commerce, the Bureau of Public Roads, and the American Association of State Highway Officials the estimated value of motor vehicles in 1925 was approximately $16,500,000,000. (At that time less than 20,000,000 motor vehicles were in operation. This has now been increased to more than 23,000,000.)

With the great increase in highway construction and the great increase in automobile traffic the problem of better traffic regulations has become an important factor in the economic use of highways throughout the country.

A few years ago the American Association of Highway Officials took up the question of markings and signals on the interstate highways and the Secretary of Agriculture appointed a joint board from the Bureau of Public Roads and the American Association of State Highway Officials to recommend a uniform system of markings and signals on the principal highways of the country.

This board made a careful investigation of the subject and submitted its report to the Secretary of Agriculture and to the several States, recommending a uniform system of markings and signals. I quote from the statement of Frank T. Sheets, president of the American Association of State Highway Officials and chief engineer of the State of Illinois, made before the Committee on Roads relative to this subject:

> This work, taken up through the leadership of the American Association of State Highway Officials and the United States Bureau of Public Roads, has now resulted in there being set out nationally a system of roads which the traveling public can find, and the marking, or the provision for marking of these roads with guide signs and route markers, and with danger and caution or directional signs, which are national in standard and uniform in application over all the States. * * * Definite plans have been made, as I understand it, by all but two States of the Union to erect these markings and these signals.

It is also apparent that uniform laws and regulations must be adopted in the various States for the better protection of motorists, pedestrians, and others on the streets and highways. The 23,000,000 motor vehicles now on the streets and highways have brought to our attention in a vivid way the appalling rate of accidents, injuries, and deaths. The committee on statistics of the National Conference on Street and Highway Safety report that in the year 1923, 22,621 deaths occurred as a result of street and highway accidents; in 1924, 23,291 lost their lives as a result of street and highway accidents; in 1925 it is estimated that 24,462 persons lost their lives as a result of these accidents; in 1926, 25,302; in 1927, 26,618.

These estimates further indicate the American people are operating these automobiles on the streets and highways at the enormous cost of more than $11,000,000,000 annually. This huge annual outlay can not be imagined or understood until it is reduced to the individual automobile, but when we take into consideration there are more than 23,000,000 motor vehicles used, it only requires an average outlay of $500 to $600 on each car to aggregate this vast sum.

With this large investment and this enormous annual cost of operation, it is plain to everyone that a great highway system is imperative.

While the Federal aid program is far from complete, great strides have been made in the past few years in the improvement of this system, and more progress is being made to-day in all of the States of the Union than has ever been made before.

The highway departments in the several States are expending vast sums of money to care for the enormous increase in automobile traffic, and highway improvements have been going forward rapidly in the States. It is estimated that more than $1,000,000,000 is being expended annually by the States in these vast highway improvements.

More than 25,000 deaths annually from highway accidents, averaging more than 1,000 deaths to every million motor vehicles in operation in the United States. It is apparent to all that every effort possible must be made to curb this awful destruction of human lives.

The legislation under consideration authorizes the Federal Government to continue the present program of highway construction under the Federal-aid system, and I hope it may receive the approval of the House.

At no time since the Government undertook the present plan of highway construction with the various States has there been such general and uniform support for this program. The hearings before the Committee on Roads discloses a wonderful development, both in character of materials and in construction of highways throughout the country.

Your committee submits this legislation with the firm conviction that it is not only desirable but very essential for the Government to carry on this program of cooperation with the several States in the building up of a great highway system, which has accomplished so much for the people of the United States in the past years.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, on May 21, Mr. DOWELL moved to suspend the rules and pass Senate bill 2327, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

Mr. DOWELL is one of the most valuable Members of the House. Modest, unassuming, always courteous, he is generously inclined to those who seek information from him with respect to the many matters of a governmental nature, with which he is thoroughly familiar. His address to the House in behalf of the bill which was under his parliamentary management contains a wealth of information, and the RECORD that carries that address should be in the library of every Congressman. The bill which he called up under a suspension of the rules for consideration by the House is a short one, but it is pregnant with significance and meaning to the country. Much has been compressed into little space. "Multum in parvo" might well be written under it, for it means much to the country. It means that $75,000,000 are authorized for the fiscal year ending June 30, 1930, to be expended by aiding the States in the construction of rural post roads. It means that $75,000,000 for the fiscal year ending June 30, 1931, are authorized for the same purpose. It is needless to point out the great results which will flow from the expenditure plus the amounts expended by the States, counties, and municipalities throughout the United States in road building during those two years. It makes for a tremendous internal improvement. It makes for the national defense. It makes for the general welfare. It promotes prosperity by the employment it will give to a large number of persons whose expenditures in behalf of their families will keep the wheels of commerce revolving. I can not repeat too often the good advice given by the great magazine, Liberty, several months ago, when it pointed out that by proper business management the States and their political subdivisions and the Federal Government could, by a judicious method of making public improvements, play a tremendous part in preventing unemployment and the distress that follows to millions of men and their families when the breadwinner is without work.

The man who has not undergone a trial of this sort does not know how black the night can be. In my judgment no greater problem is present for the statesmen to solve than that of unemployment. In the memorable words of one of America's choice spirits if I could be instrumental in eradicating this curse that visits the toilers of our country in cycles bringing sorrow and grief to hearts that are already tried almost to the breaking point I would not exchange the proud satisfaction that I would enjoy for all the triumphs decreed to the most successful conqueror. But back to my subject, the people of the United States have found the Federal-aid system to good roads of the greatest importance. Back in the early days roads were principally of local interest, and the people of the neighborhood built and maintained them, but suddenly a magician appeared on the scene and by a wave of his wand brought the automobile into existence and that wonderful machine spoke more eloquently to the minds of statesmen than the tongues of all of the orators in the United States. Good roads became a slogan, north, east, south and west. Quagmires, dirt roads that became clay in a wet season and were frightful in their cost to vehicles that were drawn over them gave way to the splendid highways that ribbon the entire country. A new form of wealth that immediately created additional wealth, for good roads added to land values in both country and city and these values made for new houses and that additional form of wealth made for finer furnishings, all of which communicated itself to our factories, foundries, and mines. The wheels of industry were kept rapidly revolving, and the voice of commerce was heard throughout the land. Good roads have in themselves and their ramifications done more for the greater glory of America than any other factor in our national life, though it was not until 1912, that Congress took notice of a great highway system. Since that time, however, the construction and the use of roads have gone forward by leaps and bounds.

Under the present law the Federal Government apportions the funds appropriated to the several States, and these funds are used in the construction of roads approved by the Secretary of Agriculture. Federal participation under the law can not exceed 50 per cent of the cost of construction of the road, nor

can it exceed $15,000 per mile, and not more than 60 per cent of the Federal aid allotted to any State shall be expended on the primary or interstate highways.

The law provides the method for the distribution of Federal-aid funds to the States on the basis of one-third according to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States; and one-third of the ratio which the mileage of the rural delivery and star routes bear to the total rural-route delivery and star routes in all the States. You will observe that this will slightly change the amount annually that each State will receive, by the various changes in population, in mileage, or in rural-route delivery and star routes.

Under the Federal law, the highways receiving Federal aid are constructed under the direction of the State highway commissions, but the law empowers the Secretary of Agriculture to withhold Federal aid on any given project if it does not come up to the proper standard in compliance with the regulations of the department, and if it does not in the same respect, comply with the general system or policy of highway construction as provided in the Federal law.

When the highway has been constructed with Federal-aid funds, it then becomes the duty of the State in which it is located to maintain the highway in a proper manner, and if the State fails to so maintain any highway constructed with Federal funds, the Secretary of Agriculture may maintain such highway from Federal-aid funds allotted to that State, or he may withhold any Federal aid to that State until the highway has been placed in a proper condition.

On the 1st of January, 1928, under the Federal-aid highway system, totaling approximately 200,000 miles of roads, 25,381 miles of this system were improved with a high-type surface, consisting of concrete; 1,449 consisted of brick; 3,626 miles consisted of bituminous concrete; 8,487 miles were surfaced with bituminous macadam; 7,591 miles were surfaced by water-bound macadam; 45,435 miles were surfaced with gravel; 7,222 miles were surfaced with sand clay; and 28,152 miles have been only graded and drained. Other types, 5,261 miles. This leaves approximately 70,000 miles of the 7 per cent system of the highway program unimproved and undeveloped.

I am glad to say that the same wonderful influence that the automobile has had on American life is seen in almost every other part of the world, particularly in Europe. Minerva sprang from the brain of Jove, armed cap-a-pie and became a dominant influence in the pagan world as a result of an imaginary intellectual power which, of course, always dominates and subordinates everything else through its rule. The automobile sprang from the brain of some human and is exercising a far greater influence upon the affairs of mankind on the western and eastern continents than ever did the brain child of the mighty Jupiter of the skies. All of Europe is bound by a wonderful road system, lowlands and mountain heights, and millions of machines are night and day churring and purring and rolling along the macadam and asphalt roads in Paris and Moscow, in London and in Rome, in Berlin and in Dublin. They carry millions of men yearly on this side of the ocean on business affairs and in pleasure jaunts, in search of dollars and in search of wisdom, in search of health and in quest of pleasure. Many go from the Atlantic to the Pacific. Whole families move across the continent.

Frequently in honor of some great occasion motorcades are organized and public-spirited men move over long distances taking many days to complete the journey in order that they may bring the felicitations and good wishes of a section remote from the end of the trail on which they began. And these motorcades are productive of wonderful results. Jason and his Argonauts who went in search of the Golden Fleece brought back with them something even of greater value, the knowledge and the wisdom that may be acquired only through traveling from one country to another. He that would bring home of the Indes must carry the wealth of the Indes with him. So to in traveling. He that would bring home wisdom must carry wisdom with him. Neither the days of chivalry nor the days of adventure, if they may be differentiated, are at an end. The knight gaily caparisoned, dashing across the drawbridge on his charger, sallying forth in search of adventure which consisted as a rule in rescuing some damsel from the castle of one whom she looked upon with no affectionate eye, belongs to a past that is rapidly vanishing into fable, and is one with the fairy stories that entertained past generations but which no longer has an appeal for the effete of to-day. Even Santa Claus as a clear existence is tolerated in a good-humored way by the youngsters who might one time be regarded as the children of yesteryear. "But where are the children of yesterday?" altering Villon slightly.

Yes; there are many wonderful trips which have the thrill and the kick that make for the pleasure of Americans of this generation. Three years ago I made one of a great motorcade that left historical old New Orleans, and over the Jefferson Highway passed through a great number of wonderful hamlets, villages, towns, and cities, and the great States that intervened before we reached Winnipeg across the Canadian line—a city about as thoroughly English as one could find any place in the world outside of England itself. One can not describe many things in the life of America. No one can describe the Grand Canyon, and I do not think there are many who can ever describe the wonders that apparently rolled by while making such a magnificant trip as I made from palm to pine. It was in the autumn time and the ravishing beauties of every tree, particularly in Minnesota and Wisconsin, will linger in my mind but never be described by me.

To go from a city where the Mississippi River is a mile wide up to Lake Itasca where, at the first bridge across the Mississippi River, the stream is so insignificantly small that I jumped across it is a performance to remember. If you have never made such a trip, make it. And do not forget to make it in the autumn time. Then you will see the leaves upon the magnificent trees turning from green to a bewildering combination of all of the other colors making for a display so gorgeous in its sheer beauty as to gladden one at the thought that his native land is so wondrously fair to even the most jaded eye. And nature seems to have so arranged her plans that they readily fit into the mood of the farmer artist who make them, fascinate those that are fortunate enough to pass through an endless succession of Edens. And that is not the only trip. Last year, as a guest of the Atlanta Journal, one of the great newspapers of the United States, I journeyed—though I would prefer to say that I rolled along—from New Orleans to Quebec. Major Cohen, the publisher of the Journal, was our host. Let me see how I can convey to you a mental picture of this man who loves his State because it is his own and scorns to give aught other reason why! The elements are so mixed in him that one might well stand up and say to all the world, "This is a man." That is substantially correct as a quotation, I hope, but I know that it is an accurate description of one of the best fellows on earth. Well, we will let it go at that. We went over the Appalachian Highway and connected up with the Susquehanna Road, crossed the St. Lawrence River, and after an unforgettable journey along the banks of that historic river made the end of the trail. Impressive old Quebec, with an architecture and an atmosphere that remain with one for many years. I am glad that I lived long enough to witness the wonders of the Appalachian Highway.

Scenic grandeur that can not be surpassed in the Alps or the Andes! A hospitality upon the part of the friends of Major Cohen that made a fellow feel that after all we are not commercial to the exclusion of the finer phases of civilization. Farm lands along the Susquehanna Highway that enchanted the eye and made the tongue constantly mutter: "Wonderful," "beautiful," "magnificent." I rode on Pegasus and flew through Airy Land to the Garden of Hesperides and there pickled apples of gold from pictures of silver. Fair women and gallant men in the full meaning of those words greeted us at every stopping place and they welcomed us with an enthusiasm as sincere as it was boundless. But it was at Trois Rivieres or Three Rivers between Montreal and Quebec that was staged the piece de resistance. A number of singers came from Quebec arrayed in the garb of woodsmen of the Far North and at a magnificent banquet put on a famous St. Lawrence Cajun theatrical stunt, and sang a song of the forest which apparently was then upon every French Canadian tongue. The name of that song, I think, is Alouette. I heard it sung by strolling theatrical folks on the night boat from Quebec to Montreal and I realized with my companions that if it were sung a thousand times it would retain for me its haunting melody, and that I would never tire of the refrain.

My hat is off to you, Major Cohen, and the charming ladies and the fine fellows from Georgia, Virginia, and the Carolinas that made the wonderful trip under your leadership. You threw the doors of fairyland open and told me to look, and I did look.

Mr. BRAND of Ohio. Mr. Speaker, the bill before us appropriates $75,000,000 for 1930 and $75,000,000 for 1931 as Federal aid to the States in building the main highways.

This is the same amount that has been appropriated for the years 1925, 1926, 1927, 1928, and 1929 so that we are neither decreasing nor increasing the activity. Between 1920 and 1925

the Government spent something less per annum on this activity.

The evidence before the committee indicated that the public are well satisfied to have this appropriation made annually for the benefit of good roads. The evidence also has shown that the Bureau of Roads, which administers this fund, has accomplished a great deal in supervising road construction over the United States.

On the subject of drainage, construction of the roadbed, as well as construction of the paving of whatever class or kind, the Bureau of Roads have contributed to the durability and efficiency of the highways. Anyone who will compare the roads of 10 years ago with the roads of to-day will realize that great improvements have come from some source.

The Bureau of Roads are likewise to be congratulated upon the work they have done in showing the best way to construct and maintain types of lesser cost than hard-surface roads. The sand, clay, gravel, and stone roads have all had proper attention from this department and they have made good roads available where hard-surface roads could not be built on account of the expense. In addition, they have led the way in showing that mats of various descriptions can be constructed on top of gravel and stone roads in a manner which provides for extensive traffic at a very low cost, and such roads are proving durable and more comfortable than any of the other types.

The fact of the matter is the Bureau of Roads at Washington have not only been helpful through their own investigation in the construction and maintenance of roads but also act as a clearing house for all improvements and new ideas coming from the highway departments of each of the States and knowledge originating in one State soon becomes general throughout the Union through this clearing house in Washington.

The main road system of the United States to which the Nation contributes amounts to 186,300 miles and covers 7 per cent of the main roads in each of the States. The Government does not contribute to 93 per cent of the roads.

The roads so far improved with the National Government participating are as follows as to type and number of miles:

	Miles
Gravel	22,943
Portland cement concrete	12,883
Sand clay	5,225
Bituminous macadam	3,460
Bituminous concrete	1,660
Water-bound macadam	1,157
Brick	749
Bridge	146
Graded and drained unsurfaced	12,732
Total mileage improved	60,955

As I stated above, the total number of miles to which Federal aid applies is 186,300, and the Nation has contributed to 60,955 miles. At the same time the States have been improving this same 7 per cent system without Federal aid, and about 70,000 miles have been improved by the States in this way, so that we have a total of 130,000 miles of roads that have been improved on the main system, leaving about 56,000 yet to be taken care of.

In addition to this, 93 per cent of all the roads are in the hands of the States, counties, and townships and they are being benefited by the experience gained in improving the main roads. For example: The knowledge gained in building and maintaining gravel and stone roads has been used on these lesser roads in many States where gravel and stone are available, and a great many counties have completed the improvement of every road within the county. In the West dirt roads have been graded and are kept smooth by dragging, and the same may be said of sand-clay roads in the South, so that the public have good roads for most of the year.

The only objection to the national aid for road building comes from some States that pay into the National Treasury very large sums of money annually as compared with many of the other States, and such States find that they do not receive money back for roads in proportion to the money their citizens pay in to the National Treasury. Upon first consideration this does seem to be unfair, but a study of the question will show that the distribution of this money on the basis of the population, the area, and the miles of post roads in each State is just and fair.

For example, North Carolina pays a great deal of money into the National Treasury from her citizens and South Carolina pays rather a small amount, but each of these States receives for road purposes very similar amounts. But where does North Carolina get the money that is paid into the National Treasury? It is largely collected as internal revenue upon tobacco, and that tobacco is made into cigarettes and sold into every State in the Union, so that everybody in the country who uses cigarettes contributes the money to North Carolina, and North Carolina is really a collecting agency that turns the money over to the United States Treasury. The same illustration would apply in Michigan, where so many of the automobiles are made upon which national taxation is imposed, yet everybody over the United States who drives a flivver contributes to Michigan's proportion to national taxation.

New York sends the National Treasury more than any other State, but the incomes upon which she pays the tax are derived from every section of the country, so that all the people all over the United States contribute to the money that New York pays into the National Treasury. So when you analyze the situation you find that there is no unfairness.

In the olden days and, indeed, up to within the last 10 years, the farmers of the country practically built all of the roads, and that was because originally the farmers were the only ones who used the roads to any very great extent. Gradually the automobile and truck have made the roads more necessary to the centers of population than they are to the country people, and taxation for road purposes has gradually been shifted from the shoulders of the farmers to the broader shoulders of the State and Nation. Such roads as have been built by taxing adjacent property have been undoubtedly unfair in the light of the transportation problem which now exists. Many farmers are still paying heavy road taxes assessed during the last 10 years, and this has contributed to the farmers' difficulty and has contributed to the declining value of land over the United States.

It might be interesting to state that the Department of Commerce shows that from 1920 to 1925, the two census periods, farm land in the United States declined in value about $20,000,000,000, or fully one-third of its entire value.

It also might be interesting to compare value of industrial stocks and railways and bonds during this period.

I have asked the Department of Commerce to show me the trend of industrial stocks from 1920 up until the present time. They have picked out 25 representative industrial stocks and they found their values have changed since 1920 as follows:

These stocks averaged per share in—	
January, 1920	$120.51
December, 1920	83.33
December, 1925	177.74
December, 1927	242.50
April, 1928	269.75

Showing a gain since the low time in 1920 of over 300 per cent, while farm land was going down one-third its value.

Below are the names of the industrial stocks used in this calculation:

Air Reduction, Allied Chemical & Dye, American Smelting & Refining, American Telephone & Telegraph Co., American Tobacco, Baldwin Locomotive, Brooklyn Edison, Case Threshing, Commercial Solvents, du Pont de Nemours, Eastman, General Electric, General Motors, International Harvester, LaClede Gas, Montgomery Ward, National Biscuit, Pullman, Texas Gulf Sulfur, United Fruit, United States Cast Iron Pipe, United States Steel, Western Union, Westinghouse Air Brake, Woolworth.

Now take 25 representative railroad stocks:

	Per share
January, 1920	$56.27
December, 1920	53.02
December, 1925	92.45
December, 1927	119.68
April, 1928	127.16

Showing a gain of more than 100 per cent while land values were going down.

Below are the names of the railway stocks used in this calculation:

Atchison; Baltimore & Ohio; Chesapeake & Ohio; Chicago, Rock Island & Pacific; Chicago & North Western; Delaware, Lackawanna & Western; Erie; Great Northern, preferred; Illinois Central; Lehigh Valley; Louisville & Nashville; Missouri, Kansas & Texas; Missouri Pacific; New York Central; New York, New Haven & Hartford; Norfolk & Western; Northern Pacific; Pennsylvania; Pittsburgh & West Virginia; Reading; St. Louis & San Francisco; Southern Pacific; Southern Railway; Texas & Pacific; Union Pacific.

Take 40 representative bonds:

	Per $100 bonds
December, 1920	$57.72
December, 1925	77.56
December, 1927	85.98
May 10, 1928	98.97

Or a gain of almost 100 per cent in the value of bonds, while land has gone down one-third its value.

This shows the importance of the farm legislation which has passed the Senate and the House and is to-day before the President for his approval or disapproval, and it shows the importance of electing a President at the next national election

who is sympathetic with the idea of bringing about equality between agriculture and the other activities of the country.

One of the candidates for the nomination on the Republican ticket is against this bill, and something over three years ago I suggested that this gentleman, Mr. Hoover, be the Secretary of Agriculture, because he had advocated a measure of relief to agriculture.

I want to state at this time just what that relief measure was. When I first came down to Congress I thought I had an idea that would be a benefit to agriculture, and I went to the President with the idea. What I had in mind was that the United States should produce the sugar and wool that we are buying abroad, amounting to some $600,000,000 a year, and if we produced it in this country we would use some of the land used for wheat, cotton, and other products, and probably reduce the surplus over and above our home demands so that the tariff might be effective.

The President sent me to Mr. Hoover and in January, 1925, he (Mr. Hoover) was selected as the one to address an agricultural committee, selected by the President, of influential farm leaders who were appointed to offer a solution of the farm problem.

At that time Mr. Hoover took occasion to adopt this measure of relief which I had advocated and stated that what we needed was to balance production in the United States to our home demand, and that we were buying abroad much that should be produced at home.

Immediately I wrote him that he should accept the position as Secretary of Agriculture, then vacant, and put these ideas into effect. My mail shows that I had a conference with him on this subject later and asked that he give me the acreage in the United States that would raise sugar and also prepare a bill to aid in establishing sugar factories. After that my mail is silent.

MR. HOOVER TALKED WELL BUT DID NOTHING

Three years have passed and not a move has been made in this direction. I learned from high authority that the sugar plantations in Cuba were owned largely in New York and that they were against this proposition.

We have made no successful move in the three years that have passed to bring about relief to agriculture. Bills have been passed by both the Senate and the House but have been vetoed by the President. It is my opinion that land is still going down and it is increasingly evident that stocks of all kind in the industral and railway world continue to go up. There is an unfairness in the situation that can only be relieved by legislation.

We have, by legislation, in most of the States relieved agriculture of an unfair share in the road-building program and generally the States are assuming the building and maintenance cost of all the main roads, and where States have not so done they are leaving on the shoulders of agriculture an unfair burden.

Mr. GARDNER of Indiana. Mr. Speaker, in the consideration of Senate bill 2327, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as a member of the Committee on Roads, and one who has been interested for a number of years in the construction of good roads, I can not let this opportunity pass without expressing my views on this bill. And I desire, first, to give, in brief, the history, as I understand it, of what the Federal Government has done in the way of Federal aid to the States.

On August 24, 1912, an act was approved creating a joint committee composed of five Members of the Senate, to be designated by the chairman of the Senate Committee on Post Offices and Post Roads, and five Members of the House, to be designated by the chairman of the House Committee on Post Office and Post Roads, to make inquiry into the subject of Federal aid in the construction of post roads and to report at the earliest practicable date. And for this purpose an appropriation of $25,000 was made for the use of this joint committee in such investigation, and an appropriation of $500,000 was made to be expended by the Secretary of Agriculture, cooperating with the Postmaster General, in improving the condition of the roads over which the rural mails were delivered, or were to be delivered.

On July 11, 1916, an act was approved authorizing the Secretary of Agriculture to cooperate with the States through their respective highway departments in the construction of rural post roads in the various States and Territories. And which act provided an appropriation of—

For the fiscal year ending June 30, 1917	$5,000,000
For the fiscal year ending June 30, 1918	10,000,000
For the fiscal year ending June 30, 1919	15,000,000
For the fiscal year ending June 30, 1920	20,000,000
For the fiscal year ending June 30, 1921	25,000,000

That act provided that after the Secretary of Agriculture had made certain deductions authorized by that act, he should then apportion the remainder of the appropriation of each fiscal year among the several States in the following manner:

One-third in the ratio which the area of the State bears to the total area of all the States.

One-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census.

One-third in the ratio which the mileage of rural-delivery routes and star routes in each State bears to the total mileage of rural-delivery routes and star routes in all the States. (The information as to the mileage of rural-delivery routes and star routes is to be furnished by the Postmaster General.)

The same act made appropriation to be apportioned to the States as follows: The sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926. In all, $10,000,000 to be used for the construction and maintenance of roads and trails within, or partly within, the national forests.

The act of February 28, 1919, amending the act of 1916, made appropriations for Federal aid, as follows:

For the fiscal year ending June 30, 1919, available immediately	$50,000,000
For the fiscal year ending June 30, 1920	75,000,000
For the fiscal year ending June 30, 1921	75,000,000

Said additional sums to be expended in accordance with the provisions of the act of June 11, 1916. This amendatory act also made appropriations, to be expended in our insular possessions, of $3,000,000 for each of the above-mentioned years.

This additional appropriation added to the appropriation of July 11, 1916, made an appropriation of $95,000,000 for the year 1920 and $100,000,000 for the year 1921, the largest appropriations that have been made before or since that time.

The act of July, 1916, was further amended November 9, 1921, and made appropriation of $75,000,000 for the fiscal year ending June 30, 1922, and also made additional appropriation for the construction and maintenance of forest roads and trails in the sum of $5,000,000 for the fiscal year ending June 30, 1922, and $10,000,000 for the fiscal year ending June 30, 1923.

The act of June 19, 1922, further amended and extended the act of 1916 appropriating $50,000,000 for the fiscal year ending June 30, 1923; the sum of $65,000,000 for the fiscal year ending June 30, 1924; the sum of $75,000,000 for the fiscal year ending June 30, 1925, and also making the additional appropriation of $6,500,000 for each of said years of 1924 and 1925, to be expended for the forest roads and trails.

The act approved February 12, 1925, extended these appropriations for the fiscal years as follows:

The sum of $75,000,000 for the fiscal year ending June 30, 1926.

The sum of $75,000,000 for the fiscal year ending June 30, 1927, and the further sum of $7,500,000 for the forest roads and trails for each of said years.

And the act of June 22, 1926, extended these appropriations for the fiscal years as follows:

The sum of $75,000,000 for the fiscal year ending June 30, 1928.

The sum of $75,000,000 for the fiscal year ending June 30, 1929, and the sum of $7,500,000 for the forest roads and trails for each of said years.

And this present bill simply continues this appropriation of $75,000,000 to be apportioned among the States for each of the fiscal years ending June 30, 1930, and June 30, 1931, and the further sum of $7,500,000 for the forest roads and trails for each of said years.

I simply call attention to these appropriations made in the past to show that the Congress is not being asked to do anything different from what it has done for the past several years. And, in my judgment, if there is any criticism to be offered to this bill, it is because the appropriation that it carries is too small, rather than too large, an amount, considering what these appropriations have done and are still doing for the good of the country.

For that reason I signed a minority report with Congressmen ALMON, HUDSPETH, CANNON, and EDWARDS, members of the committee, setting forth that we favored increasing the appropriations to the States from $75,000,000 to $100,000,000 for each of the fiscal years ending June 30, 1930, and June 30, 1931. I believe practically every member of the committee favored this increase, but we were informed that the President would not sign a bill increasing these amounts above the $75,000,000. A majority of the committee favored reporting the $75,000,000, and I am glad to see this appropriation made if we are unable to secure more.

I see no reason why the legislative branch of the Government should not exercise its own judgment as to the best needs

of the country, and if the President sees fit to veto such legislation that is his privilege and his responsibility.

The act approved November 9, 1921, in addition to making appropriations to be expended in cooperation with the States, provided for a definite system of roads to be constructed with funds from both the Federal and the State Treasuries. This system was limited to 7 per cent of the total road mileage of each State. Seven per cent was chosen because it was found that this mileage would connect all of the county seats and main market centers. And this appropriation is being asked for the purpose of further carrying out the construction of this 7 per cent mileage system.

The construction of good roads is not a political question, yet both of the two leading political parties have declared in favor of continuing this Federal aid to the States for the improvement of highways. In the last national platform of the Republican Party the platform pledges its party to a continuation of this program in the following language:

> We pledge a continuation of this policy of Federal cooperation with the States in highway building.

The Democratic platform of the same year pledges its party to a continuation of this program in the following language:

> Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter and favor a continuance of Federal aid under existing Federal and State agencies.

I desire to speak briefly of what Federal aid in road construction has done for my State, Indiana, and what progress has been made in the improvement of roads since the creating of this Federal-aid system, approved July 11, 1916, and amendments thereto. I speak of Federal aid in Indiana because I am more familiar with what Federal aid has done for Indiana than I am with what it has done for other States. Indiana did not have a law creating a State highway commission until 1917, when an act was passed creating such a commission. The constitutionality of this act was challenged before the provisions of the law could be fully put into effect, but in 1919, in case of Wright et al. *v.* House (188 Indiana, 247), it was decided by the court that the act was constitutional. But before much was accomplished by that act the legislature of 1919 enacted a law which, with later amendments, is now the governing act of the State of Indiana as to the State highway commission.

This act of 1919 created a nonpartisan highway commission, composed of four members to be appointed by the governor, and that commission selects a director of the commission. Since the organization of the State highway commission in Indiana, under the provisions of that act, there has been a wonderful improvement in the highway system of the State due to the efforts of the commission. I believe the State Highway Commission of Indiana will compare favorably with any of the State highway commissions, and the present commission is doing a wonderful work in the State of Indiana.

The Federal-aid system of roads for Indiana is 5,004 miles, being 7 per cent of the whole mileage of roads within the State. The highway commission of Indiana has taken out of this number of miles into its State highway system about 4,521 miles.

At the close of the last fiscal year, September 30, 1927, the maintenance department of the State highway commission had under its control the following types and mileage of highways:

	Miles
Cement concrete	1,299.11
Stone	1,063.66
Gravel	1,362.06
Other constructions	645.10
Total	4,369.93

The building program for the year 1928 calls for the construction of 400 additional miles.

The total disbursements for the fiscal year of 1927 by the Indiana State highway commission for the repair and construction of Federal-aid roads was $14,798,310.50.

The following table shows what the State of Indiana has received from the Federal Government and the amount it has expended from such receipts:

Federal-aid statement September 30, 1927

States fiscal year	Amount apportioned to Indiana	Amount received by Indiana
1917	$135,747.62	
1918	271,495.24	
1919	1,756,149.60	
1920	2,564,846.88	$484,999.06
1921	2,687,053.27	1,446,622.73
1922	1,958,855.41	821,912.91
1923	1,305,903.61	1,834,769.09
1924	1,692,437.05	3,704,939.89
1925	1,939,903.32	$3,619,411.98
1926	1,938,693.00	2,499,728.57
Special (unclaimed by Montana)	17,380.00	
1927	1,935,890.00	2,075,554.16
1928	1,926,772.00	
	20,131,127.00	16,487,938.39
Total Federal aid received by Indiana		$16,487,938.39
Federal aid under contract for construction (not collected)	$3,231,724.37	
Federal aid allocated to projects not under contract for construction	175,980.06	
Federal aid not allocated to projects	235,484.18	
		3,643,188.61
Total Federal aid apportioned to Indiana		20,131,127.00

The above figures and tables relating to Indiana were given me by John D. Williams, director of the State Highway Commission of Indiana.

I know of no one thing that has done more in improving conditions in the State of Indiana than has the improvement of its roads. And I think what is true of that State is true of all States. It has brought the farmers closer to the markets. It has opened up many sections of country to development that were practically inaccessible before good roads were built through those sections. Many sections of the country, where but a few years ago farmers had difficulty in marketing their crops and livestock on account of the condition of the highways, to-day are putting their products and livestock in the markets 25, 50, and more miles away by use of trucks going over good roads to these markets. Schools are being consolidated and the school children carried in automobiles to the schools; rural-mail routes are going over these roads carrying daily papers and other mail to the citizens of the rural districts in automobiles in about one-half of the time that it took the mail carrier of a few years ago to deliver mail on these routes with the horse-drawn vehicle. While the construction of good roads has brought about a wonderful improvement in the rural districts, yet this road-building program is still in its infancy. This program of Federal aid to the States in the construction of roads, begun under the act approved July 11, 1916, and continued to this date, is the one good thing, in my judgment, above all others that Congress has done for the upbuilding and improvement of the agricultural and rural districts of this country, and this date stands out as one of the great days in congressional action.

And in addition to contributing to the national wealth, I know of no appropriation that has done so much to improve conditions and bring about enlightenment as has this system of extending Federal aid to the States for road improvement. When this system was first inaugurated there was considerable opposition to the Government extending this Federal aid to the States, and some still contend that such appropriations should not be made. When conditions were different roads were constructed with the township or the county as the unit of taxation and construction. But conditions have so changed that it is necessary that the unit of taxation and construction be made larger, even larger than the State. With the township as the unit, the poorer townships are not financially able to construct roads that will accommodate the traffic of to-day. Many counties are not financially able to construct roads that will accommodate the traffic of to-day. Many States are not financially able to construct roads that will accommodate the traffic of to-day. Yet the public wants to travel through these townships, these counties, and these States that are unable financially to construct these roads, and there is no other alternative but to make the Federal Government the unit for the taxation and the construction of the main market roads. And many of the roads now are used more for the through traffic than they are used by the persons residing along the roads. For that reason it is proper and right that the Federal Government and the taxpayers of the Federal Government should bear a part of the expenditure for the construction of roads in the various States.

In Indiana the State highway commission, aided by the funds from the Federal Government, has constructed, and is constructing, the main market highways of the State. And, under our State laws, the counties and the townships are constructing roads to connect with these main market highways. On the roads built by the State Highway Commission of Indiana, the State's portion of the construction is being paid for as the roads are being constructed, and Indiana has no State bond issue for the construction of State and Federal roads, nor has the State any indebtedness for that purpose.

This same principle of finding a larger unit is recognized in many of our State school systems. In the State of Indiana, for instance, we have a law that any township or municipality, after levying and collecting a certain rate on the taxable property of that municipality, and it is found to be insufficient to maintain the schools for the length of time required by the State law, that municipality may then draw on the State funds for a sufficient amount to continue the schools for the length of time required by the school system. The State recognizes the fact that it can not permit the children of any part of the State to be deprived of the necessary training in school because of the lack of funds in that particular municipality, thus recognizing the fact that a township, or a county, is too small a unit for the school system, and the same is equally true with the road system.

Some of the larger cities, or some of the wealthier States, may contend that under this system of road building that particular city or State is paying more than its just proportion of taxes for road purposes. It may be paying out more money than it is receiving, yet these roads are bringing into that city, or that State, the products and necessaries of life from the States receiving this benefit. The mines, and the agricultural fields of the West, in many instances, are sending their products to such cities and such States. Life-insurance companies, banking institutions, manufacturing establishments, and other institutions receive much of their profits from States other than their own. And many of the stockholders, and others contributing to the profits of these institutions, are residents of other States. And it is just and equitable that these wealthier centers should contribute their pro rata part in the way of taxation to this Federal-aid system of road construction.

It has been contended by some that if this appropriation be continued at $75,000,000 annually the automobile tax should not be eliminated from the revenue bill. The automobile tax was a war-time measure, and should be eliminated. In practically all the States the user of the automobile is already paying his just proportion of the construction and maintenance of roads by paying a gas tax and a license tax. The Federal tax on the automobile is passed on to the purchaser, and makes an additional burden on the automobile user and not on the manufacturer. I am in favor of continuing the appropriation of Federal aid to the States for road construction, and I hope that many more appropriations will be made extending the life of this system for years to come.

The SPEAKER pro tempore. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ESTABLISHMENT OF NARCOTIC FARMS

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass with an amendment the bill H. R. 13645.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to suspend the rules and pass H. R. 13645, with amendments. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 13645) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes

Be it enacted, etc., That when used in this act—

(a) The term "habit-forming narcotic drug" or "narcotic" means opium and coca leaves and the innumerable alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine, obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw material or from the various alkaloids; Indian hemp and its various derivatives, compounds, and preparations, and peyote in its various forms.

(b) The term "addict" means any person who habitually uses any habit-forming narcotic drug as defined in this act so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

SEC. 2. That the Attorney General, the Secretary of the Treasury, and the Secretary of War be, and are hereby, authorized and directed to select sites for two institutions for the confinement and treatment of persons who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and who are addicted to the use of habit-forming narcotic drugs, and for the confinement and treatment of addicts who voluntarily submit themselves for treatment.

SEC. 3. That upon selection of appropriate sites the Secretary of the Treasury shall submit to Congress estimates of the cost of purchasing same, together with estimates of the expense necessary to construct the proper buildings thereon. The Secretary of the Treasury at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the said United States narcotic farms, including salaries of all necessary officers and employees.

SEC. 4. That the Secretary of the Treasury is hereby authorized to cause the plans, drawings, designs, specifications, and estimates for the remodeling or construction of the necessary buildings to be prepared in the office of the Supervising Architect, Treasury Department, and the work of remodeling or constructing the said buildings to be supervised by the field force of said office: *Provided*, That the proper appropriations for the support and maintenance of the office of the Supervising Architect be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work and the supervision of the remodeling and construction of said buildings.

SEC. 5. That the control and management of the United States narcotic farms shall be vested in the Secretary of the Treasury, who shall have power to appoint competent superintendents, assistant superintendents, physicians, pharmacists, psychologists, nurses, and all other officers and employees necessary for the safe-keeping, care, protection, treatment, and discipline of the inmates. There is hereby created in the office of the Surgeon General of the Bureau of the Public Health Service, in the Department of the Treasury, a division to be known as the narcotics division, which shall be in charge of a physician trained in the treatment and care of narcotic addicts, and which division shall have charge of the management, discipline, and methods of treatment of said United States narcotic farms under the rules and regulations promulgated by the Secretary of the Treasury.

SEC. 6. That the care, discipline, and treatment of the persons admitted to or confined in a United States narcotic farm shall be designed to rehabilitate them, restore them to health, and where necessary train them to be self-supporting and self-reliant. For this purpose the Secretary of the Treasury shall have authority to promulgate all necessary rules and regulations for the government of the officers and inmates of said United States narcotic farms. The Surgeon General of the Bureau of the Public Health Service shall also give the authorized representatives of each State the benefit of his experience in the administration of said United States narcotic farms and the treatment of persons confined therein through the publication and dissemination of information on methods of treatment and research in this field, together with individual and group case histories, to the end that each State may be encouraged to provide similar facilities for the care and treatment of narcotic addicts within their own jurisdiction.

SEC. 7. That the authority vested with the power to designate the place of confinement of a prisoner is hereby authorized and directed to transfer to the United States narcotic farms, as accommodations become available, all addicts, as herein defined, who are now or shall hereafter be sentenced to confinement in or be confined in any penal, correctional, disciplinary, or reformatory institution of the United States, including those addicts convicted of offenses against the United States who are confined in State and Territorial prisons, penitentiaries, and reformatories: *Provided*, That no addict shall be transferred to a United States narcotic farm who, in the opinion of the officer authorized to direct the transfer, is not a proper subject for confinement in such an institution either because of the nature of the crime he has committed, or his apparent incorrigibility. The authority vested with the power to designate the place of confinement of a prisoner is authorized to transfer from a United States narcotic farm to the institution from which he was received, or to such other institution as may be designated by the proper authority, any addict whose presence at a United States narcotic farm is detrimental to the well-being of the institution, or who does not continue to be a narcotic addict under the terms of this act. All transfers to or from a narcotic farm shall be made by the officer in charge of such farm, and the actual and necessary expenses incident to such transfers shall be paid from the appropriation for the maintenance of such farm.

SEC. 8. That it shall be the duty of each prosecuting officer, when sentence is pronounced, to report to the authority vested with the power to designate the place of confinement the name of each convicted person believed by him to be an addict, as herein defined, his reasons for such belief, and all pertinent facts bearing on such addiction, together with the nature of the offense.

SEC. 9. That the inmates of said narcotic farms shall be employed in such manner and under such conditions as the Secretary of the Treasury may direct. The Secretary of the Treasury may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; require any Government department or establishment or other institution appropriated for directly or indirectly by the Congress of the United States to purchase at current market prices as determined by the Secretary of the Treasury, or his authorized representative, such articles, commodities, or supplies as meet their specifications; and the Secretary of the Treasury shall provide for the payment to the inmates or their dependents such pecuniary earnings as he may deem proper, and establish a working-capital fund for said industries out of any funds appropriated for said narcotic farms; and said working-capital fund shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw

materials and supplies, and for the employment of necessary civilian officers and employees: *Provided*, That at the opening of each regular session of Congress the Secretary of the Treasury shall make a detailed report to Congress of the receipts and expenditures made from said working-capital fund.

SEC. 10. That any inmate of said narcotic farms or any narcotic addict confined in any institution convicted of an offense against the United States shall not be eligible for parole under sections 1, 2, 3, 4, 5, 6, 7, and 8 of the act of Congress approved June 25, 1910, being an act to provide for the parole of United States prisoners, and for other purposes, or under the provisions of any act or regulation relating to parole, or receive any commutation allowance for good conduct in accordance with the provisions of the act of Congress approved June 21, 1902, and entitled "An act to regulate commutation for good conduct for United States prisoners," and the acts amendatory thereof and supplemental thereto, unless and until the Surgeon General of the Bureau of the Public Health Service shall have certified that said inmate is no longer a narcotic addict as defined by this act. When such certificate shall have been made, the board of parole of the penal, correctional, disciplinary, or reformatory institution from which such former addict was transferred may authorize his release on parole without transfer back to such institution.

SEC. 11. That not later than one month prior to the expiration of the sentence of any addict confined in a United States narcotic farm, he shall be examined by the Surgeon General of the Bureau of the Public Health Service or his authorized representative. If he believes the person to be discharged is still an addict within the meaning of this act and that he may by further treatment in a United States narcotic farm be cured of his addiction, the addict shall be informed, under such rules and regulations as the Secretary of the Treasury may promulgate, of the advisability of his submitting himself to further treatment. The addict may then apply in writing to the Secretary of the Treasury for further treatment in a United States narcotic farm for a period not exceeding the maximum length of time considered necessary by the Surgeon General of the Bureau of the Public Health Service. Upon approval of the application by the Secretary of the Treasury or his authorized agent, the addict may be given such further treatment as is necessary to cure him of his addiction: *Provided*, That if any addict voluntarily submits himself to treatment he may be confined in a United States narcotic farm for a period not exceeding the maximum amount of time estimated by the Surgeon General of the Bureau of the Public Health Service as necessary to effect a cure or until he ceases to be an addict within the meaning of this act.

SEC. 12. That any person, except an unconvicted alien, addicted to the use of habit-forming narcotic drugs, whether or not he shall have been convicted of an offense against the United States, may apply to the Secretary of the Treasury or his authorized representative for admission to a United States narcotic farm.

Any such addict shall be examined by the Surgeon General of the Bureau of the Public Health Service or his authorized agent, who shall report to the Secretary of the Treasury whether the applicant is an addict within the meaning of this act; whether he believes he may by treatment in a United States narcotic farm be cured of his addiction and the estimated length of time necessary to effect a cure, and any further pertinent information bearing on the addiction, habits, or character of the applicant. The Secretary of the Treasury may, in his discretion, admit the applicant to a United States narcotic farm. No such addict shall be admitted unless he voluntarily submits to treatment for the maximum amount of time estimated by the Surgeon General of the Bureau of the Public Health Service as necessary to effect a cure, and unless suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted. The Secretary of the Treasury may require any such addict voluntarily applying to pay the cost of his subsistence, care, and treatment. All such money shall be covered into the Treasury of the United States to the credit of the appropriation from which the expenditure was made: *Provided*, That if any addict voluntarily submits himself to treatment he may be confined in a United States narcotic farm for a period not exceeding the maximum amount of time estimated by the Surgeon General of the Bureau of the Public Health Service as necessary to effect a cure of the addiction or until he ceases to be an addict within the meaning of this act: *And provided further*, That any person who voluntarily submits himself for treatment at a United States narcotic farm shall not forfeit or abridge thereby any of his rights as a citizen of the United States; nor shall such submission be used against him in any proceeding in any court, and that the record of his voluntary commitment shall be confidential and not divulged.

SEC. 13. Every person convicted of an offense against the United States shall upon discharge, or upon his release on parole, from a United States narcotic farm be furnished with the gratuities and transportation authorized by law to be furnished had his discharge or release been from the penal, correctional, disciplinary, or reformatory institution to which he was sentenced or from which he was transferred.

Any court of the United States having the power to suspend the imposition or execution of sentence, and place defendants on probation under any of the existing laws, may impose as one of the conditions of such probation that the defendant, if an addict, as herein defined, shall be admitted and submit himself for treatment at a United States narcotic farm until discharged therefrom as cured. Upon the discharge of any such probationer from a United States narcotic farm, he shall be furnished with the gratuities and transportation authorized to be furnished by the act of July 3, 1926, entitled "An act to increase the clothing and cash gratuities furnished to persons discharged from prisons." The actual and necessary expense incident to transporting such probationer to such farm and to furnishing such transportation and gratuities, shall be paid from the appropriation for the maintenance of such farm: *Provided*, That where existing law vests a discretion in any officer as to the place to which transportation shall be furnished or as to the amount of clothing and gratuities to be furnished, such discretion shall be exercised by the Secretary of the Treasury with respect to addicts discharged from United States narcotic farms.

SEC. 14. Any person not authorized by law or by the Secretary of the Treasury who introduces or attempts to introduce into a United States narcotic farm or within the grounds adjoining or adjacent thereto any habit-forming narcotic drugs as defined in this act is guilty of a felony, and is punishable by confinement in the penitentiary for a period of not more than 10 years.

SEC. 15. It shall be unlawful for any person properly committed thereto to escape or attempt to escape from a narcotic farm, and any such person upon apprehension and conviction in a United States court shall be punished by imprisonment for not more than five years, such sentence to begin upon the expiration of the sentence for which said person was originally confined.

SEC. 16. It shall be unlawful for any person to procure the escape of any inmate properly committed to a narcotic farm or to advise, connive at, aid, or assist in such escape, or conceal any such inmate after such escape, and upon conviction in a United States court shall be punished by imprisonment in the penitentiary for not more than three years.

SEC. 17. Wherever an alien addict has been transferred to either of the United States narcotic farms provided for in this act, who is entitled to his discharge but is subject to deportation in lieu of being returned to the penal institution from which he came, he shall be deported by the authority vested by law with power over deportations.

The SPEAKER pro tempore. Is a second demanded?

Mr. EDWARDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. EDWARDS. No; I am not, but I would like to control the time.

The SPEAKER pro tempore. Is any member of the committee opposed to the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I make a point of order and would like to have a ruling by the Chair. If nobody is opposed to a bill how can time be given to a Member of the House to control time in opposition to it?

Mr. O'CONNELL. We established that by precedents twice to-day.

Mr. O'CONNOR of New York. Because no one objected to it.

The SPEAKER pro tempore. The Chair will state that sometimes, when no one is opposed to a bill, but time is desired for debate, some one demands a second.

Mr. O'CONNOR of New York. I make the point of order that unless a man is opposed to the bill he is not entitled to time in opposition to it.

The SPEAKER pro tempore. The point of order is overruled. Is a second demanded?

A second was not demanded.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and members of the House, from a humanitarian standpoint no measure considered at this session of Congress compares with the bill (H. R. 13645) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States.

The bill bears the name of the distinguished gentleman from Pennsylvania, Hon. STEPHEN G. PORTER, chairman of the Committee on Foreign Affairs. Mr. PORTER, a lawyer by profession, studied medicine for two years, and during that period, together with the extended study he has made, both in this country and abroad, obtained a knowledge of habit-forming drugs and their use which enabled him to present an argument to the Judiciary Committee that resulted in a unanimous report.

Early in the session I introduced the first bill along this line, which authorized the construction of a Federal prison hospital. Mr. Porter's bill, which was offered at a later date, embraced the ideas of the superintendent of prisons of the Department of Justice as well as his own, and therefore I immediately offered whatever assistance I might be able to render him to get action on his measure. I, too, appeared before the Judiciary Committee at the hearing.

When one realizes that 2,000 or 3,000 men and women, slaves of habit-forming drugs, will be placed on these farms and be subject to treatment and eventually cured during the period of confinement, you will readily see it is a humanitarian measure.

Notice has been served on the Congress that the great increase in the population at the Federal penitentiaries makes it imperative that either the Porter bill be enacted into law or two additional Federal penitentiaries constructed. Therefore you will see this is a move in the right direction. The capacity of the Federal penitentiaries is less than 4,000 prisoners, but statistics show at the present time we have about 7,600 prisoners, and the number is increasing monthly.

The hearings before the committee contain statements showing how far the addicts go to secure drugs as well as the various methods used. Their care is a source of great trouble to the wardens and greatly interferes with the morale of the other prisoners.

There should be no delay in securing action in the Senate on this bill and every effort should be made to send it to the President before adjournment.

The bill received the indorsement of the wardens of the penitentiaries at Leavenworth and Atlanta as well as hundreds of organizations and individuals who are interested in our social problems.

IMMIGRATION OF CERTAIN RELATIVES OF UNITED STATES CITIZENS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that H. R. 12816, relating to the immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States, introduced by Mr. JENKINS, be laid on the table, a similar bill having been passed this afternoon.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

IMMIGRATION INSPECTORS' BILL

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. I would like to say for the RECORD that inasmuch as the Bacharach bill, relating to pay of customs inspectors, has passed the House, I expect to bring up, either under a rule or suspension of the rules, the bill known as the immigration inspectors' bill, which is a companion bill to the Bacharach bill.

Mr. CELLER. May I ask the gentleman when he expects to bring it up?

Mr. JOHNSON of Washington. At the first opportunity, but I do this in order to serve notice on the Members and prevent the writing of a lot of letters and so gentlemen of the House may know.

RIO GRANDE FEDERAL IRRIGATION PROJECT, NEW MEXICO-TEXAS

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 11471, extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas, and consider it in the House as in Committee of the Whole.

The SPEAKER. Will the gentleman state that this is a matter of emergency?

Mr. JOHNSON of Texas. It is.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table H. R. 11471 and consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to enter into amended contracts with the Elephant Butte irrigation district of New Mexico, and El Paso County Water Improvement District No. 1, of Texas, whereby, after the payment of the first four annual installments, as now provided for in existing contracts, upon the construction charge under the Rio Grande Federal irrigation project, New Mexico-Texas, the remaining unpaid construction charge per irrigable acre shall be payable annually in installments of 5 per cent of the average gross annual acre income for the 10 calendar years 1918 to 1927, inclusive, of the area in cultivation under said project.

SEC. 2. These annual payments shall continue until the total construction charge against said districts is paid.

SEC. 3. The existing contracts between the United States and Elephant Butte Irrigation District, of New Mexico, and between the United States and El Paso County Water Improvement District No. 1 shall remain unaltered except as herein otherwise directed.

With the following committee amendment:

Page 2, line 2, after the word "of," strike out the words "5 per cent of the average gross annual acre income for the 10 calendar years 1918 to 1927, inclusive, of the area in cultivation under said project," and insert in lieu thereof the figures "$3.60."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISCONTINUANCE OF CERTAIN REPORTS

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent for the present consideration of a bill which I send to the Clerk's desk, it being an emergency measure.

The SPEAKER. The gentleman states it is a matter of emergency?

Mr. MACGREGOR. It is.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table House bill 12064 and consider the same in the House as in Committee of the Whole. Is there objection?

Mr. GARNER of Texas. May I ask the gentleman if this bill was unanimously reported by the gentleman's committee?

Mr. MACGREGOR. Absolutely.

Mr. LAGUARDIA. What reports are you going to abolish?

Mr. MACGREGOR. About 80 out of 303 reports to be made to Congress which have become obsolete.

Mr. LAGUARDIA. Why do you not abolish 300 of them and leave 3?

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

H. R. 12064, Seventieth Congress, first session

A bill to discontinue certain reports now required by law to be made annually to Congress

Be it enacted, etc., That the following reports and statements now required by law to be made annually to Congress are hereby discontinued, and all acts or parts of acts herein cited as requiring the preparation and submission of such statements and reports are hereby repealed to the extent of such requirement:

REPORTS UNDER EACH EXECUTIVE DEPARTMENT AND INDEPENDENT ESTABLISHMENT

Statement of expenditures from contingent appropriations. (Rev. Stat., sec. 193, p. 30; Stats. L., vol. 18, pt. 3, p. 96; title 5, sec. 104, U. S. C.)

Detailed report of publications received and distributed. (Stat. L., vol. 28, p. 623; title 44, sec. 96, U. S. C.)

Report on aggregate number of publications issued during the preceding fiscal year; cost of paper used for such publications, cost of printing, and cost of preparation of each publication and the number of each distributed. (Stat. L., vol. 41, pt. 1, p. 1037; title 44, sec. 221, U. S. C.)

Report of travel on official business from Washington to points outside of the District of Columbia. (Stat. 5, vol. 35, pt. 1, p. 244; title 5, sec. 105, U. S. C.)

Report relative to exchange of typewriters, adding machines, and other similar labor-saving devices. (Stat. L., vol. 38, pt. 1, p. 1161; title 41, sec. 26, U. S. C.)

A statement of the buildings rented within the District of Columbia for the use of the Government, etc. (Stat. L., vol. 22, p. 552; Stat. L., vol. 27, p. 199; Stat. L., vol. 38, pt. 1, p. 3; Stat. L., vol. 41, pt. 1, p. 691; title 31, sec. 595, U. S. C.)

A statement given for each of the Government-owned buildings in the District of Columbia under the jurisdiction of each department and independent establishment, the location and valuation of each building, the purpose or purposes for which used, and the cost of care, maintenance, upkeep, and operation thereof. (Stat. L., vol. 41, pt. 1, p. 945; title 31, sec. 596, U. S. C.)

Report of money received by sales of supplies, materials, equipment, or other property purchased, acquired, or manufactured in the United States in connection with the prosecution of the war. (Stat. L., vol. 40, pt. 1, p. 548.)

That until otherwise provided by law the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law. (Stat. L., vol. 37, pt. 1, p. 415.)

Statement as to the condition of business in each department and independent establishment, showing whether any part of the same is in arrears, etc. (Stat. L., vol. 28, p. 808; title 31, sec. 593, U. S. C.)

Statement relative to the number of employees in each bureau and office, and the salary of each who are below a fair standard of efficiency. (Stat. L., vol. 26, p. 268; title 31, sec. 592, U. S. C.)

REPORTS UNDER THE STATE DEPARTMENT

A full list of all consular officers. (Rev. Stat., sec. 208, p. 33; title 5, sec. 163, U. S. C.)

Report of any rates or tariffs of fees to be received by diplomatic or consular officers, which may have been prescribed by the President during the preceding year. (Rev. Stat., sec. 208, p. 33; title 5, sec. 163, U. S. C.)

A statement of the names of any consular officers, not citizens of the United States, to whom salaries have been paid during the year preceding, together with the circumstances under which they were appointed. (Rev. Stat., sec. 208, p. 33; title 5, sec. 163, U. S. C.)

Report on the expenditure of the appropriation for relief of American citizens in Europe. (Public Resolutions 41 and 42, 63d Cong., 2d sess., Stat. L., vol. 38, pt. 1, 776.)

Report on the expenditure of the appropriation to provide for representation of foreign governments growing out of hostilities in Europe. (Public Resolution 48, 63d Cong., 2d sess., Stat. L., vol. 38, pt. 1, 778.)

REPORTS UNDER THE TREASURY DEPARTMENT

Statement of proceeds of sale of old material, condemned stores, supplies, and other property. (Stat. L., vol. 36, pt. 1, 773; title 31, sec. 625, U S. C.)

Report relative to rents collected in the District of Columbia from sites acquired for proposed public buildings in Washington. (Stat. L., vol. 32, pt. 1, 1213; Stat. L., vol. 35, pt. 1, 959; title 40, sec. 262, U. S. C.)

Report of rearrangement of customs districts, establishment and discontinuance of ports of entry. (Stat. L., vol. 38, pt. 1, 623; title 19, sec. 2, U. S. C.)

Report of expenses of loans and expenditures from repayments of foreign loans. (Stat. L., vol. 40, pt. 1, 37; Stat. L., vol. 40, pt. 1, 292, as amended; title 31, sec. 759, U. S. C.)

A separate annual report by the Secretary of the Treasury of the action taken under the authority contained in section 6 of the act of March 3, 1919, creating in the Treasury a cumulative sinking fund. (Stat. L., vol. 40, pt. 1, 1311; Stat. L., vol. 42, pt. 1, 1427; title 31, sec. 767, U. S. C.)

Detailed statement showing the number, designation, and annual rate of compensation of the persons employed and the amounts expended for rent and other authorized purposes in the District of Columbia from the appropriation for internal revenue. (Stat. L., vol. 41, pt. 1, 654.)

Report of the estimate of the expense of assessing and the expense of collecting the internal revenue. (Rev. Stat., sec. 3671, 722.)

Detailed report of expenditures under the appropriation "Preventing the spread of epidemic diseases." (Stat. L., vol. 40, pt. 1, 121; Stat. L., vol. 41, pt. 1, 885; title 42, sec. 109, U. S. C.)

Report of the Treasurer of the United States on the sinking fund and funded debt of the District of Columbia. (Sec. 135 of statutes relating to the District of Columbia, 43d Cong., 1873–1875.)

REPORTS UNDER THE WAR DEPARTMENT

Report by the Secretary of War of all bids, with the names of the bidders, received in response to invitations for proposals for any (Engineer Department) works or for any materials or labor for any (Engineer Department) works. (Rev. Stat., sec. 230, 37; Stat. L., vol. 14, 73; title 5, sec. 217, U. S. C.)

Report of the test of metals and other materials made with the United States testing machine at Watertown Arsenal, Mass. (Stat. L., vol. 21, 349.)

Report of the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors, time employed, compensation paid, and place at and work on which employed. (Stat. L., vol. 24, 335; title 33, sec. 552, U. S. C.)

Report of leases of public property under act of July 28, 1892. (Stat. L., vol. 27, 321; title 40, sec. 303, U. S. C.)

Report of all claims exceeding $500 for damage done by United States vessels engaged in river and harbor work, etc. (Stat. L., vol. 41, pt. 1, 1015; title 33, sec. 564, U. S. C.)

Statement of all expenditures under the appropriation made by the Army appropriation act approved June 5, 1920, for the purchase of horses, etc. (Stat. L., vol. 41, pt. 1, 692; Stat. L., vol. 43, pt. 1, 901; title 10, sec. 1318, U. S. C.)

Report of transfers and sales under the provisions of the act authorizing the sale of real property no longer required for military purposes, approved June 4, 1924. (Stat. L., vol. 43, pt. 1, 387.)

Report of transfers and sales made under the provisions of the act approved March 4, 1923, authorizing the sale of real property no longer required for military purposes. (Stat. L., vol. 42, pt. 1, 1450.)

Statement of the financial and other affairs of the United States disciplinary barracks for the preceding year. (Stat. L., vol. 38, pt. 1, 1085; title 10, sec. 1453, U. S. C.)

The Secretary of War is hereby authorized to ascertain whether any of the contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917, the date of the entrance of the United States into war with Germany, have become inequitable and unjust on account of increased cost of materials, etc. (Stat. L., vol. 40, pt. 1, p. 1280.)

To submit to Congress an itemized statement and cost price thereof of certain surplus machine tools and other equipment belonging to the War Department authorized to be transferred to the Federal Board for Vocational Education without compensation therefor. (Stat. L., vol. 41, pt. 1, p. 504.)

To investigate the feasibility and to ascertain and report the cost of establishing a national military park in and about Kansas City, Jackson County, Mo., etc. (Stat. L., vol. 43, pt. 1, p. 801.)

Report of proceeds received from the operation of a public utility in connection with engineer operations in the field overseas. (Stat. L., vol. 40, pt. 1, p. 893; title 10, sec. 1287, U. S. C.)

A detailed report of all receipts and expenditures of special contingent funds collected from nonmilitary residents and transportation companies at Fort Monroe, Va. (Stat. L., vol. 28, p. 213.)

To submit to Congress a comprehensive plan for necessary permanent construction of military posts, including Camp Lewis, in the State of Washington, etc. (Stat. L., vol. 43, pt. 1, p. 487.)

Report as to the administration of the World War adjusted compensation act. (Stat. L., vol. 43, pt. 1, p. 124; title 38, sec. 617, U. S. C.)

REPORTS UNDER THE DEPARTMENT OF JUSTICE

Report of the names of all persons employed or retained as attorneys or counselors at law to assist any district attorneys in the performance of their duties, stating where and upon what business each was employed and the compensation paid to each. (Rev. Stat., sec. 385, p 64; title 5, sec. 336, U. S. C.)

Statement of all payments of expenditures during any fiscal year out of any appropriation fund subject to requisition by the Attorney General. (Stat. L., vol. 21, p. 44; title 5, sec. 335, U. S. C.)

Statement in detail showing for the preceding fiscal year the number of assistant district attorneys employed, the salaries of each; the number of clerical assistants employed for each district attorney, the salaries of each; the amount expended for necessary subsistence and actual and necessary traveling expenses of each district attorney and his assistants, etc. (Stat. L., vol. 29, p. 185; title 5, sec. 337, U. S. C.)

A report to Congress and the maintenance of a register of the Statutes of the United States and reports of the Supreme Court, showing the quantity of each kind received from the Secretary of the Interior, etc. (Rev Stat., sec. 387, p. 64; title 5, sec. 339, U. S. C.)

The Attorney General shall annually report to Congress, in detail, the items, amounts, and causes of expenditures of the contingent expenses of this department. (Stat. L., vol. 18, p. 109; title 5, sec. 334, U. S. C)

A list of all final judgments rendered under act to provide for adjudication and payment of claims arising from Indian depredations in favor of claimants, and not paid. (Stat. L., vol. 26, p. 854.)

All judgments in Indian-depredation cases in which, in his opinion, there is no evidence that any fraud, wrong, or injustice has been done to the United States. (Stat. L., vol. 28, p. 477.)

A full report of the Secretary of War and the Attorney General as to what action has been taken by them or their predecessors in office, or by any Secretary of the Interior, under the act to increase the water supply of the city of Washington, etc. (Stat. L., vol. 28, p. 402.)

REPORTS UNDER THE POST OFFICE DEPARTMENT

A report to Congress and the preparation and keeping, in proper books, of full and complete inventories and accounts of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by the Postmaster General and under his charge, etc. (Rev Stat., sec. 397, p. 67; title 5, sec. 371, U. S. C.)

A report in each particular case of the result of his investigation of claims of postmasters for the loss of money-order funds, postal funds, postage stamps, etc., resulting from burglary, fire, etc. (Stat. L., vol. 25, p. 135, as amended; title 39, sec 49, U. S. C.)

Report of the amounts expended from the appropriation for unusual conditions for the employment of clerks and carriers at high rates, and the places at which such amounts were expended. (Stat. L., vol. 36, pt. 1, p. 1332.)

Statement of the cost of the postal establishment of the matter mailed under frank by each department and independent establishment of the Government, etc. (Stat. L., vol. 41, pt. 1, p. 1037; title 5, sec. 390, U. S. C.)

A report of the finances of the department for the preceding year, showing the amount of balance due the department at the beginning of the year, the amount of postage which accrued within the year, the amount of engagements and liabilities, and the amount actually paid during the year for carrying the mail. (Rev. Stats., sec. 413, p. 68; Stat. L., vol. 29, p. 647; title 5, sec. 387, U. S. C.)

A report of the amount expended in the department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund. (Rev. Stats., sec. 413, p. 68; Stat. L., vol. 29, p. 648; title 5, sec. 387, U. S. C.)

To report to Congress the probable cost of connecting a telegraph and telephone system with the Postal Service by some feasible plan. (Stat. L., vol. 31, p. 1104.)

REPORTS UNDER THE NAVY DEPARTMENT

Report of leases of naval lands. (Stat. L., vol. 39, pt. 1, p. 559; title 34, sec. 522, U. S. C.)

Report of adjustment of claims for damage to private property growing out of operations of naval aircraft not exceeding $250. (Stat. L., vol. 44, pt. 2, p. 1291.)

Estimates of the claims and demands chargeable upon and payable out of the naval pension fund. (Rev. Stats., sec. 3667, p. 721.)

Report of administration of World War adjusted compensation act. (Stat. L., vol. 43, pt. 1, p. 124; title 38, sec. 617, U. S. C.)

Report of adjustment of claims for damages to and loss of privately owned property occurring subsequent to April 6, 1917, for which damage or loss of men in the naval service or Marine Corps are found to be responsible. (Stat L., vol. 41, pt. 1, p. 132, title 34, sec. 600, U. S. C.)

REPORTS UNDER THE DEPARTMENT OF THE INTERIOR

Report of expenditure under "Indian schools, support," as contemplated by the act of March 2, 1887. (Stat. L., vol. 24, p. 465; title 25, sec. 299, U. S. C.)

Report of expenditures under the appropriation for "Construction, lease, purchase, repairs, and improvements of school and agency buildings." (Stat. L., vol. 36, pt. 1, p. 1060; title 25, sec. 300, U. S. C.)

Report in detail under section 17 of the act to divide Sioux Reservation, etc. (Stat. L., vol. 25, p. 895.)

Report showing cost account of all survey and allotment work on Indian reservations. (Stat. L., vol. 36, pt. 1, p. 270; title 25, sec 338, U S. C.)

Statement of the cost account of expenditures under the appropriation "Industrial work and care of timber." (Stat. L., vol. 36, pt. 1, p. 1061; title 25, sec. 301, U. S. C.)

Report of all moneys appropriated for the purpose of encouraging industry among Indians. (Stat. L., vol. 38, pt. 1, p. 587; title 25, sec. 144, U. S. C.)

Report under the provisions of the act of July 4, 1884, relative to diversion of appropriations for the pay of specific employees, etc. (Stat. L., vol. 23, p. 97.)

Report in regard to the expenditures of moneys carried on the books of this department under the title "Indian moneys, proceeds of labor." (Stat. L., vol. 22, p. 590; Stat. L., vol. 24, p. 463; title 35, sec. 155, U. S. C.)

Report regarding expenditures for cattle, Northern Cheyenne Indians, North Dakota. (Stat. L., vol. 38, pt. 1, p. 594.)

Report regarding expenditures of tribal funds of the Apache, Kiowa, and Comanche Indians, Oklahoma. (Stat. L., vol. 44, pt. 2, p. 941.)

Report regarding expenditures of tribal funds of the Confederated Bands of Utes. (Stat. L., vol. 44, pt. 2, p. 955.)

Statement of expenses incurred and paid from the tribal funds of the Chippewa Indians of Minnesota, acts of May 18, 1916, and June 5, 1924. (Stat. L., vol. 44, pt. 2, p. 954.)

Statement of traveling expenses incurred by clerks detailed from one surveyor general's office to another. (Stat. L., vol. 40, pt. 1, p. 1251.)

Report of information as to the amount disbursed in certain States and Territories for support of colleges for the benefit of agriculture and mechanic arts. (Stat. L., vol. 26, p. 419; title 7, sec. 327, U. S. C.)

Report of the withdrawals by the President of public lands in certain cases. (Stat L, vol 36, pt 1, p 848; title 43, sec. 143, U. S. C.)

Report on expenditures made under act of March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," on account of property for occupany of land and improvements thereon reimbursable from funds derived from sale of lots and tracts in Alaskan town sites. (Stat. L., vol. 40, pt. 1, p. 19.)

Report under the act of March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," of the proceeds of sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sale of other condemned property which has been purchased or constructed under the provisions thereof, etc. (Stat. L., vol. 41, pt. 1, p. 202.)

Statement relative to salaries and compensation of the surgeon in chief of Freedmen's Hospital, and for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, etc. (Stat. L., vol. 41, pt. 1, p. 1409.)

Statement relative to patients admitted to Freedmen's Hospital for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe, etc. (Stat. L., vol. 37, pt. 1, p. 172; title 24, sec. 262, U. S. C.)

Report to Congress on advisability of establishing an institution for the insane within the Territory of Alaska. (Stat. L., vol. 43, pt. 1, p. 1181.)

Detailed report of the use of the appropriation of $15,000 for encouraging industrial work among Indians of the Tongue River Reservation in Montana. (Stat. L., vol. 36, pt. 1, p. 277.)

Report to Congress of any case of hostilities by any tribe with which the United States has treaty stipulations. (Rev. Stat., sec. 2100, p. 366.)

Detailed report regarding moneys expended in the erection of hospitals provided for by the act approved August 1, 1914. (Stat. L., vol. 38, pt. 1, p. 584.)

Report to Congress in regard to claims of certain members of the Sioux Nation of Indians for damage occasioned by the destruction of their horses, etc. (Stat. L., vol. 43, pt. 1, p. 477.)

Report regarding all moneys collected to cover the cost of determining heirs of deceased Indians, etc. (Stat. L., vol. 39, pt. 1, p. 127; Stat. L., vol. 42, pt. 1, p. 1185; title 25, sec. 377, U. S. C.)

Report to Congress at the beginning of each regular session a detailed statement of the rentals received from the buildings and vacant lands condemned for the enlargement of the Capitol Grounds. (Stat. L., vol. 37, pt. 1, p. 605; Stat. L., vol. 41, pt. 1, p. 1291; title 40, sec. 174, U. S. C.)

A detailed statement showing the cost account of all survey and allotment work of reservations in Arizona and New Mexico. (Stat. L., vol. 36, pt. 1, p. 272.)

A report by the Secretary of the Treasury of estimates of the amounts of the receipts to tribal funds and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians, from all tribal funds of Indians for the ensuing fiscal year, etc (Stat. L., vol. 39, pt. 1, p. 158; title 25, sec. 142, U. S. C.)

REPORTS UNDER THE DEPARTMENT OF AGRICULTURE

Statement of the expenditure of all appropriations for the Department of Agriculture for the preceding fiscal year. (Stat. L., vol. 39, pt. 1, p 492; title 5, sec 558, U. S. C.)

Statements immediately following estimates of each of the respective offices, bureaus, and divisions of the Department of Agriculture, showing the number of clerks employed under general appropriations in the District of Columbia, etc. (Stat. L., vol. 39, pt. 1, p. 492; title 31, sec. 617, U. S. C.)

Detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, etc. (Stat. L., vol. 36, pt. 1, p. 440; Stat. L., vol. 39, pt. 1, p. 492; title 5, sec. 561, U. S. C.)

A list of the names of all persons employed, expenditures, and full particulars of means adopted and carried into effect for the suppression of contagious, etc., diseases of domestic animals under act of May 29, 1884. (Stat. L., vol. 23, p. 33; title 5, sec. 560, U. S. C.)

A statement in detail showing the number of persons employed in the meat-inspection service, the salary or per diem of each, their contingent expenses, and where employed. (Stat. L., vol. 34, p. 1265.)

A statement showing what proportion of the appropriation for rent of buildings in the District of Columbia for the use of the Department of Agriculture is paid for quarters occupied by the various branches of the department. (Stat. L., vol. 38, pt. 1, p. 1108; Stat. L., vol. 39, pt. 1, p. 469; title 5, sec. 559, U. S. C.)

Report showing the amounts expended during the preceding fiscal year from lump-sum appropriations for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, etc. (Stat. L., vol. 44, pt. 2, p. 1005.)

Report covering all exchanges of vehicles during the fiscal year last closed. (Stat. L., vol. 44, pt 2, p. 1005; title 5, sec. 547, U. S. C.)

Statement showing investigations and other services conducted by Department of Agriculture which have been completed and which can be discontinued. (Stat. L. vol. 39, pt. 1, p. 492; Stat. L. vol. 41, pt. 1, p 1347; title 5, sec 562, U. S. C.)

Reports of refunds to depositors of moneys to secure the purchase price of timber or the use of land or resources of national forests, etc. (Stat. L., vol. 36, pt. 1, p. 1253; title 16, sec. 499, U. S. C.)

Report of the quantity and market value of earth, stone, and timber furnished from the national forests to the Navy Department, etc. (Stat. L. vol. 38, pt. 1, p. 1101; Stat. L. vol. 43, pt. 1, p. 1197; title 16, sec. 492, U. S. C.)

Report of moneys received as contributions for cooperative work in forest investigations, for the protection and improvement of the national forests. (Stat. L. vol. 38, pt. 1, p. 430; title 16, sec. 498, U S. C.)

Report in detail of any sum used for compensation of or payment of expenses of any officer or other person employed by any State, county, or municipal government. (Stat. L. vol. 35, pt. 1, p. 261; title 21, sec. 19, U. S. C.)

The Secretary of Agriculture shall annually make a general report of his acts to Congress and an account of all moneys received and expended by him. (Rev. Stat. sec. 528, p. 88; title 5, sec. 557, U. S. C.)

The Secretary of Agriculture shall make a report in detail to Congress of all moneys expended by him or under his direction. (Rev. Stat. sec. 529, p. 88; title 5, sec. 557, U. S. C.)

The Secretary of Agriculture shall report the place, quality, and price of seeds purchased, and the date purchased, under the appropriation for the purchase and distribution of valuable seeds. (Stat. L., vol. 41, pt. 1, p. 246.)

REPORTS UNDER THE DEPARTMENT OF COMMERCE

Report by the Coast and Geodetic Survey, showing the number and names of persons employed during the last preceding fiscal year upon the coast survey and business connected therewith. (Rev. Stat., sec. 264, p. 44; Rev. Stat., sec. 4690, p. 911; title 33, sec. 888, U. S. C.)

Report of the Bureau of Foreign and Domestic Commerce on the commercial relations of the United States. (Stat. L., vol. 28, pt 613.)

Statement showing amount required by each object of expenditure mentioned in each estimate of appropriation for the support of the Lighthouse Service, etc. (Stat. L., vol. 36, pt. 1, p. 755; title 31, sec. 618, U. S. C.)

Report of details of field employees of Bureau of Mines for service in the District of Columbia for purposes of preparing results of their field work. (Stat. L., vol. 41, pt. 1, p. 1402.)

To report to Congress on operations of Alaska Seal & Fur Co. (Stat. L., vol. 23, p. 25.)

The Governor of Alaska shall annually report to Congress on his inquiries as to seal-killing operations, and any and all violations of law by such persons, companies, or corporations authorized by the United States to kill seal or other fur-bearing animals in said district. (Stat. L., vol. 32, pt. 1, p. 322.)

REPORTS UNDER THE DEPARTMENT OF LABOR

A report by the Commissioner of Labor Statistics of the effect of the customs laws and the state of the currency in the United States on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers. (Stat. L., vol. 25, p. 183; title 29, sec. 4, U. S. C.)

A report of the investigations of the causes of and the facts relating to all controversies and disputes between employers and employees as they occur, and which may tend to interfere with the welfare of the people of the different States. (Stat. L., vol. 25, p. 183; title 29, sec. 4, U. S. C.)

A detailed report of the expenditures for the appropriation "Miscellaneous expenses, Bureau of Naturalization." (Stat. L., vol. 35, pt. 1, p. 983; title 8, sec. 355, U. S. C.)

UNDER THE INTERSTATE COMMERCE COMMISSION

A statement showing, in detail, expenditures for the fiscal year, including the number of persons employed and the amount of compensation to each. (Stat. L., vol. 25, p. 530; title 49, sec. 56, U. S. C.)

A complete statement showing the employments under all appropriations made for the valuation of carriers, etc. (Stat. L., vol. 38, pt. 1, p. 1140; title 49, sec. 54, U. S. C.)

UNDER THE GENERAL ACCOUNTING OFFICE

A report by the Comptroller General of the United States consisting of an abstract of all money received and expended by every collector, comptroller, and surveyor of customs. (Rev. Stat., sec. 2639; Stat. L., vol. 28, p. 210; title 19, sec. 42, U. S. C.)

UNDER THE WAR FINANCE CORPORATION

Quarterly reports of the War Finance Corporation. (Stat. L., vol. 40, pt. 1, p. 512; title 15, sec 347, U. S. C.)

UNDER THE LIBRARY OF CONGRESS

A report of the number and decription of copyright publications for which entries have been made during the year. (Rev. Stat., sec. 4951, p. 957.)

A detailed report of the officers or employees of the Library of Congress who have traveled on official business from Washington to points outside of the District of Columbia, etc. (Stat. L., vol. 35, pt. 1, p. 244.)

A report giving the aggregate number of the various publications issued by the Library of Congress during the preceding fiscal year, etc. (Stat. L., vol. 41, pt. 1, p. 1037.)

UNDER THE ARCHITECT OF THE CAPITOL

Statement relative to the transfer of apparatus, appliances, equipments, and supplies of any kind, to other branches of the service of the United States or District of Columbia, etc. (Stat. L., vol. 37, pt. 1, p. 184; title 40, sec. 171, U. S. C.)

UNDER THE OFFICERS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Reports by the Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant at Arms, the Postmasters of the Senate and House of Representatives, and the Doorkeeper of the House of Representatives, containing a full and complete account of all property belonging to the United States in their possession, etc. (Rev. Stat., sec. 72, p. 14; title 2, sec. 116, U. S. C.)

Reports by the Clerk and Doorkeeper of the House and the Secretary and Sergeant at Arms of the Senate, of the sales of waste paper and useless documents and condemned furniture, etc. (Stat. L., vol. 22, p. 337; title 2, sec. 11, U. S. C.)

UNDER THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

A report of the doings under section 4833, Revised Statutes, as amended, relative to outdoor relief and use of funds in case of fire. (Stat. L., vol. 28, p. 492; title 24, sec. 133, U. S. C.)

A detailed statement of the expense of the Board of Managers of the National Home for Disabled Volunteer Soldiers. (Stat. L., vol. 27, p. 384; title 24, sec. 123, U. S. C.)

UNDER THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Report of expenditures from the appropriations for contingent expenses of the government of the District of Columbia for the next preceding fiscal year. (Stat. L., vol. 32, pt. 1, p. 595.)

Statement immediately following the estimates for each of the respective offices or departments, showing in detail the number of persons other than day laborers who were employed on regular and continuous work for 30 days or more during the fiscal year, etc. (Stat. L., vol. 32, pt. 1, p. 594.)

Report of any failure on the part of gas companies in the District of Columbia to make reasonable extensions of their gas mains whenever they shall be necessary for maintaining street lamps for the public safety and comfort. (Stat. L., vol. 27, p. 544.)

MISCELLANEOUS

Acts of the Philippine Legislature. (Stat. L., vol. 32, pt. 1, p. 712; Stat. L., vol. 39, pt. 1, p. 551; title 48, sec. 1054, U. S. C.)

128. Acts and resolutions of the Legislature of Porto Rico. (Stat. L., vol. 31, p. 83; Stat. L., vol. 39, pt. 1, p. 961; title 48, sec. 826, U. S. C.)

SEC. 2. Section 4 of the river and harbor act, approved June 25, 1910, as amended by section 9 of the river and harbor act, approved June 5, 1920, is hereby amended to read as follows:

"SEC. 4. To submit a report for consideration of Congress of all claims exceeding $500 for damages done by United States vessels engaged on river and harbor work, by collision with vessels privately owned, with piers and other legal structures, and for damage done to privately owned property in the prosecution of such work, which may be adjudged and settled under section 9 of the river and harbor act of June 5, 1920."

With the following committee amendments:

Page 1, line 4, after the word "made," strike out the word "annually."

Line 6, after the word "the," strike out the words "preparation and."

Page 8, after line 3, strike out all of lines 4, 5, 6, and 7.

Page 9, line 6, strike out "etc." and insert in lieu thereof "and so forth."

Page 11, line 4, after the word "Congress," strike out the word "and" and insert the word "on."

Page 16, after line 23, strike out lines 24, 25, and 26.

Page 20, line 22, after the figures "1265" insert the words "title 21, section 93, U. S. C.)."

Page 23, line 2, strike out the word "quality" and insert the word "quantity."

Page 23, line 15, after the word "volume," strike out the figures "28" and insert "18," and after the word "page," strike out the figures "613" and insert the figures "352" and insert the words "title 15, section 178, U. S. C.)."

Page 24, line 9, after the word "volume," strike out the figures "32" and insert the figures "31."

Page 27, after line 16, strike out lines 17, 18, 19, and 20.

Page 28, after line 20, strike out lines 21, 22, 23, and 24.

Page 29, strike out lines 1 to 8, inclusive.

Page 29, add the following:

"SEC. 2. Every executive department and independent establishment of the Government shall, upon request of the Committee on Expenditures in the Executive Departments, or of any seven members thereof, furnish any information requested of it relating to any matter within the jurisdiction of said committee.

"SEC. 3. Section 3220, Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended, is amended to read as follows:

"'Refundments; taxes and penalties: The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal-revenue taxes collected by him, with the cost and expense of suit; also all damages and cost recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress, by internal-revenue districts and alphabetically arranged of all refunds in excess of $500, at the beginning of each regular session of Congress of all transactions under this section.'"

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

IMMIGRATION INSPECTION SERVICE

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to call up the bill (S. 2370) to amend section 24 of the immigration act of 1917, and I will say to the membership that this is the so-called inspectors' pay bill. It is a Senate bill. It has not been amended by the House committee. It makes an adjustment and classification of the Immigration Inspection Service and is a bill that should pass. From time to time, when the House Committee on Immigration has endeavored to secure appropriations directly for the Immigration Inspection Service, members of the Appropriations Committee, including the late chairman, Mr. Madden, the gentleman from Alabama [Mr. OLIVER], and the gentleman from Pennsylvania [Mr. SHREVE] have asked us to report an authorization bill. This is it.

Mr. SNELL. Is this the bill for which we granted a special rule?

Mr. JOHNSON of Washington. Yes; and a much-needed measure.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the bill S. 2370, which the Clerk will report.

The Clerk read the title of the bill.

Mr. GARNER of Texas. Mr. Speaker, may I ask whether this is a Senate bill identical with a House bill?

Mr. JOHNSON of Washington. It is a Senate bill that has been reported out by the House committee without change.

Mr. GARNER of Texas. Was it a unanimous report from the gentlemans' committee?

Mr. JOHNSON of Washington. Yes.

Mr. SNELL. And there was a unanimous report from the Rules Committee?

Mr. LAGUARDIA. Reserving the right to object, may I ask the chairman of the Committee on Immigration, now that he has classified the inspectors and graded their salary, what is the intention of the committee as to interpreters, clerks, and guards in the Immigration Service?

Mr. JOHNSON of Washington. Let me say to the gentleman that personally I have every hope that the Welch bill, which takes care of classifications generally, will cover that phase of the situation.

Mr. LAGUARDIA. Is the gentleman studying that bill?

Mr. JOHNSON of Washington. Yes; if the Welch bill does not become a law our committee has a bill ready for the reorganization and pay in the Department of Labor.

Mr. LAGUARDIA. And in the event it does not pass, can we expect the gentleman's committee to take some action?

Mr. JOHNSON of Washington. Yes, without fail; but this is a necessary bill, and especially in view of the passage of the Bacharach bill for customs inspectors and others in the Customs Service.

Mr. MILLER. Reserving the right to object, why were not the clerks and the other employees of the Immigration Service included in this bill?

Mr. JOHNSON of Washington. For the reason that the Bacharach bill, the Welch bill, and this bill would clash if all brought out at the same time. The joint effort was to find a model. So we let the Welch bill take care of the minor places, and in the Senate bill we have undertaken to make more uniform the pay of the Immigration Inspection Service as compared with pay of inspectors in the Customs Service. Immigration inspectors receive no overtime. We have blocked that in the past for reasons which must be apparent.

Mr. MILLER. I can not understand how it would clash any more to include clerks, interpreters, and guards than it would to include inspectors. I am in favor of increasing the inspectors, of course.

Mr. JOHNSON of Washington. If we do not pass the Welch bill the committee has a bill taking care of the interpreters, clerks, and guards. We asked to pass this bill unamended because the Senate has passed it. We will try to take care of clerks, guards, and the like.

Mr. MILLER. I am satisfied with that assurance.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 24 of the immigration act of 1917 is hereby amended by adding the following at the end of the section:

"Immigrant inspectors shall be divided into five grades, as follows: Grade 1, salary, $2,100; grade 2, salary $2,300; grade 3, salary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and, hereafter, inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following one year's satisfactory service (determined by a standard of efficiency which is to be defined by the Commissioner General of Immigration with the approval of the Secretary of Labor) in the next lower grade; not to exceed 50 per cent of the force to grades 4 and 5 for meritorious service after no less than one year's service in grades 3 and 4, respectively: *Provided further*, That promotion above grade 3 shall be at the discretion of the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration: *Provided further*, That when inspectors or other employees of the Immigration Service are ordered to perform duty in a foreign country, or transferred from one station to another, in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Secretary of Labor may deem advisable, and they may also be allowed, within the discretion and under written orders of the Secretary of Labor, the expenses incurred for the transfer of their wives and dependent minor children; their household effects, and other personal property, not exceeding in all 5,000 pounds, including the expenses for packing, crating, freight, and drayage thereof: *Provided further*, That the appropriation of such sum as may be necessary for the enforcement of this act is hereby authorized."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AIR CORPS OF THE ARMY OF THE UNITED STATES

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

Mr. GARNER of Texas. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to insist on the House amendments and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JAMES, WAINWRIGHT, and MCSWAIN.

JAMES K. P. WELCH

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent to take from the Speaker's table the bill (H. R. 971) for the relief of James K. P. Welch, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to lay on the table House Resolution 197 and House Resolution 199, both having been passed under suspension of the rules.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FEDERAL PRISON CAMPS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 11283, to establish Federal prison camps.

The SPEAKER. Does the gentleman state that it is an emergency?

Mr. CRAMTON. It has been approved by three departments and has a unanimous report from the Judiciary Committee. It will save the Government considerable money and help solve the prison-labor problem if passed at this session.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized to establish, equip, maintain, and operate prison camps upon sites selected by the Attorney General, the Secretary of Agriculture, and the Secretary of the Interior. Upon written order of the Attorney General persons convicted under the laws of the United States may be transferred to such prison camps for employment upon road or trail building or any other public improvement for which Congress provides appropriations.

SEC. 2. That the act of Congress approved June 21, 1902, as amended by the act of April 27, 1906, providing for commutation for good conduct for United States prisoners, shall be applicable to prisoners transferred to the camps herein authorized; and in addition thereto each prisoner, without regard to length of sentence, shall be allowed, under the same terms and conditions as provided in the acts of Congress above referred to, a deduction from his sentence of five days for each month of actual employment in said camp.

SEC. 3. That all laws of the United States relating to the imprisonment, transfer, control, discipline, release of, or in any way affecting prisoners, except as modified by this act, shall be applicable to prisoners transferred to the camps herein authorized.

SEC. 4. That as part of the expense of operating such prison camps the Attorney General is hereby authorized and empowered to provide for the payment to the inmates or dependents upon inmates of prison camps herein authorized such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe; and the sum of $200 is hereby fixed as a reward for the capture and return of each escaped prisoner, payable to any individual or peace officer, the pro rata cost of such reward to be charged against the earnings of each inmate of the prison camp from which the escape occurred.

SEC. 5. That the expense incident to the establishment, equipment, maintenance, and operation of prison camps shall be payable from the appropriation for support of United States prisoners, and such appropriation shall be reimbursed to the extent agreed upon by the Attorney General and the head of the department to which the appropriation for road building or such other public improvement incident to which the prison camp was established was made.

With the following committee amendments:

Page 2, line 11, after the word "discipline," insert the word "escape."

Page 2, line 20, after the word "prescribe," strike out the balance of the section.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MEMORIAL HIGHWAY TO MOUNT VERNON

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the memorial highway.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I will vote for H. R. 4625, which authorizes and directs the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac at Washington. This project practically has the approval of the President, who is chairman of the George Washington Bi-Centenary Commission. It has the approval of the National Capitol Park and Planning Commission, the Fine Arts Commission, and the patriotic organizations of the country, such as the Daughters of the American Revolution, the United States Daughters of 1776–1812, and many splendid women and men throughout the country.

Many of my good friends in New Orleans, ladies for whom I have the highest respect and the greatest esteem and admiration, have requested me to vote for this bill. I will vote, I repeat, for this bill with the same degree of pleasure with which I voted for the Washington-Lincoln Memorial Bridge, as it was then designated. I was not impressed with the charge that was made at the time we were considering that magnificent architectural structure that the sacred names of Washington and Lincoln were being used to advance the materialistic interests of those who would build the bridge and those from whom the necessary supplies would have to be purchased. All human endeavor is based upon something that may be remotely connected and associated with what is denominated by those who are opposed to progress and advancement in art and in culture as grossly utilitarian and selfish. The same epithets, barely disguised, are being sneeringly and cynically cast at the proposed memorial highway from the Capital of the Nation to Mount Vernon. They do not impress me now any more than when hurled at the bridge bill.

I do not think that we can do too much to stimulate an interest in the finer things of life, particularly where the means employed will accomplish and serve a nobly useful purpose. We read a dead nation's history in its ruins. But to a far greater extent may we understand the composite life, the spiritual outlook and the aspirations of a living people by looking upon their monuments, their temples, and the portraits upon the walls within and upon the architecture which should symbolize the past, present, and as far as possible the future in a happy blend and gifted vision. But I hope that the American people will not crowd all of their gifts upon one altar here in Washington. I wish that the day will come when every battle field, sanctified by American blood shed for the sake of liberty and freedom, may become hallowed, consecrated spots made beautiful to the eyes of visitors by the artistic efforts of landscape gardeners endowed with a thoroughly American expression. I hope that the period is not far distant when American sculptors will be given an opportunity to express their genius through statues breathing and radiating the noble purpose that runs through American life. I trust that American architects will be able to devise and symbolize that which will express and record enduringly the romance as it began when Columbus landed on our shores on October 12, 1492, and the enormous work done in four centuries and the dauntless courage shown in building a civilization running from the far north down to the end of Patagonia and of which our own country is the very heart and soul. I can not conclude without a reference to the Plains of Chalmette, where was fought the Battle of New Orleans on January 8, 1815. It is my Carthago delenda est. Strange, is it not, my fellow Members of Congress, that unanimity is behind and in support of the care of every historical spot in America except the one upon which Americans should look with peculiar affection, with pride and with a thrill of glory, each heart murmuring to its ear, "Lest we forget."

MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the services of Representative LOWREY, of Mississippi, on the Muscle Shoals question.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, as a member of the Committee on Military Affairs, that has in charge the problem of trying to make some disposition of Muscle Shoals to the advantage of the Government from the point of view of national defense and from the point of view of promoting agriculture, I desire to make a brief statement respecting the contribution toward the solution of that problem that has been made by the Hon. B. G. LOWREY, of Mississippi.

This distinguished gentleman introduced a bill in the Sixty-ninth Congress looking to the organization of a Government corporation for the purpose of operating the plants at Muscle Shoals in order to fix atmospheric nitrogen and to employ the same as an ingredient in the manufacture of commercial fertilizers. Again on December 16, 1927, Representative LOWREY introduced H. R. 7744 which was very similar to his original bill but materially amplified and improved. Finally, when it appeared that it would be impossible to negotiate for a lease providing for private operation upon satisfactory terms, and after the Senate had passed the Norris bill, and after the Committee on Military Affairs had voted down all the bills before it as well as the Norris bill, it occurred to me that progress should be made, and accordingly I determined to offer to the committee a proposal which might be used as a working basis for the committee itself.

I was familiar with the history of this legislation commencing not only with the national defense act of 1916 but also with the proposal to organize a Government corporation in 1920. Of course, I was thoroughly familiar with the Ford offer and with the joint resolution setting up the joint congressional committee.

Furthermore, I was familiar with the report of the commission appointed by the President in 1925 and with its recommendations with reference to the Government operation through a Government-owned corporation.

However, when I began to cast about over the various bills and proposals that have been made during the last eight years for the solution of the Muscle Shoals problem, I found the greatest help and the most fruitful suggestions in H. R. 7744, introduced by Representative LOWREY on December 16, 1927. Accordingly I used that bill as a guide and form of outline and framework around which I grouped my own independent ideas. If you will consider the confidential committee print containing my original suggestions, you will find a very decided familiarity in the fundamental conception to the Lowrey bill, and, in fact, some of the language itself is taken fom parts of the Lowrey bill. Most especially do I give credit to our distinguished colleague, Mr. LOWREY, for the suggestion to concentrate authority for the administration of the Muscle Shoals corporation in the hands of one principal executive officer. In the Lowrey bill this chief executive was designated as "superintendent" and that word was changed to "general manager," but the conception is the same.

My proposal in the form of a committee print was before the subcommittee of five that was charged with the responsibility of drafting a bill to meet the situation as it confronted us. The committee worked hard for some time, and numerous changes were made from time to time. But a comparison of the Morin bill as it was reported to the House and as it passed the House amended and as it is now before the committee of conference between the House and the Senate, will disclose a very decided similarity to the Lowrey bill. Therefore, Mr. Speaker, I should feel remiss in my duty and unappreciative of the valuable services rendered by the distinguished and able Representative from Mississippi if I should fail to make this official and public acknowledgment of his contribution to what I hope will be a final and satisfactory solution of the long-standing and highly complicated Muscle Shoals question.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes;

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 11338. An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11990. An act to authorize the leasing of public lands for aviation, and for other purposes;

H. J. Res. 39. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China; and

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 4401. An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md.; and

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma-Pueblo Indians;

H. R. 12632. An act to provide for the eradication or control of the European corn borer; and

H. R. 13511. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ADJOURNMENT

And then, on motion of Mr. TILSON (at 5 o'clock and 54 minutes p. m.), the House adjourned until to-morrow, Tuesday, May 22, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, May 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 13683).

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

To establish an assay office at Dahlonega, Lumpkin County, Ga. (H. R. 12451).

Authorizing the President to present in the name of Congress a medal of honor to Clarence D. Chamberlin (H. R. 13155 and S. 3944).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of RULE XXIV, executive communications were taken from the Speaker's table and referred as follows:

535. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Chehalis River, Wash. (H. Doc. No. 315); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

536. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of St. Lawrence River, between Odgensburg, N. Y., and Lake Ontario (H. Doc. No. 316); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

537. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Umpqua River and entrance, Oreg. (H. Doc. No. 317); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

538. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory; to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CHRISTOPHERSON: Committee on the Judiciary. S. 3917. An act for the relief of the State of Florida; without amendment (Rept. No. 1787). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG: Committee on the Post Office and Post Roads. H. R. 6865. A bill to prescribe more definitely the rates of

compensation payable to steamships of United States registry for transportation of foreign mails; with amendment (Rept. No. 1788). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG: Committee on the Post Office and Post Roads. H. R. 6864. A bill to authorize the Postmaster General to require steamship companies to carry the mail when tendered; with amendment (Rept. No. 1789). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12988. A bill authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; with amendment (Rept. No. 1791). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 13244. A bill to make chiefs and assistant chiefs of branches of the Army eligible for appointment as general officers of the line; without amendment (Rept. No. 1792). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 13825. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 1793). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia; without amendment (Rept. No. 1794). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; with amendment (Rept. No. 1795). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes"; without amendment (Rept. No. 1796). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. J. Res. 304. A joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission; without amendment (Rept. No. 1798). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 8109. A bill authorizing the Secretary of the Interior to erect a monument on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles; with amendment (Rept. No. 1799). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 12521. A bill creating the Mount Rushmore national memorial commission and defining its purpose and powers; without amendment (Rept. No. 1800). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 279. Joint resolution establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.; with amendment (Rept. No. 1801). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12662. A bill to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park; without amendment (Rept. No. 1802). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13033. A bill authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street; without amendment (Rept. No. 1803). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 6655. A bill to authorize the transfer of surplus materials for construction of buildings at West Point; without amendment (Rept. No. 1804). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13174. A bill declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes"; without amendment (Rept. No. 1805). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 7452. A bill for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart; with amendment (Rept. No. 1807). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. ARENTZ: Committee on the Public Lands. S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture; without amendment (Rept. No. 1790). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13458. A bill authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.; without amendment (Rept. No. 1797). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 13928) to authorize the Secretary of War to purchase certain property and real estate, to protect the interests of the United States, conveyed by the Charleston Industrial Corporation, of Charleston, W. Va., in trust to secure payment of certain indebtedness due to the United States; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds; to the Committee on Public Buildings and Grounds.

By Mr. BRITTEN: A bill (H. R. 13930) to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Affairs.

By Mr. JAMES: A bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 13932) to increase the allowances of flying cadets of the Air Corps; to the Committee on Military Affairs.

By Mrs. ROGERS: A bill (H. R. 13933) to establish financial responsibility of persons owning and operating motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ZIHLMAN: A bill (H. R. 13934) to provide, in the interest of public health, comfort, morals, safety, and welfare, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 13935) to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory; to the Committee on the Library.

By Mr. McFADDEN: A bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 13937) to amend section 29 of the Federal farm loan act, and for other purposes; to the Committee on Banking and Currency.

By Mr. HAUGEN: Joint resolution (H. J. Res. 315) authorizing appropriations for the establishment and maintenance of an agricultural experiment station in American Samoa; to the Committee on Agriculture.

By Mr. WHITE of Colorado: Resolution (H. Res. 217) for the appointment of a committee to investigate the shooting of and assault upon Jacob D. Hanson and Henry Wiltfang, respectively, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ARNOLD. A bill (H. R. 13938) granting an increase of pension to Kizziah S. Casey; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 13939) granting a pension to Anna Bailey; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 13940) granting an increase of pension to Hattie E. Lewis; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 13941) granting an increase of pension to Anna Allen; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 13942) granting a pension to Leila Newell Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13943) granting a pension to Lydia A. P. Conover; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 13944) granting an increase of pension to Hannah F. Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13945) granting an increase of pension to Matilda A. Storms; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 13946) granting a pension to Mary Livingston; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 13947) granting an increase of pension to Marie Piatt Wilson; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 13948) granting a pension to Kate Davis; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 13949) for the relief of Grace Leedom; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 13950) for the relief of Moreau M. Casler; to the Committee on Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 13951) granting a pension to Ida Vancil; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 13952) granting a pension to M. Elizabeth (Isibell) Clevenger; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13953) granting an increase of pension to Mary A. Budd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13954) granting an increase of pension to Annie Downing; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7733. By Mr. BOYLAN: Resolution adopted by the National Council of the Steuben Society of America, favoring the passage of Senate bill 1481; to the Committee on Immigration and Naturalization.

7734. By Mr. KOPP: Petition of V. H. Ruring and 181 other residents of Danville, Iowa, and vicinity, favoring the enactment of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7735. By Mr. LINDSAY: Petition of Brooklyn Letter Carriers Association, Clerks of Union Post Office, William F. Kiernan, S. Oranski, Jos. Fogarty, C. A. Miller, Isadore Tinowitsky, Wallace L. Taylor, Louis Hackert, Charles Yost, Patrick Finn, George Young, S. Steenson, Abe Bernstein, and T. Frandon, all of Brooklyn, N. Y., and the New York Federation of Post Office Clerks, New York, N. Y., urging favorable vote to override presidential veto of the Sproul bill; to the Committee on the Post Office and Post Roads.

7736. By Mr. O'CONNELL: Petition of the Chamber of Commerce of the State of New York, opposing the passage of the Senate Joint Resolution 46, Muscle Shoals; to the Committee on Military Affairs.

7737. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage in general of House bill 10802, to amend section 3 and section 484 of the tariff act of 1922 by adding certain language; to the Committee on Ways and Means.

7738. Also, petition of the American Association of Creamery Butter Manufacturers, Washington, D. C., favoring the passage of House bill 10958, amending the oleomargarine law; to the Committee on Agriculture.

7739. By Mr. YATES: Petition of Donald M. Wood, of Chicago, Ill., opposing House bills 13200, 13201, and 13203, which bills prohibit the removal of cases from State to Federal courts because of diversity of citizenship; to the Committee on the Judiciary.

7740. Also, petition from citizens of Chicago, Ill., urging the passage of House bill 11998, being a bill prohibiting experiments on living dogs; to the Committee on the Judiciary.

SENATE

TUESDAY, *May 22, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

EVENING SESSION FOR MUSCLE SHOALS CONFERENCE REPORT

Mr. JOHNSON obtained the floor.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. JOHNSON. For what purpose?

Mr. NORRIS. I want to submit a unanimous-consent agreement. I will say to the Senator, however, that I think under the request I am going to make it will be necessary to have a quorum called.

Mr. JOHNSON. I simply do not want to lose the floor; that is all.

Mr. NORRIS. No; I shall not try to take the floor from the Senator.

I ask unanimous consent that at not later than 5 o'clock this afternoon the Senate take a recess until 7.30 o'clock p. m.; that at the evening session there shall be no business considered except the conference report on the Muscle Shoals resolution (S. J. Res. 46); that at not later than 10.30 o'clock p. m., the Senate will vote on the conference report; and that at the conclusion of business to-night the Senate will take a recess until 11 o'clock a. m. to-morrow.

I think there ought to be a roll call before the request is submitted.

Mr. KING. Mr. President, when the quorum is called I want to make some slight suggestion with reference to the request.

Mr. NORRIS. Very well.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	George	McNary	Simmons
Black	Gerry	Mayfield	Smith
Blaine	Gillett	Metcalf	Smoot
Blease	Glass	Moses	Steck
Borah	Goff	Neely	Steiwer
Bratton	Greene	Norbeck	Stephens
Brookhart	Hale	Norris	Swanson
Broussard	Harris	Nye	Thomas
Capper	Harrison	Oddie	Tyson
Caraway	Hawes	Overman	Vandenberg
Copeland	Hayden	Phipps	Wagner
Couzens	Heflin	Pine	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Kendrick	Reed, Mo.	Warren
Dale	Keyes	Reed, Pa.	Waterman
Deneen	King	Robinson, Ark.	Wheeler
Dill	La Follette	Sackett	
Edge	Locher	Schall	

Mr. GERRY. I wish to announce that the senior Senator from Maryland [Mr. BRUCE] and the junior Senator from Maryland [Mr. TYDINGS] are necessarily detained from the Senate attending the Maryland Democratic State convention.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The Senator from Nebraska [Mr. NORRIS] has proposed a unanimous-consent agreement, which the clerk will read.

The CHIEF CLERK. The Senator from Nebraska asks unanimous consent that at not later than 5 o'clock this afternoon the Senate take a recess until 7.30 o'clock p. m.; that at the evening session there shall be nothing considered except the conference report on the Muscle Shoals resolution (S. J. Res. 46); that at not later than 10.30 o'clock p. m. the Senate vote on the conference report; and that at the conclusion of business to-night the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. BLEASE. Mr. President, I object to taking the vote at 10.30. That is the only part of the request I have objection to. If that part is not changed I shall object to it all.

Mr. NORRIS. I ask the Senator if he would object if, instead of saying that we vote to-night at not later than 10.30 o'clock, we fix the time at 2 o'clock to-morrow?

Mr. BLEASE. I do not know about that. Such a plan has been tried several times before and under it one Senator would occupy the floor during most or all of the time, and nobody else

would have an opportunity to get anything in the RECORD or say anything. I have some telegrams here, and it is a matter of great importance to the people of my State, that I want to submit on this question. I want to justify my own vote; but I represent the people who sent me here in the matter and I feel that it is my duty to make this objection.

Mr. SACKETT. Mr. President, I would like to suggest instead of fixing the hour at 10.30 o'clock for the vote that we hold the session merely for a discussion of the conference report and see how we get along, and at the end of to-night's session see if we can agree upon a time to vote.

Mr. HEFLIN. And fix a time to vote this evening?

Mr. SACKETT. Yes; try to agree to-night upon a time to vote. The only point is to give everybody who wants it an opportunity to be heard.

Mr. NORRIS. I do not want to curtail anybody, but of course everyone knows that most of the Senators are extremely anxious to get away. If we prolong debate on the conference report it may interfere with their wishes.

Mr. SACKETT. I appreciate that; but in a three hours' session one Senator may use a great deal, if not all, of the time. I have no desire to filibuster on the conference report at all, but I do want to be heard on it.

Mr. NORRIS. I will submit the request, omitting from it the taking of the vote.

Mr. METCALF. I suggest that the Senator modify the request so that we can come back at 8 o'clock to-night instead of 7.30.

Mr. JOHNSON. And let us remain in session this afternoon until 5.30 rather than 5 o'clock.

Mr. NORRIS. I am willing to make that change. I am willing that the Senate shall remain in session until not later than 5.30 o'clock, and that the evening session shall commence at 8 o'clock and run until not later than 10.30.

Mr. KING. I will not ask to make it a sine qua non to the agreement, but some of us have important committees meeting to-morrow morning. As Senators know, we are trying to conclude the calendars in our committees. If we might come here at 12 o'clock to-morrow, I would have no objection to the request.

Mr. JOHNSON. Oh, let it go at 11 o'clock.

Mr. KING. I do not want to object at all, but I would be very glad if the Senator would make it 12 o'clock noon to-morrow.

Mr. NORRIS. I realize that the committees are busy, but we shall have to curtail some things in order to make progress with important measures before the Senate; and we must dispose of the conference reports if we are going to get along with the business of the Senate.

Mr. SMITH. May I join with the Senator from Utah and ask that, if possible, at least for to-morrow morning, we postpone the meeting of the Senate until 12 o'clock noon. There are some very important committees that are to meet to-morrow, and I think it would expedite matters if they were allowed to-morrow until 12 o'clock instead of 11.

Mr. MOSES. Mr. President, it is very apparent that we can not get an agreement by a mass meeting on the floor of the Senate; therefore I object. In the meantime it is possible that an agreement can be worked out.

Mr. NORRIS. Would the Senator from New Hampshire object if we should meet at 12 o'clock to-morrow?

Mr. MOSES. What I am objecting to is attempting in this way, by a mass meeting on the floor of the Senate, to work out a unanimous-consent agreement that can be done otherwise. Let the Senator proceed in the usual way with a unanimous-consent agreement and let us have an opportunity to go on with the measure that is now before the Senate.

Mr. NORRIS. Mr. President, I ask unanimous consent that at not later than 5.30 o'clock this afternoon the Senate take a recess until 8 o'clock p. m.; that at the evening session the conference report on the Muscle Shoals joint resolution (S. J. Res. 46) be taken up and considered; that the evening session shall not extend beyond 10.30 p. m.; and that at the conclusion of the evening session the Senate take a recess until 12 o'clock meridian to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. I object.

Mr. MOSES. If that is going to leave the Muscle Shoals conference report in the same status when we meet at 12 o'clock to-morrow as when we quit at 10.30 o'clock to-night, of course the Senator from California can not agree to it.

The VICE PRESIDENT. There is objection.

Mr. CURTIS subsequently said: Mr. President, I ask unanimous consent that the order which I send to the desk may be entered.

The PRESIDENT pro tempore. The proposed unanimous-consent agreement will be read.

The legislative clerk read as follows:

It is agreed by unanimous consent that at not later than 5.30 o'clock this afternoon the Senate take a recess until 8 o'clock p. m.; that at the evening session there shall be nothing considered except the conference report on the Muscle Shoals resolution (S. J. Res. 46); and that at not later than 10.30 o'clock p. m. the Senate take a recess until 12 o'clock meridian to-morrow.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSON. Does the Senator from Kansas insist that we shall not meet before 12 o'clock to-morrow? I certainly want to be accommodating to everybody.

Mr. CURTIS. Two or three Senators have said they would object if we proposed to meet at 11 o'clock, and four or five others have asked that the hour of meeting be made 12 o'clock.

Mr. HEFLIN. Mr. President, I would like to say to the Senator from California that there are important committee meetings in the morning, probably the last committee meetings we will have.

Mr. JOHNSON. To-morrow?

Mr. CURTIS. Yes.

Mr. JOHNSON. Does the Senator from Alabama ask that the hour be made 12 o'clock instead of 11?

Mr. HEFLIN. I would prefer it.

Mr. JOHNSON. I shall make no objection if that be the universal desire.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 2823. An act amending the statutes of the United States with respect to reissue of defective patents;

S. 2972. An act for the further protection of fish in the District of Columbia, and for other purposes;

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; and

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists and making an appropriation for the expenses of such congress.

The message also announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.; and

S. J. Res. 5. Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas.

The message further announced that the House had passed the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes, with

amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the bill (S. 4235)to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. WAINWRIGHT, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 971) for the relief of James K. P. Welch.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 20) requesting the President of the United States to return to the Senate the bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 393. An act to provide for the fifteenth and subsequent decennial censuses;

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 7200. An act to amend section 321 of the Penal Code;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 9297. An act authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes;

H. R. 9778. An act to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927;

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes;

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War;

H. R. 11285. An act to establish Federal prison camps;

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage, and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes;

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 12064. An act to discontinue certain reports now required by law to be made annually to Congress;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain, also within such State;

H. R. 12203. An act to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States;

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 12250. An act to amend section 574, title 28, United States Code;

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States;

H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 13109. An act to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13143. An act to adjust the compensation of certain employees in the Customs Service;

H. R. 13203. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 13484. An act authorizing preliminary examination of sundry streams with a view to the control of their floods, and for other purposes;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution;

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; and

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated;

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 4401. An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md.;

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes;

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 11338. An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields;

H. J. Res. 39. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy, at West Point, two Chinese subjects, to be designated hereafter by the Government of China; and

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy, at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam.

LANDS IN NEW MEXICO

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes, which were, on page 1, line 4, to strike out the words "four hundred" and insert "two hundred and fifty"; and on page 2, line 9, to strike out the words "four hundred" and insert "two hundred and fifty."

Mr. BRATTON. I move that the Senate concur in the House amendments to the bill.

The motion was agreed to.

BRIDGE ACROSS BOGUE CHITTO RIVER, LA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammay Parish, La., which was, on page 2, line 2, after "1926," to insert "*Provided*, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes, the same shall be removed from the river by the Lamar Lumber Co. (Inc.), or its assigns, at its or their own expense."

Mr. STEPHENS. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

SITE OF FORT WAYNE, MICH., AS PUBLIC PARK

Mr. VANDENBERG. I wish to present very important petitions with a very brief word of explanation. The city of Detroit in particular and the State of Michigan in general, backed in turn by national patriotic societies, are very deeply interested in the preservation of old Fort Wayne, on the banks of the Detroit River, which is one of the last historic shrines available to commemorate the birth, defense, and development of the Northwest Territory.

There are bills pending in committees providing for the designation of Fort Wayne as a national park and museum by legislative action. If these fail, we shall hope for presidential designation if that be the only alternative. We can not afford to sacrifice this heirloom.

I present resolutions on the subject by the Continental Congress of the Daughters of the American Revolution, resolutions by the board of supervisors of Wayne County, and a brief historical summary of the vivid story of Fort Wayne, which I ask to have printed in the RECORD and referred to the Committee on Public Lands and Surveys.

There being no objection, the matter indicated was ordered to be printed in the RECORD and referred to the Committee on Public Lands and Surveys, as follows:

Resolutions adopted by the Continental Congress of the Daughters of the American Revolution asking the preservation of Fort Wayne, at Detroit, Mich.

Whereas it is important that we preserve to posterity the traditions of patriotism which have inspired Americans to noble deeds of service to God and country since the founding of our Republic; and

Whereas there is no body of men or women to whom the duty of commemorating the great Revolutionary patriots more fittingly belongs than the Daughters of the American Revolution; and

Whereas in 1842 the United States Government established on the banks of the Detroit River, in the county of Wayne, State of Michigan, a military fort named in honor of one of America's most celebrated soldier-patriots, Gen. Anthony Wayne; and

Whereas Fort Wayne has continually since that time stood as a bulwark for the protection of American liberty and as a signal that our Government is ready at all times to take the field in defense of her principles or territorial integrity; and

Whereas Fort Wayne has become associated in the hearts of all true citizens of America as a historic landmark, significant of the spirit of our resolute forefathers, whose heroic deeds made possible an American Nation, dedicated to peace and freedom; and

Whereas the Federal Government now proposes to sell the site of this historic fort, thereby risking the loss of the most outstanding landmark commemorating the early battles for the preservation of the Union; and

Whereas Representative CLARENCE J. MCLEOD, of Michigan, has introduced in the Seventieth Congress a bill, known as H. R. 12001, to provide for the preservation of Fort Wayne by the Federal Government as a national park and museum for historic relics pertaining to the winning of the Northwest Territory: Be it, therefore,

Resolved, That the Thirty-seventh Continental Congress, National Society Daughters of the American Revolution, most heartily urge the Congress of the United States to enact the above-mentioned bill, and respectfully suggest to the President of the United States the wisdom and justice of exercising the powers which now are or may hereafter be vested in him, to maintain Fort Wayne as a public park.

Resolutions petitioning Congress to make a national park and museum at Fort Wayne, adopted by the board of supervisors, county of Wayne, State of Michigan

To the Honorable the Seventieth Congress of the United States, greetings:

Whereas it is the sense of this board of supervisors for the county of Wayne that the traditions that furnish the background for the fine patriotsm of the American people should be cherished and zealously protected from the undermining influences of time in its passage; and

Whereas the site of Fort Wayne, located on the Detroit River and now within the corporate limits of the city of Detroit, has become associated in the hearts of the citizens of Wayne County and the State of Michigan as a historic landmark, significant of the pioneer struggle of our forefathers to maintain the ideals of the Republic which we now proudly proclaim as our own; and

Whereas the site of this fort was first used as a camping ground for troops assembling for the Black Hawk War in 1831 and the patriot war in 1838, and was in 1842 selected as the location for a permanent national fortification; and

Whereas upon its completion in 1851 said fort was named in honor of Maj. Gen. Anthony Wayne, a most distinguished soldier and patriot and the commanding general of the United States Army from 1792 to 1796 and whose name this county bears; and

Whereas since December 15, 1861, Fort Wayne had been continually occupied as a military post of the United States Army until its recent evacuation, as ordered by the War Department; and

Whereas by act of Congress the Secretary of War has been authorized to sell this historic military post, preference in the matter of purchase being given to the State of Michigan, the county of Wayne, or the city of Detroit, in the order named, at its appraised value; and

Whereas it is the sentiment of this board that every effort should be made to preserve Fort Wayne as a historic memorial for future generations and as a monument to the early traditions of our country, erected in a great struggle to create and protect for us our present form of government; and

Whereas Representative CLARENCE J. MCLEOD, of Michigan, has introduced in the Seventieth Congress a bill, known as H. R. 12001, to provide for the preservation of Fort Wayne as a national park and museum: Therefore be it

Resolved, That we, the undersigned, in behalf of the citizens whom we represent, most heartily urge upon your honorable body and the President of the United States the wisdom and justice of enacting H. R. 12001; and be it further

Resolved, That the Members of Congress representing the State of Michigan be, and they hereby are, urged to use every effort to secure from the Federal Government such action, inciuding the enactment of the above-mentioned bill, as will insure the use in perpetuity of the site of old Fort Wayne as a public park; and be it further

Resolved, That the clerk of this body be, and he hereby is, directed to transmit a copy of this resolution to each Member of Congress representing the State of Michigan.

_____ _____.
_____ _____.

HISTORIC SKETCH OF FORT WAYNE BY CONGRESSMAN CLARENCE J. M'LEOD

Fort Wayne is the last and only remaining representative of the historic forts which have occupied the site of the present city of Detroit. The story of these fortifications would include an important chapter in every struggle in the entire history of the formation and defense of the infant American Republic, which has grown into the powerful United States we claim as our own to-day.

Historians tell us that the desirability of locating a fort at or near Detroit was perceived at an early date.

Fort St. Joseph, or Du Luth, was maintained in this vicinity between the years 1686 to 1689 to secure for the French control of the river, the fur trade of the Northwest, and to keep out the British.

In 1701 Fort Pontchartrain was established here, named in honor of the colonial minister of marine at that time. This fort was partially

burned by the Indians in 1703, rebuilt by Tonty in 1718, and enlarged for the protection of immigrants in 1749.

In 1751 the name of Fort Detroit was adopted instead of Fort Pontchartrain, but the old fort was not destined to descend directly from that point to the city which bears its name to-day. On November 29, 1760, it was surrendered to the British.

In 1778, the fort still in possession of the British, the approach of an American force as far as lower Sandusky caused the building of a new redoubt, and the whole was named Fort Lernoult, in honor of the new builder.

And then came the event which has ever since marked the beginning of the stability of American frontiers and protection to life and property. It was a great joy and relief to the settlers, as well as an important event in the history of our country. On July 11, 1796, Fort Lernoult was evacuated by the British as a result of Gen. Anthony Wayne's victory over the Indians, a short distance to the southwest, and was taken over by the doughty American Colonel Hamtramck and an American force under orders from General Wayne. This victory was received with rejoicing through the entire United States, for it had international significance. It was generally thought that Britain intended to keep her grip on the Northwest Territory, contrary to the terms of the treaty she had signed following the Revolutionary War. The Indians were British allies. Therefore General Wayne's decisive victory over the Indians was regarded as a vigorous and successful effort to bring Great Britain to time and force her to abide by her treaty obligations. It also determined the future of Michigan and Wayne County, the latter being immediately thereafter created and named in honor of the illustrious general, and a few years later the fort was also given his name.

Fort Lernoult was temporarily retaken by the British in 1812, but evacuated again in 1813, occupied by General McArthur, and rechristened Fort Shelby, in honor of the brave Governor of Kentucky.

In 1826 the fort and grounds were given to the city by Congress and have since been lost sight of. From that time on the armed forces of the United States used as the site of their encampment the present site of Fort Wayne, and in 1841 a permanent post was established there.

So Fort Wayne is the only remaining representative of that long series of landmarks which meant so much to the early history of America but which have succumbed to the progress of a modern city, by very much the same process that now threatens Fort Wayne.

These old military posts represent the times in American history when security depended more upon the strength of men than the character of their equipment. They represent a passion for liberty which surmounted all obstacles and clothed self-sacrifice and death with a mantle of immortal glory. They stand for the inauguration of a new era in government. We need only ask ourselves here to-day, "Is the price of American liberty to be compared with a realtor's bid for a piece of property?"

There is something of higher significance in Fort Wayne than its intrinsic value; it is a national heritage. We spend millions to found libraries and build finely carved memorials. We labor hard to print history books which will portray accurately the struggle of our forefathers for American independence in order that our children may have a proper conception of the value of their heritage. We spend millions upon elaborate warships and machinery of defense, professing to realize at the same time that adherence to the spirit of our ancestors in America is still the most important factor in our national defense. Yet here is a bit of the cradle of American democracy in the original wood and finish, designed by our forefathers' very hands, and possessing habilaments rich in American lore. To barter away such an heirloom as Fort Wayne would be sacriligeous on the part of the Federal Government.

Detroit and Wayne County have made known their sentiments to have Fort Wayne preserved and have indicated a willingness to shoulder the burden themselves, if necessary. But they have asked, very reasonably, why they should be required to bear a heavy burden alone, through their patriotism, when the country as a whole will share equally in the fruits of Fort Wayne's preservation.

SHOOTING OF JACOB D. HANSON

Mr. COPELAND. Mr. President, I present a telegram which I have received from Mr. Harry D. Williams, of Buffalo, N. Y., a resolution passed by the Jamestown, N. Y., Lodge of Elks, and also some resolutions passed by the Ancient Order of Hibernians, of Niagara County, N. Y. I ask that the telegram and resolutions be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram and resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

BUFFALO, N. Y., *May 22, 1928.*

Hon. ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.:

It seems to me that the prosecution of the Coast Guard men who recently shot worse than to death a law-abiding citizen of Niagara Falls upon Lewiston Hill while the victim was innocently proceeding to his home, as he had a constitutionally guaranteed right to do, is of small importance relatively. This part of the State which you represent has been most fruitful of desperate hold-ups by a class of men who stop at nothing. The highways are no longer safe at night, and this is often too true in daylight. The scene of the shooting is ideal for a night hold-up, and Hanson acted normally under the circumstances. The victim lies helpless, bereft of sight and reason. Is it not better, fanatics to the contrary notwithstanding, that quantity of alcohol shall be unlawfully smuggled in than that one innocent person should be killed, or, as in Hanson's case, worse? I do not advocate any let-up in the reasonable enforcement of our laws, but I do protest against a system which permits Federal employees to exercise their judgment and determine upon the spur of the instant and under excitement whether to shoot at an innocent man whom they suspect may be transporting contraband liquor. All agencies of prohibition enforcement should be limited to obtaining evidence to support a conviction of violations of the law. The Federal Constitution guarantees the life, liberty, and property of every individual, and this represents the spirit of the American people.

HARRY D. WILLIAMS.

Resolution passed by Jamestown, N. Y., Lodge No. 263, at a regular session held May 17, 1928

Whereas a prominent and respected member of this order and the secretary of Niagara Falls Lodge, No. 346, while peacefully and lawfully using the highways of this State and not engaged in any offense against the laws of the State or of the Nation, was shot by Coast Guard officers of the United States, disguised to conceal their official character, on mere suspicion that he might be a prohibition violator; and

Whereas the officers of the Federal Government are shielding and protecting such Coast Guard officers against the execution of a warrant for their arrest, lawfully sworn out by the proper officials of the State of New York, thereby thwarting the lawfully constituted authority of this State, and encouraging and protecting the lawlessness and violence which has characterized prohibition enforcement: Therefore be it

Resolved, That this lodge does demand that the Federal Government shall cease to shield such officers against the due process of law of the State of New York, and shall cease to lend encouragement and aid to lawlessness and violence within this State, and that the Grand Lodge of the Benevolent and Protective Order of Elks attest its loyalty to the principles it teaches by giving to this incident and to the indignation which it has aroused wide publicity; and by reenforcing our local efforts and demands with its active aid and cooperation; and be it further

Resolved, That copies of these resolutions be forwarded to the secretary and exalted ruler of the grand lodge; the exalted ruler of Niagara Falls Lodge, No. 346; and of all other lodges situated in the western district of New York, and that copies be also forwarded to Congressman REED, Senators WAGNER and COPELAND, United States Attorney Richard Templeton, and the district attorney of Niagara Falls County.

The above resolution was moved, duly seconded, and unanimously carried at a session of Jamestown Lodge, No. 263, B. P. O. Elks, held May 17, 1928.

Attest:
[SEAL.] G. R. BROADBERRY, *Secretary.*

DIVISION 1, NIAGARA COUNTY, NIAGARA FALLS, N. Y.,
ANCIENT ORDER OF HIBERNIANS IN AMERICA.

Preamble and resolutions condemning the shooting of Jacob D. Hanson, adopted by the Ancient Order of Hibernians of Niagara Falls, N. Y., at their meeting of May 17, 1928

Whereas we, the members of the Ancient Order of Hibernians, in common with all decent law-abiding citizens of the community, have been indescribably shocked and horrified at the ruthless and murderous shooting, and possibly fatal wounding, of Jacob D. Hanson, of this city, on the morning of May 6 in the town of Lewiston, N. Y., while about his lawful business by members of the United States Coast Guard, presumably under the unwarranted and illegal orders of their superior officers, probably dominated by some fanatical higher-ups; and

Whereas numerous shootings, assaults, bullying, and unlawful search and seizures seem to be the common practice of prohibition-enforcement officers and agents in this district, which practice is an arrogant disregard for and an abridgement of the rights and liberties of the American people, and a disgrace to the authorities that order or permit such despicably illegal and un-American methods in the enforcement of prohibition or any other law: Therefore be it

Resolved, That we, the members of the Ancient Order of Hibernians, most indignantly protest and emphatically condemn the shooting of the said Jacob D. Hanson and the shamelessly reckless use of firearms; the unlawful, unjust, and despotic interference with law-abiding citizens, either on the highways, in the streets, their homes, or places of business, and the wanton disregard for life, limb, and property which has been repeatedly shown by overzealous, irresponsible prohibition-enforcement agents, both of the Coast Guard and other governmental service; and we emphatically condemn the atrocious practice of officers and higher-ups in the prohibition-enforcement service of giving orders ille-

gally to their servile and irresponsible tools "to shoot," smash, and bully, irrespective of consequences, under the pretense of enforcing the law; and we urgently hereby request that all such illegal, cowardly, and dishonorable practice be immediately stopped, and that the guilty perpetrators of this dastardly shooting outrage and all other violations of the rights and liberties of the people be immediately punished to the full extent of the law, this to include the officers and higher-ups who gave the illegal orders "to shoot" and who by their countenancing and encouragement of such unwarranted methods are trampling on the rights of the people; and to this end we suggest that all possible efforts be made to bring both the shooters and all others responsible under the immediate jurisdiction of the courts of the State of New York, so that full justice may be done and that no condoning or whitewashing the guilty be permitted, as is apparently the practice of the Federal authorities where prohibition-enforcement officers violate the rights of the people; and as a remedy for this intolerable state of affairs we also hereby request that a thorough investigation of the whole prohibition-enforcement methods be made, with a view to amend or rescind the Volstead monstrosity, which is undermining the moral, physical, and mental abilities of a large proportion of the people and making grafters and bullies of another large portion and is a tyrannically useless burden of taxation on the people: It is further

Resolved, That copies of this be sent to the press for publication, to Senators COPELAND and WAGNER and Congressmen DEMPSEY, MEAD, and MACGREGOR for the most vigorous action within their power.

F. T. KITCHIN,
President.

AMBROSE LOMBARD,
Recording Secretary.

WORK OF SENATOR DILL FOR FARM RELIEF

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by Mr. George N. Peek, chairman of the Agricultural Conference, with offices in Washington, to Mr. A. S. Goss, master of the Washington State Grange, concerning the work and votes of Senator DILL on farm legislation during his term in the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 18, 1928.*

Mr. A. S. Goss,
Master Washington State Grange,
1007 Weller Street, Seattle, Wash.

MY DEAR MR. GOSS: The farmers of America are now engaged in the most momentous struggle in their history, or at least since the war of 1861–1865.

It is the age-old struggle for economic equality. It is the kind of a struggle that makes or breaks political parties. Therefore the question is bigger than partisan politics. Farmers have followed the practice since 1924 of rewarding their friends in Congress by their support and of defeating their enemies by their opposition, and this regardless of partisan politics.

This is as it should be, so in this connection you must know who are your friends in Congress. Hon. C. C. DILL, United States Senator from your State, has loyally supported the farmers in their fight and should have farmers' support for reelection.

I have written letters similar to this one to farmers in other States on behalf of both Republican and Democratic Members of Congress, so it can not fairly be said that my motives are partisan. If farmers are to secure and retain their proper place in our complicated economic scheme of things, they must place their economic interest above partisanship and stay by their friends.

I am glad to have this opportunity of writing you this letter on behalf of Senator DILL, who has been of great assistance in the fight for farm equality, and I will cheerfully answer any questions you may ask, if I can.

Sincerely yours,

GEORGE N. PEEK.

REPORTS OF COMMITTEES

Mr. SHORTRIDGE, from the Committee on Finance, to which was referred the bill (S. 3258) to amend section 300 of the World War veterans' act, 1924, as amended, reported it without amendment and submitted a report (No. 1256) thereon.

Mr. EDGE, from the Committee on Finance, to which was referred the bill (S. 4075) to adjust the compensation of certain employees in the customs service, reported it without amendment and submitted a report (No. 1257) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 77) concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio, reported it without amendment and submitted a report (No. 1258) thereon.

Mr. REED of Pennsylvania, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2355) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J. (Rept. No. 1259); and

A bill (S. 2907) to remit the duty on a carillon of bells to be imported for the Swedish Lutheran Church, Providence, R. I. (Rept. No. 1260).

Mr. REED of Pennsylvania also, from the Committee on Finance, to which was referred the bill (S. 793) to remit the duty on a carillon of bells imported for Grace Church, Plainfield, N. J., reported it with amendments and submitted a report (No. 1261) thereon.

Mr. SHEPPARD (for Mr. DALE), from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4474) authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga. (Rept. No. 1264); and

A bill (S. 4487) authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga. (Rept. No. 1265).

Mr. MCNARY, from the Committee on Commerce, to which was referred the bill (S. 3637) to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes, reported it without amendment and submitted a report (No. 1267) thereon.

Mr. HOWELL, from the Committee on the Library, to which was referred the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, reported it with amendments.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 4401. An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md.; and

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

HOSPITALIZATION OF WORLD WAR VETERANS

Mr. SMOOT. Mr. President——

Mr. JOHNSON. I yield to the Senator from Utah.

Mr. SMOOT. From the Committee on Finance I report back favorably, with an amendment, the bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, and I submit a report (No. 1255) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. ROBINSON of Arkansas. I hope that the request will be granted.

Mr. NORRIS. I hope the Senator from New Hampshire will not object if he hears that unanimous consent is requested for its consideration.

Mr. SMOOT. If the bill shall lead to any discussion I will withdraw the request.

Mr. REED of Pennsylvania. Will the Senator from Utah yield to me?

Mr. SMOOT. I yield.

Mr. REED of Pennsylvania. This bill is reported in exactly the form in which it passed the House, with an amendment to correct one description in the State of Georgia, which does not change the sense of the bill in any way. The bill is extremely important and in the interest of the hospitalization of veterans, and it should pass at this session.

Mr. ROBINSON of Arkansas. I do not think the Senate can adjourn sine die until this bill shall have been passed.

Mr. JOHNSON. There is no objection to it.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, on page 5, line 4, after the name "Dekalb," to strike out "city of Atlanta," so as to make the bill read:

Be it enacted, etc., That in order to provide sufficient hospital, domiciliary, and out-patient dispensary facilities to care for the increasing load of mentally afflicted World War veterans and to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, by purchase, replacement, and remodeling, or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, of such hospitals, domiciliary, and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; vehicles, livestock, furniture, equipment, and accessories; and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital and domiciliary plants to be constructed shall be of fireproof construction, and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President.

SEC. 2. The construction of new hospitals, domiciliary facilities, or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals, domiciliary facilities, or dispensaries heretofore or hereafter constructed shall be done in such a manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. For carrying into effect the preceding sections relating to additional hospitals and domiciliary and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. The President is further authorized to accept from any State or other political subdivision, or from any corporation, association, individual, or individuals, any building, structure, equipment, or grounds suitable for the care of the disabled, with due regard to fire or other hazards, state of repair, and all other pertinent considerations, and to designate what department, bureau, board, commission, or other governmental agency shall have the control and management thereof.

SEC. 5. The director is hereby authorized to construct and maintain on hospital reservations of the bureau garages for the accommodation of privately owned automobiles of employees at such hospitals. Employees using such garages shall make such reimbursement therefor as the director may deem reasonable. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 6. The Director of the United States Veterans' Bureau is hereby authorized to sell at private sale not more than 50 acres of the hospital reservation of the United States Veterans' Hospital No. 93, Legion, Tex., the size, price, and location thereof to be determined by the director.

SEC. 7. The Director of the United States Veterans' Bureau is hereby authorized to have appraised and, after advertisement, to sell to the highest bidder or bidders, as a whole or in parcels in his discretion and on such terms as he may deem proper, the United States Veterans' Bureau hospital reservation in the county of Dekalb, State of Georgia, acquired by the United States by deed dated April 15, 1920, and to make, execute, and deliver all needful conveyances. The director shall have the right to reject any and all bids. The net proceeds of such sale or sales shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 8. Section 4 of the act entitled "An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924," approved March 3, 1925 (U. S. C., title 38, sec. 438), is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANNUAL REUNION OF UNITED CONFEDERATE VETERANS, ETC.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield to the Senator.

Mr. ROBINSON of Arkansas. Mr. President, recently the annual reunion of United Confederate Veterans, and an organization akin to it, the Sons of Confederate Veterans, assembled in the city of Little Rock, Ark. Congress by special act authorized the presence there and participation in concerts of the Marine Band. A resolution was adopted by that reunion expressing to the President and to the Congress the thanks of the organization for the courtesy extended and the pleasure realized from the concerts by the Marine Band. I ask leave to have that resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution

Whereas Calvin Coolidge, President of the United States of America, in expressing his regrets at being unable fo accept an invitation extended him by the United Confederate Veterans and the Sons of Confederate Veterans to attend the sessions of the thirty-eighth annual reunion, held in Little Rock, Ark., May 8–11, 1928, portrayed a most wonderful and magnanimous attitude toward the South, and especially toward the fast-fading lines of those who wore the gray; and

Whereas the attitude of the United States Congress in making an appropriation to defray the expenses in sending the United States Marine Band officially to us on this occasion without a single dissenting vote and without objection so beautifully reflects the altruistic spirit that dominates the Nation's thoughts and demonstrates to the world that we as a nation stand one and inseparable under the Star-Spangled Bannner for a united democracy of the people, by the people, and for the people that shall not perish from the earth: Therefore be it

Resolved, That the Sons of Confederate Veterans in convention assembled in the War Memorial Building in the city of Little Rock, Ark., express our unanimous and heartiest appreciation:

First. To President Coolidge for his most gracious letter in reply to invitations both from the veterans and the sons to be the guest of the United Confederate Veterans and allied organizations now in convention assembled;

Second. To Congress for its action in sending to us the United States Marine Band to further cheer, comfort, and make happy the scattered remnants of the southern armies;

Third. To Senator JOSEPH T. ROBINSON, Senator T. H. CARAWAY, Congressman RAGON, and to each Congressman from Arkansas, singly and collectively, for their splendid work in securing the passage of this bill through Congress; and be it further

Resolved, That a copy of these resolutions be transmitted to President Coolidge, a copy to the Congress of the United States, a copy to the Arkansas delegation through Senator ROBINSON, and a copy sent immediately to the United Confederate Veterans now assembled at Camp Foster, Little Rock, Ark.

Respectfully submitted.

JOHN L. CARTER,
Commander Arkansas Division, S. C. V.

Unanimously adopted by a standing vote this the 10th day of May. 1928.

WALTER L. HOPKINS,
Adjutant in Chief, S. C. V.

OHIO RIVER BRIDGE NEAR CUMBERLAND, W. VA.

Mr. NEELY. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield to the Senator from West Virginia.

Mr. NEELY. I ask unanimous consent for the present consideration of the bill (H. R. 5475) authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va. It will lead to no discussion, and if it should not pass it will prevent the prosecution of a very important public work.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT, NORTHERN DISTRICT OF TEXAS

Mr. KING. From the Committee on the Judiciary I report favorably with amendments the bill (S. 3864) to create a new division of the district court of the United States for the northern district of Texas.

Mr. MAYFIELD subsequently said: Mr. President——

Mr. JOHNSON. I yield to the Senator from Texas.

Mr. MAYFIELD. I ask unanimous consent to consider the bill which was reported a few minutes ago from the Judiciary Committee by the Senator from Utah [Mr. KING]. It is a matter local to the State of Texas and will not lead to any debate at all.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, before the word "embraced," to insert "now," and in the same line, after the word "embraced," to strike out "on the 1st day of July, 1928," so as to make the bill read:

Be it enacted, etc., That there is hereby created, in addition to those now provided by law, a new division of the District Court of the United States for the Northern District of Texas, which shall include the territory now embraced in the counties of Bailey, Borden, Lamb, Floyd, Kent, Motley, Hale, Dickens, Crosby, Lubbock, Scurry, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dawson, and Gaines, which shall constitute the Lubbock division of said district. Terms of the district court for the Lubbock division shall be held at Lubbock on the third Monday in May and the second Monday in December: *Provided*, That suitable accommodations for holding court at Lubbock shall be provided by the county or municipal authorities without expense to the United States.

The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy, in addition to the places now provided, at Lubbock, which shall be kept open at all times for the transaction of the business of the court.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The amendments were agreed to.

Mr. REED of Pennsylvania. Mr. President, may we have an explanation of the bill?

Mr. KING. I reported the bill from the committee. In a word, it provides for a division of the northern judicial district in the State of Texas so as to segregate a number of counties from an existing division and permits the holding of court in those counties which have been detached.

Mr. REED of Pennsylvania. The reasons for doing so are not political, but are necessary in the administration of the courts?

Mr. KING. They are not at all political. The bill is recommended by the Department of Justice.

Mr. REED of Pennsylvania. Very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUNERAL EXPENSES OF WORLD WAR VETERANS

Mr. REED of Pennsylvania. Mr. President——

Mr. JOHNSON. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I hope the request I am about to make will not be too much of a tax on the patience of the Senator from California, whose patience has already been taxed to the limit, I know.

From the Committee on Finance I report back favorably, without amendment, the bill (S. 2372) to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended, and I submit a report (No. 1254) thereon.

The bill provides that the Director of the Veterans' Bureau shall not be required to deduct from the $100 funeral allowance given to veterans the amount which States and municipalities themselves may contribute to such funeral expense. By a ruling of the Comptroller General the Federal allowance has been required to be reduced by the amount which States or cities may contribute to a veteran's funeral. I know the Congress never meant that to be done.

The bill also corrects a ruling of the Comptroller General to the effect that the cheapest money bid offered by an undertaker must be accepted regardless of the facilities which a higher bidder may offer in the way of ministers' services, music, and other accompaniments that go to make a dignified funeral. As the amount of the funeral allowance can not in any case exceed $100, the Senate will readily see that no extravagance is contemplated. The bill has the unanimous approval of the Finance Committee and also of the Veterans' Bureau. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 201, subdivision (1), of the World War veterans' act, 1924, as amended, is hereby amended to read as follows:

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body (the decision of the director to be binding for all purposes), the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $7; also, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *And provided further*, That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *And provided further*, That the provisions of section 3709, Revised Statutes, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder: *And provided further*, That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT JUDGE, NORTHERN DISTRICT OF MISSISSIPPI

Mr. STEPHENS. Mr. President, I ask the Senator from California to yield to me for a moment.

Mr. JOHNSON. I yield to the Senator from Mississippi.

Mr. STEPHENS. I ask unanimous consent for the immediate consideration of the bill (S. 1965) to authorize the appointment of a district judge for the northern district of Mississippi.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a judge of the District Court of the United States for the Northern District of Mississippi, who shall reside in such district and whose compensation, duties, and powers shall be the same as now provided by law for other district judges.

SEC. 2. Upon the appointment of such judge, the present judge of the District Courts of the United States for the Northern and Southern Districts of Mississippi shall be the judge of the District Court of the United States for the Southern District of Mississippi. Such judge for the southern district of Mississippi shall reside in such district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 4530) granting an increase of pension to Abbie A. Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4531) to improve the birthplace of George Washington at Wakefield, Westmoreland County, Va.; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 4532) to provide for the erection of a monument on the site of the Grattan massacre; to the Committee on Military Affairs.

By Mr. CUTTING:

A bill (S. 4533) to increase the minimum salary of deputy United States marshals to $2,000 per annum; to the Committee on the Judiciary.

By Mr. NORBECK:

A bill (S. 4534) to amend the Federal farm loan act, and for other purposes; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 4535) authorizing the Secretary of the Interior to grant a patent to certain lands to C. Beecher Scott; to the Committee on Public Lands and Surveys.

A joint resolution (S. J. Res. 160) authorizing appropriations for the establishment and maintenance of an agricultural experiment station in American Samoa; to the Committee on Agriculture and Forestry.

By Mr. MOSES:

A joint resolution (S. J. Res. 161) authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928; to the Committee on Foreign Relations.

By Mr. McMASTER:

A joint resolution (S. J. Res. 162) for the appointment of O. W. Coursey, of South Dakota, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

BILL RECOMMITTED

On motion of Mr. HOWELL, the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, was ordered recommitted to the Committee on the Library.

AMENDMENTS TO BOULDER DAM BILL

Mr. NEELY submitted an amendment and Mr. HAYDEN submitted sundry amendments intended to be proposed by them to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which were ordered to lie on the table and to be printed.

ASSISTANCE FOR INVESTIGATION OF STREET-RAILWAY MERGER IN THE DISTRICT

Mr. CAPPER submitted the following resolution (S. Res. 244), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, hereby is authorized to employ during the sessions and recesses of the Seventieth Congress such expert assistance as may be deemed advisable to aid said committee, or subcommittee, in a detailed investigation of the plan of street railway merger and the unification agreement therein mentioned as embodied in Senate Joint Resolution 133.

For such purpose there is hereby authorized to be expended a sum not to exceed $10,000, to be paid from the contingent fund of the Senate upon vouchers properly approved.

PROCEEDINGS AGAINST FILM BOARDS OF TRADE

Mr. WALSH of Montana submitted the following resolution (S. Res. 245), which was referred to the Committee on the Judiciary:

Resolved, That the Senate direct the Committee on the Judiciary to inquire what proceedings are now pending before the courts upon the initiation of the Department of Justice or otherwise, or before the Federal Trade Commission, involving the acts or practices of the Film Boards of Trade; what investigations have been prosecuted leading to such proceedings and the amount expended in the same; what complaints have been made, concerning such acts or practices, with what diligence and fidelity such complaints have been investigated and proceedings to restrain or punish any unlawful or apparently unlawful acts or practices of the said Film Boards of Trade and the Famous Players-Lasky Corporation or the Famous Players-Lasky-Paramount Corporation, or of the officers, agents, or servants thereof, have been instituted or prosecuted.

INDUSTRIAL PENSIONS FOR OLD AGE AND DISABILITY

Mr. DILL. I ask unanimous consent to have printed as a Senate document some articles from magazines regarding industrial pensions for old age and disability. I may say that I have consulted with the chairman of the Committee on Printing about the matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 21, 1928, the President approved and signed the following acts and joint resolution:

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the general service schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 2148. An act to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 4405. An act authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan; and

S. J. Res. 129. Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor.

REPORT OF THE FEDERAL FARM LOAN BOARD

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 215, agreed to May 1, 1928, the eleventh annual report of the Federal Farm Loan Board for the year ended December 31, 1927, which was referred to the Committee on Banking and Currency.

ANNUAL REPORT OF THE BOY SCOUTS OF AMERICA

The PRESIDENT pro tempore laid before the Senate a communication from James E. West, chief scout executive of the Boy Scouts of America, transmitting, pursuant to law, the eighteenth annual report of the Boy Scouts of America, which was referred to the Committee on Education and Labor.

CORRUPT PRACTICES ACTS

Mr. BORAH. Mr. President, a few days ago the Senator from New Mexico [Mr. CUTTING] offered a series of bills dealing with corrupt practices in elections. I have in my hand an article appearing in the St. Louis Post-Dispatch containing a very intelligent discussion of the entire subject covered by the bills introduced by the Senator from New Mexico. I ask that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEASURES TO CURB FRAUD AND BUYING OF ELECTIONS FRAMED BY SENATOR CUTTING—NEW MEXICO MAN PROPOSES CONSTITUTIONAL AMENDMENTS TO MAKE LEGISLATION POSSIBLE AND TO PREVENT RECURRENCE OF VARE AND SMITH SCANDALS

By Paul Y. Anderson, a Washington correspondent of the St. Louis Post-Dispatch

WASHINGTON, May 19.—An extraordinary program of legislation, designed to end corruption in the election of Presidents and Members of Congress, has been introduced by Senator BRONSON CUTTING, of New Mexico, one of the youngest Senators in the Chamber. It proposes two amendments to the Federal Constitution and three corrupt practices acts.

The acts would limit definitely the amount of money which could be spent lawfully in campaigns, name the purposes for which it would be spent, and establish a fact-finding body to determine whether those restrictions had been obeyed. The first constitutional amendment would give Congress undoubted power to regulate primaries and conventions as well as elections. The second would make ineligible for membership in Congress all candidates who had violated any law governing his nomination or election.

This far-reaching program is a direct outgrowth of the Smith and Vare cases. The proposition of seating Senator elect Frank Smith, of Illinois, was one of the first that came before the Senate after CUTTING became a Member of that body. He was surprised to discover in the course of the debate that, while Smith's election obviously had been attended by corruption on a shocking scale, apparently he had violated no law.

STARTS WORK ON BILLS

CUTTING voted to seat Smith, for the stated reason that the Senate could not logically exclude him so long as it failed to enact legislation which covered such cases. When the debate was over and Smith had been excluded, CUTTING called in several legislative experts and set at work to devise a comprehensive program of legislation which would cover the whole field of corruption in Federal elections.

Like Senator WHEELER, of Montana, CUTTING is a westerner who speaks with a pronounced Harvard accent, and like WHEELER he is bellicosely independent. He is young, wealthy, and owns an influential newspaper in Santa Fe. Prior to coming to the Senate he had used his wealth and his newspaper in supporting various causes and candidates and managed not only to have a rousing good time for himself, but to establish a unique influence throughout the State.

AUTHORITY IS LACKING

Attempts by Congress in the past to enact proper election safeguards have been partially unsuccessful because of doubts as to its constitutional authority. That situation arises from the fact that the makers of the Constitution did not foresee the kind of a political system which has grown up. National conventions, primary elections, national committees, and much of the vast and complicated machinery of politics which exists to-day have come into existence gradually. As CUTTING said to the writer:

"From the beginning all this political machinery has been more private than public. It sets up and dominates the Government, and yet it is largely outside and independent of the Government. This unofficial machinery of politics is largely at the bottom of the disrepute into which representative government has fallen. Most of the evils which menace and discredit it are found in the purely political phases of the system. It is high time this private machinery is brought under the law by proper regulation."

WOULD SETTLE DOUBTS

To accomplish that he proposes, first, an amendment to the Constitution which will remove all uncertainty as to the power of Congress to legislate with respect to primaries and conventions in which Federal officials are nominated and elected. Many Senators, including CUTTING, believe such power exists now, but undoubtedly much uncertainty surrounds it, and the Supreme Court held unconstitutional certain sections of the corrupt practices act under which Senator elect Truman Newberry, of Michigan, was convicted. CUTTING'S amendment would settle the doubt.

Next, he proposes a second amendment which would impose the penalty of ineligibility on any candidate for Senator or Representative who was found to have violated the law regulating his election. That provision would avoid all such debates as those which occurred over Smith and Vare. A candidate who was found to have violated the corrupt practices acts simply would be ineligible to take office.

"I should not think there could be any opposition to such a measure," said CUTTING. "Surely every legislator's seat should be above the taint of illegality. Nothing could be more abhorrent than the spectacle of a lawbreaker making laws."

NEW BODY IS NEEDED

But how to ascertain whether the laws have been violated? At present there exists nobody with the positive duty to inquire and report concerning nominations and elections.

For the most part, the existing machinery is negative.

Candidates and parties are required to report campaign accounts to the Clerk of the House of Representatives, but there is no audit and no inquiry into the accuracy of the reports unless sensational news reports, such as those of the Vare and Smith campaigns, result in a congressional investigation. This is a highly uncertain and indirect method.

Therefore, the third of CUTTING'S measures is a bill to create a Federal election commission, to consist of five members, to be elected at joint sessions of the two Houses of Congress.

The Civil Service Commission would nominate 25 citizens who possess certain required qualifications, and are "known to be without partisan prejudices or connections." From those 25, the Senate and House, meeting together, would elect five to constitute the commission. This is to get around the presidential appointive power, which has been used to "pack" so many Federal boards and commissions.

DUTIES OF COMMISSION

The duties of the Federal Elections Commission would be as follows:

1. To receive, audit, and have custody of all campaign reports, and to investigate and report on the legality of all nominations and elections to Federal offices.

2. To receive the credentials of all Senators elect and Representatives elect, and report to the respective Houses concerning their legality.

3. To investigate and report to the House and Senate on each election contest.

The commission would have no power to pronounce judgments or impose penalties. It would be solely a fact-finding body. On the basis of the facts reported, Congress and the courts would pass judgment—Congress as to the eligibility of the candidates and the courts as to their guilt or innocence of violations.

In addition, the commission would have the continuing task of surveying election methods and machinery, especially with a view to recommending improvements to Congress.

CUTTING'S fourth bill is one to regulate the nomination and election of the President. It provides that no candidate for the nomination for President can expend more than $10,000 in each State, or a total of more than $480,000 in the 48 States in the campaign preceding the convention.

LIMIT ON CAMPAIGN FUND

No candidate, after being nominated, could spend more than $30,000 in any State, or a total of more than $1,440,000. Moreover, the bill would make illegal any deficit, which, when added to the total expenditures, would bring the sum to more than the amount fixed above. That abolishes an existing evil recently brought into bold relief by the forced confessions of Will H. Hays. It was disclosed in the Teapot Dome investigation that a deficit of more than $1,000,000 remained after the Republican campaigns of 1920 and 1922, principally in the form of loans. Of course, none of that money had been accounted for in the reports of campaign contributions made prior to and immediately after the elections.

Similarly, the bill limits to $1,000 all contributions made after the elections. This would make illegal such gifts as the $160,000 donation of Harry F. Sinclair and the $50,000 gifts of Secretary of the Treasury Mellon and the late John T. Pratt, which also were disclosed in the oil inquiry. It would prevent governmental favors or offices from being bartered away for large contributions following elections.

It provides that all gifts must be made in the names of the actual givers, thus outlawing "dummy" contributors, such as those who allowed the use of their names in masking the donation which Sinclair made to the Republican deficit in 1923.

CORRUPT PRACTICES ACT

The fifth and final measure in CUTTING'S program is a corrupt practices act governing the nomination and election of Senators and Representatives.

Existing laws place no limits on the sums which may be spent for such items as printing, postage, traveling expenses, and the like, with the result that the limitations which are imposed mean virtually nothing. Expenditures of almost any kind can be covered up under those headings, and frequently are.

CUTTING has proceeded in a radically different direction, by expressly stating the purposes for which money may be spent lawfully, and fixing limits on the amounts which may be expended for those purposes.

Thus his bill states: "In a campaign for nomination or election to the office of Senator or Representative in the Congress of the United States it shall be unlawful to expend money except for the purpose of presenting information, arguments, and advice to the electors as to the issues of the campaign and the qualifications of candidates.

"A candidate or his duly authorized agent or committee may lawfully present information, arguments, or advice to the electors by the use of: (a) the mails; (b) the telephone; (c) the telegraph; (d) advertisements in newspapers or by posters or on billboards; (e) the radio; (f) personal solicitation; and (g) public meetings.

"The cost of maintaining headquarters, of hiring halls, and speakers, and of employees to conduct the campaign may be lawfully paid out of the campaign fund by the candidate or his duly authorized agent or committee."

PROVISIONS FOR FUNDS

The provisions governing the amount of campaign expenditures are as follows: "Unless the law of this State prescribe a less amount as the limitation of campaign expenditures, a candidate may make or authorize campaign expenditures up to—

"(a) The sum of $10,000 if a candidate for Senator, or $5,000 if a candidate for Representative; or

"(b) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all the candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $10,000 if a

candidate for Representative; provided that in States where Representatives are elected at large, each such candidate for Representative may make or authorize campaign expenditures of the same amount permitted a candidate for Senator in the same State."

The only exception is that: "The money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal traveling and subsistence expenses shall not be included in determining whether his campaign expenditures have exceeded the sum fixed by this section as the limit of campaign expenses of a candidate."

A candidate may make expenditures up to the prescribed amount in either a campaign for the nomination "by whatever method" or in an election contest.

BILL FIXES RESPONSIBILITY

Like the bill relating to presidential elections, this measure fixes the responsibility upon the candidate or his duly authorized agents, safeguards against deficits, and requires adequately frequent reports to the Federal Commission on Elections.

If this bill were enacted, with the election commission making the facts of illegalities fully known, and with Congress under constitutional compulsion to deny a seat to every unlawfully elected member, corrupt campaign practices on a large scale would be almost impossible.

There is no likelihood that any of the CUTTING proposals will be voted on, or even reported from committee during the present session of Congress. Nor does their author wish them to be. He realizes they will be subject to prolonged discussion when they are brought up.

In the meantime CUTTING is hopeful that Congress and the public will study them. Sooner or later legislation is inevitable to meet the steadily rising tide of corruption in politics.

The young man from New Mexico certainly has offered a substantial morsel for reflection.

SUBMARINE SAFETY DEVICES

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York Evening World of May 21, 1928, relative to submarine safety devices.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES SUBMARINE MEN HAVE TO FACE PERILS OTHER NATIONS AVOID—REPRESENTATIVE GRIFFIN, OF BRONX, PROVES THIS BY FACTS FROM GERMANY, ENGLAND, AND FRANCE IN REPLY TO QUERIES—SAFETY DEVICES THAT WE LACK ARE USED TO GIVE MEN SUCH AS "S–4" CREW SOME CHANCES OF ESCAPE

By Robert Barry, staff correspondent Evening World

(Copyright Press Publishing Co. (New York World), 1928)

WASHINGTON, May 21.—ANTHONY J. GRIFFIN, Member of Congress from the Bronx, rises to state some ghastly facts and to ask a question.

Five months ago the U. S. submarine *S–4* sank off Provincetown with all on board, and the country was stirred as it had been by no naval disaster since the blowing up of the battleship *Maine*.

Everyone deplored; some explained; officials said such a stark tragedy should not occur again.

Mr. GRIFFIN asserted that the *S–4* lacked the safety and salvage devices which the submarines of other great maritime powers provided for subsurface naval duty. His statements were challenged; his suggestions derided; his charges ridiculed.

After some months of patient effort Representative GRIFFIN has proved his case, but instead of exulting over his evidence he is using it merely in justification of his plea that Congress should do something to alter "the pitiable picture we present to the world."

AMERICA'S PLAIN DUTY

"Even though the world should forget," the Bronx Member says, "I submit it is a plain violation of our duty to ignore such an event; to repudiate our pledges that such a thing could never happen again; to fail in our promises that we should profit by the lessons of that disaster."

Due to a stubborn refusal by administration leaders in both Senate and House to agree that a joint congressional committee investigate the causes of the disaster while a commission of experts, to be named by the President, studied submarine safety devices, nothing has been done.

Nothing is likely to be done.

Mr. GRIFFIN'S plea is that there be some reconciliation of those differences, one way or another, in memory of "those unhappy youths tapping out their own requiem in the chambers of the doomed submarine—tap, tap, tap—waiting for relief; waiting with torturing anxiety amidst the fumes which rose from the batteries of the vessel, fumes which slowly choked them to death."

Representative GRIFFIN charged at the outset that the submarines of the United States Navy were not equipped with proper emergency and safety and rescue devices. His assertions that America had lagged in that respect were denied in the highest official quarters.

Mr. GRIFFIN set about to prove his case through the cooperation of the Department of State and the naval attachés at the American embassies in Berlin, London, Paris, and Rome.

HIS CONTENTION BORNE OUT

The replies from the American Embassies abroad bear out the technical accuracy of the demands by Representative GRIFFIN that the men detailed to submarine duty in the Navy of the United States be afforded as fair a chance for life as those in other great navies.

The German Navy, for instance, equips its submarines with grappling rings, marker buoys, air inlets, and diving chambers, and has built two salvage vessels with lifting capacities of 1,200 tons. If America had such a vessel, the *S–4* could have been lifted bodily, as her dead weight was 1,000 tons. She was raised by six pontoons having a lifting capacity of 480 tons.

In the British Navy it is shown that British submarines are equipped with a separate salvage air inlet to each compartment.

The French submarines are equipped with telephone buoys and a separate air inlet for each compartment. In addition to that they have folding life boats and automatic diving apparatus. The French Navy also has three lifting or salvage docks with a lifting capacity of from 500 to 1,000 tons.

In the Italian Navy all submarines of new construction will have two telephone signal buoys, one at the bow and the other at the stern. Each compartment is provided with separate air inlets and two exit locks for the escape of the crew, one at the bow and the other at the stern. Even the turret is so constructed as to serve as an exit lock.

NINE QUESTIONS ASKED

Through the proper diplomatic channels, Representative GRIFFIN addressed nine specific questions to the admiralties of Europe.

The German reply was most specific and informative. Because of German war-time preeminence in use of the submarine, the response forwarded by Capt. George M. Baum, United States Navy, American naval attaché at Berlin, is given in full. Mr. GRIFFIN has put it in the record.

Mr. GRIFFIN'S questions and the German replies to each are given below numerically.

Q. (1) Whether grappling rings, eyelets, or shackles are attached to the hulls of submarines to facilitate their prompt raising.—A. (1) In peace times grappling rings, eyelets, or shackles were attached to the hulls of most of the submarines. During the war they were removed from many on account of the additional weight.

Q. (2) Whether or not a form of telephone signal buoy is in use which may be released in case of accident, and by which communication may be had with the crew.—A. (2) Such buoys were employed on the submarines in peace times and were part of the normal installation. During the war they were firmly secured, so as to prevent their becoming loose and thus disclosing the position of the submarine to an enemy ship.

Q. (3) Whether or not salvage air inlets are provided for each compartment of the submarine, or whether there is one salvage inlet communicating to the receptive compartments (as seems to have been the condition on the *S–4* type of vessel).—A. (3) Air inlets could not be installed for each compartment of the submarine, but on the later submarines there was an air inlet in the forward compartment, the midship compartment, and the after compartment, all well separated. These air inlets had cocks which could be operated both from the interior and the exterior of the hull.

Q. (4) Whether or not diving chambers by which the crew can escape are provided.—A. (4) An air chamber was provided in the larger submarines, but they were not used in any salvaging operations. The loss of space entailed by the installation of such a diving chamber restricted their number to one for the larger submarines.

Q. (5) Whether or not submarines are provided with releasable rafts, boats, or chambers by which the crew can escape.—A. (5) No.

Q. (6) Whether or not a diving helmet, or diving apparatus, known as the Graeger diving rescuer, or any similar device is adopted.—A. (6) Yes; one for each member of the crew, distributed proportionately in the compartments to the number of men normally in that compartment.

Q. (7) Whether or not there is at the present time, or in contemplation, salvage vessels of the catamaran type by means of which a submarine can be lifted from the bottom.—A. (7) Before the war the *Vulkan* was built and was used during the war. The *Cyclops* was not completed until 1918. After the war the *Vulkan* was sunk and the *Cyclops* was turned over to England. These vessels were built for submarine-salvaging work.

Q. (8) If such vessels are in commission, please state their tonnage, their length, and their lifting capacity.—A. (8) A description of these vessels can be obtained from Jane's Fighting Ships, 1914 or 1915. The *Vulkan* was approximately 2,000 tons displacement and lifting capacity of about 500 tons. The *Cyclops* was 2,800 tons displacement, with lifting capacity of 1,200 tons.

Q. (9) It will be appreciated if you will mention any instance when and the circumstances under which such vessels were put to use and whether they proved effective, giving the tonnage and the net lift or weight of the vessels involved.—A. (9) During the war the *Vulkan* salvaged six sunken submarines from varied depths from 11 to 30

meters. In none of the operations was any of the crew saved through the operation of the *Vulkan*. Most of the installations for attaching salvaging devices had been removed from the submarines in order to save weight, and it was therefore necessary for the divers from the *Vulkan* to pass slings around the hull.

After the submarine was located and operations made possible by divers it was possible to lift the submarine in nine hours and less. The success of operations from the *Vulcan* depended upon the ability of the divers to locate the wreck and to commence salvaging operations. The time lost in locating the wreck and passing the slings was always too long to enable the submarine to be raised in time to save any of the personnel. On December 7, 1917, submarine *B–8* was sunk in the Baltic Sea in 30 meters of water under conditions almost identical with those obtaining when the *S–4* was sunk. The sea was heavy and wind was force 9. It was impossible for the divers to operate, and no salvaging operations were possible until the weather moderated. By this time all the personnel of the submarine had perished.

The *S–4* was lost in peace time.

SOME OTHER REPLIES

The French replied that they have collapsible lifeboats which are stored on the bridge under the Berton method.

Ray Atherton, Counselor of the American Embassy in London, reported the British response to GRIFFIN query No. 3:

"A salvage air inlet (or, as it is termed, divers' connection) is fitted to each main compartment of the submarine. Each inlet is independent of the rest and supplies air only into the compartment in which it is fitted."

Representative GRIFFIN has received letters and suggestions from 2,000 persons, many from Europe, some from Australia. He offers something for Senator HALE, of Maine, chairman of the Naval Affairs Committee, to explain and administration leaders in the House to justify, if they can.

FORMER SENATOR OWEN'S VIEWS ON POLITICAL SITUATION

Mr. SIMMONS. Mr. President, I ask unanimous consent to insert in the RECORD, without reading, a letter written by former Senator Robert L. Owen, of Oklahoma, on the political situation, published in the Tulsa Tribune, Tulsa, Okla., May 13, 1928.

There being no objection, the letter was ordered to be published in the RECORD, as follows:

FORMER SENATOR OWEN FLAYS SMITH AS POSSIBLE CHOICE—METHODS USED BY POWER DESCRIBED FULLY IN LETTER

Tammany is the candidate and Al Smith the name, in the opinion of former United States Senator Robert L. Owen, of Oklahoma, who has stated his views regarding the present dilemma of the Democratic Party in a letter to Richard Lloyd Jones, publisher of the Tulsa Tribune. The letter, written in Washington, follows:

MAY 8, 1928.

MY DEAR MR. JONES: Answering your favor of May 1, I submit my views on "Tammany and the Presidency." The aggressive arrogance of Tammany is in marked contrast to the somewhat excessive modesty and preoccupation of Democratic leaders outside of Manhattan. Tammany's foreign-born constituents, hating autocracy, are natural Democrats. Tammany organized them by actual service, by genuine charity, by real kindness, by Christmas baskets, by summer picnics, etc., by employment, by rewards, and has thus obtained the support of the little people, who do not understand big politics.

Tammany, with control of thousands of employees, has been rewarded abundantly with votes, with governing power, with graft. The little tigers got little graft from little people; the big tigers got big graft from big business. In the course of time I am convinced the grafting system laid its tribute in an organized fashion on the gamblers and "policy" shops, on the "disorderly houses" of unhappy women, on the "white-slavers," on the bootleggers and the wholesome-liquor men, on crooks, on little thieves and big thieves, on subway and sewer contractors, on paving and highways, on public buildings, on people selling supplies to the city or in the city.

Tammany is human—very human—with its virtues and its vices, operating side by side without visible conflict. The system is a two-faced Doctor Jekyll and Mr. Hyde affair. It wears the badge of decency and dignity by day, and freely consorts with crooks by night. It probably gives the city of New York as good a government as it really deserves, and no better, but very expensive. The annual budget has already reached $500,000,000. No man knows where it will end.

WELL SUPPORTED

Tammany has thousands of supporters of the most respectable gentlemen, and it has the support of innumerable criminals who dodge about under the patronage or protection of Tammany supporters. Doctor Jekyll denounces and prosecutes the criminals and Mr. Hyde levies tribute on them at night and frequently thwarts the worthy efforts of Doctor Jekyll. Doctor Jekyll sternly applies the law to the gamblers, the crooks, the thieves, the underworld, but Mr. Hyde gives them protection and takes tribute from their stolen goods. Doctor Jekyll rebukes the rascals; Mr. Hyde plucks the thief.

The police captain must pay for his job and may get the cost back discreetly from the smaller fry. Judges of low and high degree have paid for their nominations (said to be about $50,000 for a supreme-court justice's nomination). The wonderful corrupt record of Tammany and its supporters has been set forth very fully by many public exposures, such as those made by Dr. Charles H. Parkhurst, the Mazet investigation, the Citizens' Union of New York, etc. There is not much secret about it, and I suppose there is no sincere denial. The big graft, however, is in city privileges, where huge competitive commerce is absolutely compelled to have space and opportunity.

The Tammany leaders are too intelligent to permit an appearance of evil. Contracts are not let to the highest bidder, for this would excite public outcry as obvious corruption, but the specifications which require high bids need not be enforced by Tammany inspectors, and modifications and extra work can be found necessary under such contracts for favored contractors, and untold millions may be thus abstracted from the taxpayers of the city.

It is notorious that the Tammany leaders like Tweed and Croker and Murphy became millionaires.

GRAFT IS CONTROL

The stealings under Tweed were estimated to be from $30,000,000 to $200,000,000. Tammany graft provides a means for controlling the New York City elections. Tammany has men in charge of voting precincts who know every voter, his age, nationality, business, religion, etc., and knows whether he is a repeater or a fraudulent voter, and how to register him in many places and vote him efficiently in many booths on election day. Tammany can pad the vote of New York with thousands and thousands of fraudulent votes whenever the necessity arises. Tammany has become so skilled in managing the precinct vote and raising big money for political purposes and cooperating with the standpat Republicans, that it has at last concluded to attempt to put Mr. Smith in the White House by their methods.

Al Smith was born of modest parentage, and as a youth was trained and showed great talent as an actor. He is intelligent, social, industrious, and has been in the service of Tammany for 33 years. He spent his life in and around the Bowery as a Tammany employee until Tammany sent him to the assembly and made him governor. He deserves well of Tammany. He has been faithful to its interests. He was under Croker and Murphy and Foley. He is a product of Tammany, a disciple, and is now its leading power.

The Republican machine of New York State is, like Tammany, a two-faced Jekyll and Hyde combination. The Republican Hyde and the Tammany Hyde get together in a bipartisan corrupt alliance and trade votes. In 1924, in pursuance of this customary practice, Coolidge got nearly 300,000 votes more than his Republican associate, Roosevelt, for governor, and Smith got 300,000 more votes for governor than the liberal electoral votes, apparently by the expediency of exchanging votes, 150,000 votes being taken from the Democratic candidate for President, Davis, and given to Coolidge, and about 150,000 votes taken from Roosevelt and given to Tammany's candidate, Smith. Theodore Roosevelt, jr., and Davis were equally betrayed by the standpat Republicans and by Tammany in the interests of Cal Coolidge and Al Smith in the famous "Cal and Al" campaign of 1924. It must be observed also that the registration lists of New York City were suddenly increased, from 1920 to 1924, by about 220,000 votes, and that Al Smith got about this number more than he got in 1920. The Republicans did not seem to profit by this increase of registration. (See the New York World Almanac.)

OBJECT—WHITE HOUSE

These glorious victories of the "invincible" Smith determined the Tiger to advance on the White House. In anticipation of 1924 a couple of hundred thousand books were printed, glorifying Al Smith as a paragon of virtue—another Jefferson to lead the Democracy. Who paid for this campaign work has not yet been disclosed, but it can be safely assumed that Governor Smith, under the dignified patronage of Doctor Jekyll, who can do no wrong, can personally disclaim all expenditures and that Mr. Hyde is busy with a corps of literary mercenaries, with proper financial agents receiving the willing contributions of large contractors and other people seeking special privilege, whose appreciation of past and future favors can be relied on. I am convinced that Mr. Hyde can get all the money he wants and can expend it so skillfully that the American people will never fully discover it.

Mr. Hyde's friends control the press, so a joyful hallelujah of praise fills the newspapers, the magazines, the movies, and the radio about the new Jefferson who has emerged from the Bowery and from the patronage of Croker, Murphy, and Foley. At all events, I think there can be no doubt that a wonderful campaign of education and propaganda has been put on by Tammany and its plutocratic allies to sell Tammany's candidate to the people of the United States, and to nominate him for the Presidency. This campaign proceeds on the very practical theory that "all the people know is what they see in the papers," and that exposed and unattended precincts can be captured by organized work. The plan arranged to control the precinct caucuses and the Houston

convention is set forth in the CONGRESSIONAL RECORD of April 24, 1928, in Senator OVERMAN'S remarks, quoting from the Winston-Salem Journal. Here is the plan sent by Tammany to North Carolina, and apparently it is the same plan which was employed in Oklahoma and other States:

THE TAMMANY PLAN

1. A cautious, sagacious man, well informed in State politics, and who must be the right man for the place, must be selected to organize the State.

2. He must secretly and with caution and sagacity select two gentlemen for each congressional district who are also cautious, sagacious, well informed, and must be the right men for the place.

3. The State organizer must, with secrecy, meet with the two district organizers in each congressional district, and as a committee of three carefully canvass and pick three cautious, sagacious, well-informed men who must be the right men for the place for each county.

4. The county committee must secretly pick a cautious, sagacious, well-informed man who must be the right man for each precinct who is willing to give the time to the job and who will be responsible for getting enough Smith men to be present at the precinct caucus to organize the caucus and select delegates, composed of Smith men, to the county convention.

5. The State organizer and the district managers will select in advance the delegates at large through the State. They will arrange the proceedings of the State convention and be assured that Smith men are selected who can be relied on to go to Houston. The expenses of this performance is not set forth in the plan, but it can be assumed that Mr. Hyde and his financial disbursing officers will see to it that all this labor of love is not lost. In a State of a thousand precincts it means more than a thousand secret agents. By this system one active Smith agent is equal to a hundred sleepy, inattentive opponents. One active man can man the precinct and control it, for as a rule very, very few attend a precinct caucus.

GREAT IS TAMMANY

By this secret, cautious, sagacious plan, adequately financed, Tammany has successfully captured hundreds of delegates and demonstrated to the thoughtless public the enormous popularity of Tammany's candidate while the inattentive Democracy and unfinanced potential candidates all look on in stupefied amazement.

Great is Tammany, admirable in its simple, direct efficiency. It has its return for work done and money expended. It knows how to steal the governing power of the people, and with their stolen goods is demanding indorsement by acclamation at Houston.

Let all the unintelligencia jump in the band wagon quickly, but let honest, intelligent Democrats stand firm and remember that the patriotic men and women of our beloved country and the dry and progressive forces of America are yet to be heard from.

The moral and ethical law is as certain as the law of gravity, and will be vindicated in due time by a power of which the Tammany leaders know little.

Tammany is not a man—it is a combination of all sorts of men. It is a corrupt political system and an auxiliary of the standpat Republicans in all times of need.

It fought with the Republicans against Samuel J. Tilden.
It fought with the Republicans against Grover Cleveland.
It fought with the Republicans against William J. Bryan.
It fought with the Republicans against Woodrow Wilson.
It fought with the Republicans to defeat James M. Cox.
It fought with the Republicans to defeat John W. Davis.

Its Congressmen supported Joe Cannon, the mouthpiece of plutocracy in the House of Representatives.

Tammany is controlled by a constituency which is of foreign origin and of foreign ideals, favoring wide-open immigration, opposing the national prohibition policy, favoring and practicing nullification of the eighteenth amendment and the Volstead Act. It has deliberately pursued a policy to split and disorganize the National Democracy over the wet and dry question, and over a religious controversy to the enormous advantage of the standpat Republicans. Tammany is equally the secret enemy of the progressive Republicans and of the progressive Democrats.

Governor Smith is not to be regarded as a mere man. He is an institution built up by the Tammany-controlling forces. He is subject to their influences and will assuredly represent their views, for he owes everything to their support.

Tammany is truly unfit to lead the progressive democracy of America, and those who have loved Woodrow Wilson and William J. Bryan and Grover Cleveland and Samuel J. Tilden will find it impossible to follow the Tammany leadership. Millions of Democrats will revolt. No Democrat can possibly win who is too timid or too feeble to protest against the dominance of Tammany Hall.

Tammany should be kicked out of the Democratic Party. It belongs of right to the standpat Republicans.

There is no time for false compliments.

Plain, honest speech is needed.

"SPEAK NOW, OR—"

Speak up, you political leaders, now, or forever hold your peace.

The popularity of Governor Smith, except where the Tammany machine corruptly controls New York City, is absurdly false. New York State has 62 counties, 57 of them outside of New York City. Outside of New York City in 1926 Al Smith lost 53 out of 57 counties in the great State of New York, only carrying Albany and Troy Counties, where the machine controlled; Clinton County, the bootlegger county on the Canadian border; and Utica, by a narrow margin. In 1924 Al Smith lost every one of the 62 counties in New York State except New York City and Albany, and the fraudulent exchange of votes in this campaign is well known. It is a suspicious circumstance that 227,000 votes were registered in 1924 in excess of 1920, and Al Smith's vote increased by about this amount. This is a badge of fraud, for Roosevelt ran far better than Miller in 1920, when Miller beat Smith. In 1920 Smith lost every county in the State of New York outside of New York City. His vote-getting power outside of the city of New York is disproved by the county records of New York. (See the New York World Almanac for figures.) The Republicans know this, and they are helping him to push his candidacy. His Republican allies for the governorship must abandon him for the election to the Presidency.

In the recent California primaries he got less than 17 per cent of the total vote cast, and Hoover's friends, unopposed, nevertheless cast more than four times as many votes as were obtained by the very active campaign for Al Smith. California is obviously anti-Smith. More than half the Democrats refused to come to the polls. In the recent Massachusetts primaries for 1928 Al Smith got less than 8 per cent of the votes cast in the last presidential election. The great majority of Democrats declined to vote for Smith. In the Texas latest primaries, where the liquor men were active, he got only 1 delegate in 10 of the delegates selected for the county conventions, and this fairly shows his lack of popular strength in Oklahoma and Arkansas, where political conditions are nearly identical. And you know, as I know, that Oklahoma is profoundly displeased with the successful secret intrigue of Smith's friends there, and that their success was only due to the inattention of the people.

It is some consolation to believe that the country will not put Tammany in the White House, but my prayer is that the good Lord will defend the party of Jefferson at Houston from the assaults of its enemies.

With very kind regards, sincerely and faithfully,

ROBERT L. OWEN.

CHANGE OF CONFEREE ON TAX REDUCTION BILL

Mr. SIMMONS. Mr. President, I desire to ask unanimous consent of the Senate that I be excused from serving upon the conference committee on the so-called tax reduction bill (H. R. 1), and that the name of the senior Senator from Mississippi [Mr. HARRISON] be substituted for mine.

The PRESIDENT pro tempore. Is there objection to the request preferred by the Senator from North Carolina? The Chair hears none, the request is granted, and the senior Senator from Mississippi [Mr. HARRISON] is appointed to serve in his stead on the committee of conference on the part of the Senate.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I am very loath to take any time upon this measure in further discussion in behalf of its proponents. I should infinitely prefer to sit here and permit the opponents of the proposed legislation to develop whatever they desire to develop in opposition to it. I have been asked, however, sir, by two or three Senators upon this side and a similar number upon the other side very briefly to respond to some of the things that have been said in the debate that has preceded and particularly the things that were related by the Senator from Utah [Mr. SMOOT] in his very lengthy and very complete address. Because of that request, and because I feel that our position is impregnable, I am constrained to occupy a brief period this morning in an endeavor to answer some things that may have been said by the senior Senator from Utah in his two-day address.

Mr. President, the able senior Senator from Utah recently engaged the attention of the Senate for two full days in the delivery of a singular and quite remarkable speech in opposition to S. 728. Replete with scientific, engineering, and technical details, its preparation must have occupied many weeks, if not months, of effort on the part of the busy Senator. We all know of the multitudinous and exacting character of his regular duties in relation to finance, revenue, taxation, and related mat-

ters, and we wonder that a place could possibly be found on his already overburdened shoulders for the additional task of compiling an elaborate address on the Boulder Canyon project.

However, a large amount of the material presented in the interesting address of the able Senator was not new or unfamiliar to those who have been following this legislation. Some of that material had an entirely respectable and legitimate source, but some of it had its source close to the busy quarters of the great power interests, which recent revelations have shown have been enthusiastically engaged in endeavoring to encompass the defeat of this legislation.

A very considerable part of the able Senator's speech was devoted to the proposition which, if not specifically stated, yet plainly was implied, that the plan for the Boulder Canyon project was entirely infeasible, or so beset with construction and other difficulties as to render the undertaking unwise and inexpedient. The Senator painted a gloomy picture, indeed, but in so doing he did not assume an unfamiliar or unprecedented rôle. The path of human progress since time began has been marked at every turn by the doleful cry, "It can not be done." Reforms and achievement ever have been met sometimes by an honest but mistaken pessimism, and often by a Pecksniffian antagonism because of material interest in a wrongful existing order.

The penny post, which has grown into the great post service of the world and has become an indispensable feature of our civilization, was bitterly resisted as a vain and destructive innovation, which could never be successfully consummated.

After steam had been successfully applied to river navigation, the skeptical declared that no steamship would ever cross the Atlantic Ocean. It could not be done, they said, because, even if an engine could be contrived, no ship could ever be constructed large enough to carry sufficient coal for the voyage.

Charles Newbold, a citizen of New Jersey, made a cast-iron plow in 1797 to replace the wooden plow then in use. The farmers would not adopt the new device because, as they said, it would poison the soil and stimulate the growth of weeds. It could never, they said, be utilized for its designed purpose.

Howe worked for many years before he perfected the sewing machine, while his family complained, and his friends called him a poor lunatic, and those who heard him and saw his work said it never could be done.

When the Baltimore & Ohio Railroad was opened with horse and rail cars 100 years ago Daniel Webster expressed grave doubt as to the ultimate success of the railroad, saying, among other things, that frost on the rails would prevent a train from moving, or, if it did move, from being stopped. The Senators from Utah of that day said it never could be done.

Samuel Pierpont Langley, Secretary of the Smithsonian Institution, had long studied the possibilities of flying. Finally he built a steam-driven model, which was the first heavier-than-air machine that flew in America. Even after he had flown this model many times the world still believed that a man who invented a flying machine was nothing less than a lunatic. A famous scientist in this very city of Washington, Simon Newcomb, one of the greatest mathematicians and astronomers of his time, proved on paper that it was foolish to make any attempt at flying, and high in horror were held the hands of the fearful as they muttered, "It can not be done!"

Samuel F. B. Morse's efforts to perfect his invention of the telegraph were ridiculed by his acquaintances and friends. It was finally tested in 1838. He applied to Congress for aid.

The House passed the bill by a narrow margin of 8 votes, and it went to the Senate. On the last night of the session Morse, sitting in the gallery, anxiously awaited the result. One of the Senators declared to him: "There is no use of your staying here. The Senate is not in sympathy with your project. I advise you to go home and think no more about it." Morse, his last hope gone, left the Capitol; but the next morning he received the joyful and unexpected news that the bill had passed the Senate. With the appropriation thus made available wires were strung between Baltimore and Washington; and on May 24, 1844, the day chosen for the public exhibition, Morse, sitting at the transmitter in the old Supreme Court room in the basement of the Capitol, received the historic message, "What hath God wrought." But the timid and the doubtful shook their heads and said, "It can not be done."

The opposition to the construction of the Suez Canal was extremely bitter and formidable. Among other things, it was claimed that the canal would prove a failure because the blowing sands of the desert would soon fill the channel. "It can not be done," said the fearful, and the cry was echoed by many of the wise. George Stephenson, the great English engineer, pronounced it an impracticable engineering scheme. Lord Palmerston informed De Lesseps that in the opinion of the British Government the proposed canal was a physical impossibility. Palmerston declared:

> All the engineers of Europe might say what they pleased, he knew more than they did, and his opinion would never change one iota, and he would oppose the work to the end.

I can see the distinguished Senator from Utah echoing Palmerston's words. He knows more than all the engineers who have examined this project; and he, with his technical skill, with his ability as an engineer, with his knowledge of earth strata, with his infinite variety in dealing with dams, with his constructve genius—he says, the Senator from Utah, that this can not be done; and, therefore, his ipse dixit having been uttered, it must not be done.

Yet, notwithstanding Palmerston's ipse dixit, too, the Suez Canal, in spite of great opposition and imaginary difficulties, was built, and has been in successful operation for nearly 60 years. A few years after its completion the British Government, as if in condemnation of the ill-advised judgment of its great engineer and the stupidity of its Premier, purchased and acquired the controlling interest in the canal.

The history of our own great isthmian canal affords a striking parallel to the story of the Boulder Dam. It was the same century-old tale of opposition to human achievement.

The Gatun Dam is very properly regarded as the key or central feature of the Panama Canal. It impounds the waters of the Chagres River, thereby creating a great lake, and thus makes practicable the operation of the canal as a lock or lake-level waterway.

A bitter controversy of unprecedented violence raged for many years over the question whether Gatun Dam could be built, or, if built, would stand. The opposition urged that the formation at the site would not afford a safe and stable foundation, and that the superstructure would soon disintegrate and be swept away by the pressure of the impounded waters. It was further claimed that the Canal Zone was subject to earthquakes—how we heard that here, too!—which would be particularly destructive to earthen structures such as the proposed dam; and the great disaster at San Francisco in April, 1906, was eagerly, although illogically, seized upon to support this objection. It was also contended that the machinery of the locks would be subject to disarrangement and destruction through carelessness, mischief-making, or enemy attacks; and that there would be grave risk to both the vessels and the canal through destruction of the gates, due to negligent management of vessels in entering or leaving the locks.

This controversy reached such intensity that President Roosevelt appointed an international board of consulting engineers to consider and report on the question whether the Panama Canal should be a sea-level or a lock type canal. That board was composed of five foreign and eight American engineers, all among the foremost men in their profession. The board in its report to the President divided on the question, 8—the 5 foreigners and 3 Americans—being in favor of the sea-level type; 5, all Americans, favoring the lock type of canal.

A majority of the Senate Committee on Interoceanic Canals, having under consideration a bill to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific Oceans, objected to the proposed dam at Gatun. In its report to the Senate it was declared:

> Earth dams founded on the drift and silt of ages, through which water habitually percolates, to be increased by the pressure of the 85-foot lock when made, has been referred to by many of our technical advisers as another element of danger. The vast masses of earth piled on this alluvial base to the height of 135 feet will certainly settle, and as the drift material of this base or foundation has varying depth, to 250 feet or more, the settlement of the new mass, as well as its base, will be unequal, and it is predicted that cracks and fissures in the dam will be formed, which will be reached and used by the water under the pressure above mentioned and will cause the destruction of the dam and the draining off of the great lake upon which the integrity of the entire canal rests.

One of the Senators who supported the lock type of canal, having referred to the difficulties and objections encountered in the building of the Suez Canal, declared in this Chamber—history but repeats itself, sir; those of us who are familiar with the past wholly understand that—he said, sir:

> These are facts of history, and they are not disputed. Shall history repeat itself? Shall we delay or miscarry in our efforts to complete a canal across the Isthmus of Panama upon similar pretensions of assumed dangers and possibilities of disaster, all more or less the result of engineering guesswork? Shall we take fright at the talk about the mischief maker with his stick of dynamite, bent upon the destruction of the locks and vital parts of the machinery, when history has its

parallel during the Suez Canal agitation in "The Arab shepherd, who, flushed with the opportunity for mischief and with a few strokes of a pickax, could empty the canal in a few minutes"? Shall we be swayed by foolish fears and apprehensions of earthquakes or tidal waves, and waste millions of money and years of time upon a pure conjecture, a pure theory deduced from fragmentary facts? Again the facts of canal history furnish the parallel of Stephenson and other engineers, who successfully frightened English investors out of the Suez enterprise by the statement that the canal would soon fill up with the moving sands of the desert; that one of the lakes through which the canal would pass would soon fill up with salt; that the navigation of the Red Sea would be too dangerous and difficult; that one of the lakes through which the canal would pass would soon fill up with salt; that the navigation of the Red Sea would be too dangerous and difficult; that ships would fear to approach Port Said because of dangerous seas; and finally that in any event it would be impossible to keep the passage open to the Mediterranean.

It was this kind of guesswork and conjecture which was advanced as an argument by engineers of eminence, and sustained by one of the foremost statesmen of the century. How absurd it all seems now in the sunlight of history. * * *

Of objections for or against either plan there is no end, and there will be no end as long as the subject remains open for discussion. To answer such objections in detail, to search the records for proof in support of one theory and another, is a mere waste of time which can lead to no possible useful result.

I commend these words of a distinguished Senator, uttered many, many years ago, to the Members of this body to-day.

I need not dwell further on this point. The story of the building of the canal is familiar to us all. A wise and courageous President, although at first favoring the sea-level type, finally, on the score of great saving in expense and time, followed the judgment of the five American engineers of the consulting board who supported the lock type of canal. Congress took the same view, and a lock type was authorized. The opposition said, "It can not be done." The response was, "Let the dirt fly!" Gatun Dam was built. In every particular it more than fulfilled the predictions of the engineers who favored it. And so I say to the Senator from Utah, and others, who, from one motive or another, follow him, and to those he follows: Fear not; this dam can be built, and, under the providence of God, will be built. It will be another milestone in progress and achievement, another tribute to American ability, skill, and courage.

Now, Mr. President, I turn aside for a brief period to consider something of the investigations that have been made in respect to the project that is embodied in the bill now before the Senate. Let me preface what I have to say in this regard by the remark that this bill comes here, not really with a divided committee; it comes here, not with a day's study by one of the great committees of this body. It comes here, sir, with the approval, not alone in this session but in the prior session, too, the overwhelming approval, of one of the best committees in this body—the Committee on Irrigation and Reclamation.

A year and a half ago the bill was reported by that committee by a vote of 12 to 3. This year this bill was reported by that committee by a vote of 13 to 1. It is not a question of a divided committee or a diversity of opinion among those who have heard the testimony; and this committee, sir, let me say to these gentlemen who may have any doubt upon the engineering features of the project, heard every man, practically, who desired to be heard in the one session or the other; and after mature deliberation, and after hearing all of the evidence, it rendered its decision in regard to the feasibility of the project.

A few years ago the Secretary of the Interior, writing concerning the Colorado River and the investigation of its problems, said this—

> The Colorado River Basin has been under observation, survey, and study and the subject of reports to Congress since the close of the Civil War. More than $350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than $2,000,000 have been expended by other agencies of the Government.

I may interpolate there that by the communities affected hundreds of thousands of dollars have been expended as well in studies. In concluding his recommendation at that time the Secretary of the Interior said:

> The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource.

That time, sir, is here now, to-day, and it is for the Congress to determine whether that which has been a national menace in the years gone by finally shall be transmuted by the act of Congress, the courageous act of Congress, in the teeth of an opposition never before witnessed to any other measure, whether this body will have the courage and whether it will have the wisdom to transmute this which has been a national peril into a national asset.

It was May 18, 1920, when the Kinkaid Act was passed by the Congress of the United States, directing the Secretary of the Interior to make a study of the problems of the Colorado River and report to Congress. All that has been done is not the result of private endeavor. The work that has been attempted upon the Colorado River in the past 10 years has been official in character, conducted by the United States of America by engineers of undoubted repute; indeed, by engineers in some instances not only of local and national reputation, but engineers as well of international renown.

The Congress itself, recognizing the necessity for curbing this turbulent stream, began passing its acts for investigation and study years and years ago, and after the first appropriation and the passage of the Kinkaid Act a preliminary report in 1921 was finally made, and then subsequently, in 1922, the studies and reports that are embodied in Senate Document 142 were finally filed. They represented the investigations of engineers who can not be assailed upon this floor nor any place in America, and the studies and reports thus submitted reached certain definite conclusions. Certain recommendations were made in 1922 by the report of the engineers, who then, in pursuance of the mandate of the Government, investigated the Colorado River to determine what best could be done in its development and in rendering it the servant of man, rather than leaving it to be the master in its mad moments.

The recommendations that then were made, which appear in Senate Document 142, by the report then filed, were as follows:

> 1. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a high-line canal from Laguna Dam to the Imperial Valley, to be reimbursed by the lands benefited.
>
> 2. It is recommended that the public lands that can be reclaimed by such works be reserved for settlement by ex-service men under conditions securing actual settlement and cultivation.
>
> 3. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a reservoir at or near Boulder Canyon on the lower Colorado River, to be reimbursed by the revenues from leasing the power privileges incident thereto.

That, sir, was six years ago, in the final report then rendered, six years ago.

> 4. It is recommended that any State interested in this development shall have the right at its election to contribute an equitable part of the cost of the construction of the reservoir and receive for its contribution a proportionate share of power at cost to be determined by the Secretary of the Interior.
>
> 5. It is recommended that the Secretary of the Interior be empowered, after full hearing of all concerned, to allot the various applicants their due proportion of the power privileges and to allocate the cost and benefit of a high-line canal.
>
> 6. It is recommended that every development hereafter authorized to be undertaken on the Colorado River by Federal Government or otherwise be required in both construction and operation to give priority of right and use:
>
> First. To river regulation and flood control.
>
> Second. To use of storage water for irrigation.
>
> Third. To development of power.

Thereupon, after that report was rendered, bills were introduced in the two Houses of Congress, bills that have remained in substantially the like form of the bill that is before the Senate to-day. Bills have been introduced in the succeeding Congresses and have been investigated most minutely in every session of Congress since that time. The investigations have continued since that original report was filed.

Thereafter the Chief of the Reclamation Service was directed to make his investigations, investigations in respect to everything concerning the Colorado River. I have brought here to-day, simply that it might be viewed by those who care for the facts upon this bill, the so-called Weymouth report. There it is before me—many volumes—and that report, if any man cares to examine it, will be seen to be the most careful, complete, and stupendous report upon river improvement that has ever been rendered at any time by any set of engineers.

I recall the time a few years ago when I stood upon this floor and the Senator from Arizona stood with me then and asked that that report be printed as a public document. I remember the man who stood behind and, because of his idea of economy, denied the right for the publication of the Weymouth report as a public document. The same man now comes upon this floor and berates the report because it is in the shape in which you see it here. The Senator from Utah objected then

upon the ground of economy and expense, and it does not lie with him to-day to criticize at all the fact that we have had to take photostatic copies and to photograph various pages in order that this very report might be preserved for the Government and for those who are interested in the Colorado River development.

There is the report, complete in every detail, profiles, maps, illustrations, engineering data, studies, accurate in every respect. Never, sir, until the other day, when the Senator from Utah stood upon this floor, has it been questioned before the Congress or in any other place or by any other person.

Upon the work that was done in the report more than $500,000 were expended, $331,000 in Boulder Canyon alone. Diamond drillings and borings were had at various sites—173 separate holes. The work was done in three seasons, covering three years—1921, 1922, and 1923. The materials found at Black and Boulder Canyons then were submitted to the geologists of the Geological Survey.

Tests of strength were made by the Bureau of Standards. Types of dam were considered, not only by one engineer, as I will show later, but by some 30 or 40 or 50 engineers, types of dam were considered and all reported on. Every conceivable fact was carefully weighed, every single detail, no matter how large or how small, was gone into. Everything, I do not care what it was, that related to construction or to cost, is found here in this report, and all that was done by engineers of repute and standing and great actual accomplishments, and under the supervision of the United States Government. That is the engineering data, and when a man takes that which has been furnished by the great power interests of this country and stands here and states that this is a scheme that is half-baked, that it is "fantastic," and that it ought not to be adopted, he does an injustice to his own people and to a project the feasibility of which is demonstrated.

I hold in my hand one of the brochures issued by the agency of Power Trust called the Joint Committee on National Utility Associations of the United States. I ask any man to compare it with the speech that was made the other day by the Senator from Utah, compare it merely that he may see, not that the Senator from Utah, of course, either saw or knew of this pamphlet, but that he may see how great minds run in the same channel, and how great critics have pursued substantially the same course; and how to each the same witnesses and the same words appeal alike.

The work of Weymouth was not individual work, not at all, sir. When the endeavor is made to convey that impression to those who know little or nothing of this matter it is entirely erroneous. It is the work of a corps of experts, a corps of experts such as never before has been assembled for such work. Then, after the corps of experts had done their work, it was checked, and carefully checked, by consulting engineers. Consulting engineers checked it in every conceivable fashion. Weymouth was chief of the Bureau of Reclamation in charge, but Weymouth was not alone in doing the job. Every department of the Government contributed to it. The Geological Survey, the Bureau of Standards, the experts from every department that could deal at all expertly and scientifically with any part of the scheme were called in, and all were a part of it. That Senators may understand a little of that which was done and the care that was taken, I intend to refer to a word or two of Weymouth's testimony and to some of those who were a part of the three years' hard and successful task.

Tests for strength of material were made by the Bureau of Standards, various types of dams were considered and reported upon, and the advantages and disadvantages were carefully weighed, one against the other. Costs of materials, railroads, highways, camps, even including commissary and sanitation, were gone into in great detail; even the lines for railroads and highways were run and the costs thereof carefully ascertained.

This, as I said, was not the individual work of a single engineer, but the collective work of a corps of experts, and their final work carefully checked by consulting engineers whose experience in large-dam construction is perhaps unequaled anywhere in the world. The work was directly in charge of Mr. F. E. Weymouth, then chief engineer of the Bureau of Reclamation.

On March 19, 1924, Mr. Weymouth testified before the House Committee on Irrigation and Reclamation concerning this report, and said:

Mr. SWING. I want to take first the inside of your regular force. What force of engineers has contributed to this report which you are now submitting?

Mr. WEYMOUTH. Mr. Walker Young, who is present to-day, has had charge of the investigations in Boulder Canyon for about three and a half years. * * * Mr. Young had more to do than anybody else in the actual working out of the detailed designs and estimates, but he at all times had the advice of chief designing engineer, Mr. J. L. Savage, whose headquarters are in Denver, and also of the whole designing force of that office.

Mr. SWING. How many engineers are in Mr. Savage's office?

Mr. WEYMOUTH. Mr. Savage has under his charge about 25 or 30 engineers of all kinds.

Mr. SWING. Who else?

Mr. WEYMOUTH. In addition to that, we have had the assistance of Mr. Gaylord, who was until very recently our chief electrical engineer, and his assistants and Mr. Dibble and his assistants. Mr. Dibble succeeded Mr. Gaylord in the last few months. And in the study of the water supply, the irrigable areas, and the control of the river for flood or for power purposes Mr. Debbler, who is here to-day, has made most of those studies.

Mr. SWING. Now, in addition to that, what other nonofficials have collaborated in the investigation of the sites outside of your immediate bureau?

Mr. WEYMOUTH. We had Mr. Ransome, a geologist of the Geological Survey, make a very exhaustive geologic examination and report on the Boulder Canyon reservoir and dam site, and Mr. Jenison, of the Geological Survey, also assisted him. The Bureau of Standards has done a lot of work for the service in testing materials for construction. There is another man that I forgot to mention, a very valuable engineer and geologist, Mr. Homer Hamlin. The most work that has been done perhaps was done by Mr. Arthur P. Davis while he was a director of the service.

Mr. SWING. Do the findings and the reports of the geologists, Ransome, Jenison, Homer Hamlin, corroborate and fit into your report?

Mr. WEYMOUTH. Yes, sir.

Mr. SWING. Now, what about this consulting board? You mentioned Mr. A. J. Wiley and Mr. Louis Hill. Was there anyone else consulted?

Mr. WEYMOUTH. Well, we have utilized our regular force a great deal; Mr. James Munn, who was formerly a contractor and is, perhaps, one of the best construction men in the country. We have had his advice, especially in reference to unit costs that we have used in the estimates.

Mr. SWING. Now, has this advisory board considered your general scheme—your general plan?

Mr. WEYMOUTH. Yes, sir.

Mr. SWING. Have they given it their approval—the general method of developing the river?

Mr. WEYMOUTH. We have considered with them each step that we have taken as it came up and it has had their approval.

Mr. SWING. It has had their approval?

Mr. WEYMOUTH. Yes, sir.

Mr. LEATHERWOOD. Which board is that?

Mr. SWING. That is the Wiley, Hill, and Munn board.

Mr. WEYMOUTH. And Mr. Savage, our chief designing engineer.

Mr. SWING. And Mr. Gaylord?

Mr. WEYMOUTH. And Mr. Gaylord and Mr. Dibble.

Mr. SWING. If you were spending the money of a private corporation which was seeking to locate the best place to solve the river problem, would you recommend to the board of directors of the private corporation the expenditure of more money to gather more data than what you have now, or would you advise them to act upon the data which is now collected?

Mr. WEYMOUTH. I would advise them to act on the data that we have.

Again, Mr. Weymouth, testifying before the Senate committee on Senate Resolution 320, page 816, said:

Senator ODDIE. What can you tell us as to the reliability of the men who did that drilling, the care they used, and the accuracy of their work?

Mr. WEYMOUTH. Well, I think that the gentleman in charge of the drilling crew, the diamond-drilling man, Mr. George Hammond, is perhaps the most experienced diamond-drill man in this country; he has been doing that work for years; he drilled the Hudson River crossing for the New York water supply; he has been at that work all his life. The engineer locally in charge, Mr. Walker Young, I regard him as one of the brightest young men I have ever met. I might say his work was continually supervised not only by myself but by consulting engineers, such as Mr. Wiley. Mr. Wiley has probably built more dams than any other man in America.

I merely give this glimpse of the engineering background of Boulder Dam to indicate that there is not a great deal left in doubt. It must be remembered that the studies referred to were made pursuant to an act of Congress. They were official. The best organization in the Government was used. No other governmental organization has a corps of engineers trained in the art of hydraulics in general and of dam building in particular. The Reclamation Service has successfully constructed approximately 100 dams of various sizes, including some of the largest constructed in the world. Again it must be remembered that these dams have all been successful. Not one has failed.

Likewise it is interesting to note that the cost of these great dams have proven to be remarkably near the estimates. For instance, the American Falls Dam in Idaho was estimated to cost $8,500,000; the actual cost was $7,300,000. Arrow Rock, also in Idaho, was estimated to cost $6,250,000; the actual cost was $4,496,731. The Belle Fourche Dam in South Dakota was estimated to cost $1,040,416; the actual cost was $1,259,515. On this dam contractors failed and the work was delayed two years, which accounts for the actual cost being slightly above the estimate.

The Elephant Butte on the Rio Grande in New Mexico was estimated to cost $5,600,000; the actual cost was $5,004,216. The Roosevelt Dam in the Salt River of Arizona was estimated to cost $3,750,000; the actual cost was $3,806,277. On the Roosevelt Dam the estimate was for a dam 190 feet high, but was actually constructed 220 feet high. Tieton Dam in Washington was estimated to cost $4,020,000; the actual cost was $3,756,256. I mention just a few of the larger dams to indicate not only that this corps of expert construction engineers has successfully constructed a very large number of dams, but also that the cost estimates were conservative and on the average the dams actually cost less than the estimate.

Not only was the study of the Boulder Canyon official and authorized by act of Congress and done by experts who have proven their ability, but it was not the work of only one man. In addition to Mr. Weymouth, nine engineers of outstanding reputation actively participated in the work; in addition to the regular force, 25 or 30 engineers in the office of Mr. Savage at Denver aided; and the consulting board, consisting of A. J. Wiley, Louis Hill, and James Munn, not only assisted but carefully checked every result. In other words, all together something like 43 engineers of the regular force and of the consulting board, in addition to the Geological Survey and the Bureau of Standards, collaborated in the studies which have been presented. In addition to these 43 engineers in the Bureau of Reclamation and their various consulting boards, we find many other engineers giving their approval, among whom are: Hon. Herbert Hoover, the present Secretary of Commerce; Dr. Elwood Mead, who at that time was not connected in anywise with the Reclamation Service; and the late Gen. George Goethals. These three men are engineers of international reputation.

It has been charged that General Goethals did not actually give his approval to the construction of this dam. The testimony, however, quite disproves this assertion. Before the House committee on H. R. 2903, page 747, we find this testimony in response to questions by Mr. HAYDEN, then a member of the House and now the junior Senator from Arizona:

Mr. HAYDEN. And any type of dam, if properly constructed, would be a safe dam at Boulder Dam?

General GOETHALS. I think so.

Mr. HAYDEN. Have you given consideration to the advisability of utilizing any other dam sites on the Colorado River, other than at Boulder Canyon proper?

General GOETHALS. No. I have read up on the subject, and Boulder Canyon site seems to give a solution to the problems that must be met on the Colorado River; that is, flood control, silt control, irrigation, and power.

Again, on page 753, he said:

Mr. RAKER. In other words, can you build a rock-filled dam with the same strength of resistance as you have the other side of the gorge?

General GOETHALS. Of course you can; you can build anything you please, if you make due allowance for it; if you have got the courage and the confidence in yourself to do it, you can do it.

Mr. RAKER. That is the point, exactly.

General GOETHALS. But the vast majority of people become timid as soon as you go beyond anything that has already been tried; you have got to have a leader, and leaders are few. That is the crux of the whole situation.

Mr. RAKER. And there would be just as much fear of the side breaking out?

General GOETHALS. Absolutely.

Mr. RAKER (continuing). As there would be of the rock-filled dam?

General GOETHALS. Absolutely. Gatun Lock, they said, was going to break through, if we ever built that dam; and the water was going to leak under that dam, if we ever attempted to build it without going to rock. You have exactly the same conditions. You will find lots of people, as soon as you say a rock-filled dam, they will say, "Boo."

As to interfering with other development, General Goethals testified at page 756:

Mr. RAKER. And did you gather this further fact from those reports, that if the Boulder Canyon Dam was put in first, it would not interfere with subsequent development?

General GOETHALS. That is right.

Mr. RAKER. With subsequent developments below?

General GOETHALS. No; above.

Mr. RAKER. There would be a complete development, as well as permitting the utilization of the stream above?

General GOETHALS. That is the keystone of the arch; get that in and the rest follows on.

So we have General Goethals, the builder of the Panama Canal, an engineer of ability, foresight, and courage, telling us that any type of dam, if properly constructed, would be safe at Boulder Canyon.

The Secretary of the Interior, that he might leave nothing undone in regard to investigation and study, appointed a year ago what he designated as a fact-finding commission. This fact-finding commission, consisting of Professor Durand, an engineer well known, ex-Governor Scrugham, of Nevada, an engineer as well, and Governor Emerson, of Wyoming, also an engineer, and Hon. James A. Garfield, former Secretary of the Interior, reported in writing to the Secretary of the Interior. Their testimony is before us. It is set forth in the report. Each one of those gentlemen constituting the fact-finding commission held that the appropriate site for a dam in the Colorado River is Boulder Canyon or Black Canyon, and that a dam could be legitimately, feasibly, and well erected there. Unless it be required that I read it, I will ask here, as it is set forth in the report, that the testimony of these three gentlemen on that point be included in the RECORD without reading.

The PRESIDENT pro tempore. Without objection it is so ordered.

The testimony referred to is as follows:

Mr. GARFIELD. The jurisdiction of a single State is not broad enough to deal with all the problems that necessarily arise in the construction and development of such a project as that under consideration. The United States alone has the power properly to safeguard the interest and rights of all those who may be affected by such a major development, and is, furthermore, the only political agency that can deal with and settle the international questions arising with Mexico.

The United States Government is not only the political sovereign whose jurisdiction is broad enough to deal with all the phases of the problem but it is likewise the largest landowner along the bed of the Colorado. Hence, whatever theory of the use of water is adopted in any particular State, the use of the public domain in that State can only be obtained under congressional act, and Congress may impose in such act whatever conditions it deems wise.

Governor EMERSON. The construction and operation of the described project is a logical and in some phases even a necessary undertaking of the Federal Government, for the following reasons:

(a) The international situation applying to the river.

(b) Flood control as a national problem.

(c) Reclamation of land as an accepted Government activity.

(d) Magnitude of project and of various interests involved.

Governor SCRUGHAM. With all of the above factors in mind, it appears entirely proper and practicable for the Federal Government to undertake the first step in river development, which is the construction of an adequate dam and reservoir for flood and silt control, reimbursing itself for the costs from sales of stored water and the large quantities of power which can be incidentally generated. Future developments of the river by private or municipal enterprise will suffer no interference therefrom.

Mr. JOHNSON. Much was made by the Senator from Utah [Mr. SMOOT] of the statements of Messrs. Kelly and La Rue. We may dismiss the former. I do not care to indulge in any animadversions upon an engineer who represents the United States Government and at the same time represents a power company. But while I do not desire to indulge in any animadversions upon such a gentleman I decline to accept his testimony in reference to any public work that shall be undertaken by our people.

I pass, therefore, Mr. Kelly, although much might be said concerning his attitude and the testimony that is reputed to have been given by him recently before the House committee.

Mr. La Rue was heard at extraordinary length by the Committee on Irrigation and Reclamation. We listened to him, I think, for a full day, listened to him with very great attention, and after listening to him the Committee on Irrigation and Reclamation reached, I think, the conclusion that he was, as he said, a hydrographer, and that the particular matter that we were dealing with was one upon which he was not in reality able to aid the committee in reaching a determination. We decided the report that had been submitted and the conclusions of the Government engineers were infinitely preferable to Mr. La Rue's views.

But, beyond that, sir, neither Kelly nor La Rue—and I call particularly this to your attention—has at any time assailed the engineering feasibility of the dam we propose to erect at Boulder Canyon. They may disagree in detail, one as to the cost, the

other as to the erection of more than one dam, or as to the mode of the development of the Colorado River in the best fashion, but as to the engineering feasibility of the structure that we seek neither interpose objection.

I call your attention, too, to the fact that the joint report that was signed by Mr. Kelly and the other engineers who were presumed to have looked through the Weymouth plan concluded with the statement:

It is believed that the most advantageous combination of the projects for the logical development of the Colorado River will include a dam at or near the site chosen by the Bureau of Reclamation for the Boulder Reservoir that will raise the water level to an elevation somewhere between 1,020 and 1,250 feet.

So that we see that the two witnesses, who, it was asserted by the Senator from Utah, had filed a sort of minority report, in reality do not disagree upon the main feature of the construction nor its feasibility.

I recall the testimony of the Secretary of Commerce, on page 601, in the Senate hearings. He said:

There are theoretical engineering reasons why flood control and storage works should be erected farther up the river and why storage works should be erected farther down the river; and I have not any doubt that, given another century of development on the river, all these things will be done. The problem that we have to consider, however, is what will serve the next generation in the most economical manner, and we must take capital expenditure and power markets into consideration in determining this. I can conceive the development of probably 15 different dams on the Colorado River, the securing of 6,000,000 or 7,000,000 horsepower; but the only place where there is an economic market for power to-day—at least, of any consequence—is in southern California, the economical distance for the most of such dams being too remote for that market. No doubt markets will grow in time so as to warrant the construction of dams all up and down the river. We have to consider here the problem of financing; that in the erection of a dam—or of any works, for that matter—we must make such recovery as we can on the cost, and therefore we must find an immediate market for power. For that reason it seems to be that logic drives us as near to the power market as possible and that it therefore takes us down into the lower canyon.

The dam there is recommended by the reclamation engineers, and I believe their latest view is 540 feet in height. This would, I believe, serve the triple purpose of flood control, storage, and power, so far as we can see ahead, for the development of irrigation, domestic water supply, and need of power for a good many years to come.

I do not believe that construction at that point is going to interfere with the systematic development of the Colorado River for storage and power above and below.

Dealing with the question of loss by evaporation, Mr. Hoover testified, on page 617:

The CHAIRMAN. Another objection urged by capable engineers is that construction of a dam and impounding of water at the Boulder Canyon would result in excessive evaporation * * *.

Secretary HOOVER. Oh, assuming that would happen, it would not do any harm in the next generation and a half or two generations. We are not going to be using all of the water of the Colorado River for another 50 or 75 years. When the time comes that evaporated water is a large item there you will find a number of other dams already built on the river and you can reduce the level and thus the evaporation at the Boulder Dam. You can add to this in the next 75 years, to any number of contingencies.

Again, Mr. President, the objection is made by the Senator from Utah to the Government undertaking this work at all, but I assume he is familiar with the fact that private enterprise has in days gone by, and only recently too, signified its intention, if it had the opportunity and could obtain the permit, to do exactly the thing that the Government is going to undertake through Government engineers. When Mr. Miller and Mr. Ballard testified before the House committee and told of their desire to erect a dam at Boulder or at Black Canyon, just as we seek to do, there was no Senator from Utah to rise in his majesty and in his might and talk about the capability of the dam to withstand the waters of the Colorado River at that place or in any other place that Mr. Ballard or Mr. Miller, of the Southern California Edison Co., desired to erect their works.

There is a rule, sir, in this body which is invoked by some men, a rule for the Government of the United States of one sort, and another rule for an electric power trust or an electric company of an entirely different sort. That we may preserve the suggestions that were made by those who represented the Southern California Edison Co. I ask that I may print in the RECORD here as a part of my remarks the testimony given by John B. Miller, president of the Southern California Edison Co., before the House Committee on Irrigation and Reclamation and the testimony of R. H. Ballard, vice president and general manager of that company, showing their desire to take this particular territory and this particular site and others and expend upon it, as Mr. Miller said, thirty million or forty million dollars per year.

The PRESIDING OFFICER (Mr. THOMAS in the chair). In the absence of objection, permission will be granted to insert the testimony referred to by the Senator from California.

The matter referred to is as follows:

HEARINGS BEFORE THE COMMITTEE ON IRRIGATION AND RECLAMATION

(H. R. 2903, 68th Cong., 1st sess.)

JOHN B. MILLER, PRESIDENT SOUTHERN CALIFORNIA EDISON CO.

This company, if given authority by the States whose water rights are affected, and if granted a license therefor under the Federal water power act, is prepared to undertake and itself finance dam construction on the Colorado River which will not only serve the purpose of hydro-electric-power production but will also provide the same full measure of flood control and supply of water for irrigation of arid lands as is contemplated under the pending bill. Its applications for license to carry on power development on the Colorado River are already on file with the Federal Power Commission and can be referred to for particulars (p. 434).

Immediately upon securing the necessary Federal and States' authority we are prepared to undertake and finance construction work at the rate of $30,000,000 to $40,000,000 per year.

R. H. BALLARD, VICE PRESIDENT AND GENERAL MANAGER SOUTHERN CALIFORNIA EDISON CO.

Mr. RAKER. How long would it be before you would be able to have any construction if your company was given a license?

Mr. BALLARD. I should say that after the granting of a license we would begin construction in a week.

Mr. RAKER. And how long would it be before there would be any dam in there whereby the flood waters would be to the same extent controlled as well as, perhaps, the electrical development taken care of?

Mr. BALLARD. Within two years.

Mr. RAKER. That would be a construction at what point?

Mr. BALLARD. That would be one of the lower constructions.

Mr. RAKER. Needles, Topock, near the Black Canyon?

Mr. BALLARD. Well, I do not think that the company itself would construct the Topock Dam. That is strictly a flood-control proposition, as I understand it.

Mr. RAKER. That will be practically eliminated, so far as the electric company is concerned?

Mr. BALLARD. Yes, sir; that is purely and simply a flood-control proposition. Mr. Barre and other engineers tell me it should be considered in the interest of flood control, entirely separate from power.

Mr. RAKER. And any money invested in the Needles or Topock Dam and Reservoir would not add anything to the electrical development.

Mr. BALLARD. Excepting this, that with the developments up above the lower dam would act as a reregulating reservoir, which would be of very considerable value to power operation.

Mr. RAKER. But they could generate some electric energy from the lower dam.

Mr. BALLARD. They could later; but in the meantime, before they generate any electricity, the fact that there would be a reservoir down below would facilitate the power operations above and would be of value to those operations, removing the necessity of considering flood control every minute of the time in connection with the withdrawals of water or the operation of the power plant (pp. 492–493).

Mr. RAKER. Now, these applications that you have filed, I have understood from you this morning that they are filed with the intention, with the purpose, of carrying them forward to completion.

Mr. BALLARD. Yes; there is not the slightest doubt of that. There is every reason why they should go forward. The Colorado River development interconnected with our own development will be very, very beneficial and should be undertaken at once. There should be no delay. It is the intention of our company, if the petitions are granted, to immediately begin construction, without the slightest delay, to carry the construction forward (p. 494).

Mr. RAKER. What authority were you given when you came here to appear before the committee and make the presentation as to the attitude and what the Edison Co. would do if it was given permission and this was granted?

Mr. BALLARD. I was instructed by the president to come and make those statements (p. 495).

Mr. BALLARD. If we did not have the Colorado River development, then in the course of time, and before many years—12 or 15 years—the available sources of water-power development in our section of California would be exhausted. Then, the alternative is to go to the production of electricity by steam, installing more steam turbines and burning oil and natural gas, and with the exhaustion of those, burning coal, but we think the development of the Colorado River would be far better than a resort to steam-plant operation for the main supply,

although it is necessary in connection with our own development, and will be necessary in connection with the Colorado River development, to also have steam-power generating plants (p. 502).

Mr. JOHNSON. Is it not a strange thing, is it not a remarkable thing, that all the objections arise when we are going to do a humane thing for our people and when we are going to erect by the Government a dam that ought to challenge the admiration and fire the imagination of every man who has anything to do with it—is it not a remarkable thing that then fanciful objections are interposed and the plan is called fantastic, but when the Southern California Edison Co. or another power company files upon this site, as it has done, sir, and upon every other site that there is for the development of power on the Colorado River—is it not a remarkable thing the acquiescence with which their filings are viewed by some people and the enthusiasm with which the work of these power companies is viewed? To erect this dam for the people is fantastic and absurd; to give private power companies the right to do exactly the same thing is a marvelous and wonderful undertaking. In one instance it is unsafe and threatens life; in the other it is safe and without danger to our people.

Do not think, even though the engineering data is here replete and full that the Secretary of the Interior would proceed without due caution. There is a law upon the statute books to-day, a law which I believe was passed at the instance of the junior Senator from Arizona, so that it might be applicable to certain dams built in his State, by which the Secretary of the Interior may employ, as he desires, experts to examine and oversee any technical constructions. The law is so brief that I read it, as follows:

Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes (act June 28, 1926, ch. 704, 44 Stat. 776)

SECTION 1. Engineers for consultation on plans for dams; retired Army officers eligible: That the Secretary of the Interior be authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Department of the Interior the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $6 in lieu of subsistence for each engineer, respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work: *Provided*, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act (44 Stat. 776).

I would be perfectly willing to meet the fears that may be expressed by any Member of Congress or by any other person by putting into this bill an amendment providing that the Secretary of the Interior may employ such experts as he may desire, and that he may have such sum as may be deemed appropriate to pay such experts and have them do anything that reason or wisdom might suggest.

There is no question of the safety of this dam. There on the wall [indicating] are photographs of the territory. It does not need the eye of an engineer to see that God has built the walls there already; that nature has furnished the very foundation upon which a dam may be constructed; and, with the walls there fashioned by nature in order that we may construct a dam of the character that we desire, it only remains for man to have the courage to go ahead and do the work; to do as Roosevelt did when the Panama Canal was at stake and at issue—to "make the dirt fly" and to decide to do the work and let others do the talking.

Mr. President, it has been rather a sad thing that the prophecy I made in opening this case should have been justified in the remarks made by the senior Senator from Utah. I said then that certain individuals would seize upon the St. Francis Dam disaster in the San Francisquito Canyon in California in order to read a horrible lesson into dam construction in this country. He seized upon it with an avidity and an enthusiasm that was worthy of Josiah Newcomb, of the Power Trust, and seizing it with that avidity and that enthusiasm, he dwelt upon the possibilities if the dam that should be erected at Boulder Canyon should thereafter be destroyed.

When the St. Francis Dam disaster occurred Congressman SWING telegraphed those who were familiar with the proposed construction of the Boulder Dam and the site there, and also with the St. Francis Dam and its site, asking whether or not in their judgment the catastrophe at the St. Francis Dam in any way affected the proposal to build a high dam in Boulder Canyon. He received replies as follows:

Former governor and former State Engineer J. G. Scrugham, of Reno, Nev., special advisor to the Secretary of the Interior, states:

St. Francis Dam disaster has no bearing on Boulder Canyon construction, as physical conditions are entirely different. Boulder Dam founded on monolithic rock braced between almost vertical canyon walls.

Dr. W. F. Durand, one of Secretary Work's special advisors on Boulder Dam, an engineer of the highest repute and standing, states:

Do not consider St. Francis Dam disaster cause for any modification my report to Secretary Work. Geological and physical conditions entirely different in the two cases. Dam site and foundation condition Boulder Canyon carefully and thoroughly examined by deep rock borings and extended study by geological experts. Safety high dam Boulder Canyon based upon these two lines evident.

Governor and former State engineer, Frank C. Emerson, of Wyoming, also a member of Secretary Work's advisory board, states:

I do not consider that the failure of the St. Francis Dam would require modification of my report as a special advisor to Secretary Work upon the Colorado River project. The said report states, under the discussion of conclusion 5, that at either Boulder Canyon or Black Canyon is found available an "excellent dam site both as to foundation conditions and side-wall materials." Either the granites of Boulder Canyon or the breccia of Black Canyon are of such strength as to safely carry the heavy loads that would be entailed by the weight of the dam itself and the pressures that would result from the impounding of water.

Mr. A. J. Wiley, member of the American Society of Civil Engineers and member of the American Institute of Consulting Engineers of Boise, Idaho, who studied the Boulder Dam project for the Secretary of the Interior, and who also acted as chairman of the governor's board for the examination of the St. Francis failure, states:

The St. Francis Dam did not fail because of any defect in the accepted theory of solid concrete gravity dam design. It failed simply and solely because the material upon which it was built was not strong enough to resist the pressure transmitted to it by the dam. * * *

As compared with the strength of 523 pounds per square inch when dry to practically zero when wet as shown for the red conglomerate foundation under the west wing of the St. Francis Dam, the granite bedrock at the Boulder Canyon site of the Boulder Canyon Dam has a compressive strength of 22,200 pounds per square inch when dry and 19,000 pounds per square inch when wet. The breccia foundation of the Black Canyon, which will probably be the adopted site for the Boulder Canyon Dam, has a compressive strength of 13,900 pounds per square inch when dry and 11,100 when wet. The maximum compressive stress on the foundation will be about 550 pounds.

Prof. F. L. Ransome, professor of economic geology of the California Institute of Technology, formerly of the United States Geological Survey, who spent more than a month carefully studying the Boulder Canyon site on the ground, and made a favorable report thereon to the Interior Department, states:

The disaster of the St. Francis Dam was clearly due to the placing of the dam on an improper foundation. Nothing in the failure indicates that the design and construction of the dam itself was at fault. The gravity type concrete dam is still regarded by engineers as one of the safest and most permanent of man-made structures. I still regard the Boulder Canyon and Black Canyon sites as excellent for a high dam. There is no possibility at either of these sites for such a failure of foundation rock as occurred at the St. Francis Dam. During my careful examination of the Boulder and Black Canyon sites I saw no earthquake cracks and no evidence of the geological recent movement of the rocks. Had such cracks, as are mentioned by Mr. Douglas, been present they could not have escaped my notice.

Much was made by the Senator from Utah of the testimony of Mr. Walter Gordon Clark, and there was a slight bit of repartee between him and the junior Senator from Nevada [Mr. ODDIE] concerning the earthquakes that had occurred in that vicinity. The evident purpose of the Senator from Utah was to demonstrate that earthquakes were common in Black Canyon or in Boulder Canyon, and that these earthquakes rendered unsafe any construction such as is contemplated. His case was made entirely upon the testimony, as he asserted, of Mr. Walter Gordon Clark, a very excellent engineer.

After the speech of the Senator from Utah I received, without any solicitation whatsoever, and without any knowledge of where the gentleman was, a telegram from Mr. Clark reading as follows:

To-day's newspapers carry a reference to me in connection with Boulder Canyon bill. If report as printed is correct, then I have been incorrectly quoted. I, with engineering party, was camped in canyon at time earthquake occurred. Movement on north side of canyon was apparently greater than movement on south side, and, due to more precipitous side walls, brought down greater quantity of rock. Later investigation showed that quake, while not heavy, had left evidence from southern end of Black Canyon to the mouth of the Virgin River. This, however, in nowise discredits Boulder Canyon Dam site.

Do you not remember how the changes were rung by the Senator from Utah upon the testimony of Mr. Clark, and how he drew the awful picture of an earthquake occurring that would shake this dam, destroy it, and then that the great amount of water stored would flow down, as the water from the St. Francis Dam had flowed down the San Francisquito Canyon, and would overwhelm the peoples of Arizona and of California? But Mr. Clark wires me:

This, however, in no wise discredits Boulder Canyon Dam site. It is probable that most of the canyon follows line of fault. See General Goethals's testimony before House committee, H. R. 2903, part 4, page 747. After three years' careful study by General Goethals and myself we concluded that Boulder Canyon was the best, safest, and most desirable dam site on the river, and that fault line would not affect desirability of location but would only influence type of dam.

Mr. President, we found the Senator from Utah asserting General Goethals had never expressed an opinion favorable to the Boulder Dam site. We found him using Mr. Clark, the eminent engineer, as a witness in his behalf concerning the Boulder Dam site. Here we have from Mr. Clark, under date of May 5, 1928, the distinct and definite refutation of the Senator's words:

After three years' careful study by General Goethals and myself we concluded that Boulder Canyon was the best, safest, and most desirable dam site on the river, and that fault line would not affect desirability of location but would only influence type of dam.

The telegram then proceeds:

See my testimony before House committee, H. R. 2903, part 4, pages 773 and 775. General Goethals and I recommended rock fill dam as being more flexible and possessing higher factor of safety in the event of movement than would be the case with either concrete or masonry. I have always indorsed the Boulder Canyon Dam site without reservation as the safest and most desirable dam site between the foot of the Grand Canyon and the Mojave Valley. Please pass this information on to Senators SMOOT and ODDIE.

WALTER GORDON CLARK.

I pass it on to the senior Senator from Utah and to my friend, the junior Senator from Nevada. It would be of no value to pass on the opinion of General Goethals, of course, to the senior Senator from Utah; but I pass it on, nevertheless, in the hope that he may put it in some other address upon this subject, one not so lengthy but more accurate, and that General Goethals testified before the House committee and when interrogated by the Senator from Arizona [Mr. HAYDEN] spoke thus:

General GOETHALS. I have seen the fault which Mr. Clark pointed out that he had noticed there.

Mr. HAYDEN. Are you convinced that the danger from earthquakes is so serious that a rigid masonry type of dam should not be adopted at that site?

General GOETHALS. No. As between the masonry dam and the concrete or the rock-filled dam going to that height I would rather put in a rock-filled dam; that is all.

Mr. HAYDEN. Any type of dam, if properly constructed, would be a safe dam at Boulder Canyon?

General GOETHALS. I think so.

Mr. C. E. Grunsky was one of the engineers on the Panama Canal, an engineer of international reputation. Very recently he made a statement in regard to this site and its situation. He said:

If the high dam in Boulder or Black Canyon is authorized by Congress, such dam in no event will be erected until after fullest investigations have been made not only as to sufficiency of the structure but also of the sufficiency of the geologic structure at the dam site and the adaptability of the type of dam to the dam site and its geologic structure. Failing in getting favorable report, no department of the Government would venture to proceed. The measure pending carries its own safeguards.

This investigation which I have outlined can not be made before authorization for the structure. It must follow authorization but precede construction. I am confident that Arthur P. Davis, F. E. Weymouth, and the engineers working under them in the Bureau of Reclamation have investigated sufficiently and that the engineering data which they have collected is a safe basis for action by Congress. They have built the outstanding dams of the world.

The Arrowrock Dam, built by the Bureau of Reclamation when Davis was at its head, is 325 feet high. Davis is building one now for Oakland and the other east bay cities in California equally high. A higher dam presents no new problems and can be safely built with utmost confidence if the foundation bedrock and sidewalls are all right. There is no reason apparent at the present to create doubt as to the safety of a high dam in Boulder or Black Canyon.

The silt problem—

And of this I shall have more to say in just a moment in the very brief remarks with which I conclude:

The silt problem in the Colorado River is a reason for building a high dam with large storage capacity. We know the river carries a large amount of silt. The amount carried in suspension in the water varies from three-tenths of 1 per cent to as much as 3 or 4 per cent by weight.

The aggregate amount of silt carried in suspension in the lower reaches of the river is about 100,000 acre-feet per year. To this there is to be added the silt which is entrained by the waters of the river along its bed, the so-called bed load. The amount of this is not definitely known.

In view of the large quantity of silt which it is known will have to be cared for a reservoir of great capacity has a large advantage over several small reservoirs. It will take many more years for the reduction of its capacity by silt deposit than would be the case with reservoirs of small capacity. A reservoir of great capacity should be expected to give undiminished service on the Colorado much longer than a number of equivalent small reservoirs, because the amount of silt trapped in a number of reservoirs will be larger than would be trapped in a single reservoir and because the loss of effectiveness of a serial of small reservoirs will begin earlier than in the case of a reservoir which will fulfill its purpose adequately even after its capacity has been materially reduced by the deposit of silt. A high Boulder Dam would create a reservoir that could receive the silt and would continue to function properly for a very long time.

I received a wire as well from Anson H. Smith, a well-known citizen of Kingham, Ariz., in regard to the statements made concerning earthquakes. He says:

Statements that Boulder site is in earthquake zone absolutely false. Boulder Canyon in massive granite and most ideal site geologically. Oldest inhabitant never felt quake and adobe houses built there in early sixties show no evidence of temblors. Old stone foundation laid up with stone and mud in canyon is still intact, built in 1864. Mohave Canyon is in volcanic and conglomerate, Glenn Canyon is sedimentary, and whole territory north of Flagstaff shows daily earth movement.

There is one other question to which I want to advert very hastily. I want to demonstrate, if I am able to do so, the utter hollowness of the pretense that there should be a flood-control dam built in the Colorado River or a flood-control appropriation made. I desire, first, that the Senate may understand that one of the great problems of the Colorado River is silt. As much silt comes down the Colorado River in a year as will equal the entire excavations of the Panama Canal. This silt coming down the Colorado River is one of its gravest and greatest problems, and it has been in the past one of the reasons that have caused the floods of that river.

A dam that is built in the Colorado River must either impound that silt or permit it to pass. If it permits it to pass, then it is of doubtful value to the territory below, because it is the constant filling up of the Colorado River from the silt filling up, filling up, filling up, that causes the grave danger of flood in that territory. If the design is to impound the silt, it is obvious that a low dam will not do the job as a high dam will; and with the immense quantity coming down a low dam will serve its purpose for a very brief period indeed.

Beyond that, sir, when it comes to the question of a mere flood-control dam, we find in united opposition to any such dam the Governor of the State of Utah, the Governor of the State of Wyoming, the Representatives of the State of New Mexico, and the Representatives of the State of Colorado. I read from the testimony taken before the House Committee on Irrigation and Reclamation so that there may be something of an adequate understanding of the suggestion of a flood-control dam. I read first from the testimony of H. S. McCluskey, member of the Colorado River Commission of Arizona:

Mr. MCCLUSKEY. Well, I will go further; I assert that if the upper basin States will not object to the building of a flood-control dam and an agricultural development in California, the State of Arizona will not object.

Mr. SWING. Now, is that because you think they ought not to object, or do you make that offer because you think you are perfectly safe in making it?

Mr. MCCLUSKEY. I know they will object (pp. 146, 147).

George H. Dern, Governor of the State of Utah, used this language and said these things:

I have visited the Imperial Valley and have some first-hand knowledge of the flood menace. I agree that there is a flood menace, which is a constant dread and source of expense to the people of the valley, and I hope they may be given relief as speedily as possible (p. 195).

Utah, however, is in hearty sympathy with Imperial Valley's need for flood protection, and we are for it on any terms that will not infringe the rights of the upper States. I repeat that we are flatly opposed to the proposition that Congress shall authorize the construction of a mere flood-control dam at Government expense without first completing the Colorado River compact (p. 196).

* * * * * * *

Mr. DOUGLAS. Now, a word about flood control; are you opposed to flood control or flood relief?

Governor DERN. No; I tried to show yesterday that I am very sympathetic with flood relief. I am not opposed to it if we can get it for the Imperial Valley on the right terms.

Mr. DOUGLAS. You are perfectly willing to give adequate flood control to the Imperial Valley on the right terms? What, in your opinion, might be those terms?

Governor DERN. On such terms as will make it impossible for undue priorities to be set up and militate against us. We want our share of the water of the river definitely reserved for our future use and development, by exemption from the law of prior appropriation. When that is done we shall be very glad indeed to do everything within our power to give the Imperial Valley adequate flood protection. That priority applies to Mexico, remember, as well as to the lower basin States (pp. 258–259).

Mr. DOUGLAS. Do you object to storage of water in advance of a compact?

Governor DERN. Yes, sir; I do.

Mr. DOUGLAS. Governor, would you mind stating your reason for that?

Governor DERN. On account of the fact that any storage works would result in a regulated flow of the stream, which the lower States might put to beneficial use, and thereby acquire priorities which they would maintain were good. By that means they might acquire rights to practically the entire river before we got ready to use our share, and when we got ready to use our water we would be met by the claim of the lower States that they used the water first and had acquired a right to it. In other words, we would in a very literal sense be left high and dry and our future development would be limited or ended. It is essential to our future development that we shall have protection in advance of storage.

Mr. DOUGLAS. When I used the word "compact" in that question I was referring to a seven-State compact. In other words, your objections to storage in advance of a compact are applicable if you define that word "compact" as a seven-State compact. Is it your position that without a seven-State compact the upper basin States are not protected?

Governor DERN. They are not fully protected. We would have some protection under a six-State compact, but we would not have full protection. This is a matter in which we feel that we are entitled to full protection (p. 260).

The Governor of the State of Utah, the chief witness who is used by my Arizona friends, says that he speaks officially when he says that his State opposes the construction of a flood-control dam on the Colorado River at all. I have the testimony here given before the committees of both the Senate and the House upon that subject and it is so plain and unequivocal that there can be no question respecting it.

Mr. Francis B. Wilson, interstate river commissioner for New Mexico, wrote a letter to leader TILSON, which explains his views with a clarity and with an ability that I would not attempt to emulate. He, as well, says that flood control will not do the job, and he is opposed to it. He said:

Mr. SINNOTT. I understood you to say a moment ago that you were going to take up the matter of flood control.

Mr. WILSON. Upon that point I want to say that I am heartily in accord with the statements made by Governor Dern, except that I would go further. I embodied my ideas in that connection in a letter to Congressman TILSON, and I do not know that it is necessary for me to repeat them.

Mr. MORROW. You can put that into the record—that letter.

Mr. WILSON. I could do that. I think that does exactly state my position and states the position of New Mexico in connection with that particular thing. We are unalterably opposed to a mere flood-control dam, without a seven-State compact, because we do not believe that such a dam will satisfy any of the necessary conditions surrounding the situation. It certainly would not furnish flood control except as a temporary expedient. It could not take care of the silt from the river, and therefore, in our view, would not operate ultimately as a sufficient factor in that respect. I will not read the letter unless it is desired (p. 296).

The Boulder Dam project has for one of its principal purposes flood control; and while it may be argued by the advocates of a flood-control dam that this purpose will be satisfied by the construction of such a dam, yet it could not be anything more than a temporary expedient. I am not an engineer, but I view the desilting of the stream as important an element in flood control as that of actual control of the water during flood seasons. Any dam which is constructed must be adequate from both standpoints, and I am unable to believe that a mere flood-control dam will function efficiently as a desilting proposition. If it is a fact, and I have never heard it controverted, that the Colorado River discharges annually a volume of silt equal to the total amount of dirt removed for the excavation of the Panama Canal, it would appear that a flood-control dam could not remedy one of the most difficult factors in any program involving protection of the Imperial Valley. If I am correct in this conclusion, then a flood-control dam will fail essentially to accomplish the purpose of those who advocate it. No project except the Boulder Dam could fulfill adequately both purposes (p. 297).

The flood-control dam proposals seem to us to represent an effort on the part of those who do not want to see the project constructed to add to the controversial matter now before Congress by pitchforking into the arena ideas of alleged economy which have no place in any fair consideration of the subject, for the reason that the taxpayers' money is safeguarded by the power end of the project at Boulder Canyon (p. 298).

Frank C. Emerson, Governor of the State of Wyoming, says in so many words:

We would object to a flood-control dam or any reservoir proposed for large storage of water if a compact to protect the interests of the upper States were lacking.

Mr. L. Ward Bannister, special counsel for the city of Denver, said:

And so, too, in respect to mere flood control bills; I could not state the case any better than it was stated by Governor Dern. It is evident that the Government has no way of controlling the acquisition of priorities below a mere flood-control dam, and, threfore, no way of protecting the upper States. Again, if a dam were a mere flood-control dam, there would be no storage in it and, therefore, no way of satisfying existing priorities during the low flow of the river. There would be no imposing of the limitations of the Colorado River compact upon the basin in order to exercise as far as possible the statutory powers of Congress. So there is nothing in a dam for mere flood control (pp. 328–9).

Thus we have every State in the upper basin saying that it will not permit under any circumstances a flood-control dam. We have more than that. We have the indubitable fact that a mere flood-control dam would be utterly useless unless it impounded the silt that came down the Colorado River, and no mere flood-control dam would be built of sufficient height to do that thing. Some dams are built with a hole in them in order that the silt may pass through. You could not do that with the silt of the Colorado without injuring the land below and without inviting floods below. If you let it fill up in the few years that it would take to fill up, you have done an utterly futile and an utterly useless thing.

Here is a unified scheme and a unified plan. Here is the crystallization of the sentiment of the last 10 years in relation to the Colorado River. Here, finally, is the way by which flood control can be accorded, by which there may be irrigation and reclamation, by which we may give potable-water relief to the territory that requires it, by which we may solve an intolerable international situation. The only thing that stands in the way of all these beneficent purposes is that some men who are already rich beyond the dreams of avarice say, "You shall not have a dam where any power is generated."

Oh, we must be weak, we must be feeble, we must be worse than that, if the command or the mandate of those who sit in the city of Washington to-day as the masters of legislation is sufficient to restrain us from doing the things that this high dam would do and passing legislation so needed and beneficent.

It is said that a flood-control dam can be constructed 120 miles closer to the property to be protected at Boulder Canyon at a cost of $15,000,000. This refers to the Mohave site, commonly referred to as Topock. That was a new discovery of the Senator from Utah! It is not a new discovery. It is the scheme proposed by the power companies of southern California and the owners of land in Mexico on the other side of the line. It was their proposal from the beginning of this controversy, and from the very time that the first bill was introduced the men who own 850,000 acres of land over the border of Imperial

County, in Mexico, and the power companies of southern California, said, "We will let you build a low dam at Topock, build a low dam there that generates no power, we will permit the Congress of the United States and the Government of the United States and the Senate of the United States to enact legislation that thus we say you may enact, but if you enact anything different, we will exercise our veto power and forbid it." This suggestion of a low dam for flood control was originally proposed by the power companies, not that they expect it to be adopted, but because the strategy of private interests is always to suggest something other than that which will benefit the people, and thus transmute the contest.

The site of Topock was investigated by the Bureau of Reclamation in a preliminary way and is reported upon in volume 7 of the so-called Weymouth supplementary report, beginning at page 88 and continuing for the balance of the volume. The foundation was not drilled for the reason, as indicated, that the expense of drilling was not justified. Estimates were made, and it was found that for a 6,000,000 acre-feet flood-control reservoir the cost would be $15,391,238, and for a 10,000,000 acre-feet flood-control reservoir the cost would be $17,241,575. These estimates are without taking into account the cost of removing the railroad and other property including the town of Needles, which was estimated to cost nearly $9,000,000. In other words, the cost of a 10,000,000 acre-feet flood-control reservoir was estimated at $26,000,000 and of a 6,000,000 acre-feet reservoir at $24,000,000. Further estimates was made on a 4,000,000 acre-feet flood-control reservoir and the estimated cost was $22,500,000. Even these estimates do not take into account the total destruction of some 35,000 acres of irrigable land within the reservoir site. A reservoir constructed at this point would produce no power and there would be no means of repaying the Government the outlay of money required for its construction, and after all is said and done, it is not known that a reservoir can be constructed at that point at all.

Mr. A. P. Davis, former Director of the Reclamation Service, testified before the House Committee on Irrigation and Reclamation, H. R. 2903, page 1385, in a way which is very pertinent to the present discussion as follows:

> It has been said that flood control can be obtained more quickly by a dam in Mohave Canyon than by one in Boulder Canyon. This is not a reasonable assumption. The investigations of Boulder Canyon have occupied nearly three years and the same critics say they are not sufficient. No investigations of Mohave Canyon have been made and after these are completed it would be necessary to take up negotiations with the railroad and hotel companies and hundreds of property owners for the removal of the railroad and the city of Needles. * * * The development of Mohave Canyon for flood control only will cost about the same as the Boulder Canyon and will destroy 34,000 acres of irrigable land directly in the river bottom, mostly in Arizona. * * *
>
> It has been stated here that a flood-control dam can be provided at Mohave Canyon for $10,000,000—that, I believe, is in the testimony—whereas the facts are that this amount will be expended upon damages exclusive of the dam. * * *

After reciting numerous objections to the Mohave site, Mr. Davis continues:

> with all these facts staring us in the face to build a dam in Mohave Canyon would be inexcusable. This is the reason this site has not been drilled or otherwise investigated. Like hundreds of other sites on the river, a general knowledge of its conditions show so plainly that it is inadvisable that money spent on investigation would be wasted. Its one "virtue" is that it produces no power or so little that none of the power companies have applied for it, although anxious to possess all of the desirable sites.

The only recommendations for a dam at Mohave Canyon that have come to my attention are those of Mr. Stabler, Mr. LaRue, and Colonel Kelly. Mr. Stabler, at page 1548 of the hearings on H. R. 2903, states that the facts are not known and the estimates of cost are not much more than a guess. Mr. La Rue, on page 968 of hearings on H. R. 2903, states—

> since only meager data are available regarding the Glen Canyon and Mohave Canyon storage sites, it is not possible to prepare a reliable estimate of the cost of these projects.

Colonel Kelly gives the same indication in his testimony on H. R. 2903, at page 1274. While it may be, and doubtless is, a fact that a dam could be built at Topock in Mohave Canyon, it certainly is not a fact that it could be completed for $15,000,000. It is a fact that it would cost a great deal more and it is furthermore a fact that money spent at that site, while it might accomplish to a limited extent flood control, would accomplish none of the other purposes of this bill, namely, silt control, augmented water supply, control of the river as between the United States and Mexico, the approval of the Colorado River compact between the States, domestic water supply and power as a means of repaying the major part of the cost of the whole development.

We are told that the Mohave dam can be built and flood relief accomplished quickly, whereas it will take 10 years to accomplish flood relief at Boulder Canyon. The converse is true. As Mr. Davis testified, the Mohave site has not been drilled, and since the working season of 3 years was spent on the drilling of the site at Boulder Canyon, it may be assumed that it would take a like period at Mohave Canyon, and after the site is drilled and it is found a dam can be built at that point, then the Santa Fe Railroad and other properties must be purchased through private negotiations or condemnation proceedings, and after that it would take some years to build a dam, while all of these preliminary steps have already been taken at Boulder Canyon. The estimate for building the dam at Boulder Canyon is placed at about 7 years, but flood control will be accomplished within half of that time. In fact, it is estimated that the first units of the power plants to be constructed at that point will be placed in operation 3 years before the final completion. Certainly before power houses can be operated the river will be sufficiently controlled to accomplish a large measure, if not complete, flood protection. In other words, if the Boulder Dam is authorized now flood protection will be accomplished within 3 or 4 years, whereas at Mohave Canyon that time will be consumed in getting ready to commence construction.

At the time the matter was pending before the committee, and when the Senator from Arizona had asked the committee to approve an amendment for flood control alone, I took the matter up with the Department of the Interior. The department was opposed to it, as it ought to have been. The other day, however, I wrote again to the department and asked the views of the department upon the construction of a flood-control dam at Topock in the Mohave Canyon. I have here the letter, signed by the Secretary of the Interior, upon that subject. It is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 19, 1928.

Hon. HIRAM W. JOHNSON,
United States Senate.

MY DEAR SENATOR JOHNSON: Receipt is acknowledged of your letter of May 16, 1928, requesting my views as to the construction of a low flood-control dam at Topock or elsewhere on the lower Colorado.

The Topock or Mohave Valley reservoir site is about 2½ miles below the Topock crossing of the Santa Fe Railroad. It is calculated that a dam built to raise the water surface 160 feet will have a capacity of about 10,000,000 acre-feet. A preliminary estimate prepared in February, 1924, shows the cost of this reservoir to be—

Capacity in acre-feet:	Estimated cost
4,000,000	$22,500,000
6,000,000	24,000,000
10,000,000	26,000,000

The disadvantages of this site are:

(1) It would inundate a large irrigable area and a valuable portion of an Indian reservation.

(2) It would submerge the town of Needles, a railroad division point.

(3) It would necessitate reconstruction of 18 to 20 miles of mainline, double-track railroad (Santa Fe).

(4) It would necessitate reconstruction of portion of a transcontinental highway.

(5) It is not a good power site.

(6) It is not large enough to provide storage for silt.

(7) The site is not adapted to raising the dam to provide for ultimate storage requirements.

(8) The proposed high dam at Boulder Canyon will furnish more than twice the storage at a little more than 50 per cent increase in cost.

Prof. W. F. Durand, who recently at my request made a special study of the Colorado River project, finds that this storage is entirely inadequate for the needful silt, flood, and general regulation and which can be secured at Boulder Canyon; also that a reservoir at Topock would be relatively shallow in depth and large in area, thus augmenting the loss of water by evaporation. The same considerations operate to render consideration of other possible sites below Boulder Canyon inadvisable.

As an alternative to Topock, it has been suggested that a dam be built at Boulder Canyon of such lower height as to provide only for flood control. The objection to this is that the foundations and regulating works are the most difficult and costly part of this construction. Such a dam would cost from $30,000,000 to $38,000,000 and would be open to the objection that its value would be rapidly impaired by silt deposits, and there would be no possibility of the large revenues from power which are anticipated from the higher structure.

To meet the needs of the lower basin the dam must be high enough and the reservoir large enough to satisfy all requirements for at least 50 years. Water users in the lower basin in Arizona and California

have already appropriated ten times the low-water flow of the river. This demand must be met, in addition to whatever rights Mexico may have acquired through actual use. Unless such provision is made there will be no satisfactory security for future development in either Arizona or California, and this uncertainty and menace will extend to subsequent rights to be established on the upper stream.

The feasibility of the all-American canal from a repayment standpoint depends upon the irrigation of the large area of fertile, irrigable land lying above the present Imperial irrigation district. To do this requires a greater additional water supply than the small reservoir above referred to would provide.

Failure to provide the water supply essential to the solvency of the all-American canal leaves the California irrigators in the Imperial Valley in the existing unsatisfactory state of dependence upon a Mexican concession, while the continued operation of that concession would mean inevitably a large increase in the irrigated area in Mexico.

Very truly yours,

HUBERT WORK.

These are some of the reasons, and some of the reasons only, why there should not be a low dam constructed at Topock. No appropriation for mere flood control could ever be obtained. Each department would object, and every upper basin State is emphatically against it.

I apologize to the Senate for the time that has been taken in this matter, but there was nothing else to do under the circumstances, when a gentleman stands here and reads a speech, a speech lasting two days, containing some 40,000 words, and assails for the first time in his connection with the history of this entire controversy the feasibility of the project that is before the Senate to-day. He has been familiar with it from the time that this bill was introduced, and when every other bill has been before the Congress of the United States. Never before did he assail it technically until he appeared upon the floor of the Senate with 40,000 words—I will not say written for him, but written by him, we will say—but then did he, for the first time, voice his opposition from an engineering standpoint to the construction of the dam at Boulder Canyon. Who better can judge—he or the engineers of the United States Government; he or 13 out of 14 members of the Committee on Irrigation and Reclamation who voted upon the bill? For two years we have sat in judgment upon this matter not only in Washington hearing words from the lips of witnesses but the committee, pursuing its duty, two years ago and a year and a half ago went down to that very territory and on a boat went through that very canyon. Not only that but it took testimony upon the very ground. It went to the cities of Arizona—Yuma, Prescott, and Phoenix—and took the testimony there offered. It went to Las Vegas and took testimony there.

The committee has pursued its investigations for a period of three years. Now, after it has pursued its investigations and declared in favor of the bill, now when every engineer of repute and standing that is not employed by a power company says it is a feasible proposition, now when we know the benefits that will come from a project of this sort, now shall we be halted, sir, in doing our duty because there is a power that is greater than government and that says we may not proceed in a constitutional way to perform our duty unto our people? This is the test, sir, of legislation. This is the test, sir, of the United States Senate. This is the test, sir, of whether or not in this country there yet exist enough men in official position to defy the power that comes from nine billions of dollars represented by a great trust, and whether or not we dare fulfill the mission that is ours and do our duty unto those who sent us here.

Mr. HAYDEN obtained the floor.

Mr. EDWARDS. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Arizona yield to the Senator from New Jersey?

Mr. HAYDEN. I yield.

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harrison	Mayfield
Barkley	Cutting	Hawes	Metcalf
Bayard	Dale	Hayden	Moses
Bingham	Dill	Heflin	Neely
Black	Edge	Howell	Norbeck
Blaine	Edwards	Johnson	Norris
Blease	Fess	Kendrick	Nye
Borah	George	Keyes	Oddie
Bratton	Gerry	King	Overman
Brookhart	Gillett	La Follette	Phipps
Broussard	Glass	Locher	Pine
Capper	Goff	McKellar	Pittman
Caraway	Greene	McLean	Reed, Pa.
Copeland	Hale	McMaster	Robinson, Ark.
Couzens	Harris	McNary	Sackett
Schall	Smith	Tydings	Walsh, Mont.
Sheppard	Steiwer	Tyson	Warren
Shipstead	Stephens	Vandenberg	Waterman
Shortridge	Swanson	Wagner	Wheeler
Simmons	Thomas	Walsh, Mass.	

Mr. McNARY. I desire to announce the necessary absence of the Senator from Illinois [Mr. DENEEN] and the Senator from Florida [Mr. FLETCHER] on business of the Senate.

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. NEELY. I propose the following amendment to the pending bill (S. 728), which I ask to have reported from the desk.

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 2, line 24, strike out the period and insert a colon, and insert the following proviso:

Provided, That the laws of any State in which any part of the construction work herein authorized is performed, with respect to the employment of laborers and mechanics on State, county, or municipal public works, shall apply to the employment of laborers and mechanics upon any part of the construction work herein authorized.

Mr. NEELY. Mr. President, the laws of California and Arizona provide that in employing laborers and mechanics on public work American citizens—native and naturalized—shall be preferred to aliens. The law of Nevada goes further and provides a preference for the veterans of our various wars.

The object of the proposed amendment is to cause the Federal Government, in constructing Boulder Dam and in doing any other work immediately pertaining to the project, to preserve to our veterans and our citizens the rights and preferences conferred upon them by the laws of the States in which construction work on Boulder Dam may be done.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

ELIMINATION AND REDUCTION OF TAXES ON AUTOMOBILES AND THEATER TICKETS

Mr. NEELY. Mr. President, the revenue bill which the Senate passed last night relieves the people of the tax of 3 per cent on the selling price of automobiles, including Fords and all other cheap cars; it also relieves the patrons of theaters and other places of innocent amusement of all taxes on their tickets of admission which do not cost more than $3 each.

In view of the manifestly indefensible long continuation of these most intolerable nuisance taxes, I invite attention to the fact that on the 24th day of February, 1926, when the conference report on the existing revenue law was before the Senate I made the following motion:

First, to insist upon Senate amendment No. 108 repealing existing taxes and dues on tickets of admission to theaters and other places of amusement; and

Second, to insist upon Senate amendment No. 109 repealing the tax of 3 per cent on the selling price of automobiles.

I pleaded in vain with the Senate to adopt the motion which I have just read. The distinguished Senator from Pennsylvania [Mr. REED], in opposing the motion, said, among other things, as shown on page 4486 of the CONGRESSIONAL RECORD for February 24, 1926:

Mr. President, if the motion of the Senator from West Virginia should carry, this bill would go back to conference with instructions to stand on the repeal of the admissions tax, which means $23,000,000 to $24,000,000 a year off the revenue of the United States, and it would mean the striking out also of $69,000,000 now received from the tax on the purchase price of automobiles, 3 per cent on the manufacture's price of the automobile, a tax of about $7.50 on the average Ford touring car. It would mean a deficit in the Budget of the Nation of from $92,000,000 to $93,000,000 a year.

In spite of the pessimistic prediction that the adoption of my motion would create a deficit in the Budget of the Nation, we now know that there was at the end of the fiscal year 1926 a Treasury surplus of $377,767,817, and that there was at the end of the fiscal year 1927 a Treasury surplus of $635,809,922. The foregoing conclusively proves that the Federal Government has compelled the people to pay automobile taxes and taxes on tickets to theaters and other places of amusement during the last two years without a semblance of necessity or a shadow of justification. If my motion had prevailed two years ago, figures now available show that American automobile buyers would have been saved $66,000,000 a year, or a total of $132,000,000, and that American theater goers would have been saved $17,000,000 a year, or a total of $34,000,000.

Let me congratulate the country upon the fact that the Senate has after long and inexcusable neglect done what I implored it to do two years ago. Although no part of the vast sum unjustly collected from the theater goers and automobile purchasers during the last two years will ever be returned to them, they nevertheless have occasion to rejoice because of the fact that they will in the future escape the burdens of the indefensible nuisance taxes which they have so long and so unnecessarily been compelled to pay.

SENATOR HEFLIN'S TELEGRAM TO GOVERNOR MOODY

Mr. HEFLIN. Mr. President, I have here a copy of a telegram which I have just sent to Governor Moody, of Texas. The Texas convention meets to-day. I would like to have it read at the desk so that it will appear in the RECORD.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read the telegram, as follows:

WASHINGTON, D. C., *May 22, 1928.*

Gov. DAN MOODY,

Care Chairman Democratic Convention, Beaumont, Tex.:

The charge that Governor Smith is an ardent advocate of social equality; that the Manufacturers Record, of Baltimore, charges that there are dance halls in New York City where negro men and women dance with white men and women every night; and the charge that when the antilynching bill passed the House Tammany Democrats turned their backs on the South and did not give us a single vote have not been and can not be denied by Governor Smith.

J. THOS. HEFLIN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 6569. An act for the relief of Frank Hartman; and

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER of Texas, and Mr. COLLIER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 9343) to provide for dispensing with oath or affirmation as a method of verifying certain written instruments, in which it requested the concurrence of the Senate.

The message also requested the Senate to return to the House of Representatives the bill (S. 2972) for the further protection of fish in the District of Columbia, and for other purposes.

The message further announced that the President of the United States having returned to the House of Representatives the bill (H. R. 5681) to provide a differential in pay for night work in the Postal Service, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same, and the bill was passed, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the President of the United States having returned to the House of Representatives the bill (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same, and the bill was passed, two-thirds of the House of Representatives agreeing to pass the same.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States; to the Committee on Mines and Mining.

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue; to the Committee on the District of Columbia.

H. R. 12064. An act to discontinue certain reports now required by law to be made annually to Congress; to the Committee on Expenditures in the Executive Departments.

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; to the Committee on Claims.

H. R. 12938. An act for the relief of the State of Ohio; to the Committee on Military Affairs.

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes; and

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes; to the Committee on Indian Affairs.

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age; and

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War; and

H. R. 13109. An act to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas; and

H. R. 13143. An act to adjust the compensation of certain employees in the customs service; ordered to be placed on the calendar.

H. R. 9297. An act authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes; and

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State; to the Committee on Public Lands and Surveys.

H. R. 393. An act to provide for the fifteenth and subsequent decennial censuses;

H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13203. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to

construct, maintain, and operate a toll bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.; and

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes; to the Committee on Commerce.

H. R. 7200. An act to amend section 321 of the Penal Code;

H. R. 9343. An act to provide for dispensing with oath or affirmation as a method of verifying certain written instruments;

H. R. 9778. An act to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927;

H. R. 11285. An act to establish Federal prison camps;

H. R. 12203. An act to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States;

H. R. 12250. An act to amend section 574, title 28, United States Code;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia and of such code and supplements thereto, and for distribution; and

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes; to the Committee on the Judiciary.

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; to the Committee on Banking and Currency.

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations; to the Committee on Foreign Relations.

GRANT OF LAND TO ST. PAUL, MINN.

Mr. BINGHAM rose.

Mr. HAYDEN. I yield to the Senator from Connecticut.

Mr. BINGHAM. Out of order, from the Committee on Military Affairs I report favorably, with an amendment, the bill (S. 4148) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota, and I submit a report (No. 1263) thereon. The amendment has been suggested by the War Department.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Minnesota?

Mr. HAYDEN. I yield.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Connecticut [Mr. BINGHAM].

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in section 1, on page 2, line 8, after the numerals "$34,750" and before the period, to insert the following provisos: "*Provided*, Said sum is paid to the United States within one year from the date of the approval of this act, or sooner if funds are made available: *Provided further*, That the conveyance of said tract of land to the said city of St. Paul shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to grant to the city of St. Paul, Minn., the lot of land described as follows: Lot No. 3 in block No. 31, St. Paul proper, according to the recorded plat thereof on file in the office of the register of deeds in said county of Ramsey and all that part of lot 4, in said block 31 aforesaid, according to the recorded plat thereof, described as follows: Commencing at the southwest corner of lot No. 4, block No. 31, St. Paul proper, thence running northerly along the west line of said lot aforesaid 107.31 feet to an alley, thence at right angles easterly along the southerly line of said alley to the easterly line of said lot 4, thence southerly along said east line of lot 4 to the southeast corner of said lot 4, thence easterly along the northerly line of Second Street to the place of beginning; for the sum of $34,750: *Provided*, Said sum is paid to the United States within one year from the date of the approval of this act, or sooner if funds are made available: *Provided further*, That the conveyance of said tract of land to the said city of St. Paul shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought.

SEC. 2. The net proceeds derived from the grant of such land shall be covered into the Treasury to the credit of the military post construction fund.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA ARSENAL PROPERTY IN TENNESSEE

Mr. TYSON and Mr. BINGHAM addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Arizona yield further; and if so, to whom?

Mr. HAYDEN. I yield first to the Senator from Tennessee.

Mr. TYSON. I ask unanimous consent for the immediate consideration of Order of Business 1285, being the bill (H. R. 12479) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund.

Mr. CURTIS. Is that a departmental bill or a bill which is favored by the department?

Mr. TYSON. It is a bill which has been referred to the Committee on Military Affairs and has been approved both by the Secretary of War and the Military Affairs Committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell upon such terms and conditions as he considers advisable and to make proper deed of conveyance to the Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to the Columbia Military Academy of record in book 105, volume 4, page 495, in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed as follows:

That the Secretary of War shall be a visitor to said school, and have and exercise full rights of visitation, and he shall have the right and authority in his discretion, as the public interest requires, to prescribe the military curriculum of said school, and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War, or the terms of the act, he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States.

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall have said tract of land appraised, the appraisal being of the land alone, and without regard to the buildings thereon. And the Secretary of War shall not sell the rights and interests of the Government herein above defined in said Columbia Arsenal property for a less consideration than the appraised value herein provided for.

SEC. 3. That the proceeds of said sale shall be deposited in the Treasury to the fund known as the military post construction fund, after

first paying the expenses of and incident to the sale including appraisal fees, but no appraiser shall be paid in excess of $100 for such services as he may render under the terms of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President——

Mr. HAYDEN. I yield to the Senator from Wyoming.

Mr. WARREN. From the Committee on Appropriations, I report back with amendments the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, and I submit a report (No. 1266) thereon.

I wish to state that I hope to call the bill up for consideration to-morrow and have it put on its passage.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the calendar.

PER CAPITA PAYMENT TO PINE RIDGE SIOUX INDIANS, SOUTH DAKOTA

Mr. McMASTER. Mr. President——

Mr. HAYDEN. I yield to the Senator from South Dakota.

Mr. McMASTER. Mr. President, on May 12 House bill 13342, to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota, passed the House of Representatives. It came to the Senate and was referred to the Committee on Indian Affairs. A Senate bill in identically the same words passed the Senate on May 16. I therefore move that the Committee on Indian Affairs be discharged from the further consideration of House bill 13342, with a view to asking that it be considered at this time and put on its passage.

Mr. CURTIS. Are the two bills identical?

Mr. McMASTER. The House and Senate bills are identical.

Mr. CURTIS. And the House bill merely provides for a per capita payment?

Mr. McMASTER. The bill provides for a per capita payment of $10 from funds to the credit of the Indians in the Treasury of the United States.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota that the Committee on Indian Affairs be discharged from the further consideration of House bill 13342.

The motion was agreed to.

Mr. McMASTER. I ask unanimous consent for the immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13342) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from funds on deposit in the Treasury of the United States to the credit of the Pine Ridge Sioux Indians of South Dakota a sum sufficient to make a $10 per capita payment to said Indians, under such rules and regulations as he may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT GRISWOLD, CONN.

Mr. HAYDEN. I yield to the Senator from Connecticut.

Mr. BINGHAM. From the Committee on Military Affairs, I report back favorably without amendment the bill (S. 4503) authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut, and I submit a report (No. 1262) thereon. The bill has been unanimously reported by the committee, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Connecticut the tract of land owned by the United States, known as the Fort Griswold tract, situated on the east shore of New London Harbor in the State of Connecticut, and bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL RESERVE BANK BUILDING, LOS ANGELES, CALIF.

Mr. SHORTRIDGE. Mr. President——

Mr. HAYDEN. I yield to the Senator from California.

Mr. SHORTRIDGE. I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 142) authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Federal Reserve Bank of San Francisco be, and it is hereby, authorized to contract for and erect a building in the city of Los Angeles for its Los Angeles branch on the site now owned, provided the total amount expended in the erection of said building, exclusive of the cost of vaults, permanent equipment, furnishings, and fixtures shall not exceed the sum of $800,000: *Provided, however*, That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL RECOMMITTED

Mr. HOWELL. I ask unanimous consent that the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, be recommitted to the Committee on the Library.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, the bill will be recommitted to the Committee on the Library, as requested.

A. F. GALLAGHER

Mr. LA FOLLETTE. I ask unanimous consent for the immediate consideration of the bill (H. R. 10014) for the relief of A. F. Gallagher. This is a small private claim bill which unanimously passed the House. It is unanimously reported by the Senate committee and is recommended by the Secretary of the Treasury. The amount involved is only $190.40, which was to be paid a stenographer engaged by a bureau in the Treasury Department, but subsequently it was discovered that, through an opinion of the Comptroller General, there was no fund available for payment for this work. The Secretary of the Treasury feels that injustice was done to Mr. Gallagher and recommends the passage of the bill.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to A. F. Gallagher, out of any money in the Treasury not otherwise appropriated, the sum of $190.40, in full satisfaction of all claims against the United States on account of stenographic services rendered in reporting certain hearings held in the Bureau of Internal Revenue on November 23, 1925, and January 15, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT MILITARY POSTS

Mr. REED of Pennsylvania. Will the Senator from Arizona yield to me for a moment?

Mr. HAYDEN. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I present a conference report on the Army housing bill, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be received and read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the figures "$12,989,284" and insert in lieu thereof "$13,268,284"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That there is hereby authorized to be appropriated not to exceed $6,499,500, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Albrook Field, Canal Zone: Hangars, $200,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; radio, parachute, and armament building, $25,000; gasoline and oil storage, $75,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $600,000.

"France Field, Canal Zone: Hangars, $80,000; operations building, $30,000; photo, radio, parachute, and armament buildings, $61,000; air depot shops, $160,000; air depot warehouse, $200,000; improvement of landing field, $103,000.

"Hawaiian Department, Wheeler Field: Hangars, $240,000; Air Corps field warehouse, $45,000; Air Corps field shops, $81,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $15,000; paint, oil, and dope warehouse, $5,000; improvement landing field, $110,000.

"Bolling Field, District of Columbia: Hangars, $160,000; gasoline and oil storage, $12,000; paint, oil, and dope warehouse, $5,000; improvement landing field, $100,000.

"Chanute Field, Ill.: Hangars, $120,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; school building, $80,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

"Crissy Field, Calif.: Hangar, $40,000; photo building, $36,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000.

"Duncan Field, Tex.: Hangars, $80,000; air depot shops, $243,000.

"Fairfield air depot, Ohio: Air depot shops, $243,000.

"Fort Sam Houston, Tex.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; improvement landing field, $20,000.

"Marshall Field, Kans.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $15,000.

"Maxwell Field, Ala.: Gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $13,000.

"Mitchel Field, N. Y.: Hangars, $80,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

"Post Field, Okla.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000.

"Rockwell Field, Calif.: Hangars, $160,000; Air Corps warehouse, $45,000; headquarters and operations building, $40,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

"Rockwell air depot, Rockwell Field, Calif.: Air depot shops, $243,000; air depot warehouses, $500,000.

"San Antonio Primary Training School, San Antonio, Tex.: Hangars, $440,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; wing headquarters building, $60,000; photo, radio, parachute, and armament buildings, $61,000; school building, $40,000; gasoline and oil storage, $9,500; paint, oil, and dope warehouse, $5,000; improvement of landing field, $150,000.

"Selfridge Field, Mich.: Air Corps warehouse, $45,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $50,000."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the Secretary of War is hereby authorized to cause condemnation proceedings to be instituted for the purpose of acquiring certain tracts of land in the vicinity of Fort Kamehameha Reservation, Territory of Hawaii, hereinafter described, for use as a flying field, and that a sum not exceeding $1,145,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee simple title to said land either by purchase or condemnation, to wit: That portion of the Queen Emma and Damon estates lying directly north of and adjoining Fort Kamehameha Reservation, east of the Fort Kamehameha-Puuloa Junction Road, south of the plantation road just north of Loco-Lelepaua and extending to the Rodgers Airport and Keehii Lagoon on the east consisting approximately of 1,434 acres, at a cost not exceeding $420,000, and also a portion of the Halawa district consisting of about 862 acres and immediately adjoining the Queen Emma and Damon estates at a cost not exceeding $725,000."

And the Senate agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report? The Chair hears none, and the question is on agreeing to the conference report.

The report was agreed to.

ACCEPTANCE OF DECORATIONS OF FOREIGN GOVERNMENTS

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and from its disagreement to the amendment to the title of the bill, and agree to the same.

FREDERICK HALE,
DAVID A. REED,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

FRED A. BRITTEN,
CLARK BURDICK,
CARL VINSON,
Managers on the part of the House.

The report was agreed to.

CONSIDERATION OF BILLS FOR BRIDGES IN ARKANSAS

Mr. SHEPPARD. For the Senator from Vermont [Mr. DALE] I report several bridge bills from the Committee on Commerce, and I direct the attention of the Senator from Arkansas [Mr. CARAWAY] to these bills.

Mr. CURTIS. The bills are in the usual form?

Mr. SHEPPARD. They are.

First, I report back without amendment the bill (H. R. 12677) to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.

Mr. CARAWAY. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. I also report from the Committee on Commerce without amendment for the Senator from Vermont [Mr. DALE] the bill (H. R. 12676) to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.

Mr. CARAWAY. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Also, for the Senator from Vermont [Mr. DALE], I report from the Committee on Commerce with

amendments, the bill (S. 4465) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark., and I submit a report (No. 1268) thereon.

Mr. CARAWAY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 7, after the name "Arkansas," to strike out "within 5 miles of the ferry on the highway between Clarendon and Stuttgart, in the county of Monroe, in the State of Arkansas"; and on page 3, after line 4, to insert the following additional section:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navigation, at or near Clarendon, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required, and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 25 years after the date of issue thereof.

SEC. 3. After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge, upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark."

ROADS ON INDIAN RESERVATIONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1145) entitled "An act to authorize an appropriation for roads on Indian reservations," which was, on page 1, to strike out lines 3 to 5, inclusive, and insert:

That appropriations are hereby authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision and engineering, and the employment of Indian labor in the survey, improvement.

Mr. CURTIS. What reservation does the bill refer to?

Mr. ASHURST. Mr. President, this is a general bill which I introduced some time ago, appropriating $250,000 to be used for constructing roads on all Indian reservations—no particular reservation. We gave the Secretary of the Interior a sum of money which he could use on any reservation. The House has made a very material amendment.

Mr. CURTIS. This is a House amendment to the Senate bill?

Mr. ASHURST. Yes, sir.

If it is understood by all I move that the House concur in the Senate amendment.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona.

The motion was agreed to.

GEORGE ROGERS CLARK MEMORIAL

Mr. FESS. Mr. President, I present the conference report on the George Rogers Clark memorial, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The conference report will be received and printed in the RECORD. It can not be acted upon until it has been printed in the RECORD in one House or the other.

Mr. FESS. It has been acted upon in the House.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. What is the request, Mr. President?

The PRESIDENT pro tempore. The Chair understood the request to be for the presentation and present consideration of a conference report on the George Rogers Clark memorial. The Chair is assured by the Senator from Ohio that it has been printed in the RECORD and acted upon by the House.

Mr. FESS. The House acted upon it to-day.

Mr. CURTIS. Have we no message from the House on the subject?

Mr. LA FOLLETTE. Mr. President, as I understood the Senator from Ohio, it was acted on in the House to-day.

The PRESIDENT pro tempore. The report will be read.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 23) entitled "Joint resolution for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out section 1 of the House amendment and insert in lieu thereof the following:

"That there is hereby established a commission to be known as the George Rogers Clark Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 15 commissioners, as follows: Three persons to be appointed by the President of the United States; 3 Senators by the President of the Senate; 3 Members of the House of Representatives by the Speaker of the House of Representatives; and 6 members of the George Rogers Clark Memorial Commission of Indiana to be selected by such commission."

And the House agree to the same.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

ROBERT LUCE,
RALPH GILBERT,
JOHN C. ALLEN,
F. M. DAVENPORT,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SACKETT. Mr. President, what is the amount carried by the bill?

Mr. FESS. The Senate bill carried $1,750,000. The House struck out $750,000, leaving it $1,000,000.

Mr. SACKETT. It carries $1,000,000 now?

Mr. FESS. It does.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS

Mr. NORBECK. I have here a conference report on a pension bill, H. R. 12381, which I should like to hand in and ask for its immediate consideration. It is a unanimous report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The report will be received and read for the information of the Senate.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12381) granting pensions and increase of pensions to certain

soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 8, 9, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "$100"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows:

"Page 2 of the Senate engrossed amendments, in the case of David J. Menard, strike out the figure '30' and insert in lieu thereof the figure '20.'

"Page 2, in the case of Lawrence Waterhouse, strike out the following language: 'said increase to date from February 17, 1927.'

"Page 3, in the case of John Rose, strike out the figure '25' and insert in lieu thereof the figure '17.'

"Page 4, in the case of Tillie M. Foley, strike out the figure '30' and insert in lieu thereof the figure '20.'

"Page 5, in the case of Henry Buck, strike out the following language: 'the name of Henry Buck, civilian employee, Quartermaster Department, Nez Perce Indian War, and pay him a pension at the rate of $12 per month.'

"Page 6, in the case of George W. Cleveland, strike out the figure '30' and insert in lieu thereof the figure '20.'

"Page 6, in the case of Leon P. Chesley, strike out the following language: 'the name of Leon P. Chesley, late of the One hundred and twenty-first Company, United States Coast Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.'"

And the Senate agree to the same.

PETER NORBECK,
HENRIK SHIPSTEAD,
DANIEL F. STECK,
Managers on the part of the Senate.

HAROLD KNUTSON,
J. M. ROBSION,
JNO. W. MOORE.
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. NORBECK. I ask that there be printed in the RECORD a statement which goes into detail as to just what the report covers.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT

The managers on part of the Senate and House on H. R. 12381 show by way of explanation that 159 bills were included in said omnibus bill.

The committee of conference carefully examined the merits of each individual case over which any difference of opinion existed and mutually agreed to restore all bills of meritorious character.

The House bill contained 132 beneficiaries and the conferees struck out some items entirely and in others merely changed the rates.

The items which were entirely stricken out are as follows:

The name of John F. Kilbride.
The name of George F. Wiggins.
The name of Mary A. Clarke.
The name of John H. Doremus.
The name of Annie McNamara.
The name of James C. Hicks.
The name of Herman Green.
The name of James Shaw.
The name of Clark Brown.
The name of Thomas A. McEntire.

In some items the rates were changed and in which case a change of rate was made that are listed as follows:

In the case of Carl Johan Anderson the rate was reduced from $20 to $12 per month.

In the case of William H. Clarke the rate was reduced from $30 to $20 per month.

In the case of John Garvey the rate was reduced from $40 to $20 per month.

In the case of Harry F. Palmer the rate was increased from $12 to $20 per month.

In the case of William D. Warren the rate was reduced from $30 to $20 per month.

The Senate report contained 27 items and several items were stricken from the report, while in other items the rates were changed.

The items stricken from the report were as follows:

The name of Henry Buck.
The name of Leon P. Chesley.

The other items which were changed were as follows:

In the case of David J. Menard the rate was reduced from $30 to $20 per month.

In the case of Lawrence Waterhouse the item called for $40 per month to date from February 17, 1927. This item remained at $40 per month. However, the language "said increase to date from February 17, 1927," was stricken out.

In the case of John Rose the rate was reduced from $25 to $17 per month.

In the case of Tillie M. Foley the rate was reduced from $30 to $20 per month.

In the case of George W. Cleveland the rate was reduced from $30 to $20 per month.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 2823. An act amending the Statutes of the United States with respect to reissue of defective patents;

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.;

S. 3867. An act to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes;

H. R. 971. An act for the relief of James K. P. Welch; and

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists and making an appropriation for the expenses of such congress.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. HAYDEN. Mr. President, the senior Senator from California [Mr. JOHNSON] has repeatedly asserted that a filibuster is being conducted in the Senate against his Boulder Dam bill, although no one up to this time has been able to discover that his assertion is correct. I had anticipated the privilege of addressing the Senate beginning at noon to-day and continuing throughout the afternoon with a serious discussion of this bill. It is now a quarter past 2 o'clock, and if a filibuster does exist I greatly appreciate the use of more than

two hours' time by the Senator from California, although I hope that no one will be unkind enough to suggest that he would filibuster against his own bill.

When I addressed the Senate on the 2d day of this month I pointed out that the State of Arizona has three fundamental objections to the Swing-Johnson Boulder Canyon Dam bill.

First. The attempt to coerce a sovereign State;

Second. The contemplated unjust division of the waters of the Colorado River in the lower basin; and

Third. The failure to adequately compensate the States of Arizona and Nevada for the proposed use of their natural resources by the Federal Government, primarily for the benefit of the State of California.

I then discussed and offered some amendments to the bill which are of real importance though not relating to these larger questions. I ventured to express the hope that the Senators from California would accept these amendments which are intended to perfect the bill. One was to remedy a grave injustice to the water users of the United States reclamation project at Yuma.

For the further information of the Senators from California, neither one of whom, I am sure, would willingly do an injustice to the landowners of the Yuma project, a part of which is in their own State, I ask to have printed in the CONGRESSIONAL RECORD at this point an extract from the report of the All-American Canal Board, and a copy of a letter from Mr. John L. Gust, an attorney of Phoenix, Ariz., addressed to the Secretary of the Yuma County Water Users' Association. These documents speak for themselves.

The PRESIDENT pro tempore. Without objection, the extract and the letter referred to will be printed in the RECORD.

The matter referred to is as follows:

[Report of the All-American Canal Board, Dr. Elwood Mead, W. W. Schlecht, C. E. Grunsky, June 17, 1919, page 56]

THE CONTROL AND OPERATION OF WORKS IN WHICH THE YUMA PROJECT AND IMPERIAL VALLEY ARE JOINTLY INTERESTED

The diversion of water from Colorado River at the Laguna Dam will be for the joint benefit of irrigable areas on both sides of Colorado River. It does not appear desirable that the entire canal system on both sides of the river should be under one management nor does any such arrangement appear possible. Separate organizations for the management of the Yuma project and for the management of the Imperial irrigation district will probably always be maintained. Other interests, too, will undoubtedly at some later time be supplied with water through headworks at the Laguna Dam and through a common main canal. Conflict of authority in the operation of all works for mutual benefit must be avoided. The maintenance and operation of the dam and diverting works and of the canal down to the siphon drop and of the power stations which are to be operated for the benefit of several interests should be permanently under the control of the United States.

The Secretary of the Interior, who directs the work of the United States Reclamation Service, should retain authority, or, if necessary, be given any additional authority, by agreement or otherwise, to operate and maintain the water diversion, to divide the waters between the Yuma project and the Imperial Valley interests, and to manage and control the power development and power sales from any plant in which both have an interest.

It would then fall to the Secretary of the Interior to apply the principles this board is recommending, relating to such questions as the distribution of construction costs to power and to irrigation, the apportionment of the canal and power construction costs to the Yuma project and Imperial Valley, the determination of interest and depreciation charges, the apportionment of irrigation operating expenses, and the division of profits from power sales and the like.

KIBBEY, BENNETT, GUST, SMITH & LYMAN,
Phoenix, Ariz., November 3, 1927.

Mr. J. C. POWER,
Secretary Yuma County Water Users' Association,
Yuma, Ariz.

DEAR SIR: Mr. Barry Dibble, an engineer for your association, has left with us the contract of October 23, 1918, between the United States and the Imperial irrigation district, referring to Laguna Dam and the main canal of the Yuma project, together with certain other data, and has advised us that you desire our opinion upon the following questions:

1. Has Yuma project such equity in power rights at Laguna Dam that the Secretary of the Interior can not contract these rights away?

2. Does the contract of October 23, 1918, give the Imperial irrigation district an equity in Laguna Dam of such character as to include an equity in power rights there?

3. If the Secretary of the Interior leases the power at Laguna Dam to Yuma County Water Users' Association, what, if any, interests will Imperial irrigation district have in revenue from lease?

4. If the Secretary of the Interior holds that the Imperial irrigation district has an equity in Laguna Dam and is entitled to rights in the power site, has the Yuma County Water Users' Association any recourse in the courts?

The answer to these questions involve a consideration of the relation of the Yuma project to the United States and the effect of the contract of October 23, 1918, between the United States and the Imperial irrigation district.

The Yuma project was undertaken by the Secretary of the Interior under the provisions of the reclamation act. On the 31st day of May, 1906, the Secretary of the Interior and the Yuma County Water Users' Association entered into a contract under authority of the reclamation act, in section 2 of which it is provided:

"That only those who are or may become members of said association under the provisions of its articles of incorporation shall be accepted as entrymen or applicants for rights to the use of water impounded, developed, or the supply of which is or may be regulated or controlled by said proposed irrigation works.

"The cost per acre shall be equal throughout the entire district now proposed to be irrigated thereby, which said district is hereby defined as comprising the lands described and bounded in section 3 of Article IV of the articles of incorporation of said association, and bounded in Article LV of amendments of said articles of incorporation of said association."

On April 6, 1917, the public notices of the lands to be irrigated was issued. This notice constitutes a determination of the lands that shall be included in the project. (See Yuma County Water Users' Association *v.* Schlecht, 262 U. S. 910.) Certain acts of Congress provide that such public notices may be withdrawn and new public notices issued, but we are not advised that this has been done on the Yuma project, or that such new notices, if any have been issued, have any relation to the contract between the Secretary of the Interior and the Imperial irrigation district above mentioned. We think that in view of the above facts the contract of October 23, 1918, can not be held to make the Imperial irrigation district a part of the Yuma project within the meaning of the acts of Congress providing that receipts from power shall be credited to the project.

The contract between the Secretary of the Interior and the Imperial irrigation district, dated October 23, 1918, undoubtedly was entered into in pursuance of section 2 of the act of February 21, 1911, which reads in part as follows:

"That in carrying out the provisions of said irrigation act and all acts amendatory thereof, or supplemental thereto, the Secretary of the Interior is authorized upon such terms as may be agreed upon, to cooperate with irrigation districts, water users' associations, corporations, entrymen, or water users for impounding, delivering, and carrying reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water users' associations, corporations, entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 6 of said act."

Section 3 of said act provides that the money received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation act. But by special act of June 28, 1926, the Secretary of the Interior is directed to credit the individual water right applicants in the Yuma irrigation project, and the purchasers of water rights in the Yuma Mesa auxillary reclamation project on the construction charges due with their proportionate part of all payments heretofore made or hereafter to be made by the Imperial irrigation district under the contract of October 23, 1918.

We think it is plain that under the section of the statute we have above quoted, the purpose of the contract of October 18, 1918, was to give the Imperial irrigation district a contract right in the Laguna Dam, and the main canal rather than to make the Imperial irrigation district a part of the Yuma project. It is to be noted that the Attorney General in an opinion as to the application of the money to be paid by the Imperial irrigation district under said contract refers to the right given the Imperial irrigation district by said contract as a privilege of connecting with and using Laguna Dam and the main canal of the Yuma irrigation project for the irrigation of lands in the Imperial Valley. (32 Op. Atty. Gen. 41.)

The contract of October 23, 1918, itself provides with considerable detail as to power rights in power developed in the main canal. It is silent as to rights in power developed at the dam with water flowing through the main canal. Section 9 of the contract contains the following provisions:

"For the right to use the Laguna Dam, the main canal and appurtenant structures, and divert water, as herein provided, the district agrees to pay to the United States the sum of $1,600,000 in 20 installments."

We think the right to use the dam referred to in this provision plainly means the right to use the dam for the purpose of diverting water as provided in the contract and does not include the right to use the dam for general purposes. It is provided by section 5 of the act of April 16, 1926:

"That whenever a development of power is necessary for the irrigation of lands under any project undertaken under said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privileges, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the projectc from which such power is derived."

It is provided by subsection 1 of the fact finders act (act of December 5, 1924):

"That whenever the water users take over the care, operation, and maintenance of a project, or a division of a project, the total accumulated net profits, as determined by the Secretary, derived from the operation of the project power plants, leasing of project grazing and farm lands, and the sale or use of town sites shall be credited to the construction charge of the project, or a division thereof, and thereafter the net profits from such sources may be used by the water users to be credited annually, first, on account of project construction charge; second, on account of project operation and maintenance charge; and, third, as the water users may direct."

In the light of the above statutory and contract provisions our answers to your questions are as follows:

1. Undoubtedly the terms of section 2 of the act of February 21, 1911, are broad enough to authorize the Secretary of the Interior, for a proper consideration, to contract away the rights of the Yuma project in power developed at the Laguna Dam. We see no reason why the Secretary could not have contracted those rights away just the same as he did an interest in a part of the rights in the main canal, but we are of the opinion that in the contract of October 23, 1918, he has not so contracted them away."

2. The contract of October 23, 1918, does not give the Imperial irrigation district an interest in the power rights at Laguna Dam, for the reason that under the laws of Congress the Yuma project is entitled to the receipts from the power produced at the dam. The Imperial district is not a part of that project, and the contract right that it has received in the works of that project for which it is making paymen does not give it the right to any portion of said power receipts.

3. The Yuma project will be entitled to all of the revenues from the lease. The Imperial district will have no interest therein. Under section 522 of the codification act (act of June 30, 1926) such revenues will be covered into the reclamation fund and be placed to the credit of the Yuma project. This means that Yuma project will receive the benefit of the rentals only upon the final payments, but no reduction will be made on the annual installments of construction charges. If the Yuma Water Users' Association should take over the care, operation, and maintenance of the project, then under section 501 of the codification act all rentals accruing on the lease after the date of such taking over would be applied on the annual construction charged, such excess would be applied upon the annual maintenance charges.

4. The Secretary of the Interior is charged with the duty of operating the Yuma project in pursuance of the laws of Congress. He has no power to take away from the Yuma project any rights or privileges to which that project is entitled under the law. If he should execute a lease of any power privileges at the Laguna Dam, the Yuma project would have a right in the courts to see that the rentals from such lease were applied as the law provides.

However your association has no legal right to construct any power plant at Laguna Dam. The question of whether or not such power plant should be constructed rests with the Secretary of the Interior, who is charged with the duty of looking after the works of the project. If he determines in his discretion that no power plant shall be constructed, that discretion is obviously not subject to review in the courts.

The net result of our conclusion is that since the Secretary of the Interior is vested with the duty of operating the Yuma project it will be ill advised for the Yuma Water Users' Association to attempt anything in connection with the management and operation of said project with respect to power or otherwise that is not in accordance with his views. It should be possible to convince the Secretary of the Interior of the rights of the association. If, however, that proves impossible, we believe that the only course for the association to pursue is to submit until such time as the Secretary can be persuaded. If, however, the Secretary should attempt to take away from the Yuma project any of the revenues to which the Yuma project is entitled from the lease or power or power privileges, and confer these upon the Imperial project, the Yuma project would undoubtedly have a remedy in the courts to prevent this from being done. It is, of course, not at all likely that the Secretary will attempt to do anything of this kind.

Very truly yours,

KIBBEY, BENNETT, GUST, SMITH & LYMAN.
By J. L. GUST.

Mr. HAYDEN. Mr. President, another amendment was to aid new settlers who may seek homes under the all-American canal by limiting the area to be furnished with water in any one ownership to 160 acres and requiring all excess lands to be sold at an appraised price, thus curtailing speculation. Still another was to provide that no lands having a present perfected right to water should be deprived of water in the enforcement of any treaty with Mexico, and that if any American lands are to be thus deprived of water that it shall be in the inverse order of their priorities to the use of water.

When the Senate adjourned on May 2, I was discussing the proposal now contained in the bill that the all-American canal be constructed in accordance with the reclamation law and expressed doubt as to whether the committee amendments actually accomplished that purpose. In order intelligently to present the facts it was necessary for me to comment on the financial features of the bill. I placed in the record the following statement by Dr. Hubert Work, the Secretary of the Interior, which shows that the loudly praised financial features of this bill were predicated on a Federal bond issue:

To finance the enterprise in this way (by funds obtained from the sale of Government bonds) would remove a serious objection from taxpayers in other parts of the country who can see little reason for advancing funds out of the National Treasury as a temporary expedient, to be replaced by them in the form of taxes, when it may be possible to make the project a self-sustaining one without disturbance in the fiscal operations of the Government.

I also read the following quotation from a letter written by Hon. Andrew W. Mellon, the Secretary of the Treasury, which completely demolished the impractical, if not fantastical, financial ideas of the Secretary of the Interior:

Proceeds from the sale of our bonds are not governmental revenues. The payment for the project by the sale of bonds has exactly the same effect on our governmental accounts as the payment of the same expenditure out of any governmental revenue, and the fact that it is a dam and might have earnings in the future does not differentiate it from an expenditure for a battleship, a public building, or to pay employees.

I pointed out that there has been omitted from the Boulder Dam bill as reintroduced in this Congress, the former provisions relating to the issue of Government bonds and conclusively demonstrated by reading from the testimony of Mr. Garrard B. Winston, the Undersecretary of the Treasury, that all that remains in the bill is a mere bookkeeping arrangement which does not differ from the ordinary and usual method of keeping accounts in the Treasury Department. In other words, the bond-issue bird has escaped, and all that the proponents of this bill now have in their hands are a few of its tail feathers.

The proposal to pay for public works with the proceeds of a special issue of Government bonds is not new, and Secretary Mellon's condemnation of it is not unique. His predecessor as Secretary of the Treasury, Hon. CARTER GLASS, now a Senator from Virginia, firmly rejected a similar scheme which was advanced in 1919. Let me read from a report which Mr. GLASS made on a bill providing for the issuance of $250,000,000 of United States bonds to promote the reclamation of waste lands:

THE SECRETARY OF THE TREASURY,
Washington, January 26, 1920.

MY DEAR CONGRESSMAN: I have the honor to acknowledge receipt of your letter of January 23, 1920, inclosing a copy of H. R. 11961, introduced by Mr. Kinkaid, entitled "A bill to authorize advances to the reclamation fund, and for the issue and disposal of bonds in reimbursement therefor, and for other purposes." I notice that this bill is substantially the same in terms as H. R. 8375, also introduced by Mr. Kinkaid, as to which I wrote you under date of August 14, 1919, and I regret to have to advise the committee that the Treasury also emphatically disapproves of the financial and bonding features of H. R. 11961.

The fundamental objection to the bill from the point of view of the Treasury is that it imposes upon the Treasury of the United States the burden of financing the reclamation projects, but attempts to give the appearance of avoiding a direct appropriation by authorizing the Secretary of the Treasury to sell United States bonds to provide the funds required for the purposes of the bill. I urge your committee very strongly, if it should determine that the plan embodied in the bill is meritorious and recommend an appropriation, to handle the matter by making a direct appropriation of a specific amount for the purpose, leaving the Secretary of the Treasury, acting under the general authority already conferred on him by the Congress, free to finance the requirements of the plan from time to time as might be found to be expedient. To authorize a special issue of United States bonds to reimburse the Treasury for the advances to the reclamation fund provided for by the bill, with maturities and other terms fixed without regard to the judgment of the Secretary of the Treasury as to the financial requirements of the United States as a whole, and without reference to whether the United States could secure funds on better terms, tends, in my opinion, to lead to confusion of thought in

the consideration of the bill, and in the end would be certain to prove embarrassing to the credit and financial operations of the United States.

I notice that section 2 of the bill provides that the bonds authorized shall be exempt from taxes or duties of the United States, although under the second Liberty bond act and subsequent legislation it has been the practice of the Treasury to issue the Liberty bonds subject, except to a very limited extent, to Federal surtaxes and profits taxes. The policy of the Treasury is definitely against granting unlimited exemptions from Federal surtaxes and profits taxes, and I do not feel that it would be fair to the patriotic subscribers for Liberty bonds to confer upon the proposed special issue of bonds exemptions from taxation which have, in the main, been denied to the Liberty bonds.

Even if the bill were amended so as to make a direct appropriation of a special amount without reference to reimbursement from a special issue of United States bonds, I feel that the proposal to authorize an expenditure of $250,000,000 for purposes of reclamation would demand the most careful consideration from the point of view of economy in Government expenditures. In this connection I am inclosing a copy of a public statement which I issued under date of January 12, 1920, as to the financial position of the Government.

Very truly yours,

CARTER GLASS.

Hon. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

As a good business man and sound financier, Secretary GLASS knew that the fact that it may be easy to borrow money is no justification for any investment. A loan must be paid, regardless of the way in which the borrowed cash is expended.

A PAID PARLIAMENTARY SOLICITOR

Notwithstanding the fact that the Treasury Department has utterly repudiated this bond-issue scheme, the propagandists who are urging the passage of this bill continue to iterate and reiterate that no sum is asked of the United States Government in this plan. I have here a recent issue of Politics, a weekly newspaper published in Washington, containing the photograph and a write up of an individual who is styled the "premier of all parliamentary solicitors." We are told in this article that this "premier of all paliamentary solicitors" is now—

putting forth all his efforts in behalf of what he considers the most important undertaking before the American people, namely, the Boulder Dam enterprise, which he ranks as second only in the magnitude of the resultant good to the Panama Canal. He says it can be built without the cost of a dollar to the United States Government, and he believes firmly that this will be the outcome in spite of the combined influence of all the politicians in Arizona, including his warm personal friend, Senator ASHURST.

I doubt very much whether the editor of Politics, who, I understand, is a veteran newspaper man, would have published this piece of propaganda if he had known that this "premier of all parliamentary solicitors" was a paid lobbyist who has been kept here in Washington for many months on the pay roll of an organization actively interested in the passage of the Swing-Johnson bill. His statement that the Boulder Dam enterprise "can be built without the cost of a dollar to the United States Government" and all similar statements are pluperfect and perfervid piffle which deceives no one who seeks the truth.

NEWSPAPER PROPAGANDA

That the Californians still fondly entertain this bond-issue delusion is exemplified by a purported interview with Hon. JOHN Q. TILSON of Connecticut, majority leader in the House of Representatives, which appeared in the Washington Herald of May 12, 1928. In this newspaper article Congressman TILSON is made to say:

It is my understanding that provision will be made in the bill in the House for issuance of bonds by the Secretary of the Treasury to meet the capital investment in Boulder Dam, including interest during construction. Payment of those bonds and their interest will be guaranteed by the contracts secured by the Secretary of the Interior for sale of power and water.

I have known JOHN TILSON for over 15 years, and I know him well enough to say that he never made any such statement. Mr. TILSON possesses many excellent qualities which well qualify him for his position of leadership in the great legislative body at the other end of the Capitol, and chief among them is common sense. He does not indulge himself in dreams or visions, but is always sane and sensible, and particularly so with respect to all matters relating to governmental expenditures. I repeat that I know the Congressman well enough to be certain that he never expressed the ideas attributed to him in this so-called interview.

The "by line" at the head of the column in the newspaper which printed this "interview" with Mr. TILSON shows that it was written by a man whom I have also known for a long time, and I know him well enough to say that he deliberately placed these words in Mr. TILSON's mouth, although he knew that the Congressman had never uttered them or even expressed a similar thought.

This writer is employed by the Hearst newspapers, and devotes most of his time to promoting the passage of the Swing-Johnson bill. He is not expected to write legitimate news. His duty is to prepare and promulgate propaganda. Every happening that can be colored, every expression that can be twisted, every fact that can be warped, must all appear in print as favorable to Boulder Dam. I make no attack upon his sincereity, because I am convinced that he honestly believes that the passage of this legislation is of such paramount importance to the State of California, of which he is a resident, that the end justifies the means.

In fairness to him, I must say that his methods are usually much less unscrupulous than some of the other special writers who prepare alleged news relating to the Swing-Johnson bill for the Hearst newspapers. He never has gone to such lengths in departing from the truth as do the editorial writers of the Los Angeles Examiner, whose misrepresentations are repeated verbatim on the back pages of the other Hearst newspapers throughout the country.

MISTAKEN POLICY OF HEARST NEWSPAPERS

It has always been a mystery to me, a puzzle that I can not solve, as to why the Hearst newspapers follow this mistaken policy. I know that the Los Angeles Examiner believes in giving its readers what they want and has no scruples about whether or not it is good for them. I know that time after time there have appeared in its columns predictions of the millions of people and the billions of wealth which Boulder Dam would bring to southern California. I know that all such prognostications of future prosperity are like manna from heaven to the real-estate speculators who infest that fair land where nature does her very best and man, sometimes, his worst. But that same kind of newspaper puffing and blowing has been going on for six long years, and the Swing-Johnson bill is not yet a law. The people of southern California grow weary of waiting; so why not tell them the truth for a change?

Tell them that the United States Senate will never pass the Swing-Johnson bill in its present form. Tell them that the great majority of Senators have no desire to perpetrate so great an injustice as this bill does to the State of Arizona. Tell the people of southern California that the benefit to come from the development and utilization of the Colorado River is so great that instead of trying to appropriate the whole of it for themselves they can well afford to be liberal with the adjoining States of Arizona and Nevada. Tell them that the Senate will never consent to any legislation that is not fair and equitable. Tell them the truth.

I hope that I have not wasted my breath in making this appeal to the Hearst newspapers, although I probably have. Nevertheless time, which flies swiftly, will demonstrate that I am right. Truth and justice will in the end prevail.

TWISTING THE TRUTH

To again demonstrate the way in which the Hearst newspapers insist upon bending and twisting the truth to serve the purposes of propaganda, I shall refer to another alleged news story which appeared in the Washington Herald of last Sunday. The mendacious and irresponsible writer whose name appears in the "by line" refers to "Dwight B. Heard, former Governor of Arizona," when the truth is that Mr. Heard was never governor of that State.

We are told that Mr. Heard was one of two past governors in the seven States conference at Denver last summer, and that he represented the State of Arizona at that conference. The exact truth is that Mr. Heard was not one of the eight members of the Arizona Colorado River Commission which attended the Denver conference. He had no vote in the conference, but was merely in attendance in an advisory capacity.

Neither was Mr. Heard in Denver in the employ of any private power company. The Arizona Colorado River Commission invited about a half dozen citizens of my State who are well informed on the Colorado River situation to accompany them to Denver. The expenses of these citizens were paid by the State of Arizona. I do not know how much Mr. Heard was paid, or whether he received any reimbursement from the State of Arizona, but I do know that he received not a single cent from any other source.

The whole tenor and purpose of this newspaper story was by cowardly innuendo to convey the impression that Mr. Heard went to Denver as a secret tool of the private power interests

for the purpose of inciting strife and discord among the States of the Colorado River Basin. The truth is that no man in all the seven States has worked harder to promote harmony or has striven longer or more intelligently to bring about a solution of the Colorado River controversy which will be fair and just to all concerned.

To any one who knows Dwight Heard, this insinuation by the Hearst newspapers that he would act as a servant for the so-called Power Trust is positively idiotic. No man anywhere in America could be more free from such an unworthy suspicion. Mr. Heard was one of the original Progressive Republicans, a warm personal friend of Theodore Roosevelt who supported that great leader to the last ditch. Throughout the quarter of a century that I have known Mr. Heard he has always been an aggressive fighter on the side of the public and against every form of special privilege.

Dwight B. Heard is opposed to the Swing-Johnson bill in its present form because that measure seeks to bestow special privileges and advantages upon the State of California to which that State is not equitably entitled. He is opposed to the Federal Government going into the power business at Boulder Dam, but he is an open and avowed advocate of public ownership of utilities such as electric power. He has learned by actual experience in the Salt River Valley that there is a vast practical difference between a public utility controlled and operated by the people who are to be locally served and the same utility when owned and operated by the United States. Public ownership does not mean Federal ownership to him, because he knows that local rather than national management will give better service to the consumers of power produced at Boulder Dam.

Mr. Heard has made a report upon the Denver conference, which has been published, so that everyone may know what happened there. I have here an article which he wrote for the American Review of Reviews, which was printed last December. The most careful critic may examine his words with a microscope and find no trace of Power Trust propaganda.

Mr. Heard was so outraged at this alleged news story which appeared in the Hearst newspapers last Sunday that he has sent the following telegraphic statement with relation thereto, which I shall now read to the Senate:

PHOENIX, ARIZ., *May 21, 1928.*

My attention is called to an article by John T. Lambert in last Sunday's Washington Herald imputing improper motives to my opposition Swing-Johnson bill and intimating that as a director of United States Chamber of Commerce and a member of its committee to report on Swing-Johnson bill I made improper use of my position. These insinuations are both unjustified and untrue.

My attitude as a citizen of Arizona for many years has been one of consistent opposition to Swing-Johnson bill but of support of any constructive measure for development of Colorado River which would safeguard Arizona's rights, bring about approval of seven-State Colorado River compact through the cooperation of the Federal and State Governments.

I presume, as one of directors of United States Chamber of Commerce, I was appointed on the committee to consider Boulder Dam project because of my familiarity with subject. My opposition to Swing-Johnson bill was well known.

On the same committee there served Ward L. Bannister, of Colorado, whose support of Swing-Johnson bill was equally well known. We both united in the unanimous report of the committee to the board of directors, the essence of which follows:

"Examination of the Boulder Dam project discloses its great importance and the purposes of national character which it will serve. These purposes involve questions of preparation for adjustment of international relations with Mexico, flood control and apportionment of water resources among States, the utilization of such resources, and compensation, if any, to States in respect thereto.

"One of the features of the project is of such a nature, however, that we believe and recommend that the board should take action with reference to a policy which has already been declared and which has been considered by the membership to be so important that it has been reiterated. This is the position that the Government should scrupulously refrain from entering any phase of business which can be successfully undertaken and conducted by private enterprise.

"This action on the part of the board should be taken with reference to provisions in any proposed legislation as to the utilization of the water power which will be made available by the project and the distribution of the electricity which is generated. We believe that any legislation which is enacted with respect to the Boulder Dam project should expressly and affirmatively provide that all proper effort shall be made to have private enterprise receive such opportunity to generate and distribute power at Boulder Dam as is provided under the Federal water power act, as to the utilization of water powers at Government dams elsewhere in the country, and will be consistent with the other purposes for which this dam will be constructed.

"The Federal power act not only provides for opportunity to private enterprise but for opportunity to States and their municipalities, as well as to the Federal Government."

Such attacks as have been made in the Herald are convincing illustration of the depths to which the lobby for the Swing-Johnson bill will descend in its efforts to attack and besmirch decent citizens. My attitude on this question has been publicly expressed on many occasions and finds definite expression in an article in the American Review of Reviews of last December.

For many years my position as to the use of Colorado River power has been consistent and definite. I have clearly stated that in the use of this power municipal corporations and private companies should have equal opportunity but not special privilege. That when Arizona's natural resources were used in producing power, as in the case of the proposed Boulder Dam, Arizona should receive a revenue equivalent at least to that which she would receive from taxation were the development made by private capital.

This position I feel is fundamentally sound and in the interest of the public welfare, and I personally resent and deny the imputations made in the article in the Herald.

In public addresses and articles published I have insisted that the enormous power resources of the Colorado River largely within Arizona should be developed for the benefits of all people and not for the private profits of a few. Any suggestion that my course is dictated by any power company, directly or indirectly, is unqualifiedly false. The insinuations in the article are as far from the truth as the statement which is made within it that I am an ex-Governor of Arizona.

My opposition to the Swing-Johnson bill is based on the following reasons:

First. That the bill is thoroughly unsound economically.

Second. That it is a violation of the State rights of Arizona.

Third. That it utilizes national funds for the sole benefit of California.

Fourth. That it endeavors to use the natural resources of Arizona for California's benefit without compensation to Arizona; and

Fifth. That it includes the possibility of the Federal Government entering the business of the sale and distribution of power which in my judgment should be conducted by private or municipal interests.

DWIGHT B. HEARD.

As I stated, I have here a copy of an article written by Mr. Heard and published in the American Review of Reviews for December, 1927. When I have read what he said, no Senator can justly say that Dwight B. Heard was trying to do anything else than bring the interested States together, so that the now wasted resources of the Colorado River might be developed and utilized in the public interest. I shall now read the article for the information of the Senate:

THE COLORADO RIVER CONTROVERSY

By Dwight B. Heard, an adviser to Arizona's Colorado River Commission

Twenty years ago Theodore Roosevelt said that one of our greatest national duties was changing the waste of the Colorado River into controlled use. Ever since then far-seeing men, in increasing numbers, have been trying to put the vision of Roosevelt into action.

The sessions of the Colorado River conference, held in Denver in August and September this year, lasting over a month, illustrate the new movement in the seven Colorado River Basin States to unite on a plan of action for promptly harnessing the Colorado. Such a plan should be based on just cooperation among all the basin States and the Federal Government, and should remove the Colorado River or Boulder Dam controversy from the twilight zone between State and Federal rights. To succeed the plan necessarily must admit the sovereign rights of the States to the use of their lands and water and the right of the Federal Government to control interstate navigation on the stream.

While public attention has been focused on the very important feature of flood control, the underlying reason for the fierce controversy that has waged around Boulder Canyon has been over the millions of horsepower, or "white coal," involved in the canyons of the Colorado, mostly in Arizona. At seven carefully studied power sites in Arizona, and at one partly in Arizona and partly in Nevada, practically 4,000,000 firm horsepower can be developed, equal to 80 per cent of the hydroelectric power used in the United States last year. These figures are obtained from recent publications of the Geological Survey. These same reports show that in the last four years the use of power in the United States has increased 40 per cent, and that 35 per cent of the power used was hydroelectric, which is holding its own despite the tremendous increase in the efficiency of steam-generated power.

The Colorado River conference is composed of the Governors of the seven Colorado River Basin States, the official Colorado River Commissioners, and other advisers of these States, and a group of Senators and Congressmen from that region.

To put a constructive development plan into effect it is essential not only that the seven States and the Federal Government agree on the plan, but that all the basin States approve the Colorado River compact, adopted at Santa Fe, N. Mex., on November 22, 1922. This compact was well described by Herbert Hoover, who presided at the meeting, as a "40-year vacation from litigation."

FIVE YEARS OF DISAGREEMENT

The compact was never officially approved by Arizona, only conditionally approved by California, and Utah has refused to accept the compact unless all the basin States approve it. One of its fundamental principles was protection of the upper Colorado River Basin States, which supply most of the water, from the establishment of priority rights to the use of water by the more rapidly developing lower basin States. It is this same principle that Arizona has stood for in her efforts to obtain a tri-State treaty with California and Nevada—the other lower basin States—to protect Arizona's future development against the acquirement of adverse prior rights by California or the Republic of Mexico.

This controversy over Colorado River development and the approval of the compact has raged for five years. Last March it resulted in the defeat in Congress of the Swing-Johnson bill, now generally regarded as an invasion of State sovereignty, and a bill which included at least the possibility of the Federal Government entering the power business.

Realizing that it was nothing short of an economic crime for one of the Nation's greatest resources, the Colorado River, to remain longer undeveloped, Gov. George H. Dern, of Utah, after a careful personal study last summer of conditions in Arizona and California underlying the dispute between these States, instituted a movement which resulted in Govs. William A. Adams, of Colorado, Frank C. Emerson, of Wyoming, and H. C. Dillon, of New Mexico, joining with him in the call for the Colorado River conference.

A NEW CONFERENCE OF SEVEN STATES

Governor Dern, unanimously elected chairman, in opening the conference at Denver on August 22 last, well outlined its vital purposes when he said:

"Unless we are here with determination to do justice as well as to seek justice our deliberations are foredoomed to failure. Statesmanship and enlightened self-interest alike dictate that we compose our differences and go before the country as a compact unit. God has made us neighbors; let justice make us friends."

Among the accomplishments of the Colorado River conference was the unanimous adoption of the Mexican resolution, signed by the seven governors and presented to President Coolidge and Secretary of State Kellogg. This resolution urged that to prevent friction and misunderstanding with Mexico over the use of the Colorado River—whose normal flow is already overappropriated—a note be sent to Mexico warning against increased use within her borders of the waters of the Colorado.

The resolution further requested, in the interest of improved relations with Mexico and the promotion of the economic welfare of the States concerned, that a treaty regarding the use of Colorado River water be negotiated with Mexico, and that the Federal commission having this international question under consideration be enlarged to include two representatives of the Colorado River Basin States.

It became manifest in the discussions of the Denver conference that to bring about Colorado River development free from litigation and controversy it was necessary not only to secure cooperation between the basin States and the Federal Government and the approval of the Colorado River compact by all the basin States, but it was equally essential to obtain an agreement under the provisions of the Colorado River compact among Arizona, California, and Nevada. As the conference progressed it became evident that such supplementary compact should cover not only a division of the average amount of 7,500,000 acre-feet of water turned down by the upper-basin States for the use of the lower-basin States, but should also provide for a distribution of power benefits to Arizona and Nevada for their contribution of natural resources in the production of power, largely to be used in the development of southern California.

ARIZONA'S PROPOSALS

Arizona presented her position to the conference in the following brief statement:

"Item 1. That Arizona will accept the Colorado River compact as agreed upon at Santa Fe, N. Mex., if and when the same is supplemented by a subsidiary compact which will make definite and certain the protection of Arizona's interests.

"Item 2. That before regulation of the Colorado River is undertaken Mexico be formally notified that this country reserves for use in the United States water made available by storage within the United States.

"Item 3. That any compact dividing the waters of the Colorado River and its tributaries shall not impair the rights of the States, under their respective water laws, to control the appropriation of water within their boundaries.

"Item 4. That the waters of the tributary streams of the Colorado River system entering the river below Lee Ferry, and which are inadequate to develop their own valleys, be reserved to the States in which they are located.

"Item 5. That the water in the main Colorado River which is physically available in the lower basin (but without prejudice to the rights of the upper-basin States) shall be legally available to and divided between Arizona, California, and Nevada, as follows: A. To Nevada, 300,000 acre-feet. B. The remainder, after such deductions as may be made to care for Mexican lands, which may be allotted by treaty, shall be divided equally between Arizona and California.

"Item 6. That the right of the States to secure revenue from and to control the development of hydroelectric power within or upon their boundaries be recognized.

"Item 7. That encouragement will be given, subject to the above conditions, to either public or private development of the Colorado River at any site or sites harmonizing with a comprehensive plan for the maximum development of the river's irrigational and power resources.

"Item 8. That Arizona is prepared to enter into a compact at this time to settle all of the questions enumerated herein, or Arizona will agree to forego a settlement of items 6 and 7 and make a compact dividing the waters alone, provided it is specified in such compact that no power plants shall be installed in the lower-basin portion of the main Colorado River until the power question is settled by a compact between the States."

THE LOWER STATES DIFFER

California first suggested deferring adjustment and submitting the matter to arbitration, but when pressed by the governors of the upper-basin region for a definite statement presented the following suggestion for division of the water allocated under the Santa Fe compact without reference to distribution of power benefits:

"1. To Arizona and Nevada, their tributary waters, subject, however, to the condition that any tributary waters not used and reaching the main stream shall be deemed part of the main-stream flow for the purposes of the agreement.

"2. To Nevada, 300,000 acre-feet per annum from the main stream.

"3. To Arizona her present perfected rights to 233,800 acre-feet per annum, and to California her present perfected rights to 2,159,000 acre-feet per annum from the main stream; the balance of the water of the main stream below Lee Ferry, subject to the terms of the Colorado River compact, to be divided equally between Arizona and California, subject, however, to the provisions that any part of the allocation of either State not put to beneficial use in said State within 20 years shall thereafter be subject to appropriation and use in either State, pursuant to its laws."

Arizona bases its position on definite principles and rights involved in State sovereignty; the same principles upon which New York insists in controlling the use of the waters of the St. Lawrence River for the benefit of its people. These rights on which Arizona insists are:

A. The constitutional right to the use and disposal of the waters of the Colorado River as it flows through Arizona's borders.

B. The ownership of the stream bed of the Colorado River within Arizona.

C. The right to a revenue in lieu of taxation for the use of the fall of the huge flow of the Colorado, which fall within Arizona amounts to 2,369 feet.

D. The right that no dam or dams wholly or partly in Arizona shall be constructed without the consent of the State.

Without unfairness to California, it may be here observed that the official records of stream measurements show that Arizona contributes over 17 per cent of the total Colorado River water supply and California contributes no water except an insignificant amount at infrequent periods.

Arizona contains 45 per cent of the drainage area of the Colorado; California less than 2 per cent. Of Arizona's total area, 97 per cent is in the drainage basin of the Colorado, which stream, with its opportunities for development, Arizona regards as her greatest natural resource.

THE UPPER STATES SUGGEST A COMPROMISE

After reviewing the testimony offered by the lower-basin States, the upper-basin governors united in presenting a proposal to them for settling their differences, which may be summarized as follows:

Of the average annual delivery of water to be supplied to the lower basin by the upper basin 300,000 acre-feet to Nevada, 3,000,000 acre-feet to Arizona, and 4,200,000 acre-feet to California.

Arizona to have the exclusive, beneficial consumptive use of her tributaries before the same empty into the main stream.

Arizona and California each may divert and use one-half of the unappropriated waters of the main Colorado River flowing below Lee Ferry on the condition that the use of said waters between the States of the lower basin shall be without prejudice to the rights of the States of the upper basin to further apportionment of water as provided by the Colorado River compact.

At the second session of the conference, Arizona accepted the upper governors' proposal on water allocation. This acceptance was based on a complete agreement being reached during the conference, protecting Arizona in her right to receive power benefits, safeguarding the water

of Arizona's tributary streams flowing into the Colorado, and protecting her from having her tributary water drafted for use in Mexico. That Arizona paid a great price for this cooperation is seen when we consider that she has an equal right with California to one-half of the stored flood water and that the Arizona lands to be reclaimed are as productive and feasible of reclamation as those of California.

California declined to accept the proposal of the upper-basin governors, insisting that to supply her essential water needs, including some 1,000,000 acre-feet to be pumped over a 1,600-foot mountain range to add to the supply of Los Angeles and the coastal-plain districts, she must have a minimum of 4,600,000 acre-feet or 61.3 per cent of the allocated lower basin.

PRINCIPLES OF STATE RIGHTS

Probably the outstanding feature of the conference to date has been the adoption of what is known as the Pittman report, which clearly outlines the principle of State sovereignty and that coordination of State and Federal rights on which this Republic is built. Senator PITTMAN, of Nevada, introduced his resolution at the first session of the conference, protecting the States in their sovereign rights to the use of the water of interstate streams, subject only to the right of Congress to control navigation in the interest of interstate commerce. This important resolution, early in the second session, was referred to a committee of the conference composed of representative members from all the seven States. This committee, on September 23, 1927, made the following report:

"The States have a legal right to demand and receive compensation for the use of their lands and waters except from the United States for the use of such lands and waters to regulate interstate and foreign commerce.

"The State or States upon whose lands a dam and reservoir is built by the United States Government, or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy, are entitled to the preferred right to acquire the hydroelectric energy so generated or to acquire the use of such dam and reservoir for the generation of hydroelectric energy upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof agree upon any other method of compensation for the use of their waters."

While this report was not signed by California's representatives nor voted upon by her representatives in the conference, it was otherwise unanimously adopted.

WHEN CONGRESS MEETS

The sessions of the conference, to be continued late in November, have paved the way for united support of a new plan for Colorado River development for presentation to the approaching session of Congress, which includes the following features:

The advance of Federal funds for the cost of construction when the Government is assured of sufficient income from power and water revenues to amortize the total cost in 50 years and pay all interest and operating charges during such period.

Recognition of the principle of State sovereignty over the use of land and water by a provision for payment of an annual revenue in lieu of taxation to the States contributing of their natural resources toward power production; this revenue to equal at least that which the State would receive in taxation if the development were made by private capital.

Removal of all possibility of the Federal Government entering the power business but with opportunity given, as provided in the Federal water power act, for public and private agencies to present offers for the power privileges.

The steadiness, determination, and good sense of the governors of the upper-basin States, who have acted as a neighborly board of mediation, have been admirable. They have held the negotiations to the consideration of vital principles, working to a constructive end, and are entitled to great credit for the fine spirit of justice shown.

On October 18 the directors of the Chamber of Commerce of the United States, to whom this important matter was presented, decided that such excellent headway was being made by the Colorado River conference that no action should be taken by the chamber in this vital matter until the Colorado River conference had exhausted every effort to adjust the situation.

On October 22, Gov. George H. Dern, of Utah, in a conference with President Coolidge, obtained from the President his expression of good will for the success of the work under way.

Unusual headway has already been made. The practicality of the plan of cooperation suggested is increasingly evident.

That concludes the article written by Mr. Dwight B. Heard and published in the American Review of Reviews for last December. As Mr. Heard predicted in this article, serious efforts were made to arrive at an understanding between Arizona and California which would be fair to both States. The senior Senator from Nevada [Mr. PITTMAN] will, I am sure, agree that it was through no fault of mine that a complete agreement has not been attained with respect to a division of the waters allocated to the lower basin by the Colorado River compact.

In order that the Senate may know what the Senator from Nevada and I have tried to accomplish, I shall read a copy of a letter which I addressed to the Governor of Utah last March:

WASHINGTON, D. C., *March 31, 1928.*

Hon. GEORGE H. DERN,
Chairman Colorado River Conference,
Salt Lake City, Utah.

MY DEAR GOVERNOR DERN: In a talk one day with Senator PITTMAN I remarked that if the Gila River had not been included in the Colorado River system Arizona would have promptly ratified the compact in 1923. Afterwards the Senator said that he could see no reason why Arizona, California, and Nevada should not agree among themselves that the Gila and its tributaries be assigned wholly to Arizona and divide between them the 8,500,000 acre-feet of water granted to the lower basin. A careful reading of the compact convinced him that the three States have a perfect legal right to make such an agreement.

In order to see what could be accomplished in that direction, I drafted an amendment to the Johnson bill (S. 728), which I gave to Mr. Malone, who passed it on to the Californians. The amendment was predicated upon further amendments to the bill which would bring the three States into complete accord. When asked what these further requirements were I stated:

First. That the bill be based upon a seven-State ratification of the Colorado River compact.

Second. That every element of coercion of the State of Arizona be stricken from the bill, such as the reference to the constitution of Arizona, so that the people of my State could fairly and freely pass upon the merits of the proposal.

Third. That the California Senators agree to accept Senator PITTMAN'S power amendments and recognize the principle that the States are entitled to compensation for the use of their lands and waters.

Fourth. That there be stricken from the bill the provisions which seek to change the contract of October 23, 1918, between the United States and the Imperial irrigation district, in which the water users of the Yuma project have a vital interest.

At meetings in Senator PITTMAN'S office with Messrs. Pound, Rose, and Yager these four propositions were discussed and we made much progress toward arriving at a complete understanding. In presenting the water proposal I pointed out that about four-fifths of the people of Arizona live in the area drained by the Gila and that their interests must be fully protected. That it is impossible to deliver to Mexico any water from the Roosevelt Dam or any other existing reservoir during a period of drought because the water would have to flow for over 200 miles in a dry river bed and not a drop of it would appear at the mouth of the Gila. That the conservation and use of all of the waters of the Gila in Arizona could injure none of the six other States because that river empties into the Colorado below the Laguna Dam, which is the last point of diversion in the United States, since the Hanlon heading must be abandoned.

I said that Arizona was willing to divide all the water which is divisible. That the apportionment of water between the upper and lower basins as provided in the compact was satisfactory to my State. That it was physically impossible to supply any water to Mexico, except from the main stream of the Colorado River. That even though the governors of the upper-basin States had awarded 1,200,000 acre-feet more water to California than to Arizona, my State would equally divide with California the burden of supplying water to Mexico. That Nevada had been awarded so small a quantity of water that we would not ask that State to furnish any water to Mexico.

I concluded by saying that since Senator PITTMAN was of the opinion that it would be no violation of either the letter or the spirit of the Colorado River compact for the States of Arizona, California, and Nevada to at this time divide the 8,500,000 acre-feet of water apportioned by it to the lower basin I was willing to give California a good title to 4,700,000 acre-feet of water, which is 100,000 acre-feet more than her commissioners asked at Denver. That Arizona would include in her 3,500,000 acre-feet all tributaries of the Colorado River above the Laguna Dam, so that the users of water on the Little Colorado, for example, would be in exactly the same position as a water user on any tributary of the Colorado in the upper basin which contributes water to the total supply that is actually capable of division.

Mr. Rose stated the only objection which was then made to my plan of water division. He insisted that if the farmers of the Salt River Valley were to be assured that they would never be called upon to supply water to Mexico, then those now farming in the Imperial Valley should have the same protection. I directed his attention to the fact that the plan contemplated that California should have 1,200,000 acre-feet of water free from any Mexican burden, but that did not satisfy him. I later drafted a further provision, laying down a rule which would be applicable to all seven States, that no land now having a perfected right to water should be required to furnish any water to Mexico, but that each State's quota of the Mexican demand

be furnished in the inverse order of priority as established by State law.

I was quite hopeful that my water proposal would be accepted, but last Thursday Mr. Rose and Mr. Childers called at my office and said that California could not agree to it and that the best their State could do was expressed in a memorandum of which I had a copy. In view of the repeated and reiterated statement that Arizona must seek the same protection which has been freely conceded to the States of the upper basin, these gentlemen must have known that my State could not leave her rights to water from the Colorado River to be determined some time within 10 years by a majority of any commission. The only conclusion that I could draw from this action is that California still hopes to secure all that she seeks through an act of Congress and has no real or sincere desire to come to any agreement with Arizona.

I am inclosing a copy of the written proposal relating to water which I submitted to the Californians and a copy of the memorandum in reply thereto. I shall be obliged if you will bring these papers to the attention of the governors and commissioners of the States of the upper basin that, based upon this record, they may judge for themselves as to which of the two States was sincere in trying to reach an agreement.

I am just in receipt of your telegram and regret to learn that no meeting of the governors of the States of the upper basin has as yet been arranged. This letter was written with the thought that there would be such a meeting, and I am, therefore, sending copies of it to your colleagues of the Colorado River conference.

Yours very sincerely,

CARL HAYDEN,
United States Senate.

Mr. President, I shall now read the proposal which I made to the Californians and to which reference is made in this letter. The final draft of that proposal was as follows:

PROPOSED DIVISION OF LOWER BASIN WATER TO ARIZONA, CALIFORNIA, AND NEVADA

Of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of article 3 of the Colorado River compact, and of the 1,000,000 acre-feet in addition which the lower basin has the right to use annually by paragraph (b) of said article; to the State of Arizona 3,500,000 acre-feet; to the State of California 4,700,000 acre-feet; and to the State of Nevada 300,000 acre-feet, the said apportionment in each case to be for exclusive beneficial consumptive use in perpetuity:

Provided, That if, as provided in paragraph (c) of article 3 of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters apportioned by said compact, then the burden of supplying the one-half of any deficiency which must be supplied by the lower basin shall be equally borne by the States of Arizona and California;

Provided further, That the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and the waters of said river and its tributaries shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico.

The several foregoing apportionments shall include all water necessary for the satisfaction of any rights which may now exist, including water for Indian lands in each of said States, and in the enforcement of any treaty which may require the delivery of apportioned water to the United States of Mexico neither the United States of America nor any State shall require any land having a perfected right to water at the date of the approval of this act to be deprived of water, but lands having the latest order of priority to the use of water, as determined by State law, shall be the first to be deprived of water to supply the quota of water which such State may be required to supply to the United States of Mexico.

The States of Arizona and California each may divert and use one-half of the waters of the Colorado River system, unapportioned by the Colorado River compact, flowing in the main stream of the Colorado River below Lees Ferry, subject to future equitable apportionment among the States of the Colorado River Basin after the year 1963.

That, Mr. President, was my proposal, and I now direct the attention of the Senate to the written answer to that proposal submitted by gentlemen from California who are here speaking for that State with respect to the Colorado River. Their proposal in reply was as follows:

PROPOSAL MADE BY MESSRS. POUND, ROSE, AND CHILDERS TO SENATOR HAYDEN, MARCH 28, 1928

1. The States of Arizona, California, and Nevada shall support S. 728, as reported by the Senate Committee on Irrigation and Reclamation, in substantially its present form, including the power revenue provision, and to include a provision whereby dam construction shall start immediately so as to obtain flood relief at the earliest possible time.

2. Direct in the bill a full study, in cooperation with State officials of the three States, of the irrigation possibilities from the Colorado River system, exclusive of the Gila and its tributaries, in the States of Arizona, California, and Nevada, and authorize an appropriation of $250,000 for that purpose.

3. Upon the passage and approval of said bill, the three States to approve the Colorado River compact unconditionally, and at the same time, as a part of the same act or concurrently with it, approve a three-State compact for a division of the use of the waters of the Colorado River system in the lower basin among the States of Arizona, California, and Nevada. The said three-State compact shall provide for a commission of five, one member thereof to be appointed by each of the States of Arizona, California, and Nevada, and two by the President of the United States, which commission shall make its study and report its findings to the President at as early a date as may be convenient, but in any event within 10 years, and upon the reporting of its findings to the President, with the concurrence of at least a majority of said commissioners, its findings shall be final and conclusive, and each of the States shall thereupon automatically be bound thereby.

I digress, Mr. President, to ask whether anyone would be so foolish as to think that a sovereign State of this Union could possibly leave its entire agricultural future in the hands of a majority of a commission which was to report some time within 10 years as to what part of the water might be allocated to that State? I doubt if the State of California itself, or any Senator or Representative from that State, would consent to the passage of any such provision in any act of Congress. Yet that is the only answer that I obtained, the only practical suggestion which was made, with respect to a division of the waters of the Colorado River in the lower basin.

As a part of its findings, the said commission shall allocate to Arizona in perpetuity the use of the Gila River and its tributaries within said State and, subject to the Colorado River compact, the use of the balance of the water of the Colorado River system in the lower basin shall be divided, for agricultural and domestic purposes, between Arizona, California, and Nevada on a just and equitable basis, and the commission shall find the basis upon which water, if any, shall be supplied to the Republic of Mexico. In making its findings the commission shall take into consideration the sovereignty of the contracting parties and the physical and economical conditions relating to the use of the water in the three States for irrigation and domestic purposes, to the end that the greatest beneficial use may be made of the waters of the Colorado River in the United States.

That, Mr. President, is the only concrete proposition in writing that I have received from anyone in any way authorized to speak for the State of California with respect to an apportionment of the waters of the Colorado River in the lower basin. I submit that the plan submitted is so unfair and so unjust that no one can blame me as one who has some right to speak for the State of Arizona for promptly rejecting it.

Mr. President, having disposed of the bond-issue proposal and the newspaper misrepresentations in connection therewith, and having likewise disposed of the attack made upon that eminent citizen of my State, Mr. Dwight B. Heard, I now return to the question of whether this bill by its express terms does place the construction and reimbursement of the cost of the all-American canal under the reclamation act.

THE ALL-AMERICAN CANAL SUBSIDY

In section 1 of the bill, on page 2, lines 10 to 15, the Secretary of the Interior is authorized to construct—

a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law.

It may be argued that such language is clear and plain and can not be misconstrued, but everyone knows that there is a special fund in the Treasury known as the reclamation fund and that all expenditures of money made under the reclamation law come out of that fund. The Swing-Johnson bill now before us for consideration, in section 2 provides for another special fund to be known as the "Colorado River Dam fund." This newly described fund can serve no useful purpose except to facilitate bookkeeping in the Treasury Department. The very name of the fund shows that it is to be created for the purpose of keeping account of the expenditures made upon a dam and a great hydroelectric power plant if the latter is built by the Federal Government. Interest on the money advanced will be charged from time to time at the rate of 4 per cent per annum. Credit will also be given when the periodical payments for power are made by the purchasers thereof.

The creation of a "Colorado River Dam fund" may be entirely justified to accomplish these purposes; but what is the

necessity of placing in it money for a reclamation project? The terms of payment for power will be upon one basis, and the terms of payment for the all-American canal will be upon another. This bill provides that the contracts for the sale of power or power privileges shall be such as to amortize the total investment in the dam, or the dam and power plant, as the case may be, in 50 years, with interest at 4 per cent.

The reclamation law provides that the Federal Government shall be reimbursed for its expenditures in 40 years. Is it not obvious that these two different systems of repayment, if the money is to come out of the same fund, are bound to lead to such confusion that the Treasury Department would have no other recourse than to establish a separate account for the all-American canal expenditures and receipts? Is there not also grave danger that the Comptroller General, or some administrative officer, or even the courts, may construe these conflicting provisions of the bill in such a manner as to violate the true intent of Congress?

It seems to me that it would be much safer and much simpler to limit the use of the "Colorado River Dam fund" to the Boulder Canyon Dam and the power plant. I have therefore, prepared an amendment to accomplish that purpose. I have not provided in the amendment that any particular sum of money should be appropriated and deposited in the reclamation fund for the construction of the all-American canal.

ALL-AMERICAN CANAL COST

How much would it cost to construct the all-American canal? The bill provides for the construction of a canal to connect the Laguna Dam with the Imperial and Coachella Valleys.

I find that the total estimated cost of the all-American canal from the Laguna Dam to the West Main Canal of the Imperial irrigation district is $30,773,000. That sum is found on page 86 of the Fall-Davis report on the "Problems of Imperial Valley and vicinity." The all-American canal board in its report of July 22, 1919, did not contemplate anything more than a main canal from the Laguna Dam to Imperial Valley. No estimate was then made of the cost of conveying water on to Coachella Valley. That was an afterthought, which is found in the estimates for the so-called "A-line" canal which appears on page 82 of the Fall-Davis report of February 4, 1922.

The proposed "A-line" canal will branch off from the all-American canal shortly after it emerges from the sand dunes, and continue in a northwesterly direction for about 140 miles to and around the Coachella Valley. The estimated cost of this branch canal to Coachella Valley is $10,941,000. Therefore, the total estimated cost of providing a means of conveying water from the Colorado River at Laguna Dam to the Imperial and Coachella Valleys, as stated in the Swing-Johnson bill, is $41,714,000. For convenience I shall use $42,000,000 as the proper figure.

I am sure that it will not be denied that the true intent and purpose of the Committee on Irrigation and Reclamation in inserting the words on page 2, lines 13 to 15 of the bill—

the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law—

was to change the bill so as to make it certain that no part of the cost of the all-American canal from Laguna Dam to Imperial and Coachella Valleys would be paid from the receipts from the sale of hydroelectric power generated at Boulder Dam.

The bill as introduced by Senator JOHNSON undoubtedly contemplated that the Federal Government was to be reimbursed for the moneys expended on the all-American canal by means of the sale of Boulder Canyon power. The landowners of the Imperial and Coachella Valleys were to secure this main canal from the Laguna Dam as a free gift. In other words, the consumers of electric power in the municipalities of southern California were to reimburse the Federal Government for the cost of the all-American canal by paying a higher rate for the power purchased at Boulder Canyon. The committee very properly decided that this irrigation canal should not be subsidized by power, but that the landowners of the Imperial and Coachella Valleys should pay for their own canal just as other water users do on United States reclamation projects.

KILOWATT-HOUR COST OF ALL-AMERICAN CANAL SUBSIDY

The question has been raised as to just how much this all-American canal subsidy amounted to when translated into a charge per kilowatt-hour. Mr. George W. Malone, State engineer of Nevada, has made some very careful calculations, which have not been controverted or denied, and which show that this subsidy amounts to seventy-one one hundredths of a mill per kilowatt-hour. That is the extra charge that the consumers of power in Los Angeles and the other cities and towns of southern California would have to pay if the all-American canal were given to the landowners of Imperial and Coachella Valleys as a gratuity.

I shall read from Mr. Malone's testimony before the Senate Committee on Irrigation and Reclamation. On January 20, 1928, he was interrogated by the senior Senator from California, as follows:

Senator JOHNSON. Don't you think that the Government, considering what it has done and is doing in other reclamation projects, relieving settlers from interest, and so on, could fairly and reasonably relieve the all-American canal from interest charges?

Mr. MALONE. Under a bill I believe introduced by yourself last year the all-American canal was under the reclamation act, where there are no interest charges, and provided that contracts be made prior to the construction of the all-American canal, providing for the payments, etc.

Senator JOHNSON. Well, I am asking you if you do not think that is a perfectly just thing under the circumstances?

Mr. MALONE. You could eliminate the interest and still make just charges. I do not say in this report that you shall pay any certain amount, but pay for the service rendered. Pay the just charges, whatever they are. And we consider that the Secretary should have some assistance from men who are on the ground, or are familiar with conditions, to determine what those just charges are.

* * * * * * *

Senator PITTMAN. Do you happen to know what amount per annum the interest would amount to on the all-American canal project?

Mr. MALONE. On what they call the straight-line basis, about $890,000; $896,000, I believe.

Senator PITTMAN. $896,000?

Mr. MALONE. Per year.

Senator PITTMAN. Now, let me ask you what the State of Nevada would think about it if $896,000 added to the cost of the power was such an amount that there would be no profit for distribution for Nevada? Would Nevada favor paying that interest?

Mr. MALONE. We would like to be treated fairly in the matter, and I would leave that to the judgment of the committee. I would not say that it all should be given to one State. The point I have tried to make in my reports is that there will be profits in this enterprise. Whether your committee recognizes that fact or not is beside the question. If you do not recognize it, they will all go toward the particular thing that is being financed in the set-up. If you do recognize it, then in case the profits are sufficient the two States who own the site may benefit.

* * * * * * *

Senator HAYDEN. As I understood you to answer Senator JOHNSON, you would have no objection to the construction of the all-American canal as an ordinary reclamation project, without interest, for the benefit of the lands in that section of the country, and it would be a positive advantage to the scheme to have it done in that way. In other words, this seven-tenths of a mill that is charged to power by having the all-American canal constructed as an ordinary reclamation project would be removed?

Mr. MALONE. Interest on the all-American canal amounts to, as I say, about $896,000 a year on a straight-line basis, meaning the average over the period, which, in turn, amounts to almost exactly a quarter of a mill in this set-up. That could be eliminated if the Senator's bill was drawn as it was last year at one time, so that the all-American canal would be constructed under the Reclamation Service, contracts being made with the lands prior to starting construction, the same as you have it on the dam in regard to power, and then there would be no interest, and the lands would pay the cost. Does that answer your question?

Senator HAYDEN. Yes. I can see that. Now, the set-up in the bill as I remember last year provided for $31,000,000 for the construction of the all-American canal. The bill itself provides for the construction of the canal from the Laguna Dam into the Coachella Valley. My understanding of that $31,000,000 figure is that it would only carry the canal through the sand dunes and into what now comprises the Imperial irrigation district. That there would be some eighty-odd miles for the additional canal, and the figures for that, I think, are some $11,000,000, if I remember right, to carry out the purpose of the bill. Have you in your set-up counted on $31,000,000 or a total of $42,000,000 for that purpose?

Mr. MALONE. We have counted on $31,000,000—it is either $31,000,000 or $31,500,000. I have it in my report, and in addition the interest during the construction of the canal, which would only be a part of the 10 years as outlined for the dam, making a total of $35,000,000, including interest during construction and the original cost of the canal. Now, I am not exactly clear where the end of the canal would be, Senator, and I would not answer it without referring to the Weymouth report. You can get it from the report if you desire.

Senator HAYDEN. My recollection of the Weymouth report is that the cost of the all-American canal proper, carrying it only through the sand dunes, would be $31,000,000, and that there would be an additional cost of $11,000,000 to carry it from that point to the Coachella Valley.

Now, the bill provides for delivery of water into the Coachella Valley. So it seems to me that if the plan of the bill was carried out you would have to make your figure $42,000,000 instead of $31,000,000, and base your calculations on that assumption.

Mr. MALONE. I would be very glad to clear that point up for the committee. I am satisfied that Thomas Maddock or myself could do it. I could tell you, though, definitely in a day or so.

Senator HAYDEN. That is all.

I desire to have printed in the RECORD a table prepared by Mr. Malone showing the cost of annual operation of the Boulder Dam and power plant during an amortization period of 35 years, in which he demonstrates that power can be delivered from Boulder Dam to Los Angeles, if this all-American canal subsidy is removed, for 3.04 mills per kilowatt-hour; but that if the cost of the all-American canal is to be paid out of the power, then seven hundred and eleven one-thousandths, or seven-tenths of a mill, must be added to the price of power, making the total cost of power from Boulder Dam in Los Angeles 3.751 mills per kilowatt-hour.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, the table will be printed in the RECORD.

The table is as follows:

Cost annual operation during amortization period of 35 years

	Per cent	Cost	Mills
Interest	5	$2,500,000	0.695
Annual payments	1.107	553,500	.1538
Depreciation	1.25	625,000	.1933
Operation and maintenance	1	500,000	.1388
Total	8.35	4,178,000	1.1609

Three billion six hundred million kilowatt-hours, corresponding to 550,000 firm horsepower annual charges of $4,178,000, is equal to 1.16 mills at the switchboard.

	Cost at switchboard	Cost at power market assumed 12 per cent line losses
Dam and power plant	1.511	1.72
Transmission line	1.160	1.32
Total	2.671	3.04

The power delivered into the power markets, without any reference to the all-American canal, is 3.04 mills.

All-American canal—41 years' amortization exclusive of 9-year absorption period

	Amount	Mills per kilowatt-hour at switchboard	Mills per kilowatt-hour in power market
Average annual interest	$896,000	0.249	0.283
Average annual payment	854,000	.237	.270
Operation and maintenance	500,000	.139	.158
Total	2,250,000	.625	.711

Cost of Boulder Dam power in power market, including all costs of all-American canal, 3.751 mills per kilowatt-hour.

Mr. HAYDEN. It will be observed that Mr. Malone based all of his figures upon an estimate that the cost of the all-American canal would be not more than $31,000,000, as stated in a report made by the Secretary of the Interior on the Swing-Johnson bill as introduced in the Sixty-ninth Congress. I am at a loss to understand why Secretary Work failed to include in his estimate the $10,941,000 which it will cost to convey water to Coachella Valley. The text of the bill clearly and explicitly states that such a canal is to be built, and the engineers of the Interior Department had previously submitted reports that this extra amount was needed.

Unfortunately, Mr. Malone accepted the report of the Secretary of the Interior at its face value. He should have used $42,000,000 as the basis for his calculations, and in that event it is obvious that he would have found that the all-American canal subsidy in the original Swing-Johnson bill is almost 1 mill per kilowatt-hour instead of a little over seven-tenths of a mill. The practical effect of the committee amendment, therefore, is to make it possible for the Federal Government to sell Boulder Canyon power at a mill a kilowatt-hour cheaper than would have been possible under the bill as introduced by the senior Senator from California on December 8, 1927.

It was undoubtedly the intention of the Committee on Irrigation and Reclamation to eliminate this subsidy. The Senators who compose that committee clearly understood that the landowners of the Imperial and Coachella Valleys should pay for their own canal upon the same terms and conditions as are imposed on other farmers under Federal reclamation projects. But has the committee fully accomplished its purpose? Has it eliminated the subsidy and removed this burden upon power generated at Boulder Canyon?

The senior Senator from Arizona [Mr. ASHURST] and I both doubt it. For that reason we prepared amendments to the bill to remove all uncertainty. Our doubts have been confirmed by a letter recently received from Mr. John L. Gust, of Phoenix, Ariz., attorney for the Salt River Valley Water Users' Association, than whom there is no more able water lawyer in the whole United States. Mr. Gust says:

The bill makes the entire project a single unit. As long as this is true the proposed irrigation development in southern California will be carried by the power development in Arizona and Nevada. The door is wide open under the reclamation law to allow the payments from the lands to become delinquent and use up the power receipts to make up the payments. I am satisfied that under this bill as it now stands it will be possible for the Secretary of the Interior to use up the total power receipts in the payment of the construction charges, and call upon the owners of the lands in the Imperial Valley for very little of the construction charges, and because of the unfavorable financial situation in which the Imperial project is likely to be, pressure will be brought upon the Secretary of the Interior to secure reimbursement to the United States out of the power receipts, rather than from the Imperial Valley lands. In my opinion there is no way of obviating this situation unless the appropriations for the power dam and for the all-American canal are distinctly separated in the bill or there is inserted an express provision that the all-American canal should pay its own way.

Mr. President, in order to accomplish what I think would be the best method of amending the bill, I suggest that there be stricken from it all of these so-called bookkeeping provisions and that on page 4, line 25, there be substituted in lieu thereof the following language:

Provided, That all sums expended on said Boulder or Black Canyon Dam shall be repaid to the United States with interest until paid at 4 per cent per annum from the year in which the expenditures are made, the total amount of principal and interest due on the 1st day of December of the second year after the announcement by the Secretary of the Interior that said dam has been completed shall be reimbursed to the United States in annual amortized payments of principal and interest during the succeeding 41 years.

The idea I have sought to express by this amendment is taken directly from an act of Congress approved June 7, 1924, wherein $5,500,000 was authorized for the construction near San Carlos, Ariz., of what is now known as the Coolidge Dam. The money appropriated by Congress for the construction of that dam bears interest at 4 per cent per annum, just as it is provided in this bill that moneys advanced for the construction of the Boulder Canyon Dam shall bear interest at that rate. I shall read the provision of the act of June 7, 1924, which provides for the payment of interest:

SEC. 3. The Secretary of the Interior shall by public notice announce the date when water is available for lands in private ownership under the project, and the amount of the construction charge per irrigable acre against the same, which charge shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder until the obligation is paid in full.

In other words, the interest payment is 4 per cent, the amortization payment is 1 per cent, and that 1 per cent will pay the debt in 41 years, as any amortization table will show. That is the method pursued in the cases of many loans under the Federal farm loan act.

If, however, it should be determined that these bookkeeping provisions are to be retained in the bill—although I am frank to say that I can see no further use for them—the measure must be amended in another way to make it certain that the all-American canal subsidy has been eliminated. I demonstrated, when I addressed the Senate on the 2d day of May, the Treasury Department has no difficulty in keeping accounts with respect to the San Carlos project. Neither would there be any difficulty with respect to the Boulder Dam project, and to specify just how an account should be kept, or naming it, is really a vain and useless thing. If the proponents of this bill insist that such an account must be specified in the bill, then I suggest that the

bill be amended so as to provide that this "Colorado River Dam fund" shall apply only to the Boulder or Black Canyon Dam and to the power plant, if constructed. I therefore offer the following amendments, which I ask to have read by the clerk.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read the amendments, as follows:

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 22, line 3, insert the following:

"SEC. 15. This act shall be without prejudice to the negotiation of a treaty with Mexico affecting the waters of the Colorado River, which treaty may provide for the payment of compensation to the United States of Mexico for the lease to the United States of America of an area or zone of land sufficient for the construction, operation, and maintenance of a canal to convey water diverted from the Colorado River at Laguna Dam for the irrigation of lands in the State of California, upon terms and conditions similar to the lease of certain lands for canal purposes, as provided in the treaty of November 18, 1903, between the United States of America and the Republic of Panama. Said treaty may also provide for an agreement between the two nations respecting the construction and maintenance of levees."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 2, line 17, insert the following:

"*Provided further*, That said canal connecting the Laguna Dam with the Imperial and Coachella Valleys in California shall not be constructed through the sand dunes between Pilot Knob and the Imperial Valley in the event that an existing contract or concession made by the Republic of Mexico to a corporation to build and operate a canal through Mexican territory to irrigate land in California can, within a reasonable time, be modified to protect the interests of the United States."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 3, line 5, after the word "act," insert the words "relating to said Boulder or Black Canyon Dam and power plant."

On page 3, lines 5 and 6, strike out the words "carrying out the provisions of this act" and insert in lieu thereof the words "connection with said dam and power plant."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 5, line 19, strike out all of paragraph (b), down to and including the word "act," on page 6, and insert in lieu thereof the following:

"(b) Before any money is appropriated for the dam at Black Canyon or Boulder Canyon, and/or for the hydroelectric plant at or near said dam authorized by this act, or any construction work thereon done or contracted for, the Secretary of the Interior shall make provision by contract, in accordance with the provisions of this act, for the right to the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, and/or for the sale of a sufficient amount of the electrical energy to be developed at the plant aforesaid, and for the storage of water for irrigation and domestic purposes, adequate in his judgment to insure payment of all expenses of operation and maintenance of said dam and power plant and incidental works incurred by the United States and the repayment within 50 years from the date of the completion of such works of all amounts advanced for such purposes to the fund under subdivision (b) of section 2, together with interest thereon made reimbursable under this act."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz:

On page 7, line 1, after the word "the" strike out the word "payments" and insert the following: "repayments."

On page 7, line 2, after the words "section 4," insert the following:

"*Provided*, That all such contracts to insure the repayment of all amounts advanced for the construction of the canals and appurtenant structures authorized by this act, and to insure the payment of all expenses of operation and maintenance of said canals and appurtenant structures incurred by the United States, shall conform to the requirements of the reclamation law and shall attach and relate solely to the lands coming under and benefited by such canals and appurtenant structures, and no obligation or burden for the repayment of the amounts advanced for the construction of such canals or appurtenant structures or for the payment of expenses of the operation and maintenance thereof shall be imposed upon the revenues derived from the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy and/or the sale of hydroelectric power and/or the storage of water as provided for in this act."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz:

On pages 3 and 4, strike out all of section 2.

On page 4, line 25, insert the following:

"*Provided*, That all sums expended on said Boulder or Black Canyon Dam shall be repaid to the United States with interest until paid at 4 per cent per annum from the year in which the expenditures are mare; the total amount of principal and interest due on the 1st day of December of the second year after the announcement by the Secretary of the Interior that said dam has been completed shall be reimbursed to the United States in annual amortized payments of principal and interest during the succeeding 41 years."

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

Mr. HAYDEN. Mr. President, these amendments are not offered in any spirit of controversy. They are presented for the careful consideration of the Senators from California. I have no pride of opinion with respect to these proposals. If the Senators from California can find a better way to make it certain that the same object will be accomplished, I hope that they will not hesitate to suggest the necessary changes in the pending bill.

ALL-AMERICAN CANAL MUST BE CONSTRUCTED

The all-American canal must be constructed if the waters which are to be impounded in the Boulder Canyon reservoir are to be used in the United States rather than in Mexico. The sooner it is built the better, particularly that part of it from Laguna Dam to Pilot Knob, near the Mexican boundary line. The weir which is now maintained to divert water into the Imperial Canal through the Rockwood gates at Hanlon's heading, is a constant menace to the Yuma reclamation project, so that the point of diversion must be changed upstream to Laguna Dam.

However, in fairness to the Senate, I should frankly state that I do not believe that the proposed all-American canal will ever be built through the sand dunes along the international border. The estimated cost of that section of the canal is about $10,000,000, and a number of competent engineers have asserted that it can not be constructed for that amount. These engineers also say that the wind-blown sand will so fill the canal, if it is built, that it will become useless as a means of conveying irrigation water. Every Senator has seen moving pictures of turbaned Hollywood sheiks who are supposed to be in the wilds of Arabia or the Sahara Desert. The shifting sand dunes where these movies are photographed are the very sand dunes through which this proposed all-American canal must pass.

I desire to read from the proceedings of the American Society of Civil Engineers for November, 1924. I shall read extracts from a paper presented by a member of that society, Mr. J. C. Allison, who was, I believe, for a number of years employed as an engineer by the Imperial irrigation district, and who now, I understand, is similarly employed by those who are using water from the Colorado River for the irrigation of lands in old Mexico. Mr. Allison states with respect to the all-American canal:

> The engineering profession is making a grave mistake in sanctioning, without protest, the building of a nationally known work on the location adopted for this so-called all-American canal, especially without a more complete understanding of the necessities making such an enterprise even worthy of consideration. Although the engineers engaged in the design of this work have protested its limitation within the United States their protest has not been so strong as to prevent the politicians and selfish interests from passing quickly over it and proclaiming the location of the canal as one freely chosen and sanctioned by the engineering profession. Thus, they have gained the confidence of the public, and through this confidence have nearly succeeded in securing Government financing through what is known as the Swing-Johnson bill. Just as surely as the promotion of the project has been tied to the engineers of the country, just that surely will its construction failures be fastened to the engineers unless they examine forthwith in detail all phases of the project and proclaim their findings in no uncertain terms. Then, if such a work is ever financed and built, it may be known as a political necessity and not as a sound engineering structure.
>
> The so-called all-American canal, designed to replace the main canal of Imperial Valley now running through Mexico, should not be built

on any of the hypotheses set forth by its sponsors for the following reasons:

1. It does not add 1 acre of land to irrigation that can not otherwise be added at much less expense per acre and in greater acreage.

2. It does not add one drop of water to the available supply, but, on the other hand, represents an extravagant waste through seepage and evaporation losses.

3. It does not add one unit of power, but develops less electrical energy for the uses of the American lands than can be developed by the other means suggested herein.

4. If at all a necessity, it must be a political necessity, and this political necessity is set up by its advocates as the principal reason for its construction. The fact of the present canal being in Mexico is the main reason advocated for the building of a duplicate canal on American territory. The principle, however, is unsound because, as will be shown, Mexico as a water customer is of strict financial value to the American users of water, and, as an ally and neighbor in the use of water, is of great political value in the project. As a matter of fact, the new project does not in any sense relieve the owners of the present Mexican canal from maintaining their flood and irrigation works.

5. Above all, the construction and the maintenance difficulties and the prohibitive expense of the all-American enterprise warrants a most careful examination before it shall receive the indorsement of the society in any form.

After describing the all-American canal from the Laguna Dam to a point near the Mexican boundary line, Mr. Allison said:

It is proposed, from Pilot Knob westerly, to construct the all-American canal in a cut ranging from 40 to 160 feet in depth, through 20 miles of high mesa land and 12 miles of the most extensive drifting sand hills in America along the approximate route of the spectacular California State Highway between Yuma and Imperial Valley. Along this same approximate route is constructed the power line of the Southern Sierras Power Co.; its experience alone in maintaining 12 miles of line should be enough to weaken the determination of the most enthusiastic supporters of an all-American canal. One day 30-foot power poles are covered to the wires with sand and the next day undermined by a 24-hour sand storm.

To build a canal through this section is in itself a most infeasible exploit, not only because of the difficulties of excavation and original construction, but also on account of the hazards and maintenance expense afterwards. * * *

Continuing to read further from the statement made by Mr. Allison, I direct the particular attention of the Senate to the following representations which he makes:

Assuming the all-American canal to be built, the next consideration concerns its future maintenance. The very fact that the stream is in a cut 50 feet below the floor of the mesa itself, with crowning sand hills of heights ranging to 100 feet above the floor, makes it absolutely certain that the cut itself will receive and hold the entire volume of sand drifted to it by each storm. Where the sand drift passes across the country without interruption, ofttimes a pass through the sand hills, such as the Government pass, in which part of the canal is located, can remain fairly open; but where the passage is deliberately interrupted by a cut having a flowing stream at its bottom, then all the sands must necessarily enter and remain in this excavation. * * *

The borings taken along the route of the proposed canal indicate porous strata in the canal prism. Especially with the Boulder Canyon Dam built and with some relief from the silt thrown into the canals as at present, this prism can not possibly seal itself. The water losses from seepage, as estimated from the losses occurring in the present East High Line Canal through similar sections of material, will amount to 27 per cent unless the canal is lined with concrete. This loss is prohibitive not only because of the interference in regulating the supply to the land about 150 miles distant, but more particularly because the very water lost to the all-American canal will mean the ruination from saturation of all the low-lying lands along the section of the country through which it passes.

As an alternative, lining the canal with concrete or tunneling the sand hills is impractical, principally because the section must be constructed for the maximum irrigation requirement immediately, as it will be difficult to enlarge. As it may be 20 years before the entire capacity will be demanded for irrigation, the additional investment at present is prohibitive.

However, the main objection to the location of such a canal is the uncontrollable elements injected into the problem in deliberately cutting and maintaining a waterway through the very heart of a desert mesa region, capped with drifting sand dunes. By means of studies herein discussed, these mammoth sand dunes are easily recognized as similar in size and construction and in the phenomena governing their movement, to the most extensive types the world over. As the welfare of thousands of souls in the oasis of the great Sahara Desert, where prosperous settlements have been overwhelmed and blotted out of existence, is intimately connected with the rate of movement and the mode of accumulation of wind-borne sands, so is the fate of one of the greatest irrigation regions of the world coupled inseparably with a similar movement of great sand hills on the route of the all-American canal. The lessons taught by engineers and geologists of England, France, and the United States, in their years of study and observation of the sand dune regions of the world, must be applied in this case to avoid disaster in attempting to build the all-American canal.

I am aware that in the minority report reference is made to a statement by Prof. W. F. Durand, in which he denies that there is such a menace as has been set forth by Mr. Allison with respect to filling the canal by drifting sands. I can only say that Professor Durand is not an impartial engineer. I am informed that he has been employed for many years by the city of Los Angeles as consulting engineer and is, therefore, a partisan supporter of the Swing-Johnson bill. His testimony should not be accepted by the Senate as final and conclusive in any matter relating to that measure.

It seems to me that the only safe way to determine the facts is to follow a suggestion made by the board of direction of the American Society of Civil Engineers, the organization which publishes the bulletin from which I have read. This resolution was adopted on April 24, 1928, and is as follows:

Whereas the Federal Government, acting through various bureaus and departments, is building important structures, some of unprecedented dimensions, on the stability of which depend the security to life and property; and

Whereas such structures are being built under a wide variety of conditions with respect to geology of foundations, rainfall, temperature, floods, etc., necessarily involving exercise of a high degree of judgment as to design, construction, and operation: Be it therefore

Resolved, That the board of direction of the American Society of Civil Engineers recommends that in each case the Federal Government follow the best and established practice of private and corporate work by providing for review of the data, plans, designs, processes, and procedure by a group of engineers that is independent of the governmental organization that has charge of the project.

Resolution adopted by board of direction American Society of Civil Engineers, April 24, 1928, to be incorporated in the code of practice by this society.

Unless I misunderstood the senior Senator from California [Mr. JOHNSON], he now expresses himself as being willing that there should be a review of the previous engineering investigations which have been made with respect to the Boulder Canyon dam. I hope that he will also consent to have a reinvestigation of the all-American canal, particularly that part of it which passes through the sand dunes. My judgment is that he has made a great mistake in not adopting that view long ago. If he had done so, I am quite sure that material progress would have been made with respect to the passage of the pending bill.

In the course of his remarks he has referred to engineering commissions that were appointed to review the work done at Panama by the French before the United States took charge of that canal. President Roosevelt and the Congress at that time did not even dream of undertaking such an important work without a thorough engineering understanding of all the facts. An investigation and review of all the accumulated data relating to the Boulder Canyon project ought to be made, as the board of direction of the American Society of Engineers has suggested, by engineers not connected with the department of the Government which is actively advocating and promoting that project. That is the only way in which the criticisms of Boulder Dam and the all-American canal can be answered.

The senior Senator from Colorado [Mr. PHIPPS] has offered an amendment to the bill to cover that particular point, which I now wish to read:

SEC. —. In order to be assured of the financial, economic, and engineering feasibility of the projects herein authorized or planned the President is hereby authorized to appoint a board of five competent engineers, of outstanding reputation, at least one of whom shall be an engineer officer of the Army, which board shall examine into and review the plans and estimates heretofore made by engineers of the Department of the Interior for the control and utilization of the waters of the Colorado River and report thereon within six months after the approval of this act. The compensation and expenses of said engineers shall be paid out of any money authorized to be appropriated under the authority of this act. No contracts shall be made and no construction work shall be done or contracted for until said board shall have submitted its report to Congress.

The senior Senator from Utah [Mr. SMOOT] has likewise offered an amendment to cover the same subject, which reads as follows:

That the President of the United States is hereby authorized to appoint a board composed of five members, four of whom shall be engineers of high standing and national reputation in their profession, two from

the Corps of Engineers, United States Army, and two from civil practice, and the chairman of said board shall be a business executive. None of the members of said board shall be a resident of either of the States of Wyoming, Colorado, Utah, New Mexico, Nevada, Arizona, or California. The said board shall examine into and investigate the Colorado River for the purpose of making recommendations to the President as to the most feasible method and the cost of obtaining flood control of the waters thereof and as to a comprehensive plan of development and utilization of the water resources of said river.

SEC. 2. That the Secretary of War is hereby authorized to construct on the Colorado River flood-control structures recommended by and located at a site or sites to be selected by the above-mentioned board.

SEC. 3. That for the purpose of erecting such flood-control structures on the Colorado River and of defraying salaries and expenses of said board as fixed by the President there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000, or as much thereof as required, to carry out the provisions of this act.

SEC. 4. That in case the recommendations for flood control include the construction of any dam or dams, the construction of said dam or dams shall not be commenced until the Colorado River compact signed at Santa Fe, N. Mex., November 24, 1922, shall have been ratified by the States of Wyoming, Colorado, Utah, New Mexico, Nevada, Arizona, and California and have been approved by the Congress of the United States, or until all of said States shall have agreed by compact approved by the Congress of the United States that no title to waters which may be stored by such flood-control dam or dams shall be acquired in excess of present perfected rights.

The amendment offered by the Senator from Colorado [Mr. PHIPPS] would evidently permit a further investigation of the desirability of constructing the all-American canal through the California sand dunes.

In that connection, I desire to read from a report submitted by the original board of engineers which recommended, as a last resort, the construction of a canal of that character. The board consisted of Dr. Elwood Mead, Mr. W. W. Schlecht, and Mr. C. E. Grunsky, and its report is dated June 17, 1919. The board says:

Due to the unfortunate location of the boundary line the United States has no jurisdiction over the territory in which the flood menace to Imperial Valley lies. Mexico seems impotent to cope with the situation, or at any rate appears to take no note of the urgency and seriousness of the situation as we are endeavoring to sketch it. In such circumstances the Imperial Valley, or more particularly the Imperial Irrigation district, representing the largest organized interests in the valley, has been constrained to construct and maintain at large cost extensive protective works on foreign territory.

These facts are recited because the usefulness of an all-American or any other canal for the irrigation of lands in the Imperial Valley would soon be in large measure destroyed if adequate protection is not had against the danger from the south which threatens the area already under irrigation. This danger, morevoer, will continue to grow so long as the Colorado River is allowed to run wild in the Volcano Lake region. It is evident that the problem of irrigation in the Imperial Valley is interwoven with the other problem of protection against the river at its high stages.

"If the United States and Mexico were cooperating on lower Colorado River problems this board would not now find itself embarrassed by being denied the opportunity to survey and propose other possible high-line canal routes than such as are wholly on United States territory. To the westward of Pilot Knob the mesa slopes to the southward and southwestward. It breaks off in a comparatively steep slope a few miles to the southward of the international boundary. It is known that a canal without material sacrifice in water surface elevation could be placed on lower ground than north of boundary by swinging the canal line across the boundary. It is not known definitely what the material advantage of such a location would be, though old surveys and a partial reconnaissance indicate that a reduction in excavation to the extent of about 10,000,000 cubic yards might be expected.

The board concludes its report with this recommendation:

RECOMMENDATION

Negotiations should at once be entered into, through appropriate channels, to bring about an understanding with Mexico in reference to the control of the Colorado River at its high stages on Mexican territory and in reference to the use of the river's water for irrigation in Mexico, and also to permit the United States to construct canals for the irrigation of lands in California across Mexican territory, if found desirable to so locate them.

I do not know what the expense would be to move 10,000,000 cubic yards of earth, but it undoubtedly would cost a considerable sum. As the very board that recommended the construction of the all-American canal said, if it were possible to slightly extend the Imperial and Coachella Valley canal into Mexico, around the end of the sand dunes, and save that much of the excavation, a material saving would result. So far as I am concerned, for the use of that Mexican territory I would be willing to compensate Mexico to at least the extent of one-half of the saving. I have personally visited the area of land that would be used in Mexico by carrying a canal around in the manner suggested. It is now a bare, open desert, which is utterly worthless, and yet it has a strategic value for which the United States could well afford to pay if it would save the excavation of 10,000,000 cubic yards of earth.

Such a matter, of course, can only be arranged by a treaty between the two Governments, and commissioners have been appointed to negotiate a treaty affecting the boundary waters between the two Republics.

INTERNATIONAL RIVERS TREATY WITH MEXICO

By authority of the act of May 13, 1924 (43 Stat. 118), the President appointed Maj. Gen. Lansing H. Beach, United States Army, retired; Mr. W. E. Anderson, of Texas, a civil engineer; and Dr. Elwood Mead, of California, Director of the United States Reclamation Service, as commissioners to negotiate a treaty or convention with the United States of Mexico for an equitable apportionment of the water of the Rio Grande River. The jurisdiction of this commission was extended by the last Congress to include the Colorado River, so that a division of the waters of both streams between the two nations might be accomplished in the same treaty. The Mexican Government last September appointed Gustavo P. Serrano, Federico Ramos, and Javier Sanchez Mejorada commissioners to meet with those appointed by our Government, and negotiations are in progress.

I am not personally acquainted with any of the Mexican commissioners, but friends of mine who know them tell me that they are all gentlemen of culture who are fully qualified by wide experience adequately to speak for the Republic which they have the honor to represent in these important international negotiations.

Negotiations for a treaty or convention with Mexico were under way in 1910, just at the close of the Diaz régime in that country. The negotiations were interrupted by the Madero revolution.

Mr. Louis C. Hill, then a division engineer of the United States Reclamation Service, was appointed to act on behalf of the American Government. Mr. Fernando Beltran y Puga was the Mexican commissioner.

I have here a letter written to the Secretary of State by Mr. Hill, in which he describes the progress that had been made in these negotiations up to the time when they were interrupted by the revolution in Mexico. The letter is dated Los Angeles, Calif., March 26, 1923, and is addressed to Hon. Charles E. Hughes, Secretary of State, Washington, D. C. I read the letter as follows:

LOS ANGELES, CALIF., *March 26, 1923.*

Hon. CHARLES E. HUGHES,

Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Having read in a recent CONGRESSIONAL RECORD Secretary Fall's and your letters on the Colorado River compact, it may be of interest to your department to know what was informally agreed upon as fair to both countries by the Mexican Commissioner for the Division of the Waters of the Colorado and myself, then American commissioner.

The revolution in Mexico prevented any formal recommendation by the commissioners to their respective Governments. The tentative agreement was about as follows:

(1) Mexico and the United States to abrogate such parts of the treaty of Guadaloupe Hidalgo as conflicted.

(2) The two Nations to divide the low-water flow of the Colorado equally between them. (Mexico's share of this would be less than 1,500 second-feet and hence less than will irrigate the lands in Mexico now irrigated by Colorado River.)

(3) The United States to build reservoirs if it so desires to impound all the remaining water of Colorado River for the purposes, among others, of irrigating all the land which can be irrigated by Colorado River waters either by gravity or by pumping.

(4) That Mexico be permitted by paying her pro rata part of the cost of the reservoirs and their operation to have the use of such remaining water as can not be utilized in the United States.

This was considered by the Mexican representative as a most fair and friendly proposal.

It gave to Mexico nothing the United States could use but at the same time shared with Mexico the storage facilities on the upper river, facilities which do not exist in Mexico.

Very respectfully,

L. C. HILL.

Mr. President, the arrangement reported by Mr. Hill, the American commissioner, in his letter to Secretary Hughes should be entirely satisfactory to both nations. It equitably divides,

in fact, equally divides, the normal or low flow of the Colorado River between the two countries. The United States Government would be authorized, under such a proposed treaty, to store all the flood waters of the Colorado River in the United States for use within our own country, but if it were demonstrated that more water had been impounded than could be used in the United States, then Mexico might have her fair share of the waters by paying the proportionate cost of storage. If a treaty of that kind could be negotiated it would completely settle all of the so-called controversies between the United States and Mexico with respect to the Colorado River. I sincerely trust that the commissioners who are now trying to work out a settlement may arrive at one which will be as fair and equitable to the two nations as the one that was proposed in 1910, which would undoubtedly have been consummated but for the revolution in Mexico.

In his report on the Swing-Johnson bill, dated January 18, 1926, *Hon.* Hubert Work, Secretary of the Interior, said with reference to the all-American canal:

> The necessity for the all-American canal and the size and cost of this canal depend largely on whether the existing concession under which water is now diverted from the Colorado River at Hanlons Heading and carried through Mexico to irrigators in the Imperial Valley can not be modified. If it can not be, then the all-American canal becomes an indispensable part of this development. * * *
>
> If, however, the Government of Mexico would consent to a modification of this concession and definitely limit the volume of water to which Mexican irrigators would be entitled, then the future use of the present canal would be economical and desirable, a smaller high line could be built and utilized mainly for the irrigation of the higher lands of the Imperial and Coachella Valleys. Thus far, no negotiations for the modification of this concession have been made. It is not known what the attitude of the Mexican Government would be, and plans for this development should, therefore, include provision for an all-American canal as an essential part of the scheme.

In a letter dated February 10, 1926, addressed to the chairman of the House Committee on Irrigation and Reclamation, the Secretary of the Interior recommended the following amendment which could be inserted on page 2, line 3, of the present bill:

> After the word "California" insert: "*Provided,* An existing contract or concession made by the Republic of Mexico to a corporation to build and operate a canal through Mexican territory to irrigate land in California can not, within a reasonable time, be modified to protect the interests of the United States."

Instead of adopting this sane and sensible recommendation, the bill as reported, gives the Secretary no discretion, and no means of reaching an agreement with Mexico on this important matter is even suggested.

The recommendation made by Secretary Work was proper and should have been adopted. Through it, perhaps by contributing a part of the savings to Mexico, it might be possible to negotiate a treaty with that country whereby the present main canal which supplies the Imperial irrigation district may continue in use with no expense for new construction. Either that could be done, or, as I have heretofore suggested, the all-American canal could be extended into Mexico for a few miles from Pilot Knob, just a sufficient distance to go around the southern end of the sand dunes. The situation could be met by a treaty similar to that made with the Republic of Panama on November 18, 1903, whereby the United States secured all the control necessary or essential over a zone 10 miles wide, through which was afterwards constructed the Panama Canal, but the technical sovereignty over the soil remains in the Isthmian Republic.

I have been told, Mr. President, that there is in the constitution of the United States of Mexico a provision which prohibits the President or the authorities of that Republic from in any manner entering into any treaty disposing of any of the territory of the Republic. Whether that is true or not, I do not know; but if it is true, there need be no violation of the Mexican constitution if the precedent which was adopted at Panama be followed.

I have here extracts from the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, wherein the United States obtained the right to construct the Panama Canal. Article II reads:

ARTICLE II

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenace, operation, sanitation, and protection of said enterprise.
>
> The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ARTICLE III

> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

It will be noted that this treaty does not provide for a cession of territory to the United States. The technical sovereignty of the soil remains in Panama, but the United States has such rights as it would have if it were sovereign. If the Panama Canal were ever abandoned by the United States it would automatically revert to the Republic of Panama.

For the purpose of constructing a canal to avoid the California sand dunes a similar treaty might be negotiated with Mexico. The United States of America might well afford to pay to the United States of Mexico compensation for the use of such lands in Baja California, to the extent at least of a part of the saving that would be made by keeping the all-American canal out of sand dunes.

In order that the recommendation made by the Secretary of the Interior, Doctor Work, with respect to a change in this bill may be carried out, I now offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be received, read, printed, and lie upon the table.

The CHIEF CLERK. On page 2, line 17, it is proposed to insert:

> *Provided further,* That said canal connecting the Laguna Dam with the Imperial and Coachella Valleys in California shall not be constructed through the sand dunes between Pilot Knob and the Imperial Valley in the event that an existing contract or concession made by the Republic of Mexico to a corporation to build and operate a canal through Mexican territory to irrigate land in California can, within a reasonable time, be modified to protect the interests of the United States.

Mr. HAYDEN. Mr. President, in order to carry out the further suggestion that I have made with respect to the negotiation of a treaty with the United States and Mexico for the privilege of constructing and operating a canal in that Republic, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be received, read, printed, and lie upon the table.

The CHIEF CLERK. The Senator from Arizona offers the following amendment: On page 22, line 3, insert the following:

> SEC. 15. This act shall be without prejudice to the negotiation of a treaty with Mexico affecting the waters of the Colorado River, which treaty may provide for the payment of compensation to the United States of Mexico for the lease to the United States of America of an area or zone of land sufficient for the construction, operation, and maintenance of a canal to convey water diverted from the Colorado River at Laguna Dam for the irrigation of lands in the State of California, upon terms and conditions similar to the lease of certain lands for canal purposes, as provided in the treaty of November 18, 1903, between the United States of America and the Republic of Panama. Said treaty may also provide for an agreement between the two nations respecting the construction and maintenance of levees.

Mr. HAYDEN. In order to complete the record, I desire to read a copy of a memorial adopted by the governors of the seven States of the Colorado River Basin at the Denver conference, addressed to the President of the United States and to the honorable the Secretary of State. It is as follows:

Memorial concerning international relations respecting the Colorado River, adopted at seven States conference on the Colorado River in Denver

To the Hon. CALVIN COOLIDGE,
President of the United States of America, and
The Hon. FRANK B. KELLOGG,
Secretary of State.

Whereas the prosperity and growth of the Colorado River States, namely, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, are dependent upon present and increasing use of the waters of the Colorado River for domestic, agricultural, industrial, and other beneficial purposes, and the need of many regions of these States for additional water from that source already is extremely acute and will become increasingly so; and

Whereas said river is an international stream between the United States of America and the United States of Mexico with all of the water supplying the same coming from the United States of America, and the United States of Mexico is rapidly extending the irrigated area supplied from said river within her own boundaries, and great storage projects within the United States of America are in existence and in contemplation; and

Whereas said United States of Mexico, although having no strictly legal right to a continuance of the river flow for beneficial purposes, nevertheless may hereafter make some claim thereto; and

Whereas under acts of Congress of May 13, 1924, and March 3, 1927, a commission of three has been appointed by the President to cooperate with representatives of the United States of Mexico in a study regarding the equitable use of the waters of the Colorado River and other international waters for the purpose of securing information on which to base a treaty relative to international uses:

Now, therefore, and to the end that no unfortunate misunderstanding may arise between the United States of America and the United States of Mexico, and that no false encouragement may be given to present or future developments along the Colorado River in the United States of Mexico, we, the governors of all seven of the Colorado River States, with our interstate river commissioners and advisors in conference assembled in the city of Denver on this 26th day of August, 1927, do hereby in great earnestness and concern make common petition that a note be dispatched to the Government of the of the United States of Mexico calling attention of that Government to the fact that neither it nor its citizens or alien investors have any legal right as against the United States of America or its citizens to a continuance of the flow of the Colorado River for beneficial purposes and that the United States of Mexico can expect no such continuance except to the extent that, as a matter of comity, the two Governments may declare hereafter by treaty and that especially under no circumstances can the United States of Mexico hope to use water made available through storage works constructed or to be constructed within the United States of America, or hope to found any right upon any use thereof. We believe, too, so great are the water necessities of our States, that any adjustment made with the United States of Mexico concerning the Colorado River should be based upon that river alone. We further earnestly suggest that a special commission be created by act of Congress for the Colorado River alone, a majority of the commission to be appointed from citizens of the Colorado River States, or that by act of Congress the present commission already referred to be enlarged to contain two additional members to come from the Colorado River States.

It is only by such precautionary measures, promptly taken, that our seven States with their millions of people can be given a basis of economic certainty, adequate protection, and a feeling of security pending the negotiation of an early treaty between the two Governments.

And your memorialists will forever pray.

GEO. W. P. HUNT,
Governor of Arizona.
C. C. YOUNG,
Governor of California.
WM. H. ADAMS,
Governor of Colorado.
F. D. BALZAR,
Governor of Nevada.
R. C. DILLON,
Governor of New Mexico.
GEO. H. DERN,
Governor of Utah.
FRANK C. EMERSON,
Governor of Wyoming.

I am happy to say that one of the amendments recommended by the Senate Committee on Irrigation and Reclamation in a large measure cares for the principal purpose of this resolution.

Inasmuch as the senior Senator from California has taken occasion to discuss the origin of flying machines and other inventions in connection with the Boulder Canyon Dam, I hope that no one will take offense if I digress for a short time from the direct course of my argument in order to bring into the record some historical facts which may help Senators to have a better understanding of the background of the controversy which has so long plagued us.

First, there is the question of how long it has been since the Colorado River flowed into the Salton Sea. Geologists tell us that many thousands of years ago the Colorado River cut off the upper end of the Gulf of California with a dam of silt and thus created the Salton Sink, of which the Imperial and Coachella Valleys are a part. The earliest record that I have found is in the following statement from the History of the North Mexican States, by Hubert H. Bancroft, Volume I, pages 541 to 543:

Capt. Fernando Sanchez Salvador, acting in an official capacity, the exact nature of which does not appear, but who had evidently traveled and observed much in the north, addressed four consultas, or representaciones to the king on the condition and needs of Sinaloa and Sonora, the last bearing the date of March 2, 1751. * * *

The fourth and last of these interesting and ably prepared papers is devoted to the far north, to the region of the Colorado and of California—of the former as a most desirable field for settlement, and especially as the only medium for colonizing the latter. His views on the subject are for the most part similar to those of others of the time and need not be repeated here; but one somewhat astonishing peculiarity should be noticed. He advances the theory that the Colorado before reaching the Gulf throws off a branch to the westward, which flows into the Pacific between Monterey and Point Conception, and is doubtless identical with the Rio Carmelo of Cabrera Bueno! It will furnish an easy means of communication with the coast.

His theory was perhaps founded on a report of the natives, who in 1748 told Padre Sedelmair, when on the Colorado above the Gila, that if he crossed the river and went northwest, he would in two days come to the same river where it flowed from east to west.

I am convinced that the Yuma Indians told the truth to this early Spanish explorer, and that the Colorado River was at that time flowing into the Salton Sea, as it had done many times before, and as it has done since; but this apparently is the earliest historical record of that fact. I understand that an extensive investigation is to be made in the Archives of the Indies in Seville, Spain, for early historical material relating to the Southwest, and I hope this fact as stated by the historian Bancroft may be verified.

ADMITTING THE GULF OF CALIFORNIA TO SALTON SINK

Another proposal that has been made is that it would have been better, before the settlement of the Imperial Valley, if the Gulf of California might have been permitted to return to its ancient bed in the Salton Sink, and that to do so would have a very beneficent effect upon the climate. The first record I can find in print of that suggestion is in the report of John C. Frémont, Governor of Arizona, to Hon. Carl Schurz, Secretary of the Interior, made on November 20, 1879. Mr. Fremont said:

[Report of J. C. Frémont, Governor of Arizona, to Hon. Carl Schurz, Secretary of the Interior, November 20, 1879]

While recently in Washington I suggested for your consideration the expediency of an examination around the head of the Gulf of California, with the object of bringing back the gulf waters to an ancient basin from which they have receded for a time unknown. That the withdrawal of the gulf waters from this basin essentially affected the climate and vegetation of the neighboring region is not a matter of doubt. There are many indications which fairly lead to the impression of a gradual decrease of water and moisture over all the region which was formerly exposed to the influence of the gulf winds from that quarter. This, too, is made probable by the fact of the abundant rainfall and green and habitable country which, I believe, exists wherever the gulf influence reaches. Over the basin the rainfall must be slight. At Prescott, though among mountains, but where the prevailing winds are from this southwest quarter, it is less than 9 inches, while at Tucson, more exposed to the gulf winds, it is 24.

So far as I am informed, Dr. J. P. Widney, of Los Angeles, first made the refilling of the basin a subject of practical inquiry. After several years careful study he published in the "Overland" for 1873, an interesting paper on the flooding of the basin by turning into it the waters of the Colorado River. Doctor Widney examined into the topographic and geologic features of the desert; investigated the climatic peculiarities of the surrounding region and traced the connection between the drying up of the basin and the arid country now found. In this connection he says in the article referred to:

"The yearly evaporation in the Bay of Bengal, as shown by the published proceedings of the Bombay Geographical Society, is more than 16 feet. This portion of the Gulf which is surrounded by high mountains reflecting the sun from their bare sides, shut off from the cool winds of the ocean, its waters shallow and easily heated, must have

been a steaming caldron, keeping the air currents above constantly saturated with moisture. This evaporation, however, estimated at the rate before given, would be enough, if all recondensed and precipitated, to supply 12 inches of rain to 86,400 square miles—more than double the area of the State of Ohio."

I am informed that in the summer of 1873, shortly after the publication of Dr. Widney's paper, Mr. William S. Chapman, of San Francisco, sent out a party at his own expense to examine into the feasibility of the project. I have not learned the result of this reconnaissance except that the engineer in charge, Mr. James, confirmed the reasonableness of the conclusions in the "Overland" article, and further reported an important fact which would appear to greatly lessen the difficulty of turning in the water from the gulf rather than from the river. He reports that he found a lake reaching nearly across the barrier separating the gulf, and that it would only be necessary to cut through the barriers between the lake and the desert on one side and the lake and the gulf on the other. In the winter of 1873–74 numerously signed petitions were forwarded to California Congressmen from Los Angeles, San Diego, and San Bernardino, asking action from the Government on the subject, but it does not appear that it was ever acted on.

In the spring of 1849, returning from an expedition into Arizona and Sonora, I crossed the basin for the first time. In that and the following years the gold of California made this hitherto unknown and uninhabited country a familiar passage into that State. It became, consequently, for years past a subject of much discussion. My attention had been again drawn to it in 1869–70 by surveys looking to San Diego as the terminus of the Southern Transcontinental Railway line, then under my direction, and occupation with Arizona lately revived my interest in the subject. Mr. Charles Crocker, president of the Southern Pacific Railway, has kindly furnished me, through Chief Engineer Col. Geo. G. Gray, with a profile and sketch along that part of the line which passes over the northern end of the basin. From these I have drawn interesting information concerning its extent and depth. As the territory embracing it lies partly in Mexico I submitted the project for its improvement to the Mexican minister at Washington, Mr. Zamacona, with whose earnest efforts to increase trading intercourse between the two countries I had the good fortune to be personally acquainted. He transmitted to his Government a note which I prepared, and, while waiting its decision upon it I am assured of a friendly and comprehending interest from himself in the subject.

With the change of climate that would follow the restoration of the waters there would undoubtedly be a change of vegetation over all this region. Date trees and other varieties of palm might be made to flourish here in a congenial climate, and many trees and plants of commercial value would replace the cactus desert growth. Southward large tracts of land, lying along the lower Colorado and the head of the gulf, are reported to be of strong fertility, peculiarly well suited to hemp, sugar, cotton, and kindred productions. These lands would all be made available. Formerly the Indians of this country grew and manufactured cotton, and lately a variety from Chinese seed, resembling in its staple the sea-island cotton of the Gulf States, has been successfully grown on the San Pedro River. Sugar is already a production in the Salt River Valley, which is 1,800 feet higher and farther north.

The work of redeeming the basin region and turning it to the advantage of the surrounding country would be full of interest if found practicable, and I have dwelt on it in the desire to bring it favorably to your attention. It may be considered a mere speculative idea, but in any event it would require but a small expenditure of money and time to know the facts and dispose of the subject.

This statement by Governor Frémont is but another evidence of the wide variety of subjects which claimed the attention of a man who was not only a great explorer but was also the first candidate for President of the United States to be nominated by the Republican Party.

PROPOSED ANNEXATION OF MOUTH OF THE COLORADO RIVER

On August 3, 1863, Gen. Edward Fitzgerald Beale wrote a letter to Salmon P. Chase, then Secretary of War, excerpts from which are as follows:

I desire most particularly to call your attention to the fact that we have in our power at this time by purchase of Lower California, and a very small portion of the opposite coast, to possess the mouth of the Colorado, destined to be as important to us on the Pacific as is the Mississippi to the Eastern States. If the line of the Gadsden Purchase was straightened instead of being deflected at 111 degrees of longitude, and touched the gulf at the coast, and we should possess ourselves of Lower California, we should then control entirely the navigation of the Colorado, which the future will prove of the utmost importance to the welfare of the Pacific States. * * * You may be sure that those who live after us on this coast will not hold the memory of that administration in high respect which will have allowed a foreign power to collect toll at the mouth of the Mississippi of the Pacific after having lost the opportunity of this acquisition for our own people.

Secretary Chase made the following reply:

TREASURY DEPARTMENT, *September 5, 1863.*

MY DEAR SIR: Yours of the 5th of August has just reached me. I appreciate as you do the importance of the acquisition you suggest. I fear that the Juarez government is now too entirely broken to warrant negotiations with it, but I will confer with the President and Secretary of State on that subject.

What a pity it is that we neglected our opportunities when the States of Central America were so ready to identify their fortunes with those of the American Union! What a pity it is also that when General Scott took Mexico he did not remain there and establish a protectorate! The timid counsels of the Whig leaders and the fears of the slaveholding oligarchy suppressed a policy which would have prevented all our present troubles so far as French domination in Mexico is concerned.

Yours very truly,

S. P. CHASE.

To E. F. BEALE, Esq.

I am glad to say that, thanks to the efforts and ability of Ambassador Morrow, the relations between the United States of America and the United States of Mexico are now established upon a firm basis of friendship. When Secretary Chase wrote that letter to General Beale, Benito Juarez, the heroic President of Mexico, was engaged in a desperate struggle with the Emperor Maximilian, supported by the French. When the all-American canal board made its report in 1919 Mexico was still suffering from the effects of the Madero revolution which began in 1910.

At this moment no such obstacles exist to a complete accord with the Government of that Republic with respect to the waters of the Colorado River. The present attitude of American people toward Mexico can not be better expressed than in these words by Hon. Charles Evans Hughes in an address delivered at Princeton University on May 12, 1928:

There is not the slightest reason why there should be antagonism between the peoples of the Governments of the United States and Mexico.

It should be understood that there is no desire on the part of our Government to interfere with the domestic policies of Mexico, and that her independence and sovereignty will invariably be respected.

Her interest in the protection of valid rights honestly acquired under her laws is no less than our own. Our interest in her friendship is no less than her interest in ours.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Arizona yield to the Senator from Kansas?

Mr. HAYDEN. For what purpose?

Mr. CURTIS. I desire to move an executive session.

Mr. HAYDEN. I yield for that purpose.

The PRESIDING OFFICER. Before entertaining the motion the Chair will lay before the Senate sundry executive communications.

Mr. CURTIS. Very well.

ESTIMATES OF APPROPRIATIONS, EXECUTIVE DEPARTMENTS
(S. DOC. 124)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property, in the amount of $933.57, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA
(S. DOC. NO. 125)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting, pursuant to law, records of judgments rendered against the Government by the United States District Court for the Northern District of California, amounting to $602,308.25, as submitted by the Attorney General through the Secretary of the Treasury, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA
(S. DOC. NO. 126)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting, pursuant to law, a record of judgments rendered against the Government by the United States District Court for the Eastern District of Pennsylvania, under the public vessels act, as submitted by the Attorney General through the Secretary of the Treasury, amounting to $4,452.31, which, with the accom-

panying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY THE COURT OF CLAIMS (S. DOC. NO. 127)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and requiring an appropriation for their payment, amounting to $1,944,459.73, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY THE GENERAL ACCOUNTING OFFICE (S. DOC. NO. 128)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting, pursuant to law, schedules of claims amounting to $108,982.02, allowed by the various divisions of the General Accounting Office, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES, BUREAU OF ANIMAL INDUSTRY (S. DOC. NO. 129)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Department of Agriculture, amounting to $30,000, for the fiscal year 1929, for animal husbandry investigations, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES UNDER THE NAVY DEPARTMENT (S. DOC. NO. 130)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a draft of proposed legislation making available not to exceed $20,000 for expenses in connection with research and investigation of safety devices and appliances for submarines during the fiscal year 1929, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF OFFICERS OF THE FOREIGN SERVICE (S. DOC. NO. 131)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Department of State, amounting to $9,819.93, for the relief of Joseph C. Grew and other members of the Foreign Service, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL STREET, NOGALES, ARIZ. (S. DOC. NO. 132)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1928, amounting to $40,000, for grading and paving International Street, adjacent to Nogales, Ariz., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, INDIAN OFFICE (S. DOC. NO. 133)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, fiscal year 1928, amounting to $114,200, and proposed authorizations of expenditures of $51,000 of Indian tribal funds, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INCREASE OF THE NAVY (S. DOC. NO. 134)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation, fiscal year 1929, amounting to $200,000, for the increase of the Navy, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PAVING OF LAFAYETTE EXTENSION ROAD, GA. (S. DOC. NO. 135)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1928, for the paving of the Government road known as the Lafayette Extension Road, in the State of Georgia, amounting to $193,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

UNITED STATES EMPLOYEES COMPENSATION COMMISSION (S. DOC. NO. 136)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the United States Employees Compensation Commission, fiscal year 1929, amounting to $80,010, for salaries, expenses, printing, and binding, which (with the accompanying papers) was referred to the Committee on Appropriations and ordered to be printed.

PAVING OF HOOKER ROAD, TENNESSEE AND GEORGIA (S. DOC. NO. 137)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1928, for paving the Government road known as the Hooker Road, Tennessee and Georgia, which (with the accompanying papers) was referred to the Committee on Appropriations and ordered to be printed.

SALARIES, OFFICE OF CHIEF OF ENGINEERS (S. DOC. NO. 138)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a proposed draft of legislation affecting an existing appropriation for the War Department for the fiscal year ending June 30, 1929, for salaries, Office of the Chief of Engineers, which (with the accompanying papers) was referred to the Committee on Appropriations and ordered to be printed.

STANDARDS FOR HAMPERS AND OTHER BASKETS (S. DOC. NO. 139)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, amounting to $7,500, for the enforcement of the act fixing standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RESERVE CORPS OF THE ARMY

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD the declaration of the National Guard Association of the United States in reference to the proposed organization of a unit in the General Staff with reference to the reserves.

There being no objection, the statement was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Statement of the National Guard Association of the United States, through its executive council, meeting at Washington, D. C., Thursday, May 17, 1928, as to the attitude of the National Guard toward Senate bill No. 3458 and House bill No. 11683, now pending before Congress.

1. The National Guard has always accepted, deemed adequate, and advocated consistent adherence to the system of military organization for defense set up under the Federal Constitution.

2. In pursuance of this policy, it opposed in 1915 and 1916 the plan of former Secretary of War Garrison for establishing a civilian military force, wholly under Federal control, which plan contemplated the conversion of the National Guard as then organized and officered into a Federal reserve force. This opposition was based upon the ground that the formation of such a force disregarded the safeguards provided under the Constitution for keeping in balance, by limited State control, the military power of the Nation in time of peace, and because the plan for permanently maintaining a large Federally controlled military force was inconsistent with our basic theories of government.

3. For the same reason it opposed the adoption of section 56 of the national defense act of 1916, as originally introduced in the Senate; that section having contained authorization for the formation of a Federal reserve force, to be "organized under such regulations as the Secretary of War might prescribe." In both instances the position of this association was sustained by the action of Congress.

4. The system of military organization prescribed under the national defense act of 1916 was consistent with the militia system of the Constitution. It was put to the severest possible test immediately after its enactment by the mobilization on the Mexican border and a few months later in the World War.

5. One of the lessons of the World War was the importance of trained leadership. In order to retain a nominal connection with officers who had had the experience of World War service, and to provide means by which young men might voluntarily receive training to fit them for duty as commissioned officers, provision was made in the national defense act of 1920 for an Officers' Reserve Corps and for the reserve officers' training camps and the citizens' military training camps. With this program and the development of these agencies the National Guard has been and is in entire sympathy and accord. The National Guard has always cordially supported the essential

features of the national defense act, but it has never believed that any provision of the act would result in reserve units with enlisted strength beyond provision for noncommissioned officers and important specialists. The National Guard has never believed and does not now believe that the reserve officers' training camps and citizens' military training camps were agencies designed to serve the Organized Reserves exclusively, or even primarily. It, therefore, finds difficulty in conceding that these agencies should be administered in a reserve bureau.

6. Since the Officers' Reserve Corps is a component of the Army and since the Army has its established agencies of administration in the War Department, the necessity for the pending bill is not clear in so far as the administration of Officers' Reserve Corps affairs is concerned. If a special bureau or separate agency is required, it would appear that it is within the power of the Secretary of War to provide such an agency without congressional action.

7. The National Guard would not oppose any action for improving the administration and training of the personnel of the Officers' Reserve Corps, nor would it oppose the pending bill were it limited to that purpose. A casual reading of the bill, however, is sufficient to indicate that it has a broader scope, and will have a more far-reaching effect.

8. The pending bill provides for a "reserve division" in the War Department. The purpose of the pending bill, as in the minds of its proponents, is indicated by the fact that new machinery, in addition to that now administering the affairs of the Army, is thought to be necessary and, also, by the statement of one of those who were heard before the Senate Committee on Military Affairs and who spoke of the necessity for enlisting approximately 150,000 men. It may be logically assumed that the step which will follow the enactment of the pending bill will be an effort to organize reserve units with full enlisted complement.

9. In addition to the abandonment of certain principles of military organization heretofore regarded as fundamental to our ideals of government, the contemplated enlistment of so large an additional force must necessarily suggest certain economic problems. For example—the strength of the National Guard was by act of Congress contemplated to ultimately approximate 435,000, but only 190,000 have ever actually been provided for. Appropriations for the support of the guard at this reduced strength are now fixed at the minimum, and it is operating upon a skeletonized and incomplete basis as a measure of economy. These matters are but briefly touched upon here, but further analysis and an estimate of probable results were the pending bill enacted are not difficult.

10. The National Guard Association of the United States believes that the pending bill is entirely too far-reaching in its effect to be hurried through Congress, and that it should not be enacted until opportunity has been given for full study and hearings, and the people of the country have opportunity to be informed and appreciate it will bring about a complete departure from the military policy of the Constitution.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.), under the order previously entered, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The VICE PRESIDENT. Pursuant to the order of to-day for this evening the Chair lays before the Senate the conference report on Senate Joint Resolution 46.

MUSCLE SHOALS—CONFERENCE REPORT

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Locher	Sackett
Barkley	Edwards	McKellar	Sheppard
Black	Fess	McMaster	Shipstead
Blaine	George	McNary	Smith
Blease	Gillett	Mayfield	Steck
Bratton	Glass	Metcalf	Steiwer
Brookhart	Hale	Neely	Stephens
Broussard	Harris	Norbeck	Swanson
Bruce	Harrison	Norris	Thomas
Capper	Hawes	Nye	Tydings
Caraway	Hayden	Oddie	Tyson
Copeland	Heflin	Phipps	Vandenberg
Curtis	Johnson	Pine	Wagner
Cutting	Keyes	Reed, Mo.	Warren
Dale	King	Reed, Pa.	Wheeler
Deneen	La Follette	Robinson, Ark.	

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the conference report.

Mr. KING rose.

Mr. NORRIS. Mr. President, does the Senator from Utah desire to address the Senate?

Mr. KING. No; I did not see the Senator from Nebraska rise, and I did not want the vote to go by default.

Mr. NORRIS. I am perfectly willing to give Senators opposed to the conference report the time if they want it. The Senator from Kentucky [Mr. SACKETT] desires to make some remarks in opposition to the conference report. I shall be glad to yield to him and let him proceed.

Mr. SACKETT. Mr. President, does not the Senator want to lay the conference report before us and explain it?

Mr. NORRIS. It is before the Senate now.

Mr. SACKETT. Does not the Senator wish to explain the conference report?

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Nebraska should make a brief explanation of the provisions of the conference report.

Mr. NORRIS. Mr. President, I do not think a suggestion of that kind is out of order at all; it is perfectly proper; but it occurred to me that some of those who are opposed to the conference report are desirous of being heard, and I am perfectly willing to yield if they want to proceed at this time.

Mr. President, the Senate joint resolution as we passed it provided for the management of the power facilities at Muscle Shoals by the Secretary of War and the management and control and operation of the fertilizer facilities by the Secretary of Agriculture. The House provided for a governmental corporation that should have charge both of the power and the fertilizer operations provided for in the joint resolution as it passed the House. There was also added to the joint resolution a provision for the building of Cove Creek Dam, about 300 miles farther up the river than Dam No. 2. The provisions in regard to fertilizer are, in the main, the provisions which the Senate adopted.

The method of operation, either through such a corporation as is set up in the House amendment or through the two Secretaries of War and of Agriculture, is, in my judgment, immaterial. There may be differences of opinion as to which is the better method. The provisions, however, as to the management, and so forth, are practically the same, with the exception that it is necessary, of course, under the conference bill to provide for the machinery of the corporation, its appointment, and so forth. In a general way the corporation is controlled by a board of directors, consisting of three members selected by the President and confirmed by the Senate. They are directed to employ a manager and two assistant managers. One of the assistant managers is to be an expert in fertilizer operations and the other is to be a hydroelectric expert.

Mr. COPELAND. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. COPELAND. The Senator has stated that in the main the conference report, as regards the production of fertilizer, is practically the same as the provision adopted by the Senate. Will the Senator at some time in the course of his remarks tell us what the difference is?

Mr. NORRIS. I will. In my opinion, where there is enough work to do, it is more satisfactory that an operation of this kind should be conducted by a governmental corporation than directly by officials of the Government. A corporation is more like an individual; it can sue and be sued. One of the reasons why in the joint resolution as passed by the Senate a corporation was not provided for was because I thought when I prepared it that the business that would have to be done could be more economicallly done without having so much overhead.

In the first two or three bills that I introduced at the beginning of the Muscle Shoals fight I myself provided for a governmental corporation for the management of the property. Now

the House of Representatives has added, and the conferees have agreed to it, a provision for the building of the Cove Creek Dam. It seems to me very appropriate that the management of the whole business should be left in the hands of a governmental corporation, giving to it all the power that any private corporation owning and managing the various properties would have.

I presume, since it is new, that I ought to explain to the Senate the provision in regard to Cove Creek Dam. Cove Creek Dam is a dam across Clinch River a little over 300 miles above Muscle Shoals. It affords, I think, the largest natural reservoir of any of the tributaries on the east side of the Mississippi River. I know it is the largest of any natural reservoir anywhere in the South, and I know of none in the North that is anywhere near it in size. There is only one that compares with it, and that is a natural reservoir near the central part of Alabama, on the Alabama River, near the city of Montgomery, and that is only a little more than one-half the size of the reservoir that will be created by the construction of Cove Creek Dam. The dam will be 225 feet high and it will hold back 3,500,000 acre-feet of flood water, making a lake of a little over 85 square miles, with a depth at one end of 225 feet.

The justification for building this dam by the Government can not, in my judgment, be successfully challenged. First of all, it is a navigation proposition and a flood-control proposition, and the power that will be generated there, although quite large in quantity, is an incident to it. The joint resolution provides that there shall be installed at that dam machinery that will develop 200,000 horsepower.

I think I ought to digress for a moment to call the attention of the Senate to what a flood-control and a navigation dam of this kind means. It is the greatest step to bring about the navigability of the Tennessee River that has ever been undertaken. It will do more than any other one thing or any other dam or half dozen dams to make the Tennessee River navigable for hundreds of miles. Every man who believes in the control of the flood waters of the Mississippi River ought to be, it seems to me, in favor of the construction of Cove Creek Dam. I doubt if in the United States—there may be others, but I do not know of them—there is a natural reservoir equal to it in capacity. So the construction of the dam will have a material effect upon the floods of the Mississippi River, for I believe—and I think the country is coming to the belief—that in order successfully to cope with the dangerous floods in the lower Mississippi River we must do it by the construction of dams where nature has provided large storage capacity. Cove Creek is one of the largest, if not the largest. It should be a governmental undertaking, because if a private party should build Cove Creek Dam for the purpose of generating power he would, of course, want to secure as much primary power as possible; he would want to obtain the most valuable kind of power; he would want to get the most money out of Cove Creek Dam that he possibly could get. Those are all legitimate purposes, and I am not complaining of any of them; but in order to do that he would let the lake fill up to the height of the dam and then he would let the stream flow over the top of it the year around.

There would not be any such a thing as holding back the flood waters from the Tennessee River or from the Mississippi Valley. He would thereby get a constant flow of primary power during the entire year. If, on the other hand, it is managed as a flood control or as a navigation proposition, then every year the reservoir would be emptied and, as the waters receded, the power that could be generated would grow less and less and when the reservoir became empty, of course, there could be no power generated. So it ought to be operated as a navigation proposition and as a flood-control proposition. It is valuable for both purposes.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED of Missouri. I do not want to interrupt the thread of the Senator's discussion but I should like to get a little information at this point. Looking at the conference report I find this language:

> That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows.

Then follow some eight pages printed in italics. Is that all new matter?

Mr. NORRIS. It was all either in the Senate joint resolution or in the House amendment. The Senator will remember that the House struck out all after the enacting clause of the Senate joint resolution and inserted an entire substitute; so there was only one amendment, except the amendment to the title.

Mr. REED of Missouri. Is there new matter contained in the conference report that was contained either in the joint resolution as it passed the Senate or as it passed the House?

Mr. NORRIS. No.

Mr. REED of Missouri. Is the dam which the Senator is discussing a part of the measure as it came to us from the House?

Mr. NORRIS. It is in the House amendment.

Mr. REED of Missouri. So that all the conferees have done here is to incorporate the provisions either of the Senate joint resolution or the amendment adopted by the House?

Mr. NORRIS. Yes, sir.

Mr. REED of Missouri. There is nothing new in it?

Mr. NORRIS. There is nothing new in it.

Mr. REED of Missouri. The statement is very misleading as it is printed.

Mr. NORRIS. That is what always happens.

Mr. HARRISON. Mr. President, may I ask the Senator what, if anything, was done with Dam No. 3?

Mr. NORRIS. Nothing was done with it; it was not in the joint resolution as it passed either body.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. I have but recently come into the Chamber and may I suggest that the Senator, if he has not already done so, discuss briefly, if he will, the objection to the joint resolution, to the effect that it brings the Government into competition with private manufacturers of fertilizers on a basis which would inevitably be destructive of private enterprise in that industry.

Mr. NORRIS. I expect to take that question up before I conclude. I was, however, right in the midst of discussing the Cove Creek Dam.

Mr. BRUCE. Mr. President——

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. BRUCE. I am glad the Senator from Virginia has opened up the line of inquiry that he did, because naturally enough it is a line of inquiry that is very interesting to me.

Mr. NORRIS. I can not discuss two provisions at the same time. I had just as lief discuss that question first; but, since Cove Creek Dam is an entirely new proposition, I thought I should take it up first.

Mr. GLASS. I beg the Senator's pardon; I came into the Chamber late.

Mr. NORRIS. I am not finding fault at all, but I will say to the Senator from Virginia that I would rather finish the subject I was discussing before taking up another branch of the discussion.

Mr. BRUCE. Mr. President, I simply wish to say that the point brought up by the Senator from Virginia is of very great consequence to me, as I happen to represent one of the great cities of the Union—Baltimore—where $25,000,000 is invested in the business of producing fertilizer.

Mr. NORRIS. I was discussing Cove Creek Dam. I have forgotten just where I was, but, as I recall, I was near the top of it.

Mr. ROBINSON of Arkansas. The Senator was discussing the reason why he thought it was better for the Government to build and operate the dam at Cove Creek.

Mr. NORRIS. I think I had finished that phase of Cove Creek.

It seems to me quite plain that if we are going to utilize Cove Creek Dam to assist in making the Tennessee River navigable, or to assist in flood control of the Mississippi River, it must be done by the Government of the United States. Both of those are governmental undertakings, and can not be done by anybody else; because, as I said, private parties would build the dam, if they should built it, for the purpose of getting as much power as possible, and the valuable power would be obtained by not letting out the water.

When the Tennessee River is low, the water in the reservoir of course will be let out in large quantities. When it is being let out, as it passes over the dam there will be power developed, of course; and if it is necessary for the Government to construct the dam in order to make the Tennessee River navigable and in order to assist in flood control, and by doing so some power is incidentally developed, of course it would be the height of folly not to make use of that very beneficial element.

Mr. HARRISON. Mr. President, may I ask the Senator what is the estimated cost?

Mr. NORRIS. The estimated cost is $37,000,000; and that includes a transmission line to Dam No. 2.

Mr. NEELY. Mr. President, will the Senator permit me to ask him just one question before he leaves that phase of the case?

Mr. NORRIS. Yes.

Mr. NEELY. I understand the Senator's plan contemplates the supplying of a certain amount of power by the Government at certain times of the year. My question is this: As the Senator has indicated that power could be made under his plan only a portion of the year, by what method would the power be supplied during that portion of the year in which no power was made?

Mr. NORRIS. I am coming to that.

It is quite evident, Mr. President, that if the Government was not the owner of Dam No. 2, and did not have the steam plant at Muscle Shoals, it could not utilize this power to any advantage.

When the Tennessee River is low, however, and the power at Dam No. 2 at Muscle Shoals is at the minimum, a little less than 100,000 horsepower, then we will be letting out the water at Cove Creek Dam and making power there. It would not reach the maximum down at Dam No. 2, but it would be adding to the power that we develop at Dam No. 2 because of the increased flow of the stream; and when we were filling up the reservoir at Cove Creek it would be in time of flood, when the river was high and when the dam at No. 2 would be making power to its maximum, so that one would dovetail right into the other.

In addition to that we have the stand-by steam plant at Muscle Shoals. This bill provides that we shall complete that plant as contemplated by the original plans and specifications by the erection of another unit, and when that is done the steam plant will have a capacity of 120,000 horsepower.

Just think for a moment what the Cove Creek Dam is going to mean to Dam No. 2, down at Muscle Shoals, when run in connection with the steam plant.

The weakness of the governmental proposition at Dam No. 2 is the great variation between the low water and the high water 97 per cent of the time—that is practically 100 per cent, so in round numbers we have always used that, but, to be accurate, 97 per cent of the time—at Dam No. 2, which we now own and operate, there is 100,000 horsepower; 83⅓ per cent of the time, or about 10 months, there is 141,000 horsepower; 66⅔ per cent of the time, or about 8 months, there is 205,000 horsepower at Dam No. 2; and 50 per cent of the time, or 6 months, there is 306,500 horsepower. That is an enormous horsepower one-half of the time.

If, by the utilization of the dam at Cove Creek and the steam plant, we can supply that deficiency 50 per cent of the time, we will have multiplied the value of Dam No. 2 by three. Instead of producing 100,000 horsepower, we will produce over 300,000 horsepower from that dam alone.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. The figures the Senator first gave were the figures before the building of the dam up the river?

Mr. NORRIS. Oh, yes. All these figures are without that dam. All the figures that I have given are based on taking the Tennessee River without any storage water whatever—just taking it one year with another, as nature runs the water down the stream.

Mr. STEPHENS. Mr. President, will the Senator yield for a moment?

Mr. NORRIS. Yes.

Mr. STEPHENS. The Senator has been discussing the amount of horsepower that may be developed at Muscle Shoals. I notice that the bill provides that fertilizer is to be manufactured there, and there is to be a distribution of the surplus power, to be carried over the States and put to certain purposes. I should like to ask the Senator for an approximate estimate of the amount of power that will be used in the production of fertilizer and the amount of power which will be distributed over the country.

Mr. NORRIS. Mr. President, I can only give the Senator a guess on that.

Mr. STEPHENS. I understand.

Mr. NORRIS. I can not tell how much power will be used for fertilizer.

Mr. STEPHENS. What is the Senator's idea as to the percentage?

Mr. NORRIS. I will state to the Senator that it will be very small.

Mr. STEPHENS. A very small percentage will be used for electricity?

Mr. NORRIS. Yes. Again I should like to suggest to the Senator that he let me finish this particular branch. If he will call my attention to it, I shall be glad to go into that point later.

Mr. STEPHENS. I beg the Senator's pardon. I will do that.

Mr. NORRIS. Mr. President, it becomes evident that if the Government owns Dam No. 2, as it does, and the steam plant at Muscle Shoals, and builds Cove Creek Dam as a regulator of stream flow, it can, by combining the use of those three properties, make money out of each one of them, besides furnishing for that great country what it has always been trying to get, and that is the cheapest transportation in the world. The Tennessee River for four or five hundred miles will then be a navigable stream, perhaps with the construction of one or two small dams.

Mr. TYDINGS. Mr. President——

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. TYDINGS. Conceding that the Government would make money by the operation of the power plant, if it was the result of this measure that the private concerns which are now making fertilizer were put out of business, and those individuals who had invested their capital in power companies were put out of business because they were forced to compete with a Government-operated concern, untaxed, uncontrolled, and with an unlimited Treasury back of it, does the Senator think that would be a fair way for the Government to make money?

Mr. NORRIS. No; I do not. I do not claim that. Again the Senator is getting into the fertilizer business. I am afraid I shall have to give up this without finishing it, and take up the fertilizer proposition; but just let me briefly refer to navigation, and I will do that.

It is conceded that the making of any stream navigable is a governmental function. Here is the best way to make the Tennessee River navigable. Here is the best way, as far as the eastern side of the Mississippi River is concerned, for the least amount of money, to hold back the flood waters of the Mississippi River; and are we going to refuse to do it because in holding back the flood waters, in making the river navigable, we happen to generate some electricity? Are we going to throw it away? Shall we generate this electricity and not use it? Shall we develop this power as an incident to navigation and flood control from the waters that belong to all the people, and then refuse to use the electricity because it might interfere with some private monopoly selling electricity to the people?

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. NORRIS. Yes.

Mr. TYDINGS. I suppose the Senator would be equally in favor of the proposition he is advocating if it applied to any other river in the United States, provided the circumstances were the same?

Mr. NORRIS. Yes, sir.

Mr. TYDINGS. If this policy were carried out all over the United States, it seems to me it would be inevitable that the Government would be competing with people who had put their money into power enterprises, and that the Government, being uncontrolled, untaxed, and unregulated, with an unlimited Treasury back of it, would ultimately put out of business every one of those private power concerns.

Mr. NORRIS. Mr. President, the Senator has been reading the propaganda that is brought out before the Federal Trade Commission. He is making the same argument that the fellows representing the Power Trust have been making, and which that investigation is bringing to light.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. NORRIS. Yes.

Mr. TYDINGS. Will the Senator deny that the propaganda he says I have been reading—although I have not read a page of it—or the statement I have just made is absolutely true; and, if false, will the Senator point out wherein it is false?

Mr. NORRIS. I am not going to be led into a quarrel with the Senator as to putting somebody out of business. It has been developed, and the country now knows it, that this greatest monopoly in existence is sneaking into the back doors of the schoolhouses and is trying to contaminate the minds of our children and is poisoning them with its arguments in favor of the Power Trust; and I hate to have the argument made now that we are in danger of injuring that kind of a monopoly.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. TYDINGS. I have not yet gotten an answer to the question I asked the Senator. He has condemned the Power Trust. I do not blame him for that if he wishes to do it; but I ask him specifically if the Government pursued the policy that he has outlined in this measure and went all over the United States and built dams on rivers situated similarly to this river and sold the electricity, uncontrolled, untaxed, and unregulated, would not the inevitable result be that the private concerns would have to go out of business?

Mr. NORRIS. Mr. President, if the private concerns are going to operate as they have been operating——

Mr. TYDINGS. But the Senator does not answer my question.

Mr. NORRIS. I hope the Senator will let me make my answer. He will have his time all taken up if he will read the rest of the disclosures that are made before the Federal Trade Commission about this great monopoly of which he seems to be so tender and which he does not want to have injured.

Mr. GLASS. With respect to that, it seems to me the ready answer is that the Government is not going all over the country building dams on all the rivers.

Mr. NORRIS. Mr. President, the Government is at Muscle Shoals because we provided that plant as a war proposition. I did not favor going into it on any other ground myself. We are there because we provided for it in the national defense act, and since we are there and own the property and have spent the money of the people in developing it I think it would be the height of unwisdom if we threw it away now just because a set of millionaires who have a monopoly in this country and are getting a greater monopoly in the development of power object to our interfering with their business.

Mr. TYDINGS. Mr. President, I am not quarreling with the Senator or his views; I am trying to get them straight in my own mind. I understood the Senator to say a while ago that he was in favor of the principle incorporated in his measure as applying to any other river similarly situated.

Mr. NORRIS. I am. If we had any other river like this, and had such a property as we have at Muscle Shoals, I would want to do the same thing.

Mr. TYDINGS. Then I ask the Senator again, if we pursue the principle laid down in his joint resolution, and the Government goes into these propositions on the various rivers of the country and builds plants and sells power——

Mr. NORRIS. Does the Senator know of another place where we have such a plant?

Mr. TYDINGS. Of course.

Mr. NORRIS. Is there any place in the United States where the Government has built a dam like that it has at Dam No. 2?

Mr. TYDINGS. But the Senator is leaving his original proposition.

Mr. NORRIS. No; I am not. If the same conditions existed I would want to do the same thing. There is no use of the Senator quibbling over that.

Mr. TYDINGS. They exist all the way up and down this country.

Mr. NORRIS. No; they do not. There is not another place in the United States where the Government owns property like that it owns at Muscle Shoals, or anything similar to that.

Mr. TYDINGS. My first question directed to the Senator was, if there were other rivers similarly situated as the Tennessee River, would he be in favor——

Mr. NORRIS. Now, the Senator must admit, I think, that his question is, in a nutshell, if we had the same conditions anywhere else, on any other river, would the Senator be in favor of doing what he is doing now, and my answer is, yes.

Mr. TYDINGS. Then I ask the Senator if he will give me an answer to my second question, which I have propounded three times, and to which I have not yet gotten an answer.

Mr. NORRIS. Yes; but the Senator's second question has not any more to do with the first one than the flowers that bloom in the springtime. He can not tell me now—I challenge him to tell me—a place in the United States where there is a similar condition.

Mr. TYDINGS. The Senator is answering my question by asking me one. What I would like to have the Senator do first is to answer my question, and then I will answer his inquiry.

Mr. NORRIS. I have answered the Senator's question. I have said that if we had the same conditions anywhere else I would be in favor of the same kind of a proposition.

Mr. TYDINGS. Then, under the provisions of this joint resolution, will not the Government, untaxed, uncontrolled, unregulated, competing with concerns that are taxed, are controlled, and are regulated, put the other concerns out of business?

Mr. NORRIS. No; not if they do an honest business.

Mr. TYDINGS. Why not?

Mr. NORRIS. They will profit by this measure, as I will show the Senator when I get to it. He is so anxious that he will not even let me discuss another feature of this proposition, but insists that I discuss that first. Bless your soul, there is nothing in this measure that will put any honest fertilizer man, or any honest water-power man, out of business anywhere.

Mr. TYDINGS. Why so?

Mr. NORRIS. Because it will not.

Mr. TYDINGS. What difference does it make whether a man is honest or dishonest if, with a big overhead of taxation, controlled by the States, and with a limited capital, he is to compete with this Government plant?

Mr. NORRIS. The Senator forgot; he did not this time say "untaxed and uncontrolled."

Mr. TYDINGS. Yes; I did.

Mr. NORRIS. Did the Senator?

Mr. TYDINGS. Yes; I did.

Mr. NORRIS. The Senator has repeated that so often that I have reached the conclusion that he has not only read the propaganda of the Power Trust being exposed before the Federal Trade Commission, but he has committed it to memory.

Mr. TYDINGS. The Senator is very witty; but I am trying to talk sense to him, and not indulge in frivolity on a very serious question.

Mr. NORRIS. I hope the Senator will talk sense.

Mr. TYDINGS. I would like to say to the Senator that his measure provides for the Government to go into the power business. It will compete in communities that already have private concerns in the power business. Those private concerns are subject to taxation, they are subject to the control of the State public-utilities commissions. The Government is not subject to taxation; it is not subject to the control of the State utilities commissions; it has an unlimited Treasury back of it to make up any deficit; and I ask the Senator how any concern may stay in business in the face of that competition?

Mr. NORRIS. One way they can stay in business is to stop spending millions of dollars for propaganda purposes.

Mr. TYDINGS. Oh!

Mr. NORRIS. Another way they can stay in business is to stop spending money in senatorial elections. Another way they can stay in business is to stop making contributions to carry presidential elections.

Mr. TYDINGS. The Senator can not show, to save his soul, where a million dollars has been spent for propaganda purposes. That is a wild statement, made out of the whole cloth.

Mr. NORRIS. Then there has not been any. Does the Senator remember the $125,000 contribution of Samuel Insull? Who paid that, if it was not the poor men who are reading by electric light?

Mr. TYDINGS. Add up your million.

Mr. NORRIS. I could go on and give more.

Mr. TYDINGS. Do it.

Mr. NORRIS. I will not do it.

Mr. TYDINGS. The Senator can not do it.

Mr. NORRIS. I can do it. The Senator must not think that he can outline a course for me to take.

Mr. TYDINGS. The Senator can not do it.

Mr. NORRIS. Of course, I can do it.

Mr. TYDINGS. Do it, then.

Mr. NORRIS. I am not going to please the Senator that way.

Mr. TYDINGS. Of course, the Senator is not, because he can not.

Mr. NORRIS. If the Senator will follow the Federal Trade Commission he will find it out.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. COPELAND. Is there not another answer besides the answer given by the Senator about this particular problem; that we have already invested millions of dollars of the United States in this plant, it is our property, we have it on our hands, and it must be utilized to the best possible advantage? It is not a question of our going out and taking a new property or finding another river and building other dams and other reservoirs, but we have this, it is ours, and it was bought with a specific promise to the American people. That is the way I look upon this particular matter. We are under obligation to do something with it to serve the people in time of peace as we thought to do with this property in time of war.

Mr. NORRIS. I think so. Suppose we were starting on the proposition to make the Tennessee River navigable, a perfectly legitimate governmental activity, as everybody will concede, and we were going to spend $37,000,000 to do it. I defy any man to show a place or places on the Tennessee River where navigation could be improved by the expenditure of the same amount of money as it would be improved through the building of Cove Creek Dam. As a matter of fact, the $37,000,000 includes the building of a transmission line all the way to Dam No. 2. So that it would be worth our while if we were going to act on that one thing alone, to make the Tennessee River navigable, and we are going to make it navigable some time. Nobody doubts that. The great South has a right to demand that it be made navigable. It is one of the longest streams in the United States which can be made navigable, and we ought to give to that great section as cheap transportation as we can give them and that will afford it. You can not spend

an equal amount of money on anything else that will go as far toward the making of that stream navigable as will the building of this one dam. That is perfectly apparent to anyone who will study the subject. So we are justified, I think, in building Cove Creek Dam.

It will not help my people any, but I hope that Senators will be broadminded enough, no matter from what sections of the country they come, to realize that flood control is a national problem, and that this is one step toward flood control; and eventually, on the ground of flood control alone, we will build that dam, if we do not do it now.

Now I want to discuss briefly the fertilizer matter. There are two considerations here—water power and fertilizer production. For more than seven years I have listened to Senators condemning me and the course I wanted to take at Muscle Shoals on the ground that I was in favor of the development of a power proposition at Muscle Shoals, and was not giving sufficient consideration to fertilizer. Fertilizer has been the cry. It was always said, in all the arguments, that this plant had been dedicated to fertilizer; in one of the bills it was stated in so many words that Congress dedicated this plant to fertilizer. We have said we wanted to improve agriculture, that we wanted to give the farmer a chance, and while I always believed that I was providing for the production of fertilizer, I was condemned, and the bills I introduced were condemned, because it was said I did not have in them enough provision for the production of fertilizer.

Now, we have reached the point where this measure is being condemned because it provides for the production of fertilizer. Where are the champions of the farmer who for seven years have been crying aloud that this was dedicated to fertilizer in time of peace and saying those of us who wanted even to think of water power were enemies of the farmer? Look over the resolutions which during the last eight years have been passed by farm organizations, National, State, county, district—any kind. Whenever they pass a resolution about Muscle Shoals you will find somewhere in it a demand that this plant be utilized for the production of fertilizer in time of peace.

Now the cry goes up that we must take all provision for the production of fertilizer out of the joint resolution. With the Water Power Trust in disrepute before the people, ashamed to raise its head because of the exposés that have taken place before the Federal Trade Commission, they are carrying on now their propaganda through the Fertilizer Trust, and we are swamped with telegrams and letters by the thousands to the effect that we must take all provision for the production of fertilizer out of this measure.

The Fertilizer Trust is boasting now that in the House they took fertilizer out of it, and they want to take it out in the Senate, although I may say there is no provision in the conference report which, in my judgment, is a particle stronger than was in the joint resolution as it originally passed the Senate on fertilizer. In my judgment, if this joint resolution is passed, it will result in a greater demonstration, in an experimental stage, on a broad principle, than any that has ever been undertaken anywhere in the history of civilization. It will be the greatest boon to fertilizer that has ever been undertaken.

The production of fertilizer is to a great extent a chemical activity. Everybody knows that there are unknown worlds to be developed yet in the production of fertilizer; that the manufacture of fertilizer as practiced to-day upon the farms of America is an incomplete and perhaps almost an unknown science, and developments have been taking place for the last hundred years that have gradually cheapened fertilizer.

Fertilizer is composed of nitrogen, phosphorus, and potash. There is in the air an abundance of nitrogen, and the proposition is to get that ingredient of fertilizer out of the air. We have made broad provision in this measure because we do not know now what to-morrow's scientific world may bring forth. We do know that since the war things have changed very greatly. The cost of extracting nitrogen from the atmosphere has been cut in half since the World War. Scientists all over the known world are trying to develop improved methods, and this is a proposition for the Government of the United States to do it on a large scale. Everybody knows, especially in the chemical world, that in the laboratory may be found a product which apparently is perfect, doing just what you expect it to do, but when you come to apply it in the world of agriculture it does not work; it fails. When we go out in the world and apply it to practical results in a business way we find that the laboratory test does not work. As to the fertilizer people, God knows I have not anything against any of them; I do not believe I have ever been guilty of even making a charge that was disreputable against any of them, but I have heard it here from day to day during several years.

I believe it to be true that no fertilizer company can afford to spend the money in some of these experiments. Some of them will cost hundreds and hundreds of thousands of dollars. They may fail, and then the private individual who is making the experiment loses the money that he has in it. The Government alone can afford to make the experiment. It has never done it in the past except in the laboratory. The proposition is to utilize Muscle Shoals for the purpose of making fertilizer, the ingredients of fertilizer, studying fertilizer practically upon the farms on a broader scale than it has ever been undertaken. I do not know what the results are going to be. It is fair to assume, I think, that there will be many failures. There will be lots of money spent where they will not get the proper kind of results. But I know of no other way to cheapen fertilizer than to continue to experiment and manufacture it on a large enough scale so that we may know whether it is of practical benefit or not.

The joint resolution as passed by the Senate provided that the Secretary of Agriculture might manufacture fertilizer, experiment in fertilizer, and build any kind of plant that he wants to. We thought best not to limit the corporation, because we do not know what the best plan will be to-morrow. It is quite evident since the war that the plant we built down there, No. 2, is believed by all scientific men to-day to be obsolete and out of date. For one-third of the money and one-fifth of the power we can make as many nitrates by more modern methods as we can produce from nitrate plant No. 2. That has all developed since the war. Nitrate is one of the ingredients, and the most expensive ingredient, in fertilizer.

It is the idea of the conference committee, it is the theory of the conference report, that we should give to the corporation very broad latitude, otherwise we do not know what they will run up against and how soon they will be unable to proceed further on account of statutory provisions.

It is provided, for instance, that if the corporation develops a new fertilizer in the laboratory and it is thought that it will work, instead of sending it out to the farmers and telling them to apply it, as we have had to do in the past, at their own risk and sometimes causing them to lose their crop because they wanted the best, they shall say to the farmer, "Apply this in a certain way, follow this practice, use this combination that we will supply to you, and we will agree that if it fails, if it injures or destroys your crop, we will pay the damages." We have got to do something of that kind. I expect that will often occur. In the years to come, if the joint resolution is passed, it will happen perhaps more frequently that way than otherwise.

But we are in hopes that we will succeed sometime, that we will make an advance, and when the Government corporation makes it, it is free to the world. There is no patent. If a private concern did it, they would patent it, and I mention that without criticism. They have a right to do it. But if this Government corporation, with money they obtain from the sale of power, discovered something new, every fertilizer corporation in the world could use it the next day. It would be free and open to everybody.

I remember some time ago when a fertilizer man came to my office to talk to me about it. He had read the Senate bill. He said:

> I think that is the finest piece of legislation that has ever been attempted for any fertilizer man who wants to improve his business.

He said:

> We know that our business is very imperfect. We know that the farmers are paying much more than they ought to pay, if we could get some improved method of making fertilizer. We know that the human race are interested in cheap fertilizer, whether they are on the farms or in the cities.

He said further:

> I would rather, as a fertilizer man, have the Government discover something new and let me use it, which I would be glad to do if it is improved, if they will go to the expense of making the experiment. I can not afford to do it because I might fail. In doing that, if they make it on a large enough scale—

he said—

> which they ought to do, then they would have to sell it, of course; if they had it on hand it would have to be utilized. If they had a little competition that would affect me, I would not object because it would be as nothing compared to the benefits I would get out of any improved method which might be discovered.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. The thing that disturbs me about the conference report is emphasized by what the Senator is saying. I have followed him and voted with him on the bill from the beginning. But heretofore, and the RECORD shows it, the Senator has said distinctly that "When we talk about fertilizer it is a mockery, it is a myth, it does not mean anything. It is to deceive the farmers of the United States into believing that they are going to get fertilizer," and so forth. He said, "It is a power plan altogether."

Mr. NORRIS. I am glad to have the Senator call my attention to that.

Mr. COPELAND. I am disturbed by that statement.

Mr. NORRIS. Let me see if I can explain it to the Senator. This is a power proposition. I have always believed it to be a power proposition. If the Senator will go through the RECORD he will find that I always claimed to be—and I believe I was honest in it—as anxious to cheapen the production of fertilizer as any man on earth. While I did not come from a section of the country that uses it very much, yet when I went into the question and studied fertilizer and began to realize how important it is to the human race, I became a convert to the spending of almost unlimited sums in the improvement of fertilizer and fertilizer practices.

But this has always been a water-power proposition. In other words, here is what was being claimed by my opponents in the debate. They said, "Use nitrate plant No. 2, the cyanamide process, and make fertilizer with it." While I admitted that could be done, I tried to make plain that it was an obsolete method of doing it; that, while we had a plant down there which would make 40,000 tons of nitrate a year, we could make the same amount of nitrate for much less money without utilizing one-fifth the amount of power that we would use there, and I think that has been demonstrated now. But I wanted to use the money that we would sell the power for and then go into the fertilizer business on a modern basis. That is what I was advocating.

Mr. COPELAND. If the Senator will bear with me, it is very confusing to me because the things the Senator has said in years past soaked into my soul and memory, and I was sure that I was not wrong in my recollection. Just listen to a sentence from the Senator's own mouth. This was on April 30, 1926. He said:

> I went into the question without knowing what it cost to make fertilizer. I went into the question without knowing what I believe I have learned, that as the production of fertilizer has advanced and becomes better understood, cheapened by new invention, the tendency has been for years to use less and less power in getting together the ingredients necessary to make fertilizer, particularly in the extraction of nitrogen from the atmosphere, until now, although I am not an expert, yet I have no hesitation in saying that the evidence demonstrates that as we improve and cheapen the method of making fertilizer we are eliminating the consideration of the power question.

He repeated it last year, and now we have before us something entirely different.

Mr. NORRIS. No; I have not contradicted that, let me say to the Senator. I stand by that to-day. According to my theory that is as true as gospel now.

Mr. COPELAND. If I understand the Senator, he wants to go up Clinch River or Cove Creek and build another dam to develop more power.

Mr. NORRIS. No; to regulate the flow of the Tennessee River and make it navigable.

Mr. COPELAND. That is new. It has not been in any previous bill.

Mr. NORRIS. I know it has not. It was never in the bill before. This survey has just recently been completed by the Government.

Mr. COPELAND. The conference report is entirely different, and it is new and novel.

Mr. NORRIS. The Cove Creek Dam is new. I said that to begin with.

Mr. COPELAND. To be frank about it, I do not even recognize, in what he is saying to-night, the bill that the Senator was talking to us about last year and the year before. It seems to me it is an entirely new proposition.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. DENEEN in the chair). Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HARRISON. I want to get clear in my own mind, if I can, just how the Senator has changed this proposition.

Mr. NORRIS. I want first to answer the Senator from New York before I have another question to answer. I still hold the same opinion.

Mr. COPELAND. Then why does the Senator want more power?

Mr. NORRIS. Let me tell the Senator. I would not build the Cove Creek Dam for the power there would be in it. I would not think of it for the Government. I would not build the Cove Creek Dam for any purpose if we did not have Dam No. 2, excepting as a navigation proposition and as a flood-control proposition.

Mr. SACKETT. Mr. President——

Mr. NORRIS. Let me answer one at a time. Here we have Dam No. 2. We can double its value. We ought to do it. Here we have the Tennessee River unnavigable. We can make it navigable. Should we do it?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Here we have a reservoir, perhaps the biggest in the United States, that will help control the flood waters of the Mississippi River. Should we build it?

Mr. COPELAND. Why not go up the river and build another dam?

Mr. NORRIS. We will. We will build 100 dams before we get through with the Mississippi River. Just see if we do not!

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORRIS. I promised to yield first to the Senator from Kentucky.

Mr. SACKETT. It was in evidence before the committee as to what the Cove Creek Dam would do in the way of aiding navigation on the Tennessee River. Is there any doubt of there being water enough in the Tennessee River in ordinary times, below the mouth of Cove Creek Dam, to require such an extraordinarily big investment as that to carry on navigation on the Tennessee River?

Mr. NORRIS. It is not a big investment for the navigation of the stream.

Mr. SACKETT. It is $37,000,000.

Mr. NORRIS. That is the cheapest way we can make it. The Tennessee River must have improvements or it will not be navigable. It is not navigable up there now.

Mr. SACKETT. That is only one small tributary of the Tennessee River that the Senator is proposing to dam for $37,000,000.

Mr. NORRIS. Yes.

Mr. SACKETT. There is plenty of water in the Tennessee River, in all of its tributaries and the main river.

Mr. NORRIS. There is not plenty of water. The Tennessee River gets very low at times and very high at other times.

Mr. SACKETT. So do many other rivers.

Mr. NORRIS. That is a simple proposition.

Mr. SACKETT. Is there any evidence before the committee that flood control is necessary on the Clinch River? There is no evidence before the committee that flood control is a matter of great moment on the Clinch River.

Mr. NORRIS. We do not care for flood control now on the Clinch River, but the water that is held back there, which will do some good in the way of making the river navigable and developing power, will do damage if we let it run and go down the Mississippi Valley.

Mr. SACKETT. No; not out of the Clinch River.

Mr. NORRIS. Yes; it does. Every gallon of it goes into the Mississippi River.

Mr. SACKETT. Yes; and it would not raise the level of the Mississippi River at New Orleans the sixteenth of an inch.

Mr. NORRIS. Mr. President, if the water that is held back by that dam was spread over the District of Columbia and if the District of Columbia was level, the tallest building in the District would be away under water. Ships could float over the top of the city without scraping their bottoms.

Mr. SACKETT. It would probably take about two years to build that dam.

Mr. NORRIS. Perhaps it will. I do not know how long it will take, but it will hold back that much flood water, and when we let it out it will increase the flow of the stream and make the Tennessee River navigable.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. TYDINGS. I do not want to go back to a point that we had up a moment ago facetiously, but I would like to say to the Senator that I understood him to say just a moment ago that we would build hundreds of these dams before we are through?

Mr. NORRIS. I think we will.

Mr. TYDINGS. Does the Senator advocate that we should use the power and sell it like we are selling it at Muscle Shoals?

Mr. NORRIS. The Senator and I would agree, I suppose, if we were going to control the flood waters of the Mississippi River that way, that we could build the dams; but we could not build the dams without generating a lot of power. I would sell the power. The Senator would throw it away. That is the difference between us.

Mr. TYDINGS. Then may I ask the Senator this question: Will not his policy be the means eventually of bringing about the confiscation of all the privately owned power plants in the United States?

Mr. NORRIS. No; it will not.

Mr. TYDINGS. Why not, may I ask?

Mr. NORRIS. Because there will not be any occasion for the privately owned plants to quit if they do an honest business. They will not be able to do what they are doing now. Instead of charging from 10 to 12 cents a kilowatt-hour to the men and the women in the little homes and using the big profit to control legislation, to buy Senators, to elect Senators, and control presidential elections, they will go out of that business and will sell the same power for 4 cents a kilowatt-hour and make money doing so.

Mr. TYDINGS. Then, the Senator thinks if we should duplicate every power plant in the United States, building two plants where there is now one, that the ones that are now in existence, although they could not compete with the Government, could still operate and make money? Is that what he thinks?

Mr. NORRIS. No; the Senator is making an assumption there that it ought to be beneath him to make. Who has suggested that we duplicate every power plant?

Mr. TYDINGS. We would do it under the Senator's plan.

Mr. NORRIS. We would not do it. There would not be anything to duplicate.

Mr. TYDINGS. The Senator has said so.

Mr. NORRIS. Here is a power dam on a stream; it is going to be duplicated, another one is going to be built. There is not any stream over there, there is not any stream over here; where is it going to be built?

Mr. TYDINGS. Suppose there is no power plant on the stream, but there is a steam plant alongside of the stream, then what does the Senator say?

Mr. NORRIS. If there is good water power there, either a private party or the municipality ought to build a dam and get power from the water, and save the coal.

Mr. TYDINGS. But suppose the water power has not been utilized, but private enterprise has built a steam plant and has its money in it and the Government comes along and builds a plant alongside of it?

Mr. NORRIS. I do not care whether by the Government or a private party, the dam ought to be built. The Senator would not object if some private corporation built the dam. He would say, "That is all right." But a dam is never built in any locality without competing with some one engaged in producing the same thing.

Mr. TYDINGS. Then, the Senator admits that there is competition?

Mr. NORRIS. Of course, there is competition.

Mr. TYDINGS. That is it exactly.

Mr. NORRIS. Every time a dam is built; and that is what we ought to have in order that the people may get justice.

Mr. TYDINGS. Then the Senator advocates the use of public money, contributed in part by those with whom the Government is competing, to build dams and to compete with those who have invested private capital. At last we have the answer.

Mr. NORRIS. The Senator is answering his own question, but with all his wisdom and his greatness he has not yet been able to answer for me. I prefer to answer for myself.

Mr. TYDINGS. But the Senator admitted that there would be competition.

Mr. NORRIS. The Senator said that.

Mr. TYDINGS. Did not the Senator admit it?

Mr. NORRIS. If the Senator will keep still and remember that I am not on the witness stand being questioned by him——

Mr. TYDINGS. Neither am I.

Mr. NORRIS. Then sit down.

Mr. TYDINGS. I will. [Laughter in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. TYDINGS. Of course, the Senator can be discourteous, but he yielded to me to ask him a question, and I was entitled to a polite answer. However, I do not expect any polite answer from the Senator.

Mr. NORRIS. The Senator would not appreciate a polite answer if he got it. [Laughter in the galleries.]

Mr. TYDINGS. No; not from the Senator from Nebraska, because I have never gotten one.

Mr. NORRIS. The Senator would not know a polite answer if he met it in the middle of the street.

Mr. TYDINGS. If I did it would not be from the Senator from Nebraska, if his conduct to-night is any criterion.

Mr. NORRIS. Now, Mr. President——

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. The Senator knows very well that I voted for his Muscle Shoals measure in the Senate, and I am not asking questions now in an antagonistic spirit. I do not care what becomes of the power monopoly. I am in a very punitive sort of spirit when we discuss the power monopoly. I think if it were to lose money for the next 50 years to come it would not requite the victims upon whom it has profiteered for that length of time. So, I am not bothered about that aspect of this case; but the Senator has not answered quite to my satisfaction the objection to the conference report, to the effect that, if it be adopted, it will eventually destroy all private initiative and destroy the great amount of capital invested in the manufacture of fertilizers by setting the Government up in active competition with legitimate, honestly conducted fertilizer plants.

I judge from the conference report that the Government will be authorized to engage in the commercial business of selling fertilizers. If that is so, what I should like to know is whether it is proposed that it shall do so on the basis altogether to the advantage of the Government and to the disadvantage of those who have invested their money in the fertilizer business? I should like the Senator a little more clearly to state what, in his view, may happen in that respect.

Mr. NORRIS. Mr. President, I think the Senator from Virginia has asked me a very fair question. I will say that I do not want to put anybody out of business so long as——

Mr. GLASS. I am not assuming that the Senator does.

Mr. NORRIS. I do not think the Senator from Virginia assumes that.

Mr. GLASS. But what I want to develop is whether this program, if it be adopted, will put anybody out of business?

Mr. NORRIS. I understand the Senator's question. One may take such a view of the joint resolution as it passed the Senate—and the same thing is true of the conference report—as to give him some concern along the lines of the Senator's question. I do not believe it can be avoided. If we are going to operate to afford agriculture the right kind of experiment and the right kind of demonstration as to the production of cheap fertilizer, we must do it, I think, on a large scale. All kinds of experiments will be conducted on a large scale in order to ascertain after the experiment shall have been made whether it is a practical one. The Government will manufacture fertilizer on a large scale to see if the formulas and the laboratory tests will work out; the Government will keep on hand considerable fertilizer. I do not doubt that when the Government produces fertilizer it will dispose of it, that it will sell it.

If, however, the Government shall produce fertilizer, if the experiments shall prove a success, it will cheapen the product, and every fertilizer manufacturer in the country will get the benefit of the experiments, as the results will be available to the public.

I concede that if the board which is to take charge of this undertaking should not want to do anything else than to make fertilizer, in a technical sense it might do that; but it would not be the right thing to do. I do not expect it to do anything of that kind. I think that if one will consider the whole measure together, he will realize what it is intended to accomplish, and will realize also that if we should undertake to say that there should be nothing but experimentation we would perhaps at once destroy the usefulness of the project. The question would arise, What is an experiment? Are we going to experiment on a square yard of earth or on an acre of earth or on 160 acres, or are we going to manufacture something in a laboratory? Right there we would get into difficulty, and the question would arise at once whether the board was exceeding its authority.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Will the Senator from Nebraska state what are the provisions of the conference report with respect to fertilizer; and does the joint resolution contemplate primarily experiments or primarily the manufacture of fertilizer for commercial purposes?

Mr. NORRIS. I do not think it is the intention of the joint resolution to provide for the manufacture of fertilizer for commercial purposes, although, as I said to the Senator from Virginia, one might put that construction on the language if he

ignored everything else in the joint resolution. For instance, the Senator's colleague, the junior Senator from Arkansas [Mr. CARAWAY], when we had the joint resolution in the Senate, offered an amendment, which was agreed to, which required the Goverment to operate plant No. 2; and that provision is still in the joint resolution in a modified form. Personally, I do not have any faith in that, I will say frankly, but there are a great many people who do. From my study of it, I do not believe that will be a success. It will be necessary to try it, however.

Mr. ROBINSON of Arkansas. Does the Senator mean that it will not be a success because it is proposed to operate it under the cyanamide process?

Mr. NORRIS. Yes. Did the Senator from Arkansas want me to read from the joint resolution? Am I to infer that from his question?

Mr. ROBINSON of Arkansas. I do not care to ask the Senator to read from the joint resolution. What I should like to have him do is to state what are the provisions with respect to fertilizer, or to summarize them, so that the Senate may judge for itself whether the joint resolution contemplates undue competition with private enterprise.

Mr. NORRIS. Let me read some of the language:

SEC. 5. The board is hereby authorized and directed—

(a) To operate existing plants, to construct, maintain, and operate experimental or production plants at or near Muscle Shoals for the manufacture, distribution, and sale of fertilizer or any of the ingredients comprising fertilizer, or any of the by-products of the same.

Mr. HARRISON. Mr. President, may I ask the Senator how does that differ from the original language of the Senate joint resolution?

Mr. NORRIS. Let me finish reading.

Mr. HARRISON. I want to know how that language differs. That is the conference report from which the Senator is reading?

Mr. NORRIS. Yes.

Mr. HARRISON. How does that differ from the joint resolution as it was passed by the Senate?

Mr. NORRIS. I do not think it does differ from it.

Mr. HARRISON. I think it does, in several particulars.

Mr. SMITH. May I state that it is in the exact words——

Mr. NORRIS. Mr. President, I hope Senators will let me finish reading what I started to read.

Mr. HARRISON. I wanted to ascertain if there is a difference. I want to know what has been done.

Mr. NORRIS. If the Senator will give me time, I will come to that.

Mr. HARRISON. I should like the Senator to state exactly what the difference is.

Mr. NORRIS. I was only half through the reading in answer to the question of the Senator from Arkansas [Mr. ROBINSON]. I will continue:

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program.

We have broadened it so that the board can even deal directly with the fertilizer manufacturers.

(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

(d) To cooperate with national, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

And so on. Now let me read——

Mr. COPELAND. Will not the Senator go on, because when we reach (f), on page 4, we find entirely new material.

Mr. NORRIS. Very well. I continue.

(e) Whenever the board determines that it is commercially feasible to produce any such fertilizer, it shall be produced, and shall be disposed of at the lowest prices practicable.

I presume that if one cared to give a technical construction to that language he might say that the object of this measure is to go into the production of fertilizer and to go into its production on a large scale and sell it; but I think when all the language is read it must be realized that what is meant is that the board, when it determines that it is practical to produce a certain form of fertilizer, shall produce it and go on far enough so that there may be no doubt that the experiment is a success.

Mr. KING. The Senator ought to read the concluding part of that sentence.

Mr. NORRIS. I have not finished it. I will read it all:

It shall be produced, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act.

I take it that the price of fertilizer would have something to do with the agricultural demands.

Mr. HARRISON. Mr. President, may I suggest to the Senator that the language there is restricted from the language in the joint resolution as passed in the Senate, because the joint resolution as passed in the Senate says:

It shall be produced in the largest quantities practicable.

The Senator would eliminate "in the largest quantities practicable," and just say "It shall be produced"?

Mr. NORRIS. Yes.

Mr. HARRISON. So I think the language is really restricted from the Senate joint resolution in that respect.

Mr. NORRIS. When the Senate joint resolution was framed in the committee, we had an idea—it may have been wrong—when we put in that language. We wanted them to produce it on a large scale, because, especially in something of this kind, unless that is done there would be danger that we would get no benefit from the experiment.

Mr. ROBINSON of Arkansas. Mr. President, is it possible to anticipate the amount that may be produced if the conference report is agreed to and the machinery is put in operation that it contemplates?

Mr. NORRIS. No; I will say to the Senator; at least, I have no idea of the amount. I think it would depend entirely on conditions. I do not know.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. Pursuing my line of inquiry, which is propounded in no antagonistic spirit at all, I want to clear the way, if I can, to support the conference report; but it seems to me, from reading the conference report and from hearing the explanation given by the Senator, that under the terms of this act the Government would be expected and perhaps required to go into the business not only of manufacturing but of commercially disposing of fertilizer. That is what I want made clear.

Mr. NORRIS. Of course to some extent I think that is true. If we make the fertilizer, of course we would have to sell it, and it would be made sometimes on a large scale. I think that would be necessary.

Mr. GLASS. They would sell it directly to the farmers, would they?

Mr. NORRIS. There is not any provision here about where they would sell it, excepting where there is specific reference made to organizations that they shall cooperate with and experiment with, and so forth. They could sell it to fertilizer dealers, for that matter, and they could even buy it from fertilizer dealers.

Now let me read the rest of this.

Mr. COPELAND. Yes, Mr. President, if the Senator will yield, because the difference between these two measures—the one that we passed and the conference report—lies in the part that the Senator is about to read and paragraph (a) of section 5.

Mr. NORRIS. Now, I am commencing at (f). I had read down to (f).

Mr. COPELAND. That is new.

Mr. NORRIS (reading):

(f) The board shall commence the manufacture of fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops. The board is authorized and directed to utilize nitrate plant numbered 2 for experiments in the production of fixed nitrogen, to determine whether it is or is not commercially feasible to produce fixed nitrogen by such plant.

The Senator will find in section 9 of the Senate joint resolution—I think it is section 9—what is known as the Caraway amendment. That goes considerably further than that as it passed the Senate. That was modified.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. But, as I see it, when you read (f), the new part of this measure, in connection with (a), you have brought into it an entirely new proposition:

The board shall commence the manufacture of fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

That is all new, not in the Senate bill.

Mr. NORRIS. Does the Senator object to any of that language? There is nothing wrong about that, is there?

Mr. COPELAND. It opens up the very question which the junior Senator from Maryland [Mr. TYDINGS] raised in not very temperate terms.

Mr. NORRIS. If he is going to do anything with those plants, he certainly is going to do the very things the Senator has read. That was in the House joint resolution.

Mr. COPELAND. That was in the House joint resolution. It was not in the Senate joint resolution.

Mr. NORRIS. No; not all of it. Part of it is in the Senate joint resolution.

Mr. COPELAND. Also, when you go back to paragraph (a), you have new matter not in the Senate joint resolution there, where you are to produce by-products.

Mr. NORRIS. Now, let the Senator go to section 4—I said it was section 9—go to the Senate joint resolution and read section 4, and he will find that we went much further than that in section 4; and that was one of the things that were insisted on by many Senators on the other side of the Chamber before they would support the measure.

Mr. COPELAND. Does the Senator mean section 4 as found in the joint resolution that I have before me?

Mr. NORRIS. No; that is section 2.

Mr. COPELAND. The Senator means section 9?

Mr. NORRIS. Yes.

Mr. SMITH. It is section 4 of the Senate joint resolution.

Mr. NORRIS. The Senator from New York has a different print there.

Mr. COPELAND. But it is section 9 as found in my copy of the joint resolution?

Mr. NORRIS. Yes.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Will not the Senator let me finish reading this which I have just started to read?

Mr. BRUCE. Yes.

Mr. NORRIS (reading):

(g) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

(h) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this act.

(i) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

(j) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

(k) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

(l) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

Now I yield to the Senator from Maryland.

Mr. BRUCE. Mr. President, it would seem that the Senator from New York [Mr. COPELAND] voted for the Norris joint resolution when it provided merely that the Government should go into the electric light and power business; and it would seem that the Senator from Virginia [Mr. GLASS] did the same thing, as I understood him a few moments ago. If there is no reason why the Government should not go into the electric light and power business, is there any reason why it should not go into the fertilizer business?

The Senator from Virginia, with an indignant wave of his hand, doomed the entire private electric light and power business of this country to destruction, and yet at the same time he rises up in revolt at the thought that the fertilizer business of this country should be destroyed by Government competition.

Mr. GLASS. Mr. President, the Senators from Maryland are addicted to a great deal of exaggeration here this evening. I did not doom any of them at all; but there are some with which I have had transactions that I would not mind dooming.

Mr. BRUCE. But the Senator surely would not base such a broad generalization as the expediency of destroying the entire electric-light and power industry of the country simply upon the fact that some particular little electric-light and power company, perhaps down in Lynchburg, Va., had overcharged him for electricity?

Mr. GLASS. No; and I have not suggested any such thing; and, as I say, the Senator from Maryland, in controversy with me, invariably misrepresents my position and invariably exaggerates.

Mr. BRUCE. I expected that, Mr. President.

Mr. GLASS. Of course. The Senator invited it.

Mr. BRUCE. That is part of the penalty I always pay——

Mr. GLASS. It is the penalty the Senator always pays when he misrepresents his colleagues here, and he ought to pay it.

Mr. BRUCE. It is part of the penalty I invariably pay, no matter how moderate or self-restrained I may be.

Mr. GLASS. The Senator is never moderate, and is never self-restrained. I have never yet affronted him in this body, but he has frequently affronted me.

Mr. BRUCE. How can any human being——

The PRESIDING OFFICER. To whom does the Senator from Nebraska yield?

Mr. NORRIS. I do not yield to the Senator.

Mr. HEFLIN. Mr. President, I rise to a point of order.

Mr. BRUCE. I asked a perfectly respectful question——

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. BRUCE. What I meant to say, if the Senator will allow me——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield; and if so, to whom?

Mr. ROBINSON of Arkansas. The Senator has refused to yield.

Mr. BRUCE. I did not understand that he had refused to yield to me.

Mr. NORRIS. I do not refuse to yield if the Senator from Maryland wants to ask me a question; but I do not care to yield for some outside discussion.

Mr. BRUCE. I think the Senator is perfectly right, especially when it takes the direction that the observations of the Senator from Virginia took.

Mr. GLASS. Well, of course——

Mr. BRUCE. I decline to be interrupted by the Senator from Virginia, if I have any standing on the floor.

Mr. NORRIS. Mr. President, I decline to yield to the Senator from Maryland when he is continually talking to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. BRUCE. I promise the Senator from Nebraska that I shall have nothing more to say to the Senator from Virginia.

Mr. NORRIS. Now does the Senator want to ask me a question?

Mr. BRUCE. All I want to say is this: I can not see just why the Senator from Nebraska thought that it was necessary for him to defend his thesis that the Government has a perfect right to go into the fertilizer business, when the Senator from Virginia and the Senator from New York voted for the Norris joint resolution when it provided only for Government competition with electric light and power.

Mr. NORRIS. I decline to yield further to the Senator. I want to read a provision of this measure as it passed the Senate to these Senators who, I think, will realize that they are mis-

representing the conditions themselves—of course, unintentionally.

Here is what was in the joint resolution as it passed the Senate:

> The Secretary of Agriculture is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fertilizers by the use of the cyanamide process, to determine whether it is or is not commercially feasible to produce fertilizers by such process.

That far, in substance, we have included it in the conference measure. The rest of it is stricken out; and this is what I am going to read, for the benefit of the Senator from Maryland, that was in the measure as we passed it:

> If the Secretary of Agriculture determines that it is commercially feasible to produce fertilizers by the cyanamide process, then such plant shall be used for the production of fertilizers by such process in the largest quantities practicable, and the fertilizers so produced shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor and effectuate the purposes of this resolution. In the utilization of nitrate plant No. 2 the Secretary of Agriculture shall avail himself of power in the same manner as provided in section 8.

So that we have cut it down somewhat in the conference measure, as I understand it, just a little. The Secretary is not required to carry that on whether it is a good process or a bad process, but he is required to make the experiment to ascertain whether it is right or not, whether it is a feasible proposition commercially. To do that he will have to produce a good many nitrates; I do not know how many. I do not think the man who is going to make the experiment would know, and that is the reason why we can not put it in black and white.

Here is a great, big plant, capable of producing 40,000 tons of nitrates in a year. It costs a whole lot of money to operate it. If it were turned over to me and I were to experiment with it, I do not know whether I would want to operate it to its full capacity to perform that experiment or not. I should have to look into it to see; and I would not know, if I were doing it in good faith, that I was sure about settling the question until I had operated it sufficiently so that there would be no doubt whatever as to whether or not it was a feasible process. In doing that I would have produced probably a good many thousand—probably several thousand, at least—tons of nitrates. I would have to do that in order to find out whether by that process we could extract nitrogen from the air economically and commercially.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield. I should be glad to yield the floor. I have taken up a great deal more time than I had intended to take.

Mr. COPELAND. Do not yield yet. The Senator has pointed out to us in set terms, first, that we are going to build a new dam 300 miles up the river. That was never in the first bill. We never talked about that dam.

Mr. NORRIS. The Senator talks as if I were deceiving somebody about that dam. I never said that was in the first bill. I distinctly said it was not.

Mr. COPELAND. The Senator must not get irritated at me.

Mr. NORRIS. I am not irritated. Do not think that because I am earnest that I am irritated.

Mr. COPELAND. The Senator did not point that out.

Mr. NORRIS. It was not necessary for me to point it out. That was not a part of the joint resolution as it passed the Senate, but it was put in the joint resolution by the House.

Mr. COPELAND. Anyhow, the measure we have before us now has in it that very important addition, a thing which was not in the resolution which we considered and which we passed.

The Senator from Maryland has found fault with me because I voted for a measure providing for a lot of power. I want to call his attention to the fact that I did not vote for this power proposition. I have had the thought about our plant at Muscle Shoals that there was a great plant where we had invested millions of the people's money and made a definite pledge to the American people that we would have an establishment there where we would manufacture certain products which were useful in making ammunition, and that in time of peace it should be operated to make fertilizer. The Senator from Nebraska argued at length in the Sixty-eighth Congress, in the Sixty-ninth Congress, and in this Congress, saying that power is not an essential in the making of fertilizer.

Mr. NORRIS. Let me interrupt the Senator. I have tried to tell him about that before. That is true. Does the Senator deny it?

Mr. COPELAND. I admit that; but I want the Senator, so far as he can, to show how much further this measure goes. It goes tremendously beyond any point I have ever reached out to before.

Mr. NORRIS. The question of getting nitrogen from the air was originally, as the Senator knows, a matter of the use of what is known as the arc process. That required a great deal of power. That process is used in some places yet, but it is where there is an abundance of cheap power and no sale for it.

Then there was the cyanamide process for getting nitrogen from the air, a process that was not nearly so expensive, that did not take nearly so much power; and that was about the condition of the art when the Great War broke out. We did not have in this country a single plant operated under what is known as the synthetic or Haber process. During the war, when we were about to build this plant down at Muscle Shoals to get nitrogen from the air as a war measure, we knew that Germany was getting nitrogen from the air by what is known as the Haber process, and we built nitrate plant No. 2 down there with the idea of getting nitrogen by the use of the Haber process.

But our scientific men did not know anything about how to work it, and nitrate plant No. 2 was a complete failure, as far as getting any nitrogen from the air was concerned. We established it in good faith, and we spent several million dollars on that plant, but it failed, and the machinery there is nothing but junk, and not a single pound of nitrogen has been extracted from the air through nitrate plant No. 1. Everybody was doing the best he knew how, and the experience there just shows what sometimes happens in the case of experiments made by the Government. The war ended, and our scientists went to Germany and examined her plants and discovered that they were getting nitrogen from the air by the Haber process. The whole scientific world was aroused by it. We commenced over here. I think it was the du Pont people who went up to Syracuse, N. Y., after the war, after our people learned what the people over in Germany were doing, and built a plant to produce nitrogen by the cyanamide process. There was also the Casella process, an Italian process, and there was a modified process of that. Improvements were constantly being made. Every plant was a little better than the one before, until down in Virginia they are building one of the largest plants in the world to produce nitrogen by the synthetic process, which is a modification of the Haber process. Every improvement that has been made, from the time the art was first discovered, when the arc process was used, has resulted in the use of less and less power, just as I said.

That was not true when we built cyanamide plant No. 2. We thought a great deal of power was required. We knew what the cyanamide process was, and we built that plant, and it was up to date. At the time it was built it was as fine a plant of the kind as there was in the world, but it took a great deal of power, although a great deal less than was required in the use of the arc process.

The synthetic process has been improved upon and improved upon. Speaking from memory, now, I think we will be able with about one-third of the expenditure that we put into nitrate plant No. 2—at any rate, it is a great deal less—to build a synthetic-process plant that will have the capacity of cyanamide plant No. 2, and can be operated with one-fifth of the power. In other words, power ceases to be an important consideration in that process. Coal is the important thing, not because it is used for power, but because it is really the raw product. They convert the coal into coke, and with the coke get ammonia; and the only thing they use power for is to operate the machinery. With the cyanamide process the power itself, the electricity we develop there, goes into the system. But under the most modern process, the synthetic process, power is used to operate the machinery, and we use coal to get our nitrogen from the air, while we do not use any coal in the synthetic process. So we are using less and less power.

I want to say to my friend from New York that if we were locating a plant to-day for the purpose of getting nitrogen from the air we would not, in the first place, build a plant like nitrate plant No. 2, and we would not locate it at Muscle Shoals. There is no coke there. We would go where there is cheap coke and use whatever power might be available, as the du Pont people do down at Charleston. Their factory is up at Wilmington, but they go clear to a little suburb within 5 or 6 miles of Charleston, W. Va. They built a plant using the synthetic process for the production of ammonia. They take the ammonia from the air and haul it by freight in tank cars to the plant at Wilmington, and they get their nitrogen for about half what it costs us to get nitrogen from the air at cyanamide plant No. 2.

Mr. COPELAND. Mr. President, the Senator is talking exactly the same scientific language that won me to the support

of his bill last year and the year before, and he made it clear to us that this Muscle Shoals project as developed, and as it might be readily completed, was purely a power project, and the question was how we could best dispose of the power. He talked only about the use of the plant as an experimental plant, where we might work out the problems as to the development of nitrogen and the development of fertilizer. But to-night the Senator from Nebraska comes here and presents to the Senate a project to do what? In the first place, to spend millions—$37,000,000, I think—of the people's money to build another dam 300 miles up the river, to develop more power, and then the joint resolution he presents to us proposes not alone to do those experimental things in the production of fertilizer that were talked about before, but actually to go into the business of manufacturing and selling fertilizer.

I think the junior Senator from Maryland [Mr. TYDINGS] was a little intemperate in the way he placed the thing before the Senator from Nebraska, but any one of us must ask the question, Is the Government of the United States going deliberately into the manufacture of fertilizer? I am willing to go with the Senator to any length in the way of experimentation, to develop a system of fixing nitrogen, a process of making fertilizer, but this measure, as I read it, is a proposal that the Government of the United States shall go into the fertilizer business, actually to manufacture it and sell it in large quantities to the people of this country.

Furthermore, the Senator is proposing an addition to the joint resolution which makes necessary the sale of more power, because, as he has just represented, the power is not needed for the making of fertilizer. So I contend that we have before us an entirely different measure from the one that went out from the Senate to the House. It is not one to dispose of a white elephant, which is what we have regarded Muscle Shoals. It is not a measure proposing to get rid of that in the most decent way, so as to do the most good for the people by distributing cheap power where it can be used, and providing for experimental work in the production of fertilizer, but we have a proposal now to put the Government into the business of developing more power, and to put the Government into the business of manufacturing fertilizer.

I do not care anything about the propaganda that is put out; I am not interested in it; but if I can read anything in this measure, I can read those two things added to it which were not in it when it went to the House from the Senate. There has been brought back to us by our conferees a joint resolution so utterly different from the one we passed in the Senate that, so far as I am concerned, I am quite in a muddle of mind to know what to do, while last year and the year before I did not hesitate a moment about voting for the bill presented by the Senator from Nebraska.

Mr. SMITH. Mr. President, it seems to me there is quite a bit of confusion about what this measure really intends and what the entire legislation intended. Let me state right at the beginning that there is not a fertilizer-manufacturing plant in America but that would welcome an additional source of nitrogen. There is not a plant in America that produces one-twentieth the amount of nitrogen that is demanded. We import from Chile, and support the Chilean Government by that importation, in order to supply not only the farmers of the country with the nitrogen essential to producing our crops but with the nitrogen essential to the manufacture of explosives for the defense of this country.

We have not a natural source of supply of nitrogen in America. The little adventitious sources from which we get it are the by-products of the coke ovens. It is obtained from certain forms of vegetable matter. But outside of those sources there is no source in all of this great country from which we could get the nitrogen for the defense of the country or with which to make crops, and we must go to Chile for it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. TYDINGS. That may be the intention of the bill, but I would like to read this paragraph——

Mr. SMITH. I understand the bill. Just wait a moment.

Mr. TYDINGS. Let me read one paragraph.

Mr. SMITH. No; I am not going to yield now for the reason that I want to call the attention of the Senate to the intent and purpose of this bill and show that it would not be practicable, would not come within the realm of common sense, for the board that we set up here to go into the manufacture of either of the two ingredients that enter into what is known as a balanced fertilizer. It must be remembered that phosphoric acid is produced from the phosphate rocks that are found in unlimited quantities in Tennessee, in Florida, and in South Carolina.

It is a simple process of grinding the phosphate rock to a powder in mill rocks, treating it with sulphuric acid, and then we have phosphoric acid. They make it in such abundance and so cheaply that it is shipped with the freight added and sold at $8 and $9 a ton. It is complete. It is ready for use. Wherever phosphoric acid is indicated for a crop or for the use of agriculture it is ready for use at a price that is practically negligible. Potash is imported in unlimited quantities from Germany, and so cheap is the commercial or fertilizer form of it that it is brought over in ballast and sold in this country at $8 or $9 a ton. So we are not concerned about potash or phosphoric acid. We have it in unlimited quantities and abundance.

But the element of nitrogen is a different matter.

In order that Senators may appreciate the necessity for it and the relative cost of it, let me say that kainit, the form in which we get potash, is 16 per cent pure potash. The balance is a salt which has no fertilizing properties, but is not deleterious to the soil. "Phosphoric acid" is as high as 19 per cent pure phosphoric acid. That also is in a carrier that does not add anything to the fertility of the soil, but it is not deleterious to the plant. Remember, they are from 15 to 19 per cent pure, and the cost, on an average, is about $9 a ton.

Chilean nitrate averages about 14.5 per cent nitrogen and costs $60 a ton, or at the rate of $100 to $125 per ton of fertilizer.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. BRUCE. May I remind the Senator that he signed the conference report which commits the Government to the business of manufacturing whole fertilizer?

Mr. SMITH. Just let me come to that in my own way. When I introduced the original bill upon all of which this legislation has been founded, it was for the purpose of utilizing the discoveries of science in extracting nitrogen from the air and to make this country independent of importation from a foreign country. The House struck out of the bill one portion of it that referred to a mixed fertilizer. It would not be profitable in any sense of the word for the Government to proceed to make a mixed fertilizer at Muscle Shoals, unless as the Senator from Nebraska [Mr. NORRIS] has indicated, except as an experimental thing in producing a carrier for the nitrogen. They could not improve upon the process now. It is so simple, so direct, so cheap, that it would not be necessary to set up any machinery at all. The fact of the business is that kainit is nothing in the world but evaporated salts pumped from the mines in Germany. There is no processing it at all and there is scarcely any in the production of phosphoric acid.

The proposition here is, and the one that controlled the conference was, that as cyanamide had been tried by the farmers it would scorch the plant; it would affect the hand so that it could not be used directly from the plant to the farmer. Necessarily it had to be taken, as nitric acid would be taken, in its raw form and combined with other ingredients at a factory or a mixing plant in order to make it available for the farmer to use. We incorporated in the bill a provision that was practically the same as in the House bill, that the nitrogen produced at Muscle Shoals should be put in some form, like nitrate of soda or sulphate of nitrogen or phosphate of nitrogen, that would be easily and readily available for the farmer to use without injuring the crop and without injuring the individual who put it out on the crop or on the land.

I want to impress on every Senator present that there is nothing in the bill that could in any way jeopardize an existing fertilizer-manufacturing plant for that reason.

Mr. BRUCE. Mr. President——

Mr. SMITH. The main object of the bill is for the production of nitrogen——

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SMITH. I would be perfectly willing——

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. SMITH. Just a moment, until I finish my sentence. I would be perfectly willing, and I think it would answer every purpose of the farmers of the country, to provide for the production of nitrogen in such form as to be readily available and directly possible of application on the soil, without ever naming fertilizer.

Mr. TYDINGS and Mr. BRUCE addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I yield first to the senior Senator from Maryland.

Mr. BRUCE. Now the Senator, if I may say so, is getting back to the bill as it should be, but not to the bill as it is. In reading the conference report I find, among other things:

SEC. 5. The board is hereby authorized and directed (a) to operate existing plants, to construct, maintain, and operate experiment or production plants at or near Muscle Shoals for the manufacture, distribu-

tion, and sale of fertilizer or any of the ingredients comprising fertilizer.

There is the full power, to use the commercial expression, to manufacture the full fertilizer—that is to say, fertilizer with the ingredients of phosphoric acid and nitrogen and potash—or any of the ingredients comprising fertilizer; that is to say, potash or phosphoric acid or nitrogen separately considered.

Mr. SMITH. I will state to the Senator that that was in the original bill which was passed by the Senate, word for word. That is the identical language of the bill as it was passed by the Senate before.

Mr. BRUCE. But now the conferees have retained it.

Mr. SMITH. They have retained it. The argument made when the bill was on its passage in the Senate was that experimentation had been made by the Government in order to utilize certain phosphate rock that had a very high percentage of iron, which lay within the regions that needed phosphoric acid, and that the Government, at its experimental stations, had found a process by which phosphate rock that was high in iron percentage could be converted into phosphoric acid by a new process which otherwise rendered the phosphate rock useless, because it was known by actual experimentation that the phosphate rock which was high in iron percentage would neutralize the sulphuric acid, and we would get no phosphoric acid, and the large beds that were conveniently located were abandoned. But the Government found a process by which, in a superheated oven, they could put the phosphate rock and by also putting into that superheated oven just common road sand they would get a form of phosphoric acid.

Mr. BRUCE. Mr. President, may I interrupt the Senator a moment further?

Mr. SMITH. I yield.

Mr. BRUCE. Let me call the Senator's attention to the fact that the conference measure goes much further than that. It not only authorizes the Government to engage in the manufacture, distribution, and sale of complete fertilizer but, indeed, if the Government plants do not produce a sufficient supply of complete fertilizer to satisfy the agricultural needs, even to contract with commercial producers for the production of such fertilizers as may be needed in excess of that produced in Government plants. I think the Senator must have been half asleep when he attached his signature to the conference report, although he is very wide awake now, I must admit, and is indicating far more familiarity with the processes of making fertilizer than any of the rest of the Senators who have spoken.

Mr. SMITH. If the Senator had been dependent for his livelihood on the application of artificial fertilizer to the soil and, when he had made his crop, would have to give about all his crop brought him to pay for the fertilizer and just had the privilege of retaining enough to keep alive, he would have been pretty familiar with the processes, too.

I am not alone in that; there are millions in my condition. I will say that 50 per cent of the average producers of staple crops on the Atlantic seaboard make a bare living out of the land which they own and on which they pay taxes; the remainder of their income goes to the fertilizer account. I will challenge any man from Georgia, North Carolina, South Carolina, or Florida to gainsay that statement. When it is realized that under the present price of nitrogen it costs from $10 to $15 to fertilize an acre of land the burden that is upon the farmers of the Atlantic seaboard can be appreciated. We get Chilean nitrate at practically a reasonable price as to cost shipside in Chile, but when it reaches the farmer its price is almost prohibitive. It was for that reason that the original bill in regard to the use of Muscle Shoals was introduced.

Now coming back to the suggestion of the Senator from Maryland, we are trying to find a process by which we can save, as I recall, something like $50,000,000 or $60,000,000 a year, which we pay in freight on what is called filler. When it is realized that only 16 per cent of a ton of acid is acid phosphate, that in a ton of nitrate of soda only 16 per cent, or 16 pounds to the hundred, is actual fertilizer, and that the same proportion holds as to potash, it can be understood that when we are paying $2.50 freight we are paying it for about 300 pounds of actual plant food and for 1,700 pounds of dirt.

Who is going to pay the overhead work and the other expenses in order to develop a process by which the pure salt of acid phosphate, the pure salt of potash, and the pure salt of the nitrogen can be so combined and prepared that, as the Government in its experiment station has actually demonstrated, there can be obtained 1,900 pounds out of a short ton of pure actual plant food, thus saving the freight on 1,700 pounds of dirt?

We tried to make the Muscle Shoals joint resolution as broad and as liberal as possible, looking toward the solution of the problem which, unsolved, is resulting in the impoverishment of every farmer. I state here and now that if the farmers could obtain the same price for their market crops that they now get and their fertilizer bill could be cut in two, it would spell prosperity to the entire South. Take the fertilizer bills and see what a large percentage of the proceeds of the crop of the farmers on the Atlantic seaboard goes into the coffers of the Fertilizer Trust and of the railroads.

Does the Senator from Maryland and do my colleagues not think it is worth the while of the Government to experiment in its laboratories with blowpipe, test tube, and retort so as to help solve the problem that is bearing down on American agriculture in connection with the fertilization of the soil? As the Senator from Nebraska said, when we shall have discovered a process that will solve the problem, then it will be open to every fertilizer plant to take advantage of what the Government has ascertained, to produce fertilizer in concentrated form, and to eliminate the tremendous expense involved in hauling the filler or the dirt.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from South Carolina yield to the Senator from Virginia?

Mr. SMITH. I yield.

Mr. GLASS. I do not understand that anybody is especially objecting, or objecting at all, to experimentation. That is what I understood I was voting for when I voted for the Senate joint resolution. I may have been misinformed, or, rather, I may not have completely informed myself; but I distinctly understood that what I was voting for was, primarily, a power measure and incidentally a measure to provide for scientific experimentation by the Government in producing nitrogen in a sufficient quantity to relieve the distress of farmers who are compelled to use fertilizer. I did not dream that I was voting for a measure to put the Government into the business of commercially producing and commercially buying and commercially selling complete fertilizer.

Mr. SMITH. That is exactly what the Senator voted for; we have not changed a word. I say that is exactly what the Senator voted for; I mean the language that he is interpreting to mean that is still in the joint resolution. I frankly admit that the language seems to indicate what the Senator suggests, if portions of the measure be considered alone; but if he will read the entire joint resolution and correctly appraise the expressions contained in the different paragraphs, I think the Senator will agree with me and agree with the Senator from Nebraska that the joint resolution provides for such experimentation as he has in mind. It sanctions experimentation and it also mentions production and sale; but those are necessary incidents if any amount of the product is to be accumulated under any system of experimentation. However, the joint resolution goes still further and says that whenever a process shall have been developed the ingredient shall be sold, which means, as it did in my original bill and as I think it does in the pending measure, that whenever they have developed a process by which a nitrogenous substance can be produced to meet the needs of the farmers, that it shall be sold in the quantities in which it is produced.

Now, let me call the attention of the Senator from Virginia to the fact that if we were to provide sufficient nitrogen to furnish every farmer in America with it we would not come in competition with a single commercial plant.

Mr. GLASS. May I ask the Senator why we did not confine this experimental process to the production of nitrogen? I should have attempted to do that in the Senate had I been as alert about this matter as I am attempting to be this evening; but is it not a fact that the House did do that—that the House did strike out this language which now may be interpreted into a movement to put the Government commercially into the fertilizer business?

Mr. SMITH. We thought so until the joint resolution came over, and there was in the House joint resolution language that you will find here that is almost a duplicate of the Senate language about the manufacture of fertilizer.

May I say to the Senator from Virginia—now, this is a fact, and "honest confession is good for the soul"—that a good many of those who framed this bill did not differentiate between nitrogen and fertilizer. They thought they were synonymous terms. A good many of them did understand the difference; and those that did not and those that did had no common meeting ground, and they have used the terms interchangeably throughout this bill—"fixed nitrogen," "fertilizer," "fixed nitrogen."

Individually, I should be perfectly willing to take this conference report, rather than see it fail, and wherever the word "fertilizer" appears, strike it out and insert "nitrogen," and

then state that that nitrogen should be put in such form that it would be easily available and practical for use on soils and do violence to nobody, because, as I say, the aim and object of this entire joint resolution and of the original joint resolution, of which I had the honor to be the author, was to furnish an abundance of nitrogen because it is the sine qua non of fertilization.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SMITH. Yes.

Mr. TYDINGS. The Senator would also be in favor, would he not, of striking out, in connection with what he has just said, this paragraph:

To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants.

Mr. SMITH. Let me state right here and now that, rather than jeopardize what I know is necessary for agriculture, I should be perfectly willing, rather than lose this opportunity to help solve their problems, in a half dozen lines—I took my pen to-night——

Mr. TYDINGS. I was going to say that I would offer an amendment to that effect if I felt the Senator and his conferees——

Mr. SMITH. We can not amend a conference report.

Mr. TYDINGS. No; we can instruct, however.

Mr. SMITH. The only thing we could do would be to instruct the conferees along this line; and there are only seven places that we would have to touch.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND. This is what the Senator has in mind, is it not—that, instead of providing for the manufacture of fertilizer, he would make use of this magnificent plant for the fixation of nitrogen?

Mr. SMITH. Yes.

Mr. COPELAND. Because we have to import our nitrogen.

Mr. SMITH. Yes.

Mr. COPELAND. We have no place to get it.

Mr. SMITH. No.

Mr. COPELAND. Then if the Government should go into the business of making nitrogen, every fertilizer concern in the country would rejoice because it would have a source of supply.

Mr. SMITH. Why, of course.

Mr. COPELAND. Why did not the conferees do that?

Mr. SMITH. Mark this, Mr. President: We have not put a word in this conference report that was not in either the Senate joint resolution or the House joint resolution.

Mr. COPELAND. Yes.

Mr. GLASS. But did not the House take out some words, and those words to which some of us are now objecting?

Mr. SMITH. It did not.

Mr. GLASS. I understood that the House confined the operation of the plant, aside from the power that it would afford, and its distribution, to the process of producing nitrogen.

Mr. SMITH. That must have been their intent; but they struck it out in one line and, as the Senator from Nebraska will bear me out, they left the word "fertilizer" and the use of it in the entire House joint resolution.

Mr. GLASS. Then why did not you gentlemen in conference strike it cut, and avoid the very controversy which you are encountering now?

Mr. SMITH. For the simple reason that there did not appear to be a fixed determination on the part of the House. They did not have a roll call, and we were not in a position to know just exactly what was their attitude; but I will say to the Senator from Virginia, as I said to the conferees, that if you will so frame this measure, if that is the wish of the House—it was my intent and purpose from the beginning—if you will so word this measure as to devote Muscle Shoals, and, if necessary, every ounce of horsepower, to the production of nitrogen, and that nitrogen in such form that it can be immediately available and usable for the farmer, individually, I would welcome such a thing.

Mr. GLASS. But that would be a chemical impossibility. It would be a physical impossibility to produce nitrogen at Muscle Shoals that would be readily available for the farmer to put immediately on his land without mixture with phosphate.

Mr. SMITH. Mr. President, I use it right now, and if the Senator from Virginia is a farmer he uses it, without any mixture whatever with anything else, if he gets it in the form of a salt. Now, mark you, the nitrate of soda that we import from Chile has a soda matrix that has no fertilizer property, but does put the nitrogen in such form that it can be handled. They have a process by which they can combine it with a material that is a good carrier, and makes it readily available.

What I was driving at is this: I do not want them, under the joint resolution, to go down there and produce nitrogen in the form of a liquid that is extremely inflammable and dangerous to handle. They could meet every requirement of the joint resolution by producing so many tons of nitrogen in a form that would be practically useless to a farmer; but if they will combine it with certain forms of earth in a reasonable amount they can crystallize it so that you have nothing but nitrogen, but in a form that is practical and available for use on the farm.

Mr. GLASS. But, I ask the Senator, to do that is it necessary to put the Government commercially in the fertilizer business?

Mr. SMITH. No.

Mr. GLASS. That is what I am afraid this joint resolution does as reported from the conference committee.

Mr. SMITH. I think the Government ought to go into the nitrogen business commercially. Chile is in it, and we have no plant. When we have gone through the experimental stages and have developed a process by which nitrogen can be produced in abundance to meet the needs of American agriculture, when the cost and a reasonable profit shall have been ascertained, I shall not object to the Government leasing the plant for promulgating the process in every State in the Union; but I do not think we ought to spend $200,000,000 in trying to solve a problem for the benefit of agriculture and now scrap it, and either leave it as a power plant or turn it over to individuals who may or may not develop the process.

Mr. GLASS. Neither do I.

Mr. SMITH. Very well. I am glad the Senator agrees with me.

Mr. GLASS. What I am concerned about now is my own consistency here in the Senate.

I voted for the Senate joint resolution with the understanding that it was primarily a power project, and, incidentally, a project in connection with which the Government would be charged to produce nitrogen in sufficient quantities to relieve the agricultural condition in the country with respect to fertilizer; but I never dreamed of voting for a joint resolution that would actually put the Government into the commercial business of buying, mixing, and selling fertilizer.

Mr. SMITH. Let me ask the Senator a question. The Senator would be perfectly willing to vote for a measure that would put the Government into the manufacture of nitrogen from the air at Muscle Shoals to the fullest possible extent, experimenting as it produced it in order to develop a process by which it would be practical and commercial?

Mr. GLASS. Well, yes; but I would not be frank with the Senator should I not state that I have never had one particle of faith in the suggestion that that could be effectively done or would be effectively done at Muscle Shoals, although I am perfectly willing, as an incident to the operation of the Government property there, to experiment with that.

RECESS

The PRESIDING OFFICER. The hour of 10.30 o'clock having arrived, the Senate, under its order of to-day, will stand in recess until 12 o'clock noon to-morrow.

Thereupon (at 10.30 o'clock p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, May 23, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 22 (legislative day of May 3), 1928

POSTMASTERS

ARIZONA

June S. Haymond to be postmaster at Claypool, Ariz., in place of J. S. Haymond. Incumbent's commission expires June 6, 1928.

Robert B. Anderson to be postmaster at Clifton, Ariz., in place of R. B. Anderson. Incumbent's commission expires May 24, 1928.

COLORADO

Sherman Bohnet to be postmaster at Somerset, Colo., in place of Sherman Bohnet. Incumbent's commission expired February 11, 1928.

Arch J. Miller to be postmaster at Wray, Colo., in place of J. W. Hultquist, removed.

HAWAII

Antone Silva to be postmaster at Hawi, Hawaii, in place of Antone Silva. Incumbent's commission expires June 5, 1928.

William K. Kelii to be postmaster at Wahiawa, Hawaii, in place of W. K. Kelii. Incumbent's commission expires June 5, 1928.

ILLINOIS

William Georger to be postmaster at New Baden, Ill., in place of William Georger. Incumbent's commission expires June 6, 1928.

Harry B. Potter to be postmaster at Marshall, Ill., in place of J. W. Lewis. Incumbent's commission expired January 7, 1928.

Hiram B. Rutherford to be postmaster at Newman, Ill., in place of H. B. Rutherford. Incumbent's commission expires June 6, 1928.

Kate M. Weis to be postmaster at Teutopolis, Ill., in place of K. M. Weis. Incumbent's commission expires May 23, 1928.

Leon M. Shugart to be postmaster at Pontiac, Ill., in place of C. W. Ong. Incumbent's commission expired January 7, 1928.

INDIANA

T. M. Long to be postmaster at Butler, Ind., in place of R. C. Campbell. Incumbent's commission expired February 29, 1928.

Cora Lucas to be postmaster at New Haven, Ind., in place of Willard Lucas, deceased.

KENTUCKY

Howard C. Pentecost to be postmaster at Corydon, Ky., in place of H. C. Pentecost. Incumbent's commission expired February 29, 1928.

Clyde S. England to be postmaster at Russell, Ky., in place of C. S. England. Incumbent's commission expired May 12, 1928.

MAINE

Linwood B. Jones to be postmaster at Winthrop, Me., in place of L. B. Jones. Incumbent's commission expires June 6, 1928.

MARYLAND

George S. Stevens to be postmaster at Millington, Md., in place of G. S. Stevens. Incumbent's commission expired January 7, 1928.

Elmore H. Owens to be postmaster at Perryville, Md., in place of E. H. Owens. Incumbent's commission expired January 7, 1928.

Clare N. Payne to be postmaster at Preston, Md., in place of C. N. Payne. Incumbent's commission expires June 4, 1928.

MASSACHUSETTS

James J. Murtaugh to be postmaster at Hopkinton, Mass., in place of J. J. Murtaugh. Incumbent's commission expires June 5, 1928.

Fred W. Trasher to be postmaster at Marblehead, Mass., in place of F. W. Trasher. Incumbent's commission expires May 22, 1928.

MINNESOTA

Ralph G. Hosfield to be postmaster at Medford, Minn., in place of R. G. Hosfield. Incumbent's commission expired March 3, 1927.

MISSISSIPPI

Blanche J. Whittington to be postmaster at Tutwiler, Miss., in place of J. L. Donald. Incumbent's commission expired February 14, 1927.

MISSOURI

Fred Robinette to be postmaster at Bolckow, Mo., in place of O. P. Pettigrew. Incumbent's commission expired March 14, 1928.

John L. Wilkinson to be postmaster at Piedmont, Mo., in place of S. S. Freeman. Incumbent's commission expired January 14, 1928.

Lester C. Boyles to be postmaster at Urich, Mo., in place of L. C. Boyles. Incumbent's commission expires June 5, 1928.

Louis N. Walker to be postmaster at Holmes Park, Mo. Office became presidential January 1, 1928.

NEBRASKA

Carl P. Smiley to be postmaster at Beaver Crossing, Nebr., in place of C. P. Smiley. Incumbent's commission expires June 6, 1928.

J. Ned Allison to be postmaster at Gering, Nebr., in place of J. N. Allison. Incumbent's commission expires June 6, 1928.

Lewis L. Swindell to be postmaster at Mascot, Nebr., in place of C. B. Grace, resigned.

Given G. Reber to be postmaster at Naper, Nebr., in place of C. E. Putnam, removed.

NEW YORK

Clarence E. Snyder to be postmaster at Glenfield, N. Y., in place of C. E. Snyder. Incumbent's commission expired May 5, 1928.

William L. Froehley to be postmaster at Hamburg, N. Y., in place of W. L. Froehley. Incumbent's commission expired January 8, 1928.

Manford J. Pfister to be postmaster at Great Bend, N. Y. Office became presidential July 1, 1926.

NORTH CAROLINA

George A. Woods to be postmaster at Nazareth, N. C., in place of G. A. Woods. Incumbent's commission expired December 4, 1926.

OHIO

Jerome H. C. Goodhart to be postmaster at Brewster, Ohio, in place of J. H. C. Goodhart. Incumbent's commission expires May 24, 1928.

William A. Ray to be postmaster at Mount Sterling, Ohio, in place of W. A. Ray. Incumbent's commission expires June 5, 1928.

Rufus A. Borland to be postmaster at West Jefferson, Ohio, in place of R. A. Borland. Incumbent's commission expired March 1, 1928.

OKLAHOMA

Louis G. Scott to be postmaster at Stroud, Okla., in place of L. G. Scott. Incumbent's commission expired January 14, 1928.

Jeane H. Sisson to be postmaster at Mounds, Okla., in place of J. W. Evans, removed.

PENNSYLVANIA

Mary K. Schambach to be postmaster at Beaver Springs, Pa., in place of M. K. Schambach. Incumbent's commission expired March 22, 1928.

Mertie T. Hallett to be postmaster at Devon, Pa., in place of M. T. Hallett. Incumbent's commission expires June 6, 1928.

John P. Rodger to be postmaster at Hooversville, Pa., in place of J. P. Rodger. Incumbent's commission expired April 3, 1928.

Wellesley H. Greathead to be postmaster at McConnellsburg, Pa., in place of W. H. Greathead. Incumbent's commission expired January 8, 1928.

James I. Steel to be postmaster at Shamokin, Pa., in place of J. I. Steel. Incumbent's commission expired May 3, 1928.

William H. Deppen to be postmaster at Sunbury, Pa., in place of W. H. Deppen. Incumbent's commission expires June 6, 1928.

George N. Turner to be postmaster at Toughkenamon, Pa., in place of G. N. Turner. Incumbent's commission expired January 8, 1928.

SOUTH CAROLINA

Benjamin D. Bedell to be postmaster at Ridgeland, S. C., in place of S. C. Taylor, resigned.

SOUTH DAKOTA

Benjamin D. Kidman to be postmaster at Big Stone City, S. Dak., in place of B. D. Kidman. Incumbent's commission expired December 18, 1927.

Hattie L. Meyer to be postmaster at Florence, S. Dak., in place of H. L. Meyer. Incumbent's commission expired December 18, 1927.

Alton E. Lewis to be postmaster at Henry, S. Dak., in place of A. E. Lewis. Incumbent's commission expired December 18, 1927.

Albert Koehne to be postmaster at Oldham, S. Dak., in place of Albert Koehne. Incumbent's commission expired December 18, 1927.

Albert A. Abel to be postmaster at Selby, S. Dak., in place of Robert Abel. Incumbent's commission expired February 8, 1928.

TENNESSEE

Jesse B. McCasland to be postmaster at Goodlettsville, Tenn., in place of C. S. Waters. Incumbent's commission expired July 31, 1926.

Thomas W. Williams to be postmaster at Lucy, Tenn., in place of T. W. Williams. Incumbent's commission expired March 1, 1928.

Joseph W. Callis to be postmaster at Germantown, Tenn. Office became presidential July 1, 1927.

TEXAS

Emil E. Fahrenkamp to be postmaster at Big Spring, Tex., in place of J. W. Ward, deceased.

WISCONSIN

Castor H. Kuehl to be postmaster at Brillion, Wis., in place of C. H. Kuehl. Incumbent's commission expired January 17, 1928.

Conrad Baetz to be postmaster at Two Rivers, Wis., in place of Conrad Baetz. Incumbent's commission expired January 17, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22 (legislative day of May 3), 1928

MEMBER OF FEDERAL RESERVE BOARD

Edmund Platt.

ATTORNEY GENERAL FOR PORTO RICO

James R. Beverley.

UNITED STATES COAST GUARD

To be lieutenants (junior grade)

Clifford D. Feak.
Eugene S. Endom.
Philip E. Shaw.
George N. Bernier.
Leonard M. Melka.
Earle G. Brooks.

To be lieutenants (temporary)

Chester McP. Anderson.
Arthur J. Craig.
Harold B. Adams.
William J. Austermann.
William H. Jacobson.
Edward S. Moale.
Edward W. Holtz.

To be lieutenants (junior grade) (temporary)

Ernest A. Ninness.
Hugh V. Hopkins.
Edward E. Hahn, jr.
William Bowman.
Archibald J. Maclean.
Chester A. A. Anderson.
Ellis P. Skolfield.
Dorian E. Todd.

To be ensigns

Frank K. Johnson.
Chester W. Thompson.
Frederick G. Eastman.
Leslie D. Edwards.
Edwin C. Whitfield.
DeEarle M. Logsdon.
Watson A. Burton.
Walter C. Capron.
Dale T. Carroll.
Samuel F. Gray.
Wilbur C. Hogan.
Kenneth P. Maley.
Leon H. Morine.
Carl B. Olsen.
Earl K. Rhodes.
Thomas M. Rommel.

UNITED STATES MARSHAL

Henry C. W. Laubenheimer to be United States marshal, northern district of Illinois.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be major generals

Paul Bernard Malone.
Charles Dudley Rhodes.

To be brigadier generals

Lytle Brown, Corps of Engineers.
Charles Evans Kilbourne, Coast Artillery Corps.
Hamilton Smith Hawkins, Cavalry.

To be colonels

Lorenzo Dow Gasser.
Jennings Benjamin Wilson.
William Oury Smith.

To be lieutenant colonels

Robert Melville Danford.
James Kerr Crain.
Carr Wilson Waller.
Richard James Herman.
Matthew Arthur Cross.

To be majors

James Donald MacMullen.
Ralph Townsend Heard.
Charles Wright Bundy.
Charles Douglas Yelverton Ostrom.
Turner Mason Chambliss.
Donald Malpas Cole.

To be captains

Bernard Clark Dailey.
Eduardo Andino.
Robert Elwyn DeMerritt.
James Franklin Powell.
William Dalton Hohenthal.
James Ralph Lowder.
John Thomas Schneider.

To be first lieutenants

Joseph Ingham Greene.
Abner Judson McGehee.
Valentine Roy Smith.
George William Hartnell.
Joseph Anthony Cella.
James Boyce Carroll.
John Ellsworth Adkins, jr.

POSTMASTERS

ALABAMA

Hugh H. Dale, Camden.
Louie W. Vaughan, Cuba.
Howard F. Little, Linden.
Roy A. Lifsey, Montgomery.
William L. Jones, Parrish.
Alden M. Wallace, Tuskegee.

CALIFORNIA

Belle Hicks, Armona.
Roland L. Curran, Bakersfield.
W. Wallace Watson, Beaumont.
Lola P. Neff, Biggs.
Lula M. Dunn, Capitola.
John H. B. Speer, Delano.
Lola F. Thornton, Durham.
John H. Dodson, El Cajon.
Charles H. Coffey, jr., Gonzales.
M. Earle Adams, Healdsburg.
Lewis E. Leavell, Novato.
William C. Werry, Palo Alto.
Edward A. Baker, Point Loma.
Myrtle H. Turner, Reseda.
Louis P. Miller, Rio Vista.
John H. Strauch, jr., San Gabriel.
Ernest R. Rhymes, Sanitarium.
Earle R. Hawley, Stockton.
Alfred Gourdier, Torrance.
Alexander R. Thomas, Ukiah.
William Braucht, Whittier.
Harry E. Meyers, Yuba City.

COLORADO

John E. Harron, Alamosa.
William V. Kerr, Eads.

ILLINOIS

Secondo V. Donna, Braidwood.
Harold H. Myers, Leaf River.
Edwin B. Gardner, Mazon.
Walter J. Walsh, McHenry.
Daisy F. Lynk, Mokena.
Walter H. Sass, Monee.
Minnie E. Prange, New Douglas.
Wallace G. Harsh, Peotone.
Wallace Leach, Wayne City.

MINNESOTA

Carl H. Schuster, Biwabik.
Harold R. Portmann, Currie.
Nettie A. Perrell, Elysian.
Anthony L. LaFreniere, Grand Rapids.
George E. Van Buren, Le Roy.
Herbert M. Hauck, Mankato.
Sidney D. Wilcox, Park Rapids.
Lillian A. Peterson, Villard.

MONTANA

Wedsel J. Hartman, Broadview.
Oswald M. Johnson, Chinook.
Ray R. Porter, Neihart.
Arnold D. Ferris, Sidney.
Maurice D. Holmes, White Sulphur Springs.

NEBRASKA

Harry E. Welch, Edgar.
Frederick A. Mellberg, Newman Grove.

NEW YORK

Elsie V. Webb, Union Springs.

OKLAHOMA

Helen M. Lutes, Bennington.
Samuel H. Bundy, Bethany.
Hubbard Ross, Fort Gibson.
Chester P. Keil, Fort Towson.
Leslie C. Mendenhall, Seiling.

PENNSYLVANIA

Howard S. Kiess, Blossburg.
George A. Frantz, Confluence.
Lionel W. Stevens, Knoxville.
William M. Overholt, Mount Pleasant.
William Percy, Scottdale.
Ray J. Crowthers, West Elizabeth.
Lewis E. Knapp, Westfield.
Harry A. Garner, Wyomissing.

SOUTH DAKOTA

William R. Amoo, Morristown.
Goodwin L. Hansen, Wasta.

UTAH

John McPhee, Salt Lake City.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 22, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of Hosts, while the days of our pilgrimage are hurrying by, we thank Thee that Thy merciful providence is attending us. We have beating human hearts that laugh and weep and help us to give daily gladness as we pass by. Bless us with wit to work and with faith to keep us brave and true. Lift all of us above the corroding vices of weakness and fear, for at times they crush our hopes until they bleed. Give us hearts that pass on the praise of Him to those who feel the arrows of distress. Enable us to bear the yoke of service without complaint and to perform our duty in the spirit of a high privilege. When we falter or fail hold us with Thy gentle hand. When sorrow shades the skies of blue let in the azure, that it may gleam once more above the heads on this journey road. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments the bill (H. R. 1) entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," insists upon its amendments, asks a conference with the House of Representatives on the said bill and amendments thereto, and appoints Mr. SMOOT, Mr. MCLEAN, Mr. REED of Pennsylvania, Mr. SIMMONS, and Mr. GERRY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas.

NIGHT WORK IN THE POSTAL SERVICE

The SPEAKER. The first order of business is the consideration of the two veto messages, the consideration of which was postponed until to-day. The first is that of H. R. 5681, to provide a differential in pay for night work in the Postal Service. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. GRIEST. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those in favor of the passage of the bill, the objections of the President to the contrary notwithstanding, will, when their names are called, answer "yea" and those opposed "nay."

The question was taken; and there were—yeas 320, nays 42, not voting 68, as follows:

[Roll No. 84]

YEAS—320

Abernethy	Brand, Ga.	Cochran, Mo.	Doutrich
Adkins	Briggs	Cochran, Pa.	Dowell
Allen	Britten	Cohen	Drewry
Allgood	Browne	Cole, Iowa	Driver
Almon	Browning	Collier	Dyer
Andresen	Buchanan	Collins	Edwards
Arentz	Buckbee	Colton	England
Arnold	Burdick	Combs	Englebright
Aswell	Burtness	Cooper, Wis.	Eslick
Auf der Heide	Busby	Corning	Estep
Ayres	Bushong	Cox	Evans, Calif.
Bankhead	Byrns	Crosser	Evans, Mont.
Barbour	Canfield	Crowther	Faust
Beck, Pa.	Cannon	Cullen	Fenn
Beers	Carew	Dallinger	Fitzgerald, Roy G.
Begg	Carley	Darrow	Fitzgerald, W. T.
Bell	Carss	Davis	Fitzpatrick
Berger	Carter	Dempsey	Fletcher
Black, N. Y.	Cartwright	Denison	Fort
Black, Tex.	Celler	Dickinson, Iowa	Foss
Bland	Chalmers	Dickinson, Mo.	Frear
Bohn	Chapman	Dickstein	Free
Bowman	Chase	Dominick	Freeman
Box	Christopherson	Doughton	Fullbright
Boylan	Clague	Douglass, Mass.	Fulmer
Furlow	Kahn	Montague	Sirovich
Garber	Kelly	Mooney	Smith
Gardner, Ind.	Kemp	Moore, Ky.	Somers, N. Y.
Garner, Tex.	Kendall	Moore, Ohio	Speaks
Garrett, Tex.	Kent	Moore, Va.	Sproul, Ill.
Gibson	Kerr	Moorman	Sproul, Kans.
Gifford	Ketcham	Morehead	Stalker
Gilbert	Kiess	Morgan	Steagall
Glynn	Kincheloe	Morin	Stedman
Golder	Kindred	Morrow	Steele
Goodwin	King	Murphy	Stevenson
Gregory	Knutson	Nelson, Me.	Strong, Kans.
Green	Kopp	Nelson, Mo.	Strong, Pa.
Greenwood	Korell	Nelson, Wis.	Sullivan
Griest	Kunz	Niedringhaus	Summers, Wash.
Griffin	Kvale	Norton, Nebr.	Sumners, Tex.
Guyer	LaGuardia	O'Brien	Swank
Hadley	Lampert	O'Connell	Swick
Hall, Ill.	Langley	O'Connor, La.	Swing
Hall, Ind.	Lanham	O'Connor, N. Y.	Tarver
Hammer	Lankford	Oliver, Ala.	Tatgenhorst
Hancock	Larsen	Oliver, N. Y.	Taylor, Colo.
Hardy	Lea	Parks	Taylor, Tenn.
Harrison	Leatherwood	Peery	Temple
Hastings	Leavitt	Porter	Thompson
Haugen	Lehlbach	Pou	Thurston
Hawley	Letts	Prall	Timberlake
Hersey	Lindsay	Quayle	Treadway
Hickey	Lowrey	Quin	Tucker
Hill, Ala.	Lozier	Ragon	Updike
Hill, Wash.	Lyon	Rainey	Vinson, Ga.
Hoffman	McClintic	Ramseyer	Vinson, Ky.
Hogg	McDuffie	Rankin	Ware
Holaday	McFadden	Ransley	Warren
Hooper	McKeown	Rathbone	Watres
Hope	McLeod	Reed, Ark.	Watson
Houston, Del.	McMillan	Reed, N. Y.	Weaver
Howard, Nebr.	McReynolds	Robinson, Iowa	Welch, Calif.
Howard, Okla.	McSwain	Robsion, Ky.	Weller
Huddleston	McSweeney	Romjue	Welsh, Pa.
Hudson	MacGregor	Rowbottom	White, Colo.
Hull, William E.	Maas	Rubey	White, Me.
Hull, Tenn.	Magrady	Rutherford	Whittington
Igoe	Major, Ill.	Sanders, N. Y.	Williams, Ill.
Irwin	Major, Mo.	Sanders, Tex.	Williams, Mo.
Jacobstein	Manlove	Sandlin	Williams, Tex.
James	Mansfield	Schafer	Wilson, La.
Jeffers	Martin, La.	Schneider	Wingo
Johnson, Ill.	Mead	Sears, Nebr.	Winter
Johnson, Ind.	Menges	Seger	Wolverton
Johnson, S. Dak.	Michaelson	Selvig	Woodruff
Johnson, Tex.	Michener	Shallenberger	Wright
Johnson, Wash.	Miller	Shreve	Wyant
Jones	Milligan	Simmons	Yates
Kading	Monast	Sinclair	Zihlman

NAYS—42

Ackerman	Crisp	McLaughlin	Stobbs
Aldrich	Douglas, Ariz.	Mapes	Taber
Andrew	Elliott	Martin, Mass.	Tilson
Bacharach	French	Merritt	Tinkham
Bacon	Frothingham	Newton	Underhill
Brand, Ohio	Hale	Parker	Vincent, Mich.
Burton	Hoch	Pratt	Wainwright
Chindblom	Hull, Morton D.	Reece	Wason
Clarke	Jenkins	Rogers	Woodrum
Cooper, Ohio	Kearns	Sinnott	
Cramton	Luce	Snell	

NOT VOTING—68

Anthony	Connery	Graham	Rayburn
Bachmann	Connolly, Pa.	Hall, N. Dak.	Reid, Ill.
Beck, Wis.	Crail	Hare	Sabath
Beedy	Curry	Hudspeth	Sears, Fla.
Blanton	Davenport	Hughes	Spearing
Bloom	Davey	Johnson, Okla.	Strother
Boies	Deal	Kurtz	Thatcher
Bowles	De Rouen	Leech	Tillman
Bowling	Doyle	Linthicum	Underwood
Brigham	Drane	Moore, N. J.	Vestal
Bulwinkle	Eaton	Norton, N. J.	White, Kans.
Butler	Fish	Oldfield	Whitehead
Campbell	Fisher	Palmer	Williamson
Casey	Gambrill	Palmisano	Wilson, Miss.
Clancy	Garrett, Tenn.	Peavey	Wood
Cole, Md.	Gasque	Perkins	Wurzbach
Connally, Tex.	Goldsborough	Purnell	Yon

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On the vote:

Mr. Reid of Illinois and Mr. Oldfield (for) with Mr. Brigham (against).

Until further notice:

Mr. Wood with Mr. Garrett of Tennessee.
Mr. Connolly of Pennsylvania with Mr. Hudspeth.
Mr. Davenport with Mr. Spearing.
Mr. Anthony with Mr. Cole of Maryland.
Mr. Vestal with Mr. Gambrill.
Mr. Graham with Mr. Linthicum.
Mr. Kurtz with Mr. Deal.
Mr. Purnell with Mr. Drane.
Mr. Wurzbach with Mr. Goldsborough.
Mr. Beedy with Mr. Doyle.
Mr. Clancy with Mr. Connery.
Mr. Eaton with Mr. Gasque.
Mr. Hughes with Mr. Fisher.
Mr. Perkins with Mr. Hare.
Mr. Williamson with Mr. Johnson of Oklahoma.
Mr. Bachman with Mr. Whitehead.
Mr. Butler with Mr. Yon.

Mr. Leech with Mr. Sears of Florida.
Mr. Thatcher with Mr. Blanton.
Mr. White of Kansas with Mr. Palmisano.
Mr. Boise with Mr. Bulwinkle.
Mr. Campbell with Mr. Wilson of Mississippi.
Mr. Fish with Mr. Davey.
Mr. Curry with Mr. Moore of New Jersey.
Mr. Bowles with Mr. Connolly of Texas.
Mr. Crail with Mrs. Norton.
Mr. Palmer with Mr. Rayburn.
Mr. Hall of North Dakota with Mr. Underwood.
Mr. Beck of Wisconsin with Mr. Casey.
Mr. Peavey with Mr. Bloom.
Mr. Strother with Mr. Sabath.

Mr. O'CONNELL. Mr. Speaker, I wish to announce the absence of the lady from New Jersey, Mrs. NORTON, on account of illness. If she were here she would vote "aye." Also that my colleague from New York, Mr. BLOOM, who is absent on account of official business, would, if he were present, vote "aye."

Mr. KUNZ. Mr. Speaker, I wish to announce that my colleague, Mr. SABATH, is unable to be present on account of sickness at home. He requested me to announce that he would vote "aye" if he were present.

Mr. JOHNSON of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is ill in a hospital. If he were present, he would vote "aye."

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY, is absent on account of illness in his family. If he were present, he would vote "aye."

Mr. McSWEENEY. Mr. Speaker, I desire to announce that Mr. DOYLE, of Illinois, is unavoidably absent. If he were present, he would vote "aye."

The result of the vote was announced as above recorded.

ALLOWANCES FOR RENT, ETC., FOURTH-CLASS POSTMASTERS

The SPEAKER. The question now arises on House bill 7900, a bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes. The question is, Shall the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. GRIEST. Mr. Speaker, this bill provides allowances for rent, light, fuel, and equipment for fourth-class postmasters. It was considered very thoroughly by the Committee on the Post Office and Post Roads in the last Congress. It passed the House committee unanimously. It passed the House itself unanimously. It passed the Senate unanimously. It provides for an expenditure of between $2,000,000 and $3,000,000. I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the previous question.

The previous question was ordered.

The SPEAKER. Those in favor of the passage of the bill, the objections of the President to the contrary notwithstanding, will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 318, nays 46, not voting 66, as follows:

[Roll No. 85]

YEAS—318

Abernethy	Cannon	Dowell	Griest
Adkins	Carew	Drewry	Griffin
Allen	Carley	Driver	Guyer
Allgood	Carss	Dyer	Hadley
Almon	Carter	Edwards	Hall, Ill.
Andresen	Cartwright	England	Hall, Ind.
Arentz	Celler	Englebright	Hall, N. Dak.
Arnold	Chalmers	Eslick	Hammer
Aswell	Chapman	Estep	Hancock
Auf der Heide	Chase	Evans, Mont.	Hardy
Ayres	Christopherson	Faust	Harrison
Bankhead	Clague	Fenn	Hastings
Barbour	Cochran, Mo.	Fish	Haugen
Beedy	Cochran, Pa.	Fitzgerald, Roy G.	Hawley
Beers	Coben	Fitzgerald, W. T.	Hersey
Begg	Cole, Iowa	Fitzpatrick	Hickey
Bell	Collier	Fletcher	Hill, Ala.
Berger	Collins	Foss	Hill, Wash.
Black, N. Y.	Colton	Frear	Hoch
Black, Tex.	Combs	Free	Hoffman
Bohn	Cooper, Wis.	Freeman	Hogg
Bowman	Corning	French	Holaday
Box	Cox	Fulbright	Hooper
Boylan	Crosser	Fulmer	Hope
Brand, Ga.	Crowther	Furlow	Houston, Del.
Brand, Ohio	Cullen	Garber	Howard, Nebr.
Briggs	Darrow	Gardner, Ind.	Howard, Okla.
Britten	Davis	Garner, Tex.	Huddleston
Browne	Dempsey	Garrett, Tex.	Hudson
Browning	Denison	Gibson	Hull, Tenn.
Buchanan	Dickinson, Iowa	Gifford	Igoe
Buckbee	Dickinson, Mo.	Gilbert	Irwin
Burtness	Dickstein	Glynn	Jacobstein
Busby	Dominick	Golder	James
Bushong	Doughton	Goodwin	Jeffers
Byrns	Douglas, Ariz.	Gregory	Jenkins
Campbell	Douglass, Mass.	Green	Johnson, Ill.
Canfield	Doutrich	Greenwood	Johnson, Ind.
Johnson, S. Dak.	McSwain	Quayle	Sumners, Tex.
Johnson, Tex.	McSweeney	Quin	Swank
Johnson, Wash.	MacGregor	Ragon	Swick
Jones	Maas	Rainey	Swing
Kading	Magrady	Ramseyer	Tarver
Kahn	Major, Ill.	Rankin	Tatgenhorst
Kearns	Major, Mo.	Ransley	Taylor, Colo.
Kelly	Manlove	Rathbone	Taylor, Tenn.
Kemp	Mansfield	Reed, Ark.	Temple
Kendall	Martin, La.	Reed, N. Y.	Thompson
Kent	Mead	Robinson, Iowa	Thurston
Kerr	Menges	Robsion, Ky.	Timberlake
Ketcham	Michaelson	Romjue	Treadway
Kiess	Michener	Rowbottom	Updike
Kincheloe	Miller	Rubey	Vestal
Kindred	Milligan	Rutherford	Vinson, Ga.
King	Montague	Sanders, N. Y.	Vinson, Ky.
Knutson	Mooney	Sanders, Tex.	Ware
Kopp	Moore, Ky.	Sandlin	Warren
Kunz	Moore, Ohio	Schafer	Watres
Kvale	Moore, Va.	Sears, Nebr.	Watson
La Guardia	Moorman	Selvig	Weaver
Lampert	Morehead	Shallenberger	Welch, Calif.
Langley	Morgan	Shreve	Weller
Lanham	Morin	Simmons	Welsh, Pa.
Lankford	Morrow	Sinclair	White, Colo.
Larsen	Murphy	Sirovich	White, Me.
Lea	Nelson, Me.	Smith	Whittington
Leatherwood	Nelson, Mo.	Snell	Williams, Ill.
Leavitt	Nelson, Wis.	Somers, N. Y.	Williams, Mo.
Letts	Niedringhaus	Speaks	Williams, Tex.
Lindsay	Norton, Nebr.	Sproul, Ill.	Wilson, La.
Lowrey	O'Brien	Sproul, Kans.	Wingo
Lozier	O'Connell	Stalker	Winter
Lyon	O'Connor, La.	Steagall	Wolverton
McClintic	O'Connor, N. Y.	Stedman	Wood
McDuffie	Oliver, Ala.	Steele	Woodruff
McFadden	Oliver, N. Y.	Stevenson	Wright
McKeown	Parks	Strong, Kans.	Wyant
McLeod	Porter	Strong, Pa.	Zihlman
McMillan	Pou	Sullivan	
McReynolds	Prall	Summers, Wash.	

NAYS—46

Ackerman	Cramton	Martin, Mass.	Taber
Aldrich	Crisp	Merritt	Thatcher
Andrew	Dallinger	Monast	Tilson
Bacharach	Elliott	Newton	Tinkham
Bacon	Fort	Parker	Tucker
Bland	Frothingham	Peery	Underhill
Burdick	Hale	Pratt	Vincent, Mich.
Burton	Hull, Morton D.	Reece	Wainwright
Chindblom	Lehlbach	Rogers	Wason
Clarke	Luce	Seger	Woodrum
Connolly, Pa.	McLaughlin	Sinnott	
Cooper, Ohio	Mapes	Stobbs	

NOT VOTING—66

Anthony	Crail	Hudspeth	Reid, Ill.
Bachmann	Curry	Hughes	Sabath
Beck, Pa.	Davenport	Hull, Wm. E.	Schneider
Beck, Wis.	Davey	Johnson, Okla.	Sears, Fla.
Blanton	Deal	Korell	Spearing
Bloom	De Rouen	Kurtz	Strother
Boies	Doyle	Leech	Tillman
Bowles	Drane	Linthicum	Underwood
Bowling	Eaton	Moore, N. J.	White, Kans.
Brigham	Evans, Calif.	Norton, N. J.	Whitehead
Bulwinkle	Fisher	Oldfield	Williamson
Butler	Gambrill	Palmer	Wilson, Miss.
Casey	Garrett, Tenn.	Palmisano	Wurzbach
Clancy	Gasque	Peavey	Yates
Cole, Md.	Goldsborough	Perkins	Yon
Connally, Tex.	Graham	Purnell	
Connery	Hare	Rayburn	

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following additional pairs:

On this vote:

Mr. Reid of Illinois and Mr. Oldfield (for) with Mr. Brigham (against).

Until further notice:

Mr. Beck of Pennsylvania with Mr. Garrett of Tennessee.
Mr. Davenport with Mr. Spearing.
Mr. Anthony with Mr. Cole of Maryland.
Mr. Graham with Mr. Linthicum.
Mr. Kurtz with Mr. Deal.
Mr. Purnell with Mr. Drane.
Mr. Wurzbach with Mr. Goldsborough.
Mr. Clancy with Mr. Connery.
Mr. Eaton with Mr. Gasque.
Mr. Hughes with Mr. Fisher.
Mr. Perkins with Mr. Hare.
Mr. Williamson with Mr. Johnson of Oklahoma
Mr. Bachmann with Mr. Whitehead.
Mr. Butler with Mr. Yon.
Mr. Leech with Mr. Sears of Florida.
Mr. White of Kansas with Mr. Palmisano.
Mr. Boies with Mr. Bulwinkle.
Mr. Curry with Mr. Moore of New Jersey.
Mr. Bowles with Mr. Connally of Texas.
Mr. Crail with Mrs. Norton of New Jersey.
Mr. Palmer with Mr. Rayburn.
Mr. Beck of Wisconsin with Mr. Casey.
Mr. Peavey with Mr. Bloom.
Mr. Strother with Mr. Sabath.
Mr. Evans of California with Mr. Blanton.
Mr. W. E. Hull with Mr. Gambrill.
Mr. Korell with Mr. Hudspeth.
Mr. Schneider with Mr. Doyle.
Mr. Yates with Mr. Underwood.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY of Massachustts, is absent on account of illness in his family. If he were present, he would vote "yea."

Mr. O'CONNELL. Mr. Speaker, I want to make the same announcement for the gentlewoman from New Jersey, Mrs. NORTON, who is absent on account of illness. If she were here, she would vote "yea." My colleague the gentleman from New York, Mr. BLOOM, is absent on official business. If he were present, he would vote "yea."

Mr. IGOE. Mr. Speaker, I want to make the same announcement for my colleague from Illinois, Mr. DOYLE. If he were present, he would vote "yea."

Mr. JOHNSON of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is absent on account of illness. If he were present, he would vote "yea."

Mr. ENGLEBRIGHT. Mr. Speaker, if my colleague, Mr. CURRY, of California, had been present, he would have voted "yea" in favor of overriding the presidential veto of both of these measures.

Mr. ZIHLMAN. Mr. Speaker, the gentleman from Michigan, Mr. CLANCY, was called home by the sudden death of his mother. Had he been able to be present, he would have voted "yea" on both of these veto messages.

Mr. SCHNEIDER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SCHNEIDER. I was present a part of the time, but did not hear my name called.

The SPEAKER. To qualify, the gentleman must have been present and listening when his name was called.

Mr. SCHNEIDER. I was not present all of the time.

The SPEAKER. The gentleman does not qualify.

Mr. SCHNEIDER. If I had been here, I would have voted "yea."

The result of the vote was announced as above recorded.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the two messages of the President, just acted upon, be printed as House documents. A number of requests have been made for them, and therefore I ask unanimous consent that the usual number be printed. I understand that the other recent veto messages have not been printed, and I therefore ask unanimous consent to include those also.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all of the veto messages of the President be printed as public documents. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is it not rather embarrassing to print the two messages on these two bills?

Mr. TILSON. I have asked that all of them be printed.

Mr. BANKHEAD. Does not the gentleman think we should wait a few days, because, as I understand, some more are coming?

Mr. TILSON. If it is desired to print them as public documents, we can make the request at the time.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, while there is a goodly attendance of the House present, I wish to ask unanimous consent that Calendar Wednesday business to-morrow be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business, in order to-morrow, be dispensed with. Is there objection?

There was no objection.

THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. No. 1, an act to reduce and equalize taxation, provide revenue, and for other purposes, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table House bill No. 1, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. HAWLEY, TREADWAY, BACHARACH, GARNER of Texas, and COLLIER.

POSTAL RATES

Mr. GRIEST. Mr. Speaker, I present a conference report on H. R. 12030, to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, for printing under the rule.

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 218

Resolved, That the Senate be requested to return to the House of Representatives the bill (S. 2972) entitled "An act for the further protection of fish in the District of Columbia, and for other purposes."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FORT PECK INDIAN RESERVATION, MONT.

Mr. LEAVITT. Mr. Speaker, by direction of the House Committee on Indian Affairs I call up the bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont., which is on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to lease or sell any of the tribal lands on the Fort Peck Indian Reservation, Mont., the lands that were reserved and title thereto reinvested in the Indians by the act of March 3, 1927 (44 Stat. L. 1402), and now reserved for agency, schools, and other purposes, upon such terms and conditions as he may prescribe with the consent and approval of the Indians through the general council of the Fort Peck Indians in the State of Montana at general council meeting when duly called and assembled: *Provided*, That no part of said tribal lands shall be sold until the Secretary of the Interior shall determine that said lands are no longer required for such purposes with the consent and approval of the said general council, and in case of the sale of said tribal lands the mineral rights, including oil, gas, and other minerals, shall be reserved to the Fort Peck Indians: *Provided, however*, That this act shall not be construed to make any such tribal lands available for allotment purposes: *Provided further*, That the proceeds derived from the sale or lease of said tribal lands shall be deposited in the Treasury of the United States to the credit of the Fort Peck Indians under the title of "Fort Peck 4 per cent fund," and shall be subject to disposition under the act of May 30, 1908 (35 Stat. L. 558).

With the following committee amendment:

On page 2, line 9, strike out "*Provided, however*, That this act shall not be construed to make any such tribal lands available for allotment purposes."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELLA G. RICHTER

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

CONQUEST OF THE NORTHWEST TERRITORY

Mr. LUCE. Mr. Speaker, I call up the conference report on the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779,

and ask unanimous consent that the statement may be read in lieu of the report.

Mr. CELLER. Mr. Speaker, reserving the right to object, I would like to ask the chairman a question.

Mr. GARNER of Texas. Mr. Speaker, what is the request?

The SPEAKER. That the statement may be read in lieu of the report.

Mr. GARNER of Texas. It is a privileged matter and may be called up at this time?

The SPEAKER. Yes.

Mr. GARNER of Texas. The gentleman merely asks that the statement may be read in lieu of the report.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, what bill is this?

The SPEAKER. The Clerk will report the resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. CELLER. Mr. Speaker, reserving the right to object, may I be permitted to ask the chairman a question? I understand we have passed a number of bills providing for memorials, not necessarily like the one in the instant case, but we passed one in 1927 providing a monument to Albert Gallatin, but nothing has as yet been done toward the erection of that statue, which was to be erected near one of the entrances to the Treasury Building as a companion piece to the Alexander Hamilton monument. I would like to know whether the chairman or his committee knows anything with reference to what has been done with respect to carrying out the provisions of that statute?

Mr. LUCE. I do not know.

Mr. CELLER. Would it interest the gentleman to know that practically nothing has been done and the whole matter lies dormant; yet we have been on record as stating that we want the monument erected. It was to be raised by popular subscription, but as yet no money has been raised and nothing has been done with reference to the appointment of a sculptor to do the work and no contracts have been let for the foundations for the pedestal or for the erection of the pedestal itself.

Mr. LUCE. I regret I can not inform the gentleman about the matter.

Mr. CELLER. I think it would be well for the committee at least to go into the question because we have done something which has been utterly aborted, and a man whose greatness is as great as that of Albert Gallatin, to whom we were to erect this monument, now has his fame in a sense besmirched by the fact that we have taken no action whatsoever.

Mr. LAGUARDIA. That is not a legislative matter. We can not go out and build the monument.

Mr. CELLER. It shows the futility of passing bills of that nature.

Mr. LAGUARDIA. We can not do any more than pass the law.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 23) entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

Strike out section 1 of the House amendment and insert in lieu thereof the following:

"That there is hereby established a commission to be known as the George Rogers Clark Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 15 commissioners, as follows: Three persons to be appointed by the President of the United States; three Senators by the President of the Senate; three Members of the House of Representatives by the Speaker of the House of Representatives; and six members of the George Rogers Clark Memorial Commission of Indiana to be selected by such commission."

And the House agree to the same.

ROBERT LUCE,
RALPH GILBERT,
JOHN C. ALLEN,
F. M. DAVENPORT,
Managers on the part of the House.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States, on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report.

The resolution as adopted by the House has been agreed on with a revision of section 1, making the number of commissioners 15, reducing to 3 the number of Senators to be appointed by the President of the Senate and Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and providing for representation on the commission by the George Rogers Clark Memorial Commission of Indiana, which is to select 6 members from among its own membership.

The effect of this amendment will be to give to the Federal commission the benefit of the study given the project by the Indiana commission and to insure the local interest and support necessary in order to carry out the plans most efficiently and promptly.

ROBERT LUCE,
JOHN C. ALLEN,
FREDERICK M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

Mr. LUCE. Mr. Speaker, the statement tells the whole story.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DEATH OF DR. HIDEYO NOGUCHI

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I desire to call the attention of the Members of the House to the fact that there died yesterday at Accra, in the Gold Coast Colony, in Africa, Dr. Hideyo Noguchi, a great Japanese bacteriologist, who came to this country in 1900 and pursued his labors and bacteriological studies at the Carnegie Institute, University of Pennsylvania, and the Government Institute for Infectious Diseases. At the time of his death Doctor Noguchi was associated with the Rockefeller Institute.

I call attention to his death because he died a peace-time hero, a martyr to the virulence of the germ of yellow fever, to the study of which and to the isolation of which he devoted his life. In pursuing his studies and researches he contracted the disease of which he died. With great Spartan courage and stoicism, he experimented upon himself. He ranks with men like Metchnikoff and with Pasteur.

He was the discoverer of many serums by which he revolutionized the treatment of rabies, rattlesnake bite, and infantile paralysis. One of his noteworthy achievements was the isolation of the germ that causes trachoma. Last Saturday the American Medical Association awarded him a silver medal for his discovery of the germ causing the dreadful trachoma.

He has been the recipient of many decorations from governments the world over—Denmark, Japan, Sweden, Spain—for his

medical discoveries and serums that did so much to alleviate human suffering and pain.

He was a credit to the great nation, Japan, that gave him birth. He added luster to the American institutions with which he had been associated.

Let me read a brief paragraph from an ironic letter he wrote recently from Africa when he was hovering near death from the horrible yellow-fever germ: "Suppose I discovered the cause of this dread disease? The irony of it all is that I probably have it."

You will agree with me that peace has her victories no less renowned than war. Here is a glowing example of a great peace-time hero. It is meet for us to pause in our labors and pay homage to this good man, whose life was one of continuous service to us all. Although a great Japanese doctor, he was no stranger, indeed, within our gates. For 28 years he lived with us. The United States shares with Japan the glory of his work and achievements.

Benefactor of mankind, he laid down his life in line of duty to the great profession of medicine, which he enobled. His sacrifice and his voluntary going through the valley of the shadow is as inspiring and sublime as the heroism of any soldier on the field of battle.

He has left, indeed, "footprints on the sands of time." The world has immeasurably benefited by his having lived among us.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to speak for five minutes on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. SNELL. Reserving the right to object, I am sorry, but we have an important matter to take up, the Boulder Dam bill with eight hours' general debate, and I wish the gentleman would withhold until some other day.

Mr. SIROVICH. Mr. Speaker, I withdraw my request.

FRANK HARTMAN

Mr. HILL of Washington. Mr. Speaker, by direction of the Committee on the Public Lands I ask unanimous consent to take from the Speaker's table the bill (H. R. 6569) for the relief of Frank Hartman with a Senate amendment and agree to the Senate amendment.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill (H. R. 6569) with a Senate amendment and agree to the Senate amendment.

The Senate amendment was read.

The Senate amendment was agreed to.

BRIDGE ACROSS RED RIVER AT GARLAND, ARK.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark., with Senate amendments and agree to the Senate amendments.

The SPEAKER. Is the gentleman authorized by his committee?

Mr. DENISON. I am.

The Senate amendments were read and agreed to.

Mr. DENISON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River, at or near Vincennes, Ind.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Indiana, acting by and through the State highway commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Vincennes, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through the State highway commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said State of Indiana, acting by and through the State highway commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize an amount not to exceed the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the completion thereof. After a sinking fund sufficient to pay an amount not to exceed the cost of constructing the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO AUTHORIZE OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS TO ACCEPT DECORATIONS

Mr. BRITTEN. Mr. Speaker, I call up the conference report on the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, and I ask unanimous consent that the statement be read instead of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and from its disagreement to the amendment to the title of the bill, and agree to the same.

FRED A. BRITTEN,
CLARK BURDICK,
CARL VINSON,
Managers on the part of the House.

FREDERICK HALE,
DAVID A. REED,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5808) authorizing certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report as to each of the following amendments, namely:

On No. 1: By the insertion of the word "Army" the Senate amendment merely includes officers of the Army in the following lists of those who are authorized to accept foreign decorations.

On Nos. 2 to 11, inclusive: Designates by name and rank various officers of the Army, Navy, and Marine Corps who are

authorized to accept foreign decorations, and the final paragraph of amendment No. 11 provides further "that all recommendations for decoration by the United States of America now pending before the War Department, Navy Department, or Marine Corps for services rendered during the World War be considered by the proper boards or authorities, and awards made in such cases as the conduct of those recommended shows them to be entitled and deserving of the same."

As all of the Senate amendments are in accord with the original desire of the bill (H. R. 5898), the managers on the part of the House recommend that the House recede from its disagreement to the amendments of the Senate.

FRED A. BRITTEN,
CLARK BURDICK,
CARL VINSON,
Managers on the part of the House.

The conference report was agreed to.

BOULDER DAM

Mr. BURTON. Mr. Speaker, I present a privileged resolution (H. Res. 208) from the Committee on Rules.

The Clerk read as follows:

House Resolution 208

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5773, a bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BURTON. Mr. Speaker, I suggest that we have one hour debate on the rule, the time to be equally divided between the gentleman from Alabama [Mr. BANKHEAD] and myself.

The SPEAKER. The gentleman from Ohio asks unanimous consent that one hour be devoted to the discussion of the rule to be equally divided between the gentleman from Alabama [Mr. BANKHEAD] and himself. Is there objection?

Mr. CHINDBLOM. And the previous question be ordered at the end of the hour?

Mr. BURTON. I will add the further request that the previous question be considered as ordered.

The SPEAKER. And that the previous question be considered as ordered at the end of the hour. Is there objection?

There was no objection.

Mr. BURTON. Mr. Speaker, this bill (H. R. 5773) is to provide for the construction of work for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. The bill includes three major projects. The first is the construction of a dam 550 feet in height at Boulder or Black Canyon on the boundary line between Arizona and Nevada. It is expected that this dam will impound 26,000,000 acre-feet of water, though the bill provides for not less than 20,000,000 acre-feet. The estimated cost of this dam is $41,500,000, but when you compute the interest which would accrue during the time of construction the total cost is figured at $45,000,000.

The second project contemplated is the construction of a power plant at the location of this dam at Boulder or Black Canyon utilizing the water power created at the dam. The construction of the plant is left optional with the Secretary of the Interior, who may instead lease the water power. Five hundred and fifty thousand firm or constant horsepower will be available or 1,000,000 horsepower on a 55 per cent load factor. The estimated cost of installing plants of 1,000,000 horsepower capacity is $31,500,000, which, if you count the interest accruing during time of construction amounts to $35,000,000.

The third project is an all-American canal from the river to the Imperial Valley and Coachella Valley. The estimated cost of the canal is $31,000,000, and the interest during construction would increase the total cost to $35,000,000. That makes the cost of the three projects $45,000,000 for the dam, $35,000,000 for the power plants, and $35,000,000 for the all-American canal, or in all an estimated cost of $125,000,000. The objects sought to be accomplished are these: First, the removal of the flood menace on the lower valley of the Colorado River, which threatens the destruction of large and important communities lying below the level of this channel. The reservoir which is contemplated will hold the flood waters until they can be released at a rate which the river channel can accommodate with safety. The water so stored will guarantee the lower-basin communities against danger, especially the Imperial Valley, which has been in the past very seriously threatened and is now very seriously threatened in case of flood conditions, will furnish a dependable water supply and, by making use of the flood waters in the lower basin, the upper reaches of the river will furnish abundant water for use in the upper basin without encroaching upon prior appropriations below.

I have already stated that it will end a very dangerous situation which now exists in the Imperial Valley. The valley now secures its only water supply by a canal which runs for some 60 miles through the Republic of Mexico. The all-American canal will furnish a substitute for this and at the same time carry the water at an elevation sufficient to make possible the irrigation of additional lands, mostly public. The third object to be secured is to have the flood waters conserved at the dam and reservoir and, besides providing for irrigation needs below, will provide for a much-needed domestic water supply for cities on the Pacific coast located in southern California, of which Los Angeles is the principal community. The dam and reservoir will incidentally create a large amount of hydroelectric power, from the disposal of which the project will be in large part financed. It is still further alleged that the dam will improve navigation for some 200 miles below the dam, and in the reservoir created above for some 50 miles additional. Under the operation of the project the flow of the water below the dam will be regulated and even, and the construction of the dam and such regulation will safeguard interstate commerce and protect the Government property. Several railroads cross the river below the location of the proposed dam, and these railroads are threatened in case of excessive floods. It is further said on behalf of the project that with the flow of the river unregulated the river can not be successfully used as a highway for commerce. In its regulated form it will be susceptible to use by power boats and other small craft. The great reservoir, of course, will be susceptible of navigation. It is further alleged that certain international complications now arising will be largely solved through the construction of the project.

I have given many hours to the consideration of this project. As a member of the Committee on Rules I have listened to arguments pro and con. This proposed Boulder Dam has awakened a very bitter controversy. It has been the subject of long consideration. Notwithstanding the time that I have given to it, I do not feel that I am completely master of the details. I favor the bill. It is a great project. It is beyond the capacity of any private enterprise. It is a matter of the greatest interest to a number of States, to the Government of the United States itself in the protection of its property, and we may say that it is in line with the flood bill for the Mississippi River in that it saves a very large and fertile area from being destroyed by flood, and also makes possible the irrigation of a very large quantity of land at present completely desert.

To show the sharpness of the controversy, I may say that I hope we shall see the light during the discussion on certain questions like this. It is maintained on behalf of the proponents of the bill that a domestic water supply will soon be urgently needed in southern California.

The opponents maintain that not for 50 years will any such need appear. It is maintained on behalf of the advocates of the bill that a very large amount of water power aggregating 1,000,000 horsepower can be disposed of so as to meet the expense. It is maintained in opposition that the demand for additional water power would be a mere bagatelle in comparison with the large quantity that would be created by the construction of the dam. It should be borne in mind that it is an essential part of this plan that the expense of $125,000,000 shall be met by the sale of the power and by the disposition of water created by the dam, so that ultimately there will be no expense to the United States Government which will not be reimbursed. The time of reimbursement has been variously estimated at from 25 years to 50 years. Very careful estimates have been made in this regard. As a feature of the bill which disarms much of the opposition there are two very vital conditions carried in the measure which, in order that they may be thoroughly understood, I shall read. After authorizing the appropriation of $125,000,000, section 4 contains these two very important conditions:

SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or

perfect any claims to the use of water pertinent to such works or structures until the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved the Colorado River compact mentioned in section 12 hereof and shall have consented to a waiver of the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without condition save that of such six-State approval, and until the President by public proclamation shall have so declared.

The States contained in the Colorado River Basin and interested in this project are Wyoming, Colorado, Utah, New Mexico, Nevada, California, and Arizona. A compact has been made which has been at least conditionally approved by six of the States, but the State of Arizona has thus far refused to agree upon it. It is the contention of those favoring the bill that an improvement of such vast importance, the postponement of which will probably result in serious damage or loss, should not be postponed because of the failure of one State to join.

But it is made, however, a condition that six States shall agree upon the conditions set forth in the bill. That is one condition. I may say frankly that perhaps that provision will prevent the coming into effect of this bill.

Then there is a second condition which I shall read, subdivision (b) of section 4:

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

That includes the $125,000,000 that I have mentioned. So you see, there are two conditions before action is taken; the concurrence of six of the seven States affected; second, the making of a contract by the Secretary of the Interior which shall insure the expense of construction operation and in not more than 50 years the amortization of all expenses incurred in this project.

Mr. Speaker, I reserve the balance of my time.

Mr. DENISON. Mr. Speaker, will the gentleman yield for one question?

Mr. BURTON. Yes.

Mr. DENISON. Can the gentleman advise us briefly as to the contents of the compact?

Mr. BURTON. That will take considerable time. They are set forth in the report of the majority. I think that more appropriately belongs to the general discussion. The compact is set forth on page 32 of the majority report, and inasmuch as it covers three pages of fine print I do not feel like taking the time for it in the discussion of the rule.

Mr. DOUGLAS of Arizona. Can the gentleman state for the information of the House how many States are parties to the compact?

Mr. BURTON. Six, I believe.

Mr. DOUGLAS of Arizona. I think the gentleman is mistaken about that. The entire basin comprises seven States. The basin is divided into the upper and the lower. Four States are in the upper basin and three in the lower. All the States by name are woven into the fabric of the compact, so that it is not accurate to say six States.

Mr. BURTON. I was in error perhaps in this, that the agreement is signed, as I understand it, merely by representatives of the States instead of being ratified by formal approval by the respective States.

Mr. DOUGLAS of Arizona. Then there are seven States made parties to the contract by the terms of the contract.

Mr. THATCHER. Mr. Speaker, will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. THATCHER. Does the gentleman believe that $125,000,000 will cover the ultimate cost involved?

Mr. BURTON. In regard to the cost of $125,000,000, I can give no opinion upon that. That is the estimate of the engineers of the Reclamation Service and others who have been called in. I would not put my judgment against theirs, or state whether that amount will be sufficient or not.

Mr. THATCHER. That is the estimate?

Mr. BURTON. Yes. It is maintained on the one hand that the estimates of the Reclamation Service have usually fallen below the actual cost. That is an argument to the effect that it will cost more than the $125,000,000. It is maintained on the other hand that by reason of constant improvements in machinery and appliances for doing this class of work the cost of it will be much less than when the estimates were made. The gentleman can weigh the two. The House can weigh the two.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. BRITTEN. Does not the gentleman think that the contract contained in the bill providing for repayment to the Government provides a very substantial protection to the Government?

Mr. BURTON. Certainly.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield for another question?

Mr. BURTON. Certainly.

Mr. CHINDBLOM. Does the present proposal contemplate any development of irrigation areas outside of the Imperial Valley?

Mr. BURTON. Oh, yes. There is a very considerable quantity of land below. Much of it, if not most of it, is still owned by the Government.

Mr. CHINDBLOM. When I said "Imperial Valley" I meant the territory below. Does it contemplate any reclamation of land above the reservoir?

Mr. BURTON. I do not think so, at least as far as the immediate result of this improvement is concerned. But there is so much detail in this that I do not feel competent to answer that question.

Mr. SWING. This bill does not contain any authorization of any money for the reclamation of any land. By the storage of the water it makes possible in future time, if Congress sees fit, to reclaim some of this land when there is need for it. But the bill does not undertake to do that at this time.

Mr. CHINDBLOM. I understand that is the intent of the bill; but I want to understand whether those who have promoted this project believe there may be in the future a reclamation by irrigation of land in the upper courses of the river above the dam?

Mr. SWING. That is the reason for the compact. The upper four States, looking forward 50 or 100 years from now, demand that they be given quitclaim deed, so that when they do develop the area above the dam 100 years from now they may have an unquestioned right, no matter what may be done in the meantime, to their share.

Mr. CHINDBLOM. Then future development is contemplated in the upper reaches of the river?

Mr. SWING. I hope it will take place. That is the hope of every patriotic citizen.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. HASTINGS. The interest is to be how much?

Mr. BURTON. Four per cent.

I now yield to the gentleman from Alabama [Mr. BANKHEAD], and reserve the balance of my time. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Ohio has 7 minutes remaining. The gentleman from Alabama [Mr. BANKHEAD] has 30 minutes.

Mr. BANKHEAD. Mr. Speaker, I yield myself 10 minutes.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 10 minutes.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, like the distinguished speaker who has preceded me, this is a problem to which, for the last five or six years, I have given a considerable amount of attention and study. For a number of years when I first came to Congress I had the honor of serving upon the Committee on Irrigation of Arid Lands, and while I was serving on that committee this great problem of the Boulder Canyon Dam was first initiated and discussed. In addition to that—and this always gives one better information about a proposition of this sort—I had the opportunity several years ago of visiting the location of this improvement and of the area surrounding it, and of seeing at first-hand all of the physical situation involved in this controversy.

I am for this rule and I am heartily in favor of the passage of this committee bill. [Applause.] In the few minutes I have allotted myself I want to state as succinctly as possible the reasons which have led me to support this legislation and to answer at least one of the objections that have been urged against it which, for a while at least, aroused the opposition of some of those gentlemen from my section of the country, the cotton-raising section of the South.

As has been pointed out to you by Senator BURTON and as shown in a report made by former Secretary of the Interior James R. Garfield on this question:

The right of Congress to construct the proposed dam is derived from the commerce clause of the Constitution, its control over the public domain, its control over navigable streams, its obligation to deal with international relations and interests, its powers under the reclamation law, and its rights as a landowner.

So that the Government under the Constitution has a perfect right to deal with this great subject from five different standpoints of jurisdiction, and I want to say to you that all of those propositions are involved in this pending legislation.

I do not know of any bill that has come before the Congress of the United States since I have been here that was not entirely national in its significance which more profoundly relates to important details of the economic, social, and business life of a great section of the country than this does. It involves the interests of the population of seven of our great Western and Southwestern States, not only for the immediate future but for the generations that are to come, particularly with reference to the settlement of the very vexing question of the appropriation of water by the citizens of those different States. When the population grows and the demand for water grows, this will constantly become more and more a very important question to those people.

This legislation is initiated primarily as a flood-control and reclamation proposition. It comes from the Committee on Reclamation, which had jurisdiction of it, and this whole Boulder Canyon Dam bill is predicated upon the jurisdiction of that committee to reclaim and protect the arid lands of that immediate section of the country. But it so happens that incidental to that jurisdiction other related matters are involved and are presented by this bill.

Now, gentlemen, if any of you ever had occasion, as I have, to go out there and see that great Imperial Valley, one of the most amazing agricultural developments that has ever taken place in the history of the civilized world, and see those 65,000 or 70,000 prosperous, happy, and contented people every day of their lives, every week, and every month threatened with destruction by the great Colorado River, which sometimes gets out of its banks and floods and overflows, you can appreciate the great interest that those gentlemen have in the passage of some bill that will insure protection from that menace. It is not an imaginary thing but it is an actual thing.

I heard an old temperance man say once to a lot of young men, in speaking of whisky in the old days before prohibition, "Young men, always remember that whisky may be a good servant, but it is always a poor master."

Now, this Colorado River is a good servant to those people out there, but it is a poor master when it goes on a rampage.

With that primary purpose in mind, from the standpoint of flood protection and for reclamation, they are proposing in this bill something else. The opponents of this bill say that the flood-control situation can be handled by a low dam somewhere down below the Boulder Canyon Dam and at much less expense to the Treasury of the United States, but the main thing which induces me to support this bill, recognizing the necessity of the protection which I have suggested, is that fortunately, by virtue of the physical situation there and the possibilities of the development of power, of irrigation, and of the sale of water rights, we have here an opportunity to build a great structure that will meet all of those necessities in one building program and that ultimately will not cost the taxpayers of America one single cent. One of the preliminary safeguards attached to that construction, as was pointed out to you by Senator Burton, is that as a prerequisite to the expenditure of a single dollar of this fund the Secretary of the Interior must have in hand signed and approved legal contracts for water and the sale of power that will guarantee the amortization of this entire cost, including interest at 4 per cent, within a period of less than 50 years. I say it is a very fortunate situation, gentlemen, and an unusual situation that makes it possible for us to achieve for these people this magnificent enterprise without its having to cost the Treasury in the long run one dollar of expenditure out of the public funds.

There is one phase of this thing that has bothered a good many of my friends from the Southern States. A year or so ago there was some propaganda gotten out by the power companies of this country, as has been developed in the recent hearings before the Federal Trade Commission, showing that a deliberate and wicked effort was made to deceive the cotton growers of the South into opposition to this bill upon a false statement of facts.

They asserted and published all over the country, and it made a profound impression upon our country, the statement that if you build this Boulder Canyon Dam out there it would inevitably or probably bring into cultivation additional lands upon which there would be raised perhaps a million bales of cotton a year in addition to what we are raising, and that it would be raised by cheap labor, most of it in Mexico, and thereby come into direct competition with the cotton producers of the other sections of the South.

The press association of my own State of Alabama was alarmed about this situation, and in their annual convention they passed resolutions memorializing the Members of Congress to oppose, with all their power, the construction of this dam for the reason that they had been misled and deceived into the belief it meant ruinous and destructive competition to our southern cotton producers. They were led into this, gentlemen, as I have said, by a false statement of the real situation; but last fall the president of the Alabama Press Association took it upon himself to visit that section of the country, to make a calm, dispassionate, impartial investigation of the facts with reference to it, and he came back and reported to his associates that they had been misled and deceived, that there was no justice in their former declarations upon the question, and that as a matter of fact it did not afford any real threat of any sort of competition to the cotton producers of the rest of the South, and they rescinded their resolution of protest. I have a copy of it here and I shall ask leave to insert the statement in the RECORD as a part of my remarks. This is the real situation with reference to that proposition, and this conclusion was reasonably based upon the facts. What is the situation now, gentlemen?

You must remember that the Colorado River that supplies the great Imperial Valley with its present water, runs for many miles into the Republic of Mexico, into that cotton land down there in Mexico that they are talking about developing and bringing into competition, and under an international agreement existing between Mexico and the United States they are entitled to as much water as goes through that canal as is used by the people in the Imperial Valley. All of that water goes through Mexico before it gets back into California. Remember that.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. BANKHEAD. I can not yield now. The gentleman can answer this argument when it comes his time. I have only a limited amount of time and the gentleman has many hours. I want to present this question as clearly as I can from my understanding of the facts.

It runs down there now and there is nothing to control it and there is nothing to prevent those Mexicans, if they want to, from putting in as much cotton as they can successfully plant, and it will go on in this way forever if we do not build this dam and control the flow of that water into the Republic of Mexico. Instead of helping the cotton producers down in that section, as I see it, this proposition is the only way of controlling it to the advantage of the cotton producers of the United States, because when you build this great dam there you can hold back the water, if it can be done under international agreement. At the time it is needed down there in Mexico for the production of cotton it can be withheld from those producers, and therefore their production would be reduced.

Another thing: Do you know how many bales of cotton were raised in the whole Imperial Valley in the year 1927? Do you know how much cotton was ginned in this vast area they were talking about coming in competition with us—only about 8,000 bales. Why, there is hardly a county in Alabama that does not raise more cotton than that every year. It is a mere drop in the bucket.

There is nothing to substantiate this claim and I do not want any colleague of mine, from the Southern States particularly, who is interested in this question, to be deceived by the propaganda and the false statements that have been sent out by interested parties.

Now, gentlemen, I have consumed more time than I expected to take. I am for this bill for a great many reasons. I am for it because I think it is a sensible way to build this dam. Men talk about the Government in business. Here is a physical situation where it seems to me it would be foolish if the Government did not utilize the opportunity to develop and sell this power there for the benefit of the consumers out in that country and thereby pay the total cost of this proposition. It is not the main purpose, although from the standpoint of financial return it is a large increment; but as a matter of analysis and of logic, under the jurisdiction and purpose of this bill, the generation of power and its sale is only an incident to the other great purposes of the bill, and I trust, gentlemen, that the bill will be passed by the House and Senate and approved by the President. [Applause.]

Mr. R. B. Vail, president of the Alabama Press Association, visited the Imperial Valley in November, 1927, for the express purpose of obtaining first-hand information on this subject, and the Los Angeles Examiner of November 26, 1927, contained this

news story following an interview with Mr. Vail, wherein we take it Mr. Vail is correctly quoted:

"Reports circulated through the cotton States of the South in the last year to the effect that realization of the Boulder Dam project would mean southwestern cotton competition have no basis in fact," R. B. Vail, president of the Alabama Press Association, declared here yesterday after his arrival at the Rosslyn Hotel.

Vail, in company with his associate, W. M. Hodgson, has just completed a thorough survey of the Imperial Valley and other lands that would be watered from the Boulder Dam.

MENACE IN REPORTS

"I do not know the source of the reports in the South," said Vail, "but certainly they might act to the detriment of Boulder Dam legislation at Washington if they were allowed to go uninvestigated.

"I have made a careful survey of the situation in the Southwest and shall inform the South of its conclusions. These are, in general, as follows:

"I see no likelihood of any bulk production of cotton in the Southwest that might damage the cotton interests of the South. This is because I am convinced irrigation and the cost of southwestern labor and high land values would make diversified farming or specialty-crop production too expensive to permit any extensive cotton growing.

FEARS GROUNDLESS

"The southern cotton lands are watered by nature, and our labor is about half as costly as the Mexican and oriental labor of the Southwest. These facts and opinions very frankly expressed to me by your southwestern growers lead me to conclude that the misgivings we have had in the South about cotton competition connected with Boulder Dam are groundless."

Following Mr. Vail's visit to California, he reported his findings to the association of which he was president, and in January, 1928, the Alabama Press Association, by resolution again spoke upon this subject, wherein they said in part:

We realize that our position as opposing this on account of cotton production is apparently not just, and we hereby rescind our former resolution in this regard.

In an article by Mr. Nelson M. Shipp, published in the Macon Telegraph, Sunday, January 1, 1928, he said:

As regards the land on the American side of the border in the extreme western part of our country, sometimes referred to as Imperial Valley, the writer's conclusion, after a month's first-hand investigation, is that this region is not now and never will become a cotton competitor of the South. Georgia produces some wheat, but Georgia will never become a wheat competitor of the West. The case is analogous. Cotton is simply not the crop of the coast region, and the largest possible extension of irrigation would not make it such. The fundamental agricultural fact in the premises is that where farming is so expensive, crops that bring far higher prices than cotton must for the most part be grown.

Perhaps the clearest indication of the farm trend of the region is contained in the Government's census figures of the cotton ginnings of Imperial County, Calif., which county extends over much of Imperial Valley. The number of equivalent 500-pound bales ginned in the county in the year 1924 was 26,733. In the year 1925, the following 12 months, the ginnings fell to 22,614 such bales, and in 1926 the number decreased to 13,662.

In this territory, which incidentally is the principal section to be irrigated by the proposed Boulder Dam on the Colorado River, the basic crops are citrus fruits, winter vegetables, and similar agriculture.

Cotton is planted only as a side crop, or to wash the alkali out of the soil through irrigation. Alkali is a seaweed product, and was deposited in the land when it was at the bottom of the Gulf of California, before silt from the Colorado formed a delta across the mouth of the gulf and cut off the inland waters, which evaporated through the years.

I now yield 10 minutes to the gentleman from New York [Mr. O'CONNOR] a member of the Rules Committee.

Mr. O'CONNOR of New York. Mr. Speaker and ladies and gentlemen of the House, this problem of Boulder Dam has been before four Congresses. The Rules Committee has listened to arguments for and against a special rule for its consideration on several occasions occupying many hours of debate on the subject. It occurred to me here to-day, listening to the discussion under the rule, that this first session of the Seventieth Congress is going to be memorable because of the extraordinary list of important legislation which has been brought before it for consideration, and that will be true whether such measures are ultimately enacted into law, or whether they meet the disapproval of the President, as seems to be the order of the day. It will, in fact, take some effort to recall a session of Congress within at least the last decade in which so many important pieces of legislation have been presented. Eliminating myself and the minority, I want to take this opportunity to pay my respects to the majority members of the Rules Committee for bringing before the House the many great measures which have been presented to the first session of the Seventieth Congress.

Among the many measures this House has considered are three bearing great similarity, in that they have commanded the interest of the entire Nation because they deal with the valuable resources of our country. They have all three dealt with the harnessing of our great rivers, the Mississippi, the Tennessee, and now the Colorado River. Of all our natural resources are any more valuable than our rivers? This Congress will be remembered, I am sure, for the affirmative action it has taken in reference to the great Mississippi flood control bill, the Muscle Shoals bill, and now the great Boulder Dam bill. Any one of these measures would have been a great accomplishment in any one Congress. In this session we have all three.

Now, gentlemen, this Boulder Dam problem is not any local issue. In the first instance, at least seven States are directly involved, and this country is not so small but that when seven or even a less number of States are involved the whole country is interested. We are a closely united Nation, each part dependent on every other part—none sufficient to itself—surely none are indifferent to every other section.

We in the great industrial East are interested in the welfare of the people of these seven States. Commercially we take their products for our consumption and we send them our products for their use, but over and beyond that patriotically and sentimentally their problems all appeal to us. When they suffer our hearts go out to them as theirs beat for us in our difficulties. In every catastrophe in that western section of the country the East has responded nobly in money, in sympathy, in every way that the members of a family feel for the interests of their relatives. After all, this Nation is one great family. We from the East are now asked to meet by congressional action the problems of our brothers of the West, and I for one am happy to do all I can toward that end.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. O'CONNOR of New York. Reluctantly.

Mr. DOUGLAS of Arizona. The gentleman says seven States are involved in this project; why?

Mr. O'CONNOR of New York. Now, I want to respectfully state to the distinguished gentleman from Arizona that I am not going to engage with him in any debate concerning the details of this bill, because of all of the Members of this House the gentleman from Arizona knows as much, if not more, about this bill than any other man here. [Applause.] I do not agree with him in his opposition to the bill, but I can assure him I do not want to become involved in any controversy with him over its details.

Not only is Boulder Dam a national problem, but it is an international one. A serious question involved in this proposed legislation is whether the Republic of Mexico shall continue to obtain certain benefits by use of the Colorado River at the expense of the United States or whether our country shall conserve all of its natural resources to the utmost consonant with international comity.

Now, what does the bill propose to do? It would control the flow of the great Colorado River, which rises in the stately mountains of Colorado and Wyoming and wends its way southward to the Gulf of California through the States of Utah, Arizona, Nevada, and California. For 50 miles it flows through Mexico and makes fertile great stretches of that Republic. At certain seasons of the year the river is a threadlike stream with a flow of only a few thousand cubic feet per second. At other seasons it is a raging monster, rushing down at the rate of hundreds of thousands of cubic feet per second. With its mad rush to the gulf it carries with it vast quantities of silt, at times more than 161,000,000 cubic yards a season, an amount equal to the total excavations for the Panama Canal. Because of this silt filling in the river bed, several times has the river changed its course.

Just west of this raging monster a mere 40 miles lies the great Imperial Valley in southeast California. What is now this fertile valley was once part of the Gulf of California, but this silt built a delta separating the gulf and leaving a huge lake. The water evaporated and left this saucer a few hundred feet below the Colorado River.

To the 65,000 people living in this valley below sea level, this river is a constant menace, not only to their lives but to the 400,000 acres of their highly cultivated fields and their property values of over $100,000,000. Why, gentlemen, this situation is enough in itself to command the attention of our entire Nation and assure the passage of this bill. Picture, if you dare, this river rushing down into this valley! A small commonwealth destroyed. So imminent is this danger that Federal farm-loan banks refuse to make loans in the valley.

To meet this possible calamity it is proposed to dam the Colorado River at Boulder or Black Canyon. It is a monumental undertaking, but this Nation is used to such. The dam will tower 550 feet high and hold back in reserve 26,000,000 acre-feet of water. Naturally, the storage of such a huge quantity of water will make possible the development of enormous hydroelectrical energy. To utilize this water power it is proposed that the Government construct power plants at the dam which will ultimately develop 1,000,000 horsepower. Stupendous, but so is the age in which we live! Why, it is estimated that this dam will hold back the silt for 300 years.

In addition, it is proposed to divert the river into an all-American canal.

Now, what are the estimated costs of these three projects? To build the dam will cost $41,500,000. The power plants will cost $31,500,000. The canal entails a cost of $31,500,000. These three items, with interest of $21,000,000 during the five years of construction total $125,000,000, the total cost of the project.

But the Government does not intend to stand this cost or any part of it. It is estimated that the whole amount involved will be returned to the Government from the sale of water and power in from 25 to 50 years. Those States involved and the cities adjacent, especially those in California, are eager customers for water and power from this undertaking. And, gentlemen, the most noteworthy provision of the bill is that clause which provides that not 1 cent shall be spent on the project until the Secretary of the Interior shall have in his hands contracts for the sale of water and power sufficient to maintain the enterprise and reimburse the Government within the time stated. This is no gift to California or any other State. It is a business proposition. No private company could undertake it. The Government is the one most concerned. A river of the Nation is involved, and the United States owns most of the land along its banks, which, incidentally, will be reclaimed and made valuable.

As far as I can see, the rights of all the States involved are protected. The upper-basin States of Colorado, Utah, New Mexico, and Wyoming are assured of their water rights for all time. Six States have signed the compact. This bill, it is felt, will go a long way toward influencing the State of Arizona to come into the compact.

Gentlemen, when you get through hearing the arguments of the opponents of the measure you will realize, I am sure, that you are again confronted with that perennial question of Government ownership, "Government in business." That is all there was to the opposition to Muscle Shoals—the fear of any legislation which makes the Government a competitor with private business. That bugaboo is always with us, hanging over us, phantomlike—an "evil spirit"—"Government in business"! Do you not tremble at the thought? Could anything be more disastrous? The old guard quakes at the suggestion. Oh, gentlemen, we are living in the year 1928; and if we are forward looking, if we could look ahead, say, two decades, we would see this "horrible thing" coming—yes, inevitably. Nothing can stop it. You might as well make up your minds to it now. Our Government has for the last time placed in private hands any of the great resources of the country. Of all our resources no great natural power development in this country will ever again go into private hands. [Applause.]

I am not one of those people who are rabid about this question of Government ownership. I am not known as an ardent advocate of it. But I am always willing to face the inevitable. Why, 20 years from now we will look back and wonder that we ever made the futile attempt to stop it. At this date it would be idle and reckless for the Government to turn over this great power project to the private companies. Experience has shown that whenever you do, you can never get it back without paying an extraordinary and extortionate sum.

We own this natural resource now. We own Muscle Shoals now. We have the rich power rights on the St. Lawrence River now, and we have other natural resources now. Let us keep them. It would be perfectly idle, it would be just going in the face of a certain future, to say that we shall turn over any of our great natural and indispensable resources to private operation.

There is the real opposition to the bill—the old school still fighting against Government ownership. Everybody wants flood control out there. Nobody wants to jeopardize the interests of those 65,000 people living down in that saucer, just a few hundred feet below the bed of that raging river. Once the river ever broke into that basin it would not drain out as the Mississippi did. It would stay there until God's sun had evaporated it. History records that. That in itself is appeal enough for all the people of this country to come to the rescue of that locality, and while we are about it, we run into this great natural resource, this great power possibility. Why not utilize it? The real opposition is that it would be unfair to private business—the private power companies.

The present Chief Executive of our country has previously been in favor of this legislation. He has said this problem should be solved, that flood control should be accomplished, and that the power should be utilized. It may be that he has changed his mind. He may have regretted that he said the Government should operate the power plants. But, what shall we do with them? Shall we build them at Government expense and then turn them over to private interests? The chief consumers of the power, the chief users of the water to be made available by reason of this great dam, are bodies politic, municipalities, counties, townships, and so forth. Is it proposed here at this late day to make them also subservient to the private power interests? Let us not now take a step backward in this conflict between private and public interest.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LAGUARDIA. We have had a little experience right at home, where the municipality built the subways and turned them over to private operation.

Mr. O'CONNOR of New York. Yes. Whenever a governmental body turns over to a private interest a function which is naturally governmental, it deludes itself by the use of certain experiences, such as "the right of recapture," and so forth. Well, anyone who has gone through the experience of New York City knows how idle such protective measures are. Once you let the property get into the hands of the private interests the effort to get it back will involve more trouble and expense than if the Government had stepped in in the first instance and performed its proper and natural function. Who here will say that the Mississippi River or the Tennessee River or the Colorado River is not a natural resource, dedicated to the people of the United States, to every person everywhere in the United States for all time to come? The opponents of this bill would turn that river, with all its millions of potential horsepower, over to private interests.

Of course, you are going to be confronted with the argument usually advanced in the Rules Committee that this proposed law is unconstitutional and that it is going to be upset by the Supreme Court. I have been for six years on the Rules Committee, and I am waiting for that happy day to come when some bill will be presented to our committee or will be debated on the floor of this House that is constitutional.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield for a statement?

Mr. O'CONNOR of New York. Yes; but not for a question.

Mr. DOUGLAS of Arizona. If the opponents of the bill were gifted with the eloquence of the gentleman from New York [Mr. O'CONNOR], I am convinced that the House would not fail to defeat the bill.

Mr. O'CONNOR of New York. The gentleman by his compliment has evened things up now. He does not owe me anything. I hope the rule will be adopted, and I hope for the benefit of the entire country that the bill will be passed. [Applause.]

Mr. BURTON. Mr. Speaker, I have no further requests for time.

Mr. BANKHEAD. I have no further requests for time.

The SPEAKER. Under the unanimous-consent agreement the previous question is ordered. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SMITH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. Pending that, I ask unanimous consent that the time for general debate be controlled one-half by myself and one-half by the gentleman from Arizona [Mr. DOUGLAS].

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5773. Pending that, he asks unanimous consent that the time for general debate be equally divided and controlled, one-half by the gentleman from Arizona [Mr. DOUGLAS] and one-half by himself. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Idaho that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5773, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. SMITH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH. Mr. Chairman, I am sure that everyone here must be gratified that the time has arrived when we can take up for consideration the bill to improve the Colorado River. This is a measure which has been pending before the Committee on Irrigation and Reclamation for over eight years. Extensive hearings have been held on the bill and we have brought before the committee engineers, business men, and economists of wide reputation, with the hope of securing all of the information possible before bringing the matter to the attention of the House. At the close of the last session of Congress the bill was favorably reported, but it came to the House too late for consideration prior to adjournment.

The President in his message to the Congress of December 6, 1927, stated:

> Legislation is desirable for the construction of a dam at Boulder Canyon on the Colorado River, primarily as a method of flood control and irrigation. A secondary result would be a considerable power development and a source of domestic water supply for southern California.

In his message to the Congress of December 22, 1926, he declared:

> In previous messages I have referred to the national importance of the proper development of our water resources. The great project of extension of the Mississippi system, the protection and development of the lower Colorado River, are before Congress, and I have previously commented upon them. I favor the necessary legislation to expedite these projects.

On March 17, 1924, the present Secretary of the Interior, Dr. Hubert Work, in reporting to this committee on legislation similar to the pending bill, said:

> The Colorado River has been under observation, survey, and study, and the subject of reports to Congress since the close of the Civil War. More than $350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than $2,000,000 have been expended by other agencies of the Government. The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource. (Hearings on H. R. 2903, 68th Cong., 1st sess., p. 818.)

Immediately on the assembling of the present Congress a new bill was introduced, and extensive hearings were held, to which the governors of the watershed States were invited to attend. On the 3d day of February the committee recommended that a favorable report be made on the bill. At the request of the governors the committee filing of the report was delayed for six weeks in order to afford a further opportunity to those in disagreement as to the division of the water arriving at an agreement, but nothing was accomplished in that direction. We now come before you with a special rule from the Committee on Rules for the consideration of the pending legislation.

As has been stated by those who preceded me, supporting the rule, this is primarily a flood problem, but it is different from the flood legislation which we have been considering heretofore with reference to the flood menace of the Mississippi River, the Sacramento River, and other rivers, in this respect, that we do not expect the Federal Government to bear the expense of preventing this flood menace, but we present legislation providing for a plan which, if thoroughly worked out, will reimburse the Government for all the expense that may be involved in building the dam and storing the water which will be necessary in order to prevent the floods in the lower Colorado River Basin.

In order that you may get a comprehensive idea of this flood situation we have had brought in this map [indicating] which will give you an idea of the location of the section of country that is subject to floods. The Imperial Valley is situated in this part of the country [indicating] and, as has been said, it is from 100 to 200 feet below the sea level. In the centuries that have gone it is supposed that the Gulf of California extended into this great valley. The accumulation of silt turned the river to the south, and by evaporation of the water for centuries this great country known as the Imperial Valley was made available for cultivation. In order to get the water into that valley for irrigation purposes, it is necessary to bring it from the Colorado River through the upper part of Lower California in Mexico.

The flood menace affecting this section is alarming at times, to such an extent that property values have been depreciated very much, and has resulted in the Federal Farm Loan Board withdrawing from the field. In 1905 the river broke entirely away and flowed into the Imperial Valley for over 18 months, and finally, at an expense of over $2,000,000, it was restored to its original location, and property of the Imperial Valley thus saved. In 1909, and again in 1914, and again in 1918, the river was kept out of the Imperial Valley at great expense in constructing levees, dikes, and diversions. The people living in the Imperial Valley who are cultivating the land, building up these towns and cities, organized a district under which they are operating, by which they pledge themselves to pay the expense of building these levees to keep the river from again entering Imperial Valley.

On account of the softness of the earth, which is largely silt which comes down from the mountains, the least break in the levee results, as in the lower Mississippi Valley, in great destruction. The farmers in this section have expended over $3,000,000 of their own money building these levees to protect themselves against the flood menace. The Federal Government has expended over $300,000 in cooperation with them. We feel that this menace is such that the Federal Government should step in and try, if possible, to avert the loss of property and the possible loss of life.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Certainly.

Mr. MOORE of Virginia. What is the main line of the river, if I may ask you?

Mr. SMITH. The main line of the river is on the eastern side of Lower California. At one time it ran toward the southwest, down in this section [indicating on map], and these yellow lines represent the levees which have been constructed and which are constantly being raised in consequence of the fact that the silt coming down through this channel fills up the bottom of the river so that it is diverted and is constantly making a new bed.

Mr. MOORE of Virginia. Where is the Mexican boundary line?

Mr. SMITH. The Mexican boundary line is east and west, as indicated on the map. This green line [indicating] represents the canal which now carries the water into the Imperial Valley.

Mr. MOORE of Virginia. What is the red line above the boundary line?

Mr. SMITH. That indicates a proposed canal entirely within the United States which is to be constructed as part of this great project.

Mr. WELLER. For irrigation?

Mr. SMITH. Yes; to carry the water within the boundaries of the United States instead of through Mexico, as at the present time.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. SMITH. Certainly.

Mr. ABERNETHY. Would the gentleman be kind enough to explain to the House this controversy between the States and what it is all about?

Mr. SMITH. Yes. I intend to go into that.

I wish now to call attention to the flood menace, which is the primary object to be accomplished by the enactment of this legislation.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. JOHNSON of Texas. For the purpose of identifying and locating the points on the map, is the city of San Diego indicated there?

Mr. SMITH. No. It lies to the west about 120 miles. These towns and cities indicated on the map are in the Imperial Valley. This [indicating] is the Southern Pacific Railroad, which runs northwest of the Imperial Valley.

Mr. ALLEN. Will the gentleman make perfectly clear where the river now runs?

Mr. SMITH. The gentleman from Illinois has requested me to indicate on the map the location of the Colorado River as it is now. It comes down on the eastern side of California, as indicated on the map, through the mountain country, and when it reaches the boundary line it enters a low delta, and from a point indicated here on the international boundary line, on through to the South. This [indicating] is a great delta composed of silt which has come down through the ages and which results in the bed of the river constantly rising because

of the sediment deposited and pushes the river out of its channel. The channel is sometimes 10 or even 100 feet higher than the surrounding country. In case of a flood the river bed shifts from one side of the peninsula to the other.

Mr. COX. The gentleman made one statement distinguishing this case from the Mississippi River problem which I do not quite understand.

Mr. SMITH. I say it is different from the problem in the Mississippi Valley because the Federal Government is bearing the expense of the improvements in the Mississippi Valley.

Mr. COX. What expense will the people in the valley and elsewhere have to meet in this case? What will the people affected pay for flood control?

Mr. SMITH. The people who will be benefited by legislation of this character, so far as flood control is concerned, will pay the money back to the Government with 4 per cent interest from the time it is first expended.

Mr. COX. There is no charge levied against any of the affected territory.

Mr. SMITH. No charge except as to benefits they will receive.

Mr. COX. The gentleman will understand I am with him in this matter but I wanted to have that point made clear.

Mr. HOCH. Will the gentleman indicate where the overflow is from the river?

Mr. SMITH. The overflow has been in this section here in Mexico [indicating on map]. This is near the international boundary line, the real danger line [indicating], because as the water comes down this old river bed it strikes this point here [indicating] and passes into the Imperial Valley.

Mr. HOCH. Where is the beginning of the overflow from the river?

Mr. SMITH. The overflow from the river would be down in this section [indicating on map]. This is a canal [indicating] which frequently is damaged by overflows and the banks must be constantly raised.

Mr. WELLER. Where is the Boulder Canyon Dam?

Mr. SMITH. The Boulder Canyon Dam is about 300 miles up the river from the international boundary line.

Mr. WELLER. Is the danger spot the gentleman speaks of in the United States?

Mr. SMITH. The danger spot is in northern Mexico near the international boundary line.

Mr. WELLER. Below the line?

Mr. SMITH. Yes.

Mr. FLETCHER. How does that overflow affect El Centro, Brawley, Imperial, and Niland?

Mr. SMITH. The overflow would go into the lowest portion of the valley and raise the Salton Sea, and if it is not stopped it will drive the people back farther and farther. The flood situation is different there than any other flood situation, because after a few days of flood in any other section of the country the water recedes, but here it would be constantly rising, because there is no other way for it to get out than by evaporation, which, of course, would take hundreds of years.

Mr. FLETCHER. And that would affect all of those cities?

Mr. SMITH. Yes. This situation, as I remarked at the outset, has been given the greatest consideration. President Harding recommended legislation, and twice since President Coolidge has become the Chief Executive he has urged legislation for the relief of these people. Two Cabinet officers, Secretary Work and Secretary Hoover, have urged legislation of this character, the Secretary of the Interior through letters written to the chairman of the committee and Secretary Hoover by appearing before our committee and giving testimony regarding the importance of the enactment of this legislation.

Mr. OLIVER of Alabama. Will the gentleman point out the Government-owned land lying to the north of the Mexican line and to the east of the Imperial Valley?

Mr. SMITH. There is a quantity of public land lying around the Imperial Valley, above the high-line canals which now supply water.

Now, I wish to refer briefly——

Mr. MONTAGUE. Before the gentleman leaves the map, the bulk of the canal that comes from the river is in Mexico, is it not?

Mr. SMITH. Yes.

Mr. MONTAGUE. And then it runs north into the Imperial Valley?

Mr. SMITH. Yes. It leaves the river at the eastern part of California, and runs through here and then comes into this point [indicating on map], where it enters the United States.

Mr. MONTAGUE. Apparently, then, nine-tenths is in Mexico?

Mr. SMITH. Oh, yes; even a larger portion than that is in Mexico. The water is taken out here in Mexico [indicating] and put into laterals leading into the Imperial Valley.

Mr. MONTAGUE. Have we a treaty with Mexico with respect to the use of the water by the two nations?

Mr. SMITH. There is an agreement between the Imperial Valley irrigation district and the people of Lower California in Mexico under which the people in the Imperial Valley gave a concession to Mexico for half of the water that would come through this canal.

Mr. MONTAGUE. If the dam you speak of is constructed, there will be no further water passing through that canal, will there?

Mr. SMITH. No; if we get the all-American canal, we will not need to bring water through Mexico.

Mr. MONTAGUE. It will be entirely within the United States?

Mr. SMITH. Yes.

Mr. MONTAGUE. Has Mexico been consulted or is it necessary to make any arrangement by which you can divert this water that flows naturally through her territory as much as through our own territory?

Mr. SMITH. There has been a commission authorized by Congress and it has been sitting during the last two or three years with regard to the division of water. As a matter of comity our Government would undoubtedly permit Mexico to continue to use the quantity of water she is now using.

Mr. MONTAGUE. But that has not been finally determined upon?

Mr. SMITH. No; that is still pending, and the commission has not yet made its report.

Mr. LAGUARDIA. But it would have no right to a greater amount of water than the quantity of water it now enjoys?

Mr. SMITH. I should say not.

Mr. LAGUARDIA. Therefore if we can send down as much water as they are now deriving from their flowage rights, they would have no complaint at all.

Mr. SMITH. That is very true, although they may insist on having a larger proportion, but I do not think they would be able to assert that right successfully.

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. SMITH. Certainly.

Mr. WAINWRIGHT. Would not Mexico be entitled to the entire flow of the river unimpeded?

Mr. SMITH. No.

Mr. WAINWRIGHT. I can not understand why not.

Mr. SMITH. Because the water rises in the United States and the people in the United States, by reason of that fact, have the first right to the water. The fact that Mexico has been using the water would undoubtedly influence our Government to accede to their request that they be permitted to continue to use that quantity of water, but it is a question whether they could enforce such a right under the law of nations.

Mr. LAGUARDIA. And they surely would not have any claim, in response to the inquiry of the gentleman from New York, to any increased amount of flowage as the result of our own work in our own territory.

Mr. WAINWRIGHT. No; but it seems to me they would be entitled to the unimpeded flow of the entire river.

Mr. LAGUARDIA. To the normal flow of the river.

Mr. CRISP. Will the gentleman permit a question?

Mr. SMITH. Certainly.

Mr. CRISP. What would be the length in miles of the all-American canal, if it were constructed?

Mr. SMITH. It is about 35 miles across to the Imperial Valley from the river.

Mr. COLTON. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. COLTON. The gentleman from New York raised a question that is a very highly disputed point in connection with this case, and would not that depend upon whether or not the water below was put to a beneficial use before it was applied above?

Mr. SMITH. That, of course, would be a factor, but I assume this international commission, which is sitting, would determine those questions amicably.

Mr. SWING. Will the gentleman yield there?

Mr. SMITH. Yes.

Mr. SWING. May I say on that point that a very famous decision was rendered by Judson Harmon, one of the great Attorneys General of the United States, published in the Opinions of the Attorney General, with reference to the Rio Grande in New Mexico, Texas, and Mexico, which holds there is no such thing as an international water right, and that the lower country, no matter how long they put the water to a beneficial use, can not compel a sovereign upper nation to refrain from using its own water in its own country under its own laws; but as a matter of comity between nations we have permitted them to do it, and on this bill and on this very project every Secre-

tary of State to whom the question has been referred has held in accordance with the Judson Harmon opinion, that there is no law; it is a mere moral, equitable claim.

Mr. WAINWRIGHT. Of course, the gentleman will appreciate that that right might be asserted by the United States but might not be agreed to by the Republic of Mexico.

Mr. SMITH. If the gentleman will permit, I would prefer to proceed with my statement and then I will endeavor to answer any questions that may be propounded; otherwise, I will not have time to cover the points I wish to take up.

Among the things that would be accomplished by this project, in addition to flood control, is the bringing of water to our own land within our own borders and not being subjected to the whims of the Mexican people by bringing water through their country, which we do now simply by permission. You can readily understand it would be very much better for our own people to have these works within our own boundaries than to have them in a foreign country.

In addition to supplying water for irrigation purposes to the people living in Imperial Valley, it is proposed to make available to the cities of Los Angeles, Pasadena, Riverside, San Diego, and all of the growing cities in southern California, an increased water supply for domestic and irrigation purposes. This bill proposes that the Secretary of the Interior before expending any money whatever on this great undertaking shall have contracted with these cities for this additional water supply.

Mr. EVANS of California. Right there, will the gentleman yield?

Mr. SMITH. Yes.

Mr. EVANS of California. As to that supply, no part of it, however, comes through the proposed all-American canal?

Mr. SMITH. Oh, no. That water would be taken out at a point higher up on the river and brought across to the southern California cities.

Mr. EVANS of California. So if those cities get any water by the building of this dam they will not benefit at all by the building of the all-American canal?

Mr. SMITH. Oh, no; that is entirely independent. The all-American canal is being built for the benefit of the farmers and the people living in the Imperial Valley, and the water for Los Angeles and the other cities will be brought from an entirely different portion of the river much farther to the north.

In addition to making water available to these cities, which is very greatly needed, as will be pointed out by others who will follow me, it is proposed to construct at the dam to be built in the Colorado River power plants under Government supervision and the power sold to municipalities and corporations that are willing to contract for it. These contracts must be made in advance by the Secretary of the Interior, under the provisions of the bill, before any money can be expended in building this great project.

Mr. GARBER. Will the gentleman yield there?

Mr. SMITH. Yes.

Mr. GARBER. What is the estimated proximity of the consumption of the power to the source where it is produced?

Mr. SMITH. It will be about 150 miles.

Mr. GARBER. That would include what cities?

Mr. SMITH. That would include Los Angeles, Riverside, and some of the other cities in that section.

Mr. WELLER. The gentleman made a reference to the Government advancing some money for the purpose of constructing power houses, as I understand.

Mr. SMITH. Yes.

Mr. WELLER. Is it intended that the Government shall actually construct the power house or that some private corporation will?

Mr. SMITH. It is proposed that the Government shall not only build the dam, but that the Government shall build the power plant and distribute the power at the top of the dam. That is made necessary by reason of the fact that this dam is to be constructed in a great canyon, with the walls almost perpendicular, and it would be impossible for more than one agency to operate in that section in the construction of a power house.

Mr. WELLER. The Government is to act as the operator?

Mr. SMITH. No; it would only act as the producer and would sell the power to be distributed by different companies at the top of the dam.

Mr. WELLER. Would the Government or an agency actually maintain the operation of the plant for the production of power?

Mr. SMITH. The Government officials would undoubtedly have control and management of the power house..

Mr. WELLER. Would they let or rent to an operating company?

Mr. SMITH. No; the Government would retain control.

Mr. GARBER. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. GARBER. Has the gentleman a map showing the location of the dam and the lands to be irrigated?

Mr. SMITH. I have shown you the location of the land. The dam is to be located about 300 miles north of the international boundary line. The land to be irrigated lies around the Imperial Valley above the land already irrigated.

Mr. ARNOLD. Can the gentleman tell us the number of acres that is to be supplied with irrigation?

Mr. SMITH. It is estimated that 400,000 additional acres will be subject to irrigation, but the placing of water on these lands will not need to be considered for 8 or 10 years as the water will not be available until the all-American canal is constructed.

Mr. ARNOLD. That is, 400,000 acres in addition to the acreage now irrigated?

Mr. SMITH. Yes.

Mr. ARNOLD. How many acres are now irrigated?

Mr. SMITH. Four hundred and fifty thousand acres are now irrigated.

Mr. JOHNSON of Texas. Is there a provision in the bill for the construction of the all-American canal?

Mr. SMITH. Yes; that is carried in the bill and is a part of the scheme.

Reference has been made to a compact among the watershed States to which I wish to refer at this time.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. SUMMERS of Washington. Is it not a fact that there would be no land irrigated except in the Imperial Valley which is now irrigated except by an additional act of Congress?

Mr. SMITH. That is true.

Mr. MOORE of Virginia. If it will not interrupt the gentleman, will he restate the cost of the dam?

Mr. SMITH. I will reach that soon.

Mr. MOORE of Virginia. And when you do that, will the gentleman give us some idea as to how the estimates were made up and from what source they came?

Mr. SMITH. Yes. Now, with reference to the controversy over the water. The watershed of the Colorado River enters into seven States, and under our water laws prior appropriations of water assures a continuation of the title to the use of that water. When it was contemplated that this improvement might be made it was thought wise for Congress to pass a law authorizing the seven States in the watershed to get together and apportion the water among themselves so as to avoid litigation in the future and insure each State a fair proportion of the water regardless of the time when the application for its use might be made. So Congress passed a law and provided that the Federal Government should be represented on the commission.

The State legislatures passed laws authorizing a commissioner from each State and that commission assembled in Santa Fe, N. Mex., in 1922. Mr. Hoover, Secretary of Commerce, was delegated by the President to represent the Federal Government and he sat with these commissioners over a period of about two months.

This commission came to an agreement as to how these waters should be divided, and each commissioner signed the agreement, and this compact was submitted to the several States for ratification. All the States excepting Arizona ratified the compact, and I am advised that in Arizona there was but one majority against ratification. Otherwise if Arizona had ratified the compact this great improvement would doubtless have been half completed by this time.

The Arizona Legislature rejected the compact by one vote, and consequently the seven-States compact has never become an entity. Every effort has been afforded to the representatives of the watershed States to agree among themselves as to the disposition of this water, but they have never been able to get together, for the reason that the delegation from Arizona and the governor of that State have been unable to see their way clear to complete the agreement.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. GARBER. Without an agreement between the several States regarding a division of the waters, upon what ground would the gentleman justify appropriations by the Federal Government?

Mr. SMITH. Simply this: The Federal Government owns the land over which the Colorado River runs in the locality where it is proposed to construct this dam, and it seems hardly reasonable that the Federal Government should avoid making a great improvement such as this for the development of the

natural resources of the country because it could not get the consent of one or two States in that watershed. If that were so, any sovereign State would have superior authority over the Federal Government in a matter affecting the Government's own land.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. LEATHERWOOD. I am very much interested in the statement the gentleman just made that the Government owns and controls the bed of the stream. As I understand it, this bill is intended to improve the navigation of the stream.

Mr. SMITH. Yes.

Mr. LEATHERWOOD. If it is a navigable stream, who owns the bed of the stream?

Mr. SMITH. That is another reason why we feel this bill is constitutional.

Mr. LEATHERWOOD. I am not discussing the constitutionality of the bill, but who owns the bed of the stream if it is a navigable river?

Mr. SMITH. In some States it may belong to the State, but in this instance, where it is a boundary between the States, we contend that the Federal Government controls not only the land over which the river runs but also the river itself for the benefit of the people.

Mr. LEATHERWOOD. I thought the Federal courts had decided very plainly that if it is a navigable stream the States own the bed of the river?

Mr. SMITH. There may be decisions of that kind, and that contention of the gentleman from Utah will doubtless be raised when he takes the floor. Answering the gentleman from Oklahoma [Mr. GARBER], it is unreasonable to assume that if one State objects that we would not be able to proceed with a great improvement on Government-owned land. It seems to me that that is a ridiculous position to take, and yet that is the contention that is argued by the people from Arizona.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. COLTON. Is the gentleman's contention the same with reference to the water as it is with respect to the land—that the Government owns the water in those streams?

Mr. SMITH. No; if it is water entirely within the State—no.

Mr. COLTON. I mean as between two States.

Mr. SMITH. The Federal Government has absolute control of water running over its own land. That is my contention. I mean where it is a boundary stream. I want that distinction made. If this water were strictly and entirely within the State, then the gentleman's contention might apply; but this is a different proposition, as the river constitutes a boundary between two sovereign States and is on Government-owned land. For one of those two States to say that the Federal Government shall not assert its right to the control of the water on its own land seems to me to be an absurd position to take.

Mr. COLTON. I just wanted it to be clear that the gentleman understood that the Government owns and controls the water that forms the boundary line between the two States.

Mr. SMITH. Yes.

Mr. COLTON. Of course, my understanding is entirely different.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. TILSON. Has the gentleman addressed himself to the possible international question as to our right to turn the water from the Colorado River into the all-American canal, and thus prevent it flowing down through Mexico?

Mr. SMITH. That question was raised earlier in the discussion, and I stated then, and I think my position is absolutely tenable, that we are under no obligations whatever to the people of another country to furnish it water that arises wholly within our own boundaries; but, as a matter of comity, we doubtless would do so where they had been using it; but if they had not been using it, it is my contention that we could, as far as international law and decisions are concerned, take the water and use it all within our own boundaries.

Mr. TILSON. Then the gentleman thinks that except for comity we might use it all, and that comity would only require that we should let flow into Mexico an amount of water equal to that which has been previously appropriated in that country.

Mr. SMITH. Yes.

Mr. MONTAGUE. If the gentleman will permit, I asked the gentleman what arrangement had been made in connection with the suggestion of the gentleman from Connecticut, and the gentleman from Idaho said that there was in contemplation a treaty, and that Attorney General Harmon had rendered an opinion in which he held that Mexico had no legal right to the water above our own boundary line.

Mr. SMITH. Yes; and that commission is now sitting, and doubtless will report within a few months.

Mr. MONTAGUE. That is based on the principle that no State has the lawful right to go into another State and interfere with it, yet history shows that questions of that kind have been frequently settled by treaty and even by war.

Mr. WAINWRIGHT. Mr. Chairman, if the gentleman will permit, the question raised by the gentleman from Connecticut [Mr. TILSON] is a fundamental and interesting question. It occurs to me that there are some other rivers in the world beside this river that flow over boundary lines in other countries. Take the River Rhine. It flows through Germany and then through Holland. The same may be said with respect to the Danube in other countries. Would the gentleman contend that Germany could impound all of the waters of the River Rhine so that none of them should ever flow out to the sea through Holland?

Mr. SMITH. I am confining my observations to my own country, and do not want to be involved in questions of the character suggested by the gentleman from New York.

Mr. GARBER. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH. Yes.

Mr. GARBER. I assume that an attempt to enter into a compact by the several States was a recognition of the rights of each State in the waters of the river. Now, if that is true, on what ground would you justify a Federal appropriation in the absence of any agreement? As I recall, that question was asked Secretary Hoover in testifying before the committee, and he advised against appropriations being made until Arizona had ratified the compact.

Mr. SMITH. He may have so stated earlier in the hearings, and I do reach a conclusion.

Mr. GARBER. Perhaps conditions have arisen since that time to change that?

Mr. SMITH. That is the case. Arizona is not being injured in any way in her rights to use the water, and even under the six-State compact they will be amply protected.

Mr. CRISP. Mr. Chairman, will the gentleman permit one question?

Mr. SMITH. Yes.

Mr. CRISP. Does the United States Government own the land that will be overflowed as a lake when this dam is constructed?

Mr. SMITH. Yes. It is all on the public domain.

Mr. CRISP. What is the area that will be covered by the lake?

Mr. SMITH. I do not know the exact area. It backs the water up about 80 or 90 miles.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Certainly.

Mr. MOORE of Virginia. Going back to the question which the gentleman from Connecticut [Mr. TILSON] referred to, this bill would not violate any treaty that we have with Mexico?

Mr. SMITH. No. We have none now.

Mr. MOORE of Virginia. Have we ascertained in any way, even tentatively, the attitude of Mexico?

Mr. SMITH. Oh, yes. Three years ago we authorized a commission to negotiate with Mexico. That commission sat as recently as six weeks ago.

Mr. MOORE of Virginia. Have they arrived at a conclusion?

Mr. SMITH. It is expected that an agreement will be arrived at by reason of the deliberation of that commission. We do not anticipate any trouble in adjusting the matter.

Mr. TILSON. As to the land being Government land, the gentleman might state that it is public land, and it will probably remain so for all time. It is of no value for public use. It is perhaps the only case of that kind I know of, where we own land that is of no use.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Certainly.

Mr. MONTAGUE. How much land does the Government own on each side?

Mr. SMITH. For probably a hundred miles, it is all public land, except that a few mining claims which may have been initiated.

Mr. MONTAGUE. As to the title of that land, where is it?

Mr. SMITH. It is in the Government.

Mr. MONTAGUE. How far on each side does the Government title run?

Mr. SMITH. About 100 or more miles on each side.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. JOHNSON of Texas. Will the gentleman please name the States involved?

Mr. SMITH. California, Arizona, Colorado, Nevada, New Mexico, Wyoming, and Utah.

Now, I want to revert to my previous statement, that the Federal Government will be reimbursed for the cost of this improvement. The cost of the dam is estimated at $41,000,000. The horsepower equipment will cost $31,000,000. The all-American canal will cost $31,000,000, and added to that sum of $104,000,000 is the interest at 4 per cent for five years, $20,000,000, which aggregates $125,000,000.

It is proposed to reimburse the Government this money by the sale of water to the southern California cities, and by the sale of power to municipalities and corporations who wish to purchase and distribute it. The farmers who will be benefited by the placing of water on their lands, which are to be reclaimed when Congress authorizes such reclamation, will repay their share.

The safeguards in the bill are such that the Secretary of the Interior can not proceed until after a six-State compact has been ratified. Nor can he proceed in the expenditure of any money until after he has contracted with the various municipalities to purchase water and hydroelectric power in sufficient quantities to make the profits accruing from the sale of water and power sufficient to repay the Government over a period of not exceeding 50 years. It has been estimated that the Government will be reimbursed in 25 years or 30 years. The bill provides 50 years so as to make it absolutely certain that the Government will be reimbursed.

Mr. WELLER. Will I disturb the gentleman's argument if I ask him if he will anticipate the statement of the gentleman from Arizona [Mr. DOUGLAS] and give us some of the reasons why the State of Arizona is opposed to it?

Mr. SMITH. There are several reasons. We can not ascertain definitely what they are. But the gentleman from Arizona is a very astute and learned man, and he will be able probably to enlighten the House as to what his objections are. We have not been able definitely to ascertain, but one of the reasons, we think, that impels Arizona to oppose this legislation is the fact that their delegation contends that inasmuch as one end of this dam must rest on Arizona soil, the Federal Government must give Arizona a share of the profits. Nevada last year took the same position. There is a provision in the bill that when the amortization plan is worked out, if there is any excess profit in any particular year, provided there are no payments overdue in previous years, those two States shall have a proportionate share of the profits from the sale of this power. While I have acquiesced in this amendment, I would prefer that the Federal Government should be reimbursed for the money expended, including interest, and then the Congress shall determine how this great project shall be managed, and what proportion of profits from operating the plant in the way of sale of water and power shall go to the States.

Mr. COX. You have provided for that in the provisions of the bill? You have recognized that part of the claim of Arizona by making provision in the bill for reimbursement?

Mr. SMITH. Yes. There is an amendment of that kind. We did it with the hope and expectation that Arizona would come into the compact when we inserted that provision, yet the Arizona delegation is opposing the bill just as strongly as they had before.

Another reason why we surmise Arizona is opposed to this improvement is because of the fact that there are scores of applications for power sites on the river in Arizona which, if granted, will mean revenue to the State of Arizona in the way of taxes. These applications may be granted when the embargo is released, which expires on the 4th of March, 1929. If these proposed power plants are developed, then the State of Arizona would receive from these plants a property tax which they would not receive from a Government-owned dam and power plant.

Mr. COX. Can the gentleman advise us when these applications were filed? Have they been filed since this question of Boulder Dam first arose and were they made with the view of complicating the situation?

Mr. SMITH. I would say that they have been filed within the last five years, and they have been held up by an act of Congress, anticipating that some agreement would be reached among these seven States which would enable this legislation to be passed without opposition.

Mr. ARENTZ. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. ARENTZ. Is it not true that if any one of the States of Arizona, California or Nevada, or any of the other Colorado River Basin States, wishes to acquire a right to the water in the Colorado watershed, it first makes an application to the State authority, whether that be the power commission or State engineer, and if it wishes to acquire the right to develop power it secondly makes application to the Federal Power Commission? I think there is an erroneous understanding here in regard to the water. Surely the gentleman from Idaho does not contend that the water of the Colorado River, whether that water is in the bed of the Colorado River when it forms a boundary line between two States or whether it is in the bed of the Grande or White, which are not interstate boundary lines, or in the Green River in Wyoming, which is far from any boundary line, belongs to the Federal Government.

Mr. SMITH. No; I do not.

Mr. ARENTZ. Several gentlemen have stated to me that they understood the gentleman to say that the water of the Colorado River belonged to the Federal Government.

Mr. SMITH. The Federal Government has control of the water in the Colorado River where it divides the States of Arizona and Nevada.

Mr. ARENTZ. The control of the water is a different proposition than the water itself.

Mr. SMITH. The Federal Government controls the water in the Colorado River for one reason because it is a navigable stream and for another reason, my contention is, because it is on public land and is a boundary stream.

Mr. ARENTZ. I think the gentleman is stating a misconception. The water itself is an entirely different proposition from authority to direct that water. For instance, the Federal Power Commission directs any licensees as to how they must develop their power, but it certainly does not step into any State authority and tell that State authority that anyone in the State must come to the Federal Government for permission to use the water. That is what I am getting at.

Mr. SMITH. No; the Federal Government does not need to secure any permit for the use of water in its own streams, nor in this instance does it need to go to Arizona or Nevada to get a permit.

Mr. ARENTZ. That is exactly what I am saying. The use of the water is an entirely different proposition.

Mr. SMITH. Certainly.

Mr. ARENTZ. It belongs, as any other natural resource, to the State?

Mr. SMITH. Yes.

Mr. ARENTZ. I wanted that clearly understood, and I did not want any misunderstanding about it.

Mr. SMITH. I am not disputing that.

Mr. ARENTZ. We are all western men here, and we know that in order to get the right to use water you have got to put it to a beneficial use.

Mr. SMITH. I am not disputing that, but I do contend that the Federal Government is supreme, and it can control the water in the Colorado River without getting a permit from Nevada or Arizona.

Mr. ARENTZ. For the reason that it is an international stream?

Mr. SMITH. Yes.

Mr. ARENTZ. It flows over public land from the head of the Wind River Mountains in Wyoming, the Continental Divide in Codorado, clear down to Mexico, and it also flows through seven States, and if these seven States can not get together, then somebody else has got to step in and tell them what to do.

Mr. SMITH. And in this instance it is the Federal Government.

Mr. MOORE of Virginia. Let me ask the gentleman if he will turn to the other map and show us the location of the several States he has referred to with reference to the Boulder Dam proposition and the river, and also say whether there is any opposition indicated except by Arizona. I have gotten the impression from something that has occurred in the other body that there is strenuous opposition by Utah.

Mr. SMITH. Utah was in the compact, and for reasons best known to the Members from Utah, which they will explain, they withdrew. They claim, and probably will so state, it is because of some controversy over the water, but I do not see how they can substantiate such a contention when the compact gives the upper States one-half of the water in the river.

Mr. COLTON. In the interest of accuracy, the State of Utah has not withdrawn from the seven States compact.

Mr. SMITH. No; the State of Utah has not formally withdrawn, but it took some action in its legislature which had practically the same effect as withdrawing.

Mr. COLTON. In the interest of accuracy, that was with regard to the six-State compact. We have always maintained our adherence to the seven-State compact and we have no condition, for instance, like California. We have an unconditional ratification of the seven-State compact.

Mr. SMITH. Yes.

Mr. COLTON. And we stand on that.

Mr. SMITH. These are the States composing the watershed of the Colorado River Basin: A small portion of Wyoming is in this watershed, the eastern part of Utah and Nevada, the western part of Colorado, the western part of New Mexico, practically all of Arizona, and a small portion of the eastern side of the lower part of California.

It is proposed to build Boulder Dam at this point, where the river turns southward [indicating].

Now, I wish to refer briefly—because I have only a few minutes remaining—to the assertion that has been made that the engineering estimates are too low. I wish to insert in the RECORD data concerning some of the great engineers who have built reclamation projects in the United States, all of which are standing firm, and probably will be so for centuries to come.

It is true that the estimates on some of the earlier constructions were lower than the actual expenditures, because of the fact that during the war and following the war the price of material *doubled* and the cost of wages almost doubled. Everyone who did any construction work in 1914 or 1915 on estimates made prior to those years discovered to his dismay that the construction work cost nearly twice as much as the estimate, but since the war it will be shown by the records that the construction of these great projects has been much less than the estimate. A dam was recently completed at American Falls, Idaho, in my own district, that cost $4,000,000, on which there was a saving of nearly $800,000. So we feel absolutely sure that these works will cost even less than the amount estimated.

If I may have consent, Mr. Chairman, I wish to extend my remarks in the RECORD by putting in some data with reference to these various constructions in the Reclamation Service and also a biographical sketch of some of the engineers who constructed these works, especially Mr. Arthur Powell Davis and Mr. Frank E. Weymouth, who constructed up until 1923 several of the largest dams in the country.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD in the manner indicate. Is there objection?

There was no objection.

Mr. SMITH. At Boise, Idaho, we have the Arrowrock Dam, which is the highest dam in the world, and it was built under the direction of these two engineers. Since they left the service five years ago other engineers have been carrying on this work, and we feel that they are as competent as any engineers in the country, not excepting those in the Army and those engaged with the big construction companies of the United States.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. DOUGLAS of Arizona. Did Mr. Arthur P. Davis ever approve the engineering design and the estimates of cost of this project?

Mr. SMITH. I think the records will show that he did approve them.

Mr. DOUGLAS of Arizona. Will the gentleman answer another question? At the time he approved such estimates and designs of the project was he not being retained by the Los Angeles Bureau of Power and Light?

Mr. SMITH. Well, I will let the gentleman make his own statement in regard to that. I do not know.

Mr. DOUGLAS of Arizona. He was.

Dams constructed by United States Reclamation Service

Name	Location	Type of dam	Height	Crest length	Reservoir capacity
			Feet	*Feet*	*Acre-feet*
American Falls	American Falls, Idaho	Concrete gravity and earth fill	78	4,971	1,700,000
Arrowrock	Elmore County, Idaho	Rubble concrete arch, gravity	349	1,100	280,000
Avalon	Eddy County, N. Mex	Earth and rock fill, concrete core	50	1,380	7,000
Belle Fourche	Butte County, S. Dak	Earth fill	122	6,200	203,000
Do	do	Concrete weir, overflow	23	400	
Black Canyon	7 miles above Emmett, Idaho	Concrete masonry	183	1,040	
Boise River	Ada County, Idaho	Rubble concrete weir	45	246	
Bumping Lake	Rainier National Forest, Wash	Earth fill, water deposited core	45	3,425	
Carson River	Churchill County, Nev	23 concrete sluiceways	20	240	
Clear Creek (storage)	Yakima County, Wash	Single concrete arch, gravity abutments	84	404	
Clear Lake (storage)	Modoc County, Calif	Rock fill	33	790	402,000
Cle Elum (storage)	Washington	Rock fill and timber crib	11	193	
Cold Springs	Umatilla County, Oreg	Earth and rock fill	98	3,800	
Corbett (diversion)	Park County, Wyo	Reinforced concrete weir	18	400	
Conconully	Okanogan County, Wash	Hydraulic earth fill	67	1,000	14,400
Deaver (storage)	Wyoming	Earth fill	14	1,300	680
Deer Flat Forest	Canyon County, Idaho	do	16	950	
Dodson (diversion)	Phillips County, Mont	Timber crib, rock filled, removable crest	25	319	
East Canal	Colorado, Montrose County, T. 50 N., 10 W., sec. 15.	Movable flashboard weir (2)	(1)	144	
Easton	Washington, Easton	Concrete gravity (diversion)	65	250	
East Park (storage)	California, Colusa County, T. 17, 18 N., 6 W., sec. 34-3.	Concrete arch, gravity	139	250	
East Park Feed Canal (diversion)	California, Colusa County, T. 18 N., 7 W., sec. 35.	Concrete arch	44	154	
Echo (diversion)	Oregon, Umatilla County, T. 3 N., 29 E., sec. 22.	Concrete weir on timber crib	2½	400	
Echo (storage)	Utah, near Echo	Earth fill	130	1,900	
Elephant Butte (storage)	New Mexico, Sierra County, 120 miles north of El Paso.	Rubble concrete, gravity	306	1,155 1,675	2,638,000
Elephant Butte Dike (storage)	do	Rock and earth fill embankment	42	2,000	
Garnet (diversion)	Colorado, Montrose County, T. 51 N., 10 W., sec. 20.	Rock baskets faced and surfaced with concrete.	6.5	75	
Gerber	35 miles east of Klamath Falls, Oreg	Variable radius arch	85	478	94,000
Gibson (storage)	23 miles northwest of Augusta, Mont	Concrete gravity arch	179	900	140,000
Grand Valley (diversion)	Mesa County, Colo	Masonry ogee weir with roller crest	24	546	
Granite Reef (diversion)	Maricopa County, Ariz	Rubble concrete wier, gravity overflow	38	1,000	
Guernsey	Guernsey, Wyo	Gravel and rock fill	100	560	
Gunnison (diversion)	Montrose County, Colo	Crib on rock fill and movable flood boards	15¾	237	
Horse Creek	Wyoming	Concrete and earth	6	118	
Indian Creek Dike	Wasatch County, Utah	Earth fill, reinforced concrete core wall	38	1,311	
Ironstone	Montrose County, Colo	Pile foundation with timber deck and needle flood boards.	8½	58½	
Jackson Lake	Lincoln County, Wyo	Massive concrete gate section and earth fill	67	4,450	847,000
Joint Head	Maricopa County, Ariz	Concrete weir	10	600	
Laguna (diversion)	Yuma, Imperial County, Ariz.-Calif	Indian weir, concrete and rock fill	40	4,780	
Lahontan (storage)	Churchill County, Nev	Earth and gravel fill, concrete spillways	124	1,400	273,600
Lake Kachess (storage)	Kittitas County, Wash	Earth and gravel fill, rolled	63	1,400	
Lake Keechelus (storage)	do	do	70	6,500	152,000
Lake Tahoe (storage)	California-Nevada	Concrete sluiceways regulator	14	109	
Lost River (diversion)	Klamath County, Oreg	Hollow reinforced concrete	40	290	
Loutseenhizer (diversion)	Montrose County, Colo	Pile and timber weir	8	100	
Lower Deer Flat (storage)	Canyon County, Idaho	Earth fill	40	7,200	
Lower Lost River (diversion)	Klamath County, Oreg	Reinforced concrete	15	204	
Lower Yellowstone (diversion)	Dawson County, Mont	Rock-filled timber weir	12	700	
Leasburg (diversion)	Dona Ana County, N. Mex	Rubble concrete weir	10.8	600	
Malone (diversion)	45 miles southeast of Klamath Falls, Oreg	Earth embankment with spillway and reinforced concrete canal head gate structure.	32	400	
Maxwell Canal (diversion)	Umatilla County, Oreg	Concrete weir on timber crib	2.3	175	
McKay (storage)	7 miles south of Pendleton, Oreg	Gravel fill	160	2,600	
McMillan (storage)	Eddy County, N. Mex	Earth and rock fill	55	2,070	45,000
Mesilla (diversion)	Dona Ana County, N. Mex	Rubble concrete weir	16.7	303	
Mexican (diversion)	Near El Paso, Tex.-Mex	Rubble masonry	4.7	320	

[1] 6 feet and 6 feet 10 inches.

Dams constructed by United States Reclamation Service—Continued

Name	Location	Type of dam	Height	Crest length	Reservoir capacity
			Feet	*Feet*	*Acre-feet*
Minatare (storage)	Scotts Bluff County, Nebr	Earth fill	63	3,760	60,760
Minidoka	Blaine County, Idaho	Rock fill, concrete core combination, hydraulic and rock fill.	86	937	
Montrose and Delta	Montrose County, Colo	Timber weir with concrete apron spillway and cut-off wall.	6.8	68.5	
Nelson Reservoir	Phillips County, Mont	Earth fill	28	9,900	68,500
Northside	California	Concrete weir with removable crest	8	360	
Pathfinder (storage)	Natrona County, Wyo	Broken range masonry arch	218	432	1,070,000
Pathfinder Dike	do	Earth fill	38	1,650	
Percha	Sierra County, N. Mex	Rubble concrete	17	350	
Pilot Butte No. 1	4 miles southwest of Pavillion, Wyo	Earth embankment	40	1,350	
Pilot Butte No. 2	do	do	24	1,150	
Pilot Butte No. 3	do	do	12	3,400	
Point of Rocks	Logan County, Colo	Earth	86		
Power Canal	Maricopa County, Ariz	Rubble concrete weir	12¾	400	
Ralston (storage)	Park County, Wyo	Earth fill	50	2,200	2,100
Roosevelt (storage)	70 miles northeast of Phoenix, Ariz	Rubble masonry arch gravity	280	1,080	1,637,300
Salmon Creek (diversion)	Okanogan County, Wash	Concrete weir	4½	50	
Salmon Lake (storage)	do	Earth embankment	40	1,260	10,500
Selig (diversion)	Montrose County, Colo	Pile and timber weir with concrete sump	6	95½	
Shoshone (storage)	Park County, Wyo	Rubble concrete arch	328	200	456,600
Stony Gorge (storage)	8 miles west of Fruto, Calif	Hollow reinforced concrete	120	828	
Strawberry (diversion)	Utah	Earth	6	100	
Strawberry (storage)	do	Earth fill, reinforced concrete core wall	72	488	255,000
Sunnyside (diversion)	Washington, Yakima County	Concrete ogee weir, earth dike	8½	500	
Sun River (diversion)	Montana, Lewis and Clark, Teton Counties.	Concrete masonry arch	132	212	
Swift Current (diversion)	Montana	Earth and timber crib, rock fill	13	2,800	
Spanish Fork (diversion)	Utah, Utah County	Concrete weir, ogee gravity section	17	70	
St. Mary (diversion)	Montana	Concrete	6½	198	
Three Mile Falls (diversion)	3 miles north of Hermiston, Oreg	Concrete multiple arch	24	800	
Tieton (diversion)	Rainier National Forest, Yakima County, Wash.	Concrete and rock filled crib	3	110	
Tieton (storage)	30 miles west of Yakima, Rimrock, Wash	Earth fill and rock fill concrete core wall	222	905	202,500
Truckee River	Washoe, Nev	16 concrete sluiceways	22	171	
Upper Deer Flat	Canyon County, Idaho	Earth fill	70	4,000	
Vandalia	Valley County, Mont	Reinforced concrete, hollow movable crest	34	1,500	
Whalen (diversion)	Wyoming, Goshen County, T. 26 N., R. 65 W., secs. 2, 11.	Concrete weir and earth	35	300	
Willow Creek (storage)	Montana, Lewis and Clark County, T. 21 N., R. 6 W., sec. 30.	Earth fill	72.5	525	86,000
Willwood (diversion)	Wyoming, 4 miles southwest of Ralston	Concrete gravity ogee weir section	70	320	
Wind River	Wyoming, sec. 23, T. 3 N., R. 2 W	Concrete weir, earth embankment	26–26	1,656	

ENGINEERS FORMERLY IN UNITED STATES RECLAMATION SERVICE

Arthur Powell Davis, civil engineer: Born Decatur, Ill., February 9, 1861; graduate of State normal school, Emporia, Kans.; B. S. Columbian (now George Washington) University, 1888 (Sc. D., 1917); topographer United States Geological Survey 1884–1894, conducting surveys and explorations in Arizona, New Mexico, and California; hydrographer in charge of all Government stream measurements, 1895–1897; hydrographer in charge of hydrographic examination of Nicaragua and Panama canal routes, 1898–1901; chief engineer United States Reclamation Service, 1906–1914; director of same from 1914 to 1923; consulting engineer, Panama Canal, 1909. Member American Society of Civil Engineers (president, 1920), Washington Academy of Sciences (vice president, 1908), Washington Society of Engineers (president, 1907), etc. Author: Elevation and Stadia Tables, 1893; Progress of Stream Measurements, 1897; Irrigation near Phoenix, Ariz., 1897; Irrigation Investigation in Arizona, 1898; Hydrography of Nicaragua, 1899; Hydrography of the American Isthmus, 1902; Water Storage on Salt River, Ariz., 1903; Irrigation Works Constructed by the United States Government, 1917; treatise on irrigation engineering; also articles in magazines on irrigation, the isthmian canals, and other hydrographic subjects.

Frank Elwin Weymouth, civil engineer: Born Medford, Me., June 2, 1874; civil engineer, University of Maine, 1896. Sewer and waterworks construction, Boston and Malden, Mass., 1896–1899; assistant city engineer, Winnipeg, Manitoba, January–August, 1899; with Isthmian Canal Commission at Nicaragua and Washington, 1899–1901; resident engineer Guyaquil & Ecuador & Quito Railway Co., 1901–1902; with United States Reclamation Service since 1902, on surveys and investigations in Montana and North Dakota, 1902–1908; project engineer in charge of lower Yellowstone project in eastern Montana, 1908–1915; supervising engineer in charge of Idaho district, including Snake River drainage in Wyoming, Idaho, and eastern Oregon, covering irrigation of more than 400,000 acres of land, and storage dams at Jackson Lake, Wyo., and on upper branches of Snake and Boise Rivers; completed building the Arrowrock Dam; chief of construction, United States Reclamation Service, in charge of all work (except legal) in the West, 1916–1920; chief engineer United States Reclamation Service, April 1920–1923. Member American Society of Civil Engineers, Alpha Tau Omega. Republican.

ENGINEERS NOW IN THE UNITED STATES RECLAMATION SERVICE

The present Commissioner of Reclamation, Dr. Elwood Mead, enjoys not only a national but an international reputation for his skill as a great engineer and economist.

Elwood Mead, engineer, Commissioner Bureau of Reclamation; born Patriot, Ind., January 16, 1858; B. S., Purdue University, 1882, M. S. 1884; D. engineering, Purdue, 1904; LL. D., University of Michigan, 1925; assistant engineer, United States Engineers 1882–83; professor in Colorado Agricultural College, 1883–84 and 1886–1888; Territorial and State engineer of Wyoming, 1888–1899; chief irrigation and drainage investigation, United States Department of Agriculture, 1897–1907; professor institutions and practice of irrigation, University of California, 1898–1907; chairman State rivers and water-supply commission, Victoria, Australia, 1907–1915; professor rural institutions, University of California, 1915, and chairman land settlement board; Commissioner of Reclamation by appointment of President Coolidge April, 1924. Consulting engineer for various irrigation and waterworks companies. Member American Society of Civil Engineers, British Institute of Civil Engineers. Has written articles, reports, etc., on irrigation, engineering, and other subjects. Author: Irrigation Institutions; Helping Men Own Farms. Address: Bureau of Reclamation, Washington, D. C.

Raymond F. Walter, chief engineer Bureau of Reclamation, 441 Welton Street, Denver, Colo.: Civil and irrigation engineer; born Chicago, Ill., October 31, 1874; education, public and high schools, Fort Collins, Colo. Degree of B. S., Colorado Agricultural College, in irrigation engineering in 1893. Irrigation Engineering Co., surveyor, Weld County, Colo., 1898–1902; city engineer, Greeley, Colo., 1901–1903; project manager United States Reclamation Service, Belle Fourche project, 1903–1908; supervising engineer Rocky Mountain division, 1908–1915; senior engineer southern district, 1915–16; assistant chief of construction, 1916–1920; assistant chief engineer, 1920–1924; acting chief engineer, 1924–25. Appointed chief engineer Bureau of Reclamation May, 1925. Engineer on construction of many canals, reservoirs, and irrigation systems in northern Colorado and Greeley district; engineer in charge of construction of Belle Fourche Dam and project system for irrigation of about 100,000 acres in South Dakota. Supervising engineer on the construction of the Grand Valley irrigation project of about 50,000 acres and the completion of the construction of the Gunnison tunnel and the Uncompahgre project; also Pathfinder Dam, and North Platte project; chief engineer on the construction and operation and maintenance of 25 large irrigation projects in the Western States. Member American Society of Civil Engineers.

Andrew J. Wiley, consulting engineer Bureau of Reclamation, Boise, Idaho. Engineer, born in New Castle, Del., July 15, 1862; educated at Delaware College, Newark, Del., Ph. B. 1882; engaged in survey and construction, Philadelphia and Baltimore branch Baltimore & Ohio Railroad in Delaware and Maryland in 1883; rodman and assistant engineer Idaho Mining & Irrigation Co., Boise, Idaho, 1883–1886; assistant engineer of construction Union Pacific Railroad, Butte, Mont., 1886–1888; chief assistant engineer Idaho Mining & Irrigation Co. on construction large irrigation system, 1882–1892; chief engineer and

manager Owyhee Land & Irrigation Co., Grandview, Idaho, constructing large irrigation system, 1892–1898; chief engineer Swan Falls power plant, Boise, Idaho, 1900–1902; chief engineer Boise-Payette River Electric Power Co. and city of Cheyenne, Wyo., on construction of Granite Springs Reservoir, 1902–1904; chief engineer Barber Lumber Co., Boise, Idaho, for construction of large dam and power plant on Boise River, 1904–1905; consulting engineer Twin Falls North Side Land & Water Co., Twin Falls, Oakley Land & Water Co., Twin Falls Salmon River Land & Water Co., 1906–1914; chief engineer Trade Dollar Consolidated Mining Cos., Swan Falls power plant extension, 1909–1911; Great Shoshone & Twin Falls Water Power Co., 1907–1914; Southern Idaho Water Power Cos., American Falls power plant, 1911–1914; consulting and designing engineer Don Pedro Dam and power plant, for Turlock and Modesto irrigation districts, California, 1918–1923; consulting engineer, storage and power development of San Joaquin River water-storage district, and of Kern River water-storage district, California, 1924–1925; consulting engineer on Melones Dam, of San Joaquin and Oakdale irrigation district, California, on construction of Exchequer Dam and power plant, 1924–1925; consulting engineer reconstruction of irrigation system, Bitter Root Valley irrigation district, Montana, and West Okanogan Valley irrigation district, Washington, 1923–1924; consulting engineer construction of Loga City power plant, Utah, 1924–1925; consulting engineer Bureau of Reclamation 1905 to the present time; member American Society of Civil Engineers and Institute of Consulting Engineers.

Louis C. Hill, consulting engineer, Bureau of Reclamation, Los Angeles, Calif.; consulting engineer, born Ann Arbor, Mich., February 22, 1865; degree of B. S. in civil engineering, 1886; B. S. electrical engineering, 1890; master of engineering (honorary), 1911, University of Michigan; division engineer, Duluth, Redwing & Southern Railway, 1887; assistant engineer, United States Army, 1888; professor of hydraulic and electrical engineering, Colorado School of Mines, 1890–1903; supervising engineer in charge of Salt River project, 1903–4; in charge of Arizona project, 1905–6; in charge of the southern district, 1906–1914 (district comprising Utah, Texas, Arizona, New Mexico, southern California, and parts of Colorado and Wyoming); charge of Roosevelt Dam, Elephant Butte Dam, Laguna Dam, and other works, including 6 miles of tunnels for Bureau of Reclamation; consulting engineer and member of firm of Quinton, Code & Hill, consulting engineers, since 1914; consulting engineer on many projects—Gibraltar high-arch dam; Pine Flat Dam near Fresno, Madera Dam near Madera, Calif., Boulder Canyon Dam, 700 feet high, across the Colorado River; member of board of engineers, Columbia Basin district, 1,800,000 acres; member of board of engineers of water supply of the city of Los Angeles; consulting engineer, United States Army, construction of Camp Kearney during war; member United States-Mexican Commission to divide the waters of the Colorado and Rio Grande; member of American Society of Civil Engineers, Geographic Society, and Forestry Association.

David C. Henny, consulting engineer, Bureau of Reclamation, Portland, Oreg. Born Arnhem, the Netherlands, November 15, 1860. Degree of civil engineer from the Government Polytechnic University, Delft, the Netherlands, 1881. On railroad location, Holland, 1881–1884; railroad waterworks and irrigation construction, Eastern, Middle Western, and Mountain States, 1884–1891. General manager, Excelsior Wooden Pipe Co., San Francisco, Calif., 1892–1902; general manager, Redwood Manufacturing Co., San Francisco, Calif., 1902–1905. Supervising engineer, Pacific coast district, 1905–1909. Consulting engineer since 1909. Private practice as consulting engineer, Portland, Oreg., since 1910. Director, Lumbermans Trust Co., Portland, Oreg. Introduced wooden-stave pipe on the Pacific coast. Built large number of pioneer lines, first direct-motor drive for heavy woodworking machinery, new features in earth dam designs, connected with construction of important dams of the Bureau of Reclamation. Designed Henny-Venturi Weir. Contributor to the American Society of Civil Engineers. Transactions on "earth dams" and numerous discussions. Contributed to 1915 International Engineering Congress, San Francisco, Calif., jointly with A. P. Davis, on "dams." Member American Society of Civil Engineers (past director); Oregon Technical Council (past president); Royal Institute of Holland.

Osmar Lysander Waller, consulting engineer, Bureau of Reclamation: Civil engineer, educator; born Lyken, Ohio, November 30, 1857; P. H. B., 1883, P. H. M., 1887, Hillsdale College; student law department, University of Michigan, 1883–84 and 1886 to 1887. Student in mathematics, University of Chicago. Superintendent of schools, Dexter, Mich., 1884–1886, 1887–1890; admitted to Michigan bar, 1886; superintendent of schools, Colfax, 1890–1893; professor of mathematics and civil engineering since 1893 and vice president since 1909, State College of Washington; expert in irrigation, United States Department of Agriculture, 1900–1904; in charge of field work in summer; consulting engineer, State Board Land Commission of Idaho, on construction work of South Side Twin Falls Land & Water Co., 1907–1908; on Marysville project, 1908; delegate to conference of governors, Washington, D. C., 1908; chairman of commission to recommend to Washington legislature changes in water laws, 1910; expert for Twin Falls Land & Water Co., Twin Falls, Idaho, 1912. Consulting engineer with Bureau of Reclamation. Vice president first national bank, member of board of education, Pullman, Wash., 1897–1903; secretary of the Columbia Basin Survey Commission. Contributed bulletins on irrigation and irrigation laws. Member of American Society of Civil Engineers.

Leslie Newman McClellan, Wilda Building; residence, 1065 Logan Street, Denver, Colo. Chief electrical engineer, Bureau of Reclamation; bachelor of science in electrical engineering, University of Southern California; since 1911 with the United States Reclamation Service; assistant engineer in charge of power system on Salt River project, 1911–1917; 1919 to 1924, electrical engineer in office of chief engineer of the United States Reclamation Service; 1924, engineer transmission department of Southern California Edison Co.; 1925, chief electrical engineer, Bureau of Reclamation, Denver, Colo.; entered actitve duty as first lieutenant, Engineer Reserve Corps, United States Army, 1917; served overseas, 1918; went through British tank school; served with British on the western front and also attached to the French tank corps for instruction; returned to United States June 18, 1918; served as instructor in tank school until discharged, December 20, 1918; now captain, Officers' Reserve Corps; associate member American Institute Electrical Engineers.

John L. Savage, chief designing engineer, Bureau of Reclamation, Denver, Colo.; with Bureau of Reclamation as engineer aide, 1903–4; assistant engineer, 1904–5; engineer, 1905–1908; resigned, 1908; in private practice with A. J. Wiley, 1908–1914; designing engineer, Bureau of Reclamation, 1914–1926; chief designing engineer, 1926 to date. Has had responsible charge of all civil engineering designing work for the entire Bureau of Reclamation since 1914. Recent work has included the preparation of designs, specifications, and advertisements for a number of important dams, the construction of which has been authorized by Congress, among them being the Stony Gorge Dam, Orland project; Owyhee Dam, Owyhee project; Gibson Dam, Sun River project; Echo Dam, Salt Lake Basin project. The estimated cost of these new structures range from $1,250,000 to $6,000,000.

Walter Rollo Young, construction engineer, Bureau of Reclamation, Ellensburg, Wash.: Born, Butler, Ind., 1908; B. S. in mining engineering, University of Idaho. June–September, 1902, chainman, Cook County, Minn. June to September of years 1903 and 1904, rodman, Great Northern Railway. Summers 1905–1908 and June, 1908, to June, 1909, mining and assaying in Idaho, Canada, and Arizona. July to December, 1909, mine surveyor, surface and underground work, Wallace, Idaho. January to February, 1910, topographer, Inland Empire Railroad, near Colfax, Wash. March to May, 1910, draftsman, Sweetwater Irrigation Co., Lewiston, Idaho, design and layout of pressure irrigation system. June, 1910, to July, 1911, inspector on plans and computations in State engineer's office, Boise, Idaho, in connection with Carey Act work. August, 1911, to date with United States Reclamation Service as follows: August, 1911, to October, 1916, assistant engineer acting as designer on construction of Arrowrock Dam, Idaho, including design of construction camp, construction plant, diversion works, dam, spillway, logway, etc.; some instrument work and concrete inspection; November, 1916, to December, 1920, assistant engineer and engineer in charge of mechanical division, designing department, chief engineer's office, Denver, Colo., design and standardization of gates and mechanical devices for irrigation structures and in charge of design and estimates for storage works, including dams, spillways, outlet works, etc.; January, 1921, to April, 1924, engineer in charge of investigations in connection with development of Colorado River, including field investigations at four dam sites in the vicinity of Boulder Canyon, and designs and estimates for dams and appurtenant structures at Glen Canyon, Diamond Creek, Bridge Canyon, Boulder Canyon, Black Canyon, Bulls Head, Mohave Canyon, and Parker; May, 1924–Apr., 1926, engineer in charge of investigations of proposed barrier below the mouth of Sacramento and San Joaquin Rivers, to prevent incursions of salt water, and of the proposed Iron Canyon project to irrigate some 225,000 acres in Sacramento Valley. Since April, 1926, construction engineer in charge, Kittitas division, Yakima project, Ellensburg, Wash.

Harold Dearborn Comstock, Riverton, Wyo. Civil engineer; born Chelsea, Vt., June 13, 1882. B. S., Dartmouth College, 1903; C. E., Thayer School of Civil Engineering, 1904. With United States Reclamation Service since 1904 (except November, 1908, to March, 1909, with Denver Reservoir Irrigation Co., of Denver, Colo.); stream gaging work, 1904–5; chief of party on surveys and construction, 1905–1908; resident engineer in charge construction, all above on Belle Fourche project, March–November, 1909; chief of party on construction, Pathfinder Dike and Tunnels, 1909–10; in charge of above, including operation, 1910–1913; in charge of drainage, 1913–1918; also office engineer and principal assistant to project manager, all latter on North Platte project, 1915–1918; project manager Riverton project, since 1918. Superintendent, Riverton project, Bureau of Reclamation, Riverton, Wyo. Member American Society Chemical Engineers, A. A. A. S., Thayer Society of Engineers, National Geographic Society.

Edward B. Darlington. Superintendent, Minidoka project, Bureau of Reclamation, Burley, Idaho. Civil engineer, born West Chester, Pa., March 9, 1874. Special course in science and mathematics, West Chester State Normal School. Engaged in mining and surveying with

gold dredging company in Boise Basin, Idaho, 1898–1903; with State engineer of Idaho and Intermountain Road Commission in charge of irrigation surveys and mountain-road construction, 1903–1906; locating engineer, Big Lost River Irrigation Co., 1906–7. Private practice, Boise, Idaho, 1907–8; locating engineer, United States Reclamation Service, 1908–9; locating engineer, assistant chief engineer, and chief engineer, Twin Falls-Salmon River Land & Water Co., 1909–1917; chief engineer, Twin Falls North Side Land & Water Co., 1917–1921; project manager, Minidoka project, United States Reclamation Bureau, Burley, Idaho.

Homer Johnston Gault, construction engineer, United States Bureau of Reclamation, Denver, Colo.; residence, Painesville, Ohio: Civil engineer; born Mahoning County, Ohio, 1869; educated in public schools and Canfield College, Ohio. Engaged on location and construction of Great Northern Railway, 1889–1893; assistant engineer with the Cleveland Frog & Crossing Co., and the Osborn Engineering Co., 1894–1902; locating engineer on West Virginia & Kentucky Railroad and other work, 1903–1905; engineer on Key West extension of Florida East Coast Railway, 1906; engineer in the United States Reclamation Service since 1906. He has made investigations and surveys on Elephant Butte Dam; construction engineer Mesilla and Percha Dams, Garfield Flume, Hatch Siphon, and important canals on the Rio Grande project; in charge of important secondary investigation; construction engineer Salmon Lake Dam, Okanogan project; and preliminary work in 1924 on the Kittitas division of the Yakima project. He is at present supervising the construction of the Stony Gorge Dam, Orland project. This dam is the buttressed type with a reinforced-concrete slab approximately 800 feet long and 120 feet in height above the stream bed. The estimated cost, exclusive of the right of way, is $815,000. The Ambursen Dam Co. of New York City has the contract for this job. Member American Society of Civil Engineers.

Sinclair Ollason Harper, general superintendent of construction, Bureau of Reclamation, Denver, Colo.; civil and irrigation engineer; B. S. in C. E., University of California, 1907; rodman and instrumentman, Western Pacific Railway Co., California, 1905–6; transit man, Pacific Improvement Co., Monterey, Calif., two months; engineer in charge designs and estimates for sewerage system, Montrose, Colo., three months; junior engineer United States Reclamation Service, Uncompahgre project, Colorado, 3 months, 1907; assistant engineer, Grand Valley project, Colorado; in charge topographic and location surveys, preparation of plans and estimates, and construction of important features of project, 1908–1917; project manager Grand Valley project, Colorado, in charge construction and operation of entire project, 1917–1925; general superintendent of construction, June 11, 1925, to date, and during the absence of chief engineer is in charge of Denver office as acting chief engineer, Bureau of Reclamation, Denver, Colo. Has written various articles for engineering periodicals. Member American Society of Civil Engineers.

Frank Arthur Banks, superintendent Owyhee project, Bureau of Reclamation, Nyssa, Oreg.; civil engineer; graduate University of Maine, 1906. Since 1906 continuously engaged with United States Reclamation Service; assistant engineer, first as field engineer, later as district designing engineer, 1906–1913; engineer Jackson Lake Dam, 1913–1916; 1916–1923 engineer United States Reclamation Service on preliminary surveys and investigations; also in charge operation and maintenance of Jackson Lake Reservoir (fourth largest in United States and fifth in world) and the delivery of stored water therefrom; made preliminary plans for Arrowrock Dam, as well as complete plans and construction for Jackson Lake Dam; construction engineer American Falls Dam 1923–1927. Since June 1, 1927, superintendent Owyhee project, Oregon. Associate member American Society Civil Engineers, American Association of Engineers, National Geographic Society.

Mr. SPROUL of Kansas. Will the gentleman yield for a question?

Mr. SMITH. Certainly.

Mr. SPROUL of Kansas. Does your bill provide for the issuing of bonds for repayment of the cost of the project?

Mr. SMITH. That provision was in the bill of the last Congress but it is not in this bill because it is assumed that the general fund will be ample to meet the annual appropriations. The construction of this project would extend over a period of about eight years, so that it would not draw up on the appropriations at the rate of probably more than $12,000,000 or $15,000,000 a year. The Secretary of the Treasury has authority under general law to issue bonds in case of an emergency, but that is not specially provided for in the bill.

Mr. SPROUL of Kansas. What rate of interest would the Government get for its money?

Mr. SMITH. It would get 4 per cent.

Mr. SPROUL of Kansas. And in addition to that it would receive back the principal cost of the project within 25 to 40 years?

Mr. SMITH. Yes; and the Secretary can not spend any money until he has contracts which will insure the return of the money within 50 years at 4 per cent.

Mr. VINSON of Kentucky. Will the gentleman yield there?

Mr. SMITH. Yes.

Mr. VINSON of Kentucky. What are the estimated receipts?

Mr. SMITH. They have not been figured out year by year.

Mr. VINSON of Kentucky. If they have not been figured out how can the gentleman say that the cost of the improvement will be paid in 25 years or 40 years or 50 years?

Mr. SMITH. They are tentatively estimated and the Secretary, as provided by this bill, will have to secure all these data before he can spend any of the appropriation.

Mr. VINSON of Kentucky. But if you have not had the figures submitted in the hearings how can you say that the cost of the improvement will be paid in 25 years?

Mr. SMITH. I said within 50 years and possibly within 25 years.

Mr. VINSON of Kentucky. I have been told that has been figured out. I would like to have that information, because I think it would have a direct bearing upon the matter.

Mr. SWING. May I say to the gentleman that I will be pleased to insert that information in the RECORD.

Mr. SMITH. I think that information has not been collected by the Government but by the various cities. They have indicated the amount of water they will need and the amount of power they will need and have submitted their proposition.

Mr. MOORE of Virginia. What I understand is this. The gentleman says the execution of the project is conditioned upon the Secretary in advance making contracts which will insure repayment to the Government within a maximum period of 50 years.

Mr. SMITH. Yes.

Mr. MICHENER. How long will it take to complete the project?

Mr. SMITH. It is assumed that it will take from five to eight years.

Mr. MICHENER. If we pass the bill now the flood-control feature may not be operative to protect the Imperial Valley for a period of five or eight years.

Mr. SMITH. The flood-control feature will be completed prior to that time.

Mr. MICHENER. When will it be completed to such an extent that it will afford flood protection?

Mr. SMITH. I should say in four or five years.

Mr. MICHENER. Assuming there is no litigation involved, what is the gentleman's judgment as to whether there will be litigation provided Arizona does not comply with the compact?

Mr. SMITH. I assume that Arizona will appeal to the court, but I think it is safe to say that the courts would expedite the consideration of the action.

Mr. MICHENER. Is it not the gentleman's theory that if legislation is enacted Arizona will come in?

Mr. SMITH. We expect her to come in.

Mr. MICHENER. If Arizona does not come in, it will undoubtedly be years before any work can be done?

Mr. SMITH. I do not think the determination of the matter in controversy will be long delayed.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. DOUGLAS of Arizona. The gentleman admits the probability of litigation, and I can assure the gentleman that the minute this bill becomes a law Arizona will bring suit to enjoin the Government. The gentleman will recollect the time it took to decide the Colorado-Wyoming case?

Mr. SMITH. There was not the emergency there that there is in this case and no such occasion for expediting the adjustment of the matter. [Applause.]

Mr. DOUGLAS of Arizona. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN (Mr. ACKERMAN). The gentleman from Arizona makes the point of no quorum. The Chair will count. [After counting.] One hundred and two Members present, a quorum.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield one hour to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman, for more than six years I have studied the problem connected with this legislation. I have attended all the hearings of the committee in the House with the exception of those held during the winter when I was ill. It would afford me great pleasure if I had the time to discuss the interesting questions connected with this bill but time forbids. The gentleman from Arizona [Mr. DOUGLAS] will discuss the economic and the engineering features connected with the bill in a way I could not hope to do, and my colleague from Utah [Mr. COLTON] will discuss the effect of this legislation on our State.

I have opposed this bill for years on its merits. I have endeavored to bring out the truth concerning it in the com-

mittee meetings. I have submitted two minority reports against it in which I have presented and analyzed the facts which seem to me to prove it to be a wholly unnecessary, unsound, and dangerous measure. I have opposed it because it is dishonest in its pretentions, being an attempt to thrust the Federal Government into the greatest hydroelectric power project in the world under the guise of a humanitarian measure for flood control. I have opposed it because it is entirely unsound in its economic aspects and will mean the loss to the Federal taxpayer of every dollar expended upon it. I have opposed it because it means the surrender to a Federal bureaucracy of control over the most vital economic resource of the States in the Colorado River Basin. I have opposed it because it is based upon an engineering scheme so absurd, so dangerous, so badly conceived that it can only be called preposterous. I have opposed it because it is wholly unnecessary to take these risks, to change the policy of the Federal Government, to surrender the rights of the States, to make this foolish and unwarranted expenditure in order to accomplish the benefits which it is claimed are sought hereunder.

In short, I have endeavored to confine my discussion and opposition to this measure to the facts, to stay away from personal attacks, and to have proponents meet me on the same grounds. Other opponents have made the same endeavor. The minority reports of Congressmen HAYDEN and WHITTINGTON in the last session of Congress and of Congressman DOUGLAS in the present session have been confined to a discussion of facts. The same has been true of the opponents in the Senate of the United States.

The proponents of the measure have, however, not chosen to meet the issue on its merits. Whether from necessity or otherwise, proponents have failed to seriously discuss the objections to their bill. Perhaps this is because they are aware that they are beaten on the facts; that they can not show the necessity for their measure or the truth of the statements which they make in support of it. However that may be, and whatever the reason, the fact remains that this bill is not supported by facts but by the most astounding misstatements of fact—misstatements challenged time and again, never substantiated by proof, but nevertheless constantly repeated.

Instead of meeting opponents with argument on the merits, with facts in proof of their contentions, the constantly increasing tendency of proponents has been to attack the character of opponents and by innuendo, by vituperation, by insults to make it appear that opponents are actuated by unworthy motives, by ulterior influences which cast reflection upon their integrity and honor. This kind of attack has not been confined to Members of Congress who oppose this bill. It has gone on for years before the committees considering the bill. Reputable business men, engineers of the highest standing who have dared to offer testimony against the feasibility and soundness of this measure have been subjected to vicious cross-examination which delved into their motives and questioned their honesty.

Now, the case for this measure has not been presented before the committees of Congress nor on the floor of either House. Proponents have had as their chief forum of discussion of their side of the case a string of newspapers owned by William Randolph Heart, published and circulated from one end of the country to the other. It is in this section of the press that the kind of attack of which I have spoken has been chiefly carried on. The Hearst press, in other words, has been constituted an extralegislative body on behalf of this measure.

In view of this situation and in view of the dominant part which this press has taken in the promotion of this scheme, in view of the obvious selection by proponents of those organs of publicity as their leaders in this fight, and in view of the challenge which these papers are to-day making to the Congress of the United States with reference to this legislation, I find it impossible to longer ignore the issue which is thus presented.

I had hoped to avoid the necessity of discussing this issue, but the Hearst press would not have it so. Within the last few days I have been made the subject of one of their vicious, cowardly attacks masquerading as a news item. In January and February of this year two gentlemen who have interested themselves in this legislation, one representing the State of New Mexico and the other the city of Denver, Colo., Mr. Francis C. Wilson and Mr. L. Ward Bannister, were circulating amongst the Members of Congress a new draft of a bill for this project which they had drawn. They discussed their draft with me and gave me a copy of it. Although I was opposed to their draft because it still authorized this project, I did take the trouble to draw certain amendments to it which, to my mind, made it less objectionable. I understand they were also discussing their draft with Mr. Stephen B. Davis, who, I understand, is director of an organization of some of the public-utility companies of the country. Whether they presented my amendments to this gentleman or some one else presented them to him I do not know. I only know that I did not see Mr. Davis, talk to him, or present him with those amendments. However, it was perfectly proper for him to have them. There was no secret about them.

Now, in the Federal Trade Commission investigation of the power industry which is now in progress, a letter was presented in evidence written by Mr. Davis to another member of his organization with which he apparently sent a copy of the so-called Bannister-Wilson draft of a substitute for this measure and with that draft a copy of my suggested amendments, referring to them in his letter as amendments "representing Mr. LEATHERWOOD'S ideas." That is the entire story so far as I know it.

Now, what does the Hearst press do with this story? They printed the letter, which was perfectly proper, but in addition to that they ran in their so-called news story which accompanied it the suggestion by the plainest innuendo that I had been conniving with the power companies in drawing a substitute bill and amendments to this measure. Not content with that, they also printed an interview with the author of this bill, in which the gentleman expressed astonishment that the Power Trust was so well acquainted with my ideas. Further than that, as a part of the same story, they direct attention to the fact that I have in the past offered amendments which they falsely state are designed to turn this power development over to private power companies.

This is only one instance of the kind of attack to which Members who dare oppose this measure are subjected. Other Members of the House have been subjected to the same thing. And for what purpose? Why, simply and solely for the reason that Mr. William Randolph Hearst chooses to use his kind of weapon to force this bill through Congress. In those tactics there is no discussion of merit, no attempt to present facts, but, on the contrary, an attempt to bring under suspicion the character, honesty, and integrity of opponents, and thus through prejudice, and prejudice alone, to arouse support for this bill which can be put over in no other way.

Mr. Hearst has issued the challenge. He has begun the attack. He has made the issue. And since Hearst and the Hearst press are the unofficial but most powerful representatives of proponents, I am forced to accept the issue as made. By this unwarranted, untruthful, and vicious attack on me Mr. Hearst has invited and challenged me to tell the truth and the whole truth concerning this measure and the forces which are behind it.

I could, in fact, no longer withhold the truth concerning this measure without connivance at the fraud and conspiracy in which it is enshrouded. I propose to show that it is one of the most shameful pieces of political trickery ever seriously considered by the Congress; that there is no sound argument for the bill; and that it would have no chance for passage but for the fear of Members of Congress of the most unscrupulous, dangerous, and destructive influence in American life to-day—the Hearst press.

Gentlemen of the House, the yellow press, the most disgraceful press in any country in the world to-day, owned and published by a man who stops at nothing to carry his point, is the only substantial support which this bill has in the United States to-day. Through that press have been spread the misinformation and threats concerning this measure which have aroused such support as it has, and it is upon that kind of support and upon those tactics rather than on the merits that it is hoped to force this bill through Congress.

The issue on the facts has been evaded. I accept the issue tendered, and I define that issue for anyone who may have pledged his vote and conscience for this bill: The first, the main, the primary issue on this bill is whether William Randolph Hearst and his string of yellow newspapers, which sling their filth and debauch the mind of our people across the entire country, shall control the Congress of the United States and by intimidation and threats, by false statements, and propaganda disguised as news make possible this infamous raid upon the taxpayers of the United States called the Boulder Dam bill. Your vote on this measure, my fellow Members, will therefore, first and foremost, answer this question: Do you belong to Hearst and the things he stands for, or do you belong in the ranks of those who arrived at an independent judgment on the merits of legislation?

You know, each and all of you know, that the things I have said of Hearst and his press are true; that they are admitted everywhere in private conversation to be true. And you know and I know that the reason he is tolerated, the reason for his malignant influence, is fear, fear of his political power, fear that he is dangerous to a man's success, fear that he will ruin the character and reputation of any man he sets out to "get."

Yet, fear him as you will, the man is not all powerful. The leading Democratic candidate for President demonstrated that when he accepted the challenge of Mr. Hearst in New York State some years ago and "licked him to a frazzle." I commend the courage, the audacity, of Al Smith to some of the members of his own party in the Congress of the United States who, either through fear or through a desire to curry the favor of Mr. Hearst, are supporting this measure and issuing statements in Mr. Hearst's papers in support of it.

The story of the interest of Mr. Hearst in Boulder Dam is so interlocked with the whole sorry, sordid story of the scandal connected with the project that the whole must be told in order to present the picture in its proper perspective.

Some of Hearst's biggest newspapers are in California—two of them are published in Los Angeles. For the last 18 years there has existed in Los Angeles a bureau of power and light. As is the rule with all publicly owned bureaus of this character, it soon became a political factor, and it was managed by politicians for their political benefit. The bureau got its lease of life with the building of the Los Angeles aqueduct, and after years of political bickering and maneuvering this bureau became firmly intrenched in the manufacture and distribution of electric power and light in the year 1922. At that time and since the only electrical energy this bureau has had to distribute was that generated on the line of the water aqueduct. The bureau has been buying most of its power from private companies and then distributing it. But with the great growth of Los Angeles during its big boom years the political power of this bureau, with its hundreds of employees, became the greatest single factor in Los Angeles local politics and a very considerable factor in state-wide politics. Naturally, those managing the bureau wanted more electric power as well as more political power, because the more business under their control the more employees—the bigger the plaything the more powerful the group which controlled it.

Now, Hearst and his newspapers tied in with this political group in Los Angeles as they had in San Francisco. The Hearst papers have, in effect, been the house organ of the political bureaus engaged in municipal-ownership enterprises in these two large cities of California. The Hearst papers were their mouthpiece, and the more the political power of the group gained the better it was for the Hearst papers in their fight for a place in that kind of sun which shines on such despicable organs of misinformation.

Hearst likes to win in political contests. True, he often waits until he finds out who the winner is going to be before he commits himself, but he likes to be allied with local groups having large political power. This gives him more power; it increases the circulation of his papers, and with success in this line comes still greater influence on public affairs.

In the year 1922 with the purchase by the bureau of power and light of the principal distributing system in Los Angeles, the problem of acquiring more power to distribute became acute. At this time the Reclamation Service was about to investigate Boulder Dam. It was a power dam pure and simple. There was no other excuse for the proposal to build it.

Now we come to the indisputable, the inescapable evidence, and I challenge anyone to dispute it, to disprove it.

On February 16, 1922, the Board of Public Service Commissioners of the City of Los Angeles hired the Bureau of Reclamation of the United States to formulate and produce a power project on the Colorado River. They appropriated out of their power revenue fund $75,000 as an initial investment in the project and paid this sum out to the Reclamation Service. Under date of February 16, 1922, a resolution appears in the minutes of this board of public-service commissioners which recites that—

Whereas the city of Los Angeles has made application for permit to develop the Boulder Canyon reservoir on the Colorado River with a view of obtaining from that source sufficient power for the future needs of Los Angeles; and

Whereas the application for the permit requires that the city provide or cause to be provided data as to physical condition in, along, and in the vicinity of Boulder Canyon, in order to determine the feasibility of the project and where the dam should be located, the type, construction, and height thereof; and

Whereas it is practicable to obtain such information through the United States Reclamation Service, which, if provided with the necessary funds, proposes to complete investigations disclosing the facts required, and the Reclamation Service estimates that the amount required from the city for said purpose will be $75,000, to be paid in installments as work progresses; "and it appearing to be to the best interests of the city and this board, in fulfilling the public duty to provide an ample power supply for the inhabitants of Los Angeles, that this board should undertake to advance said amount for said purposes": Therefore be it

Resolved, That this board, out of power revenue, undertake to advance and pay to the United States Reclamation Service the sum of $75,000 to carry on the work of said Reclamation service in investigating the site of the proposed dam at Boulder Canyon on the Colorado River for the purposes aforesaid.

What does this resolution mean? What does it say? It says that whereas the power bureau of Los Angeles wants a greater power supply and wants to obtain it from the Colorado River, and whereas the Reclamation Service can be hired to make the preliminary plans for this power project, we hereby appropriate out of the power revenue fund $75,000 with which to pay the Reclamation Service for producing a power project for the city of Los Angeles.

Note that not one word is said about water or about a water supply, or about the need of a supply of power to pump water; not one word is said about flood control or irrigation. The Board of Public Service Commissioners of Los Angeles were interested only in a power supply—a supply of power to be sold and distributed in the city of Los Angeles, and not a power supply to be used for pumping water from the Colorado River.

It is obvious also that the board of public service commissioners were fully aware that the Reclamation Service would be a most helpful agency in the matter of this power project. A power project planned and initiated by the Reclamation Service held forth promise of Federal aid in its development. The Reclamation Service might hold the key to the United States Treasury. The Reclamation Service was paid eventually $140,000 by Los Angeles and affiliated agencies for the investigation of this Boulder Dam power project, and the Reclamation Service made good on its contract. They were hired to do just what they did: To produce not a flood control, not an irrigation dam but a power dam, and they produced the plans for that dam which is the one proposed to be authorized in the Boulder Dam bill.

Keeping in mind, then, that the Reclamation Service was hired in 1922 by the power bureau of Los Angeles to produce a power project at Boulder Canyon, note that two years later, February, 1924, the Weymouth report for the Boulder Dam power project was submitted to Congress.

The proposal for Boulder Dam was, of course, submitted as a plan of the Reclamation Service. But it was in reality a plan of the bureau of power and light of Los Angeles because it had been produced at their behest and with their money.

This resolution and these payments of $140,000 to the Bureau of Reclamation explain many things: They explain why a power project was advocated by the Reclamation Service instead of a flood-control project. Here also is the explanation of the fact that this plan for Boulder Dam is a plan approved only by the engineers of the Reclamation Service. The Federal Power Commission and Geological Survey engineers would not approve it; on the contrary they disapproved it. The Secretary of the Interior did not approve it; on the contrary he warned Congress that it should be careful to investigate this proposal in all its details and to compare the needs involved with the plan proposed.

Finally, on March 24, 1924, Secretaries Weeks, Work, and Wallace, as members of the Federal Power Commission, wrote a letter with reference to this Boulder Dam proposal to Chairman SMITH of the House Irrigation Committee. In that letter these three Cabinet officers condemned and rejected the Boulder Dam proposal. They pointed out that it was not an irrigation or flood-control project but a power project, which would involve an expenditure of $200,000,000; that the project could be justified on no other ground than as a power project to be undertaken and developed by the Federal Government; that it was wholly unnecessary for the Federal Government to enter on such an undertaking in order to achieve the objects in which it was interested; that even as to power development this dam was uneconomic and unwise and would militate against the future development of the Colorado River in the best way; that the adoption by the Congress of any such proposal would be an entire departure from former national policy with respect to business enterprise and power development, involving the gravest consequences to the established principles of the Federal Government in dealing with such problems. Finally they pointed out that the proposal should not be considered before there was a compact between the seven States of the Colorado River Basin and a treaty with Mexico. With reference to the Mexican situation they pointed out that the construction of any such huge storage reservoir and its use for power purposes would mean the creation of adverse rights in Mexican landowners contrary to the interests of citizens of the United States and dangerous to the future development of the Southwest. In short, these three Cabinet officers in their letter of March 24, 1924, written one month after the Weymouth report was sub-

mitted to Congress, raised the objections to its fundamental soundness which can not be answered, have never been answered, and will not be answered.

That letter should have ended the matter. Its facts were unanswerable. It was apparent that the project was hopelessly unsound and dangerous from every standpoint. But again Mr. Hearst enters the picture, and we have the same old proposal with us to-day—just the same dangerous, unsound, dishonest, fraudulent scheme, but in the four years since it was exposed by the three Cabinet officers in 1924 Mr. Hearst has been at work, and with the tools of propaganda, misinformation, deliberate misstatements of facts, trickery, deceit, intimidation, and the like which he employs under the guise of publishing newspapers, Mr. Hearst has succeeded in getting the unsoundness of this bill so covered up with false issues that it is rumored many Members of Congress are to-day pledged to vote for it.

With the exposure of their project by these officials it was of course apparent to the Los Angeles politicians controlling the bureau of power and light and their ally, Mr. Hearst, that if the Congress of the United States was to be induced to expend the funds of the national taxpayer in producing a power supply for Los Angeles the scheme would have to be put over by trickery and misrepresentation. It was hopeless to proceed by a direct appeal for a local power project to be financed by the United States.

A new plan of attack was then laid. The plan was that all talk of Boulder Dam as a power development should be quieted. Power must be made to appear as a by-product. A by-product of what? Why, a by-product, of course, of an expenditure for a solution of a national problem of flood control. The thing that had to be played up if the Congress was to be interested was flood control for Imperial Valley. The Hearst papers were to begin a campaign to stamp the Boulder Dam project in the public mind throughout the United States as a great flood-control and irrigation project. That campaign was begun immediately, and it has run with increasing intensity during the past four years.

Something else was also necessary. The entire population of southern California had to be aroused to a fervor of enthusiasm for the Boulder Dam project. California is a political power. If the populace in southern California could be aroused, then through the agency of entertaining and persuading Members of Congress and their other hundreds of thousand visitors annually of the great merits of the Boulder Dam project an air of authority for the misstatements with reference to the project could be given which could not be supplied by the Hearst press.

The populace of southern California could not be aroused by a plea for a huge power supply for the Los Angeles Bureau of Power and Light. But the populace could be aroused over another thing—and that was a water supply. The thing to do, obviously, therefore, was to connect Boulder Dam with a water supply.

The next thing we find, therefore, is that a shortage of water is discovered in southern California. By whom was the discovery made? Why, by the Board of Public Service Commissioners of Los Angeles and by the Hearst papers in Los Angeles. The cry went out, "We are in danger of a water shortage. Los Angeles and southern California must soon stop their growth unless we get more water. We can only get it from the Colorado River. We can only get it from the Colorado River by the construction by the Federal Government of a high dam in Boulder Canyon." The campaign to mislead the people of southern California was then well under way on a basis which would appeal.

At this point I want to refer to another resolution of the department of public service of the city of Los Angeles passed on May 14, 1923. By that resolution the board of public service commissioners urged and recommended to the city council of Los Angeles the submission to the voters of the city a bond issue of $35,000,000—

for the acquisition, construction, and completion by the city of Los Angeles * * * of works for supplying—

The city—

with electric energy, * * * including works for the development of electric energy from the water of the Colorado River at or in the vicinity of Boulder Canyon.

Coincidently with the passage of this resolution the board of public service commissioners wrote to the city council of Los Angeles a letter dated May 14, 1923, with reference to this bond issue, and in this letter the board said:

Through its aqueduct system the city is provided with a water supply sufficient for 2,500,000 people. The city's available power supply should be equal to its water supply. This would call for the ultimate development of 1,000,000 horsepower of electric energy.

If Los Angeles is to continue to develop as a great industrial center, it is vitally necessary that the city be enabled, through provision of a power supply sufficient for its future needs, to maintain its present low electric rates, which have in a large measure made possible the city's amazing industrial growth.

The bond issue failed of approval. Los Angeles voters could not be deluded to the extent required simply on the plea for more power. Congress had to be appealed to. But the outstanding fact here is that on May 14, 1923, the city of Los Angeles was not interested in an additional water supply. They had a sufficient supply for 2,500,000 people. They have to-day, in 1928, not to exceed one-half that population. But what the political gang in control wanted was a power supply for their municipal bureau, and they wanted it from Boulder Canyon Dam on the Colorado River, because the United States would then finance it.

Could any proof be more convincing, more positive than this declaration of the very crowd who are to-day behind this bill, that the interest which they have in it is as a power project, and that the talk about a water scarcity in Los Angeles is a fraudulent representation to induce the people of southern California to assist in their scheme?

Take this statement they made in 1923 with reference to their plentiful water supply and compare it with the facts and we find they were telling the truth, at least as to their water supply. In 1924 the consumption of water in Los Angeles was 287 second-feet. The last year, 1927, the consumption was 295 second-feet. They have an available supply already developed totaling 539 second-feet, or, on the basis of their present rate of increased consumption, a supply that will last at least another 50 years, allowing even then for unexpected droughts and unexpected growth in population.

So the representation as to a water shortage or as to the necessity of going to the Colorado River for water is shown to be simply another absolute and positive misrepresentation of fact, put over on the people of southern California in order to carry out a power scheme. It is part and parcel of the same plan of misrepresentation which includes the story that Boulder Dam is a flood-control dam for the protection of Imperial Valley.

How are we going to characterize this sort of misrepresentation? It can not be excused on the ground of lack of knowledge. Those public officials, lobbyists, editors, who are chiefly responsible for misleading the public and the Congress, know the facts. They know full well exactly what they are after. They know full well the true purpose of this legislation. They know it is not to provide for flood control in the Imperial Valley; they know it is not to provide for additional irrigation in an area where there is already so much irrigation that the agricultural population are in distress; they know that it is not needed for domestic water for any city in California; they know that they will not take water from the Colorado River within 50 years. All of these facts they know because they are so plain, so indisputable, that they can not be refuted. They have not even seriously attempted to refute them.

Let us pause for a moment in order that we may hear from the people of Imperial Valley. Under date of February 5, 1927, the vegetable growers of Imperial Valley wrote me, in part, as follows:

The only people who would benefit from this legislation are the real-estate speculators. There is no sense in bringing more land into cultivation when 90 per cent of the farmers in the Imperial Valley can not now make a reasonable earning on their investment. Any new land brought into bearing can only be used for producing such products as we now produce on the land under cultivation and on which we are unable to make any money.

And there is still another of their basic representations which they must know is not true, and that is that this project can be paid for through the sale of electric power. They must know that this project can not be built for $125,000,000 and probably not for twice that. They know that the Federal Government will lose every cent of capital it puts into this project and that the electric power will be sold, if sold at all, at a price which means a constantly increasing deficit. In other words, they know that if the Los Angeles bureau of power and light gets any of this power it will get it at the expense of Federal taxpayers.

In view of those facts and of that knowledge, I am forced to call this proposal exactly what it is—an attempt at a deliberate steal from the Treasury of the United States for the benefit of a political group in southern California, for the benefit of the real-estate speculator in southern California, for the benefit of those newspapers owned by William Randolph Hearst, who thus extend their influence and grip on the communities which they mislead and misinform and thus control.

I come now to the final chapter in this campaign of misrepresentation, in this sordid scheme to "put one over" on the Congress of the United States. This final chapter may be designated as the Power Trust chapter.

Mr. Hearst has long known and practiced that method of influencing the public mind by which a proposal or a candidate which he sponsors is made the victim of some plot or scheme by an unpopular individual or organization of individuals.

Having been partially successful in creating the false notion that Boulder Dam was needed for flood control of the Imperial Valley, for irrigation, and domestic water, the next thing to do was to find some insidious and powerful opposition to this project. Then by playing up the bad and dangerous character of the opposition, favor could be curried for the project by attacking the character of the opposition. Incidentally the mouths of legislators and others who knew the facts could be closed through fear that by telling the facts they would be linked with the evil opponents.

For this rôle in his plot Mr. Hearst chose a fictitious character called a power trust. The electric industry throughout the United States was known to be opposed to the project because it threatened the invasion of their field of industry by the Government with the largest hydroelectric power project in history. This was made to order for Mr. Hearst. Nothing could have better served his purpose than to have the power industry object to the proposal.

Early in this session of Congress the United States Senate passed a resolution which had as its original object the investigation of holding companies and methods of financing holding companies in the electric industry. Before it was passed there was tacked onto it a resolution which had been before the Senate on previous occasions for the investigation of the activities of the power industry in opposition to public ownership in their field and activities endeavoring to influence legislation.

This latter part of the investigating resolution was meat for Mr. Hearst. The investigation was sent to the Federal Trade Commission. Curiously enough, the investigation of these activities of the various power companies coincided with the discussion of the Boulder Dam bill in this Congress. Mr. Hearst detailed some of his highest-paid men to cover the investigation and its reporting. These men, with their stenographers, set up their office in the offices of the Federal Trade Commission. They are assisted by some of the lobbyists for Boulder Dam. As fast as they obtain letters, documents of any kind when they are introduced in evidence, they are examined by the Hearst men, turned over to their stenographers for copying, to their photographers for photographing, and, regardless of their content, when they appear in the Hearst press throughout the country they are by innuendo, by false statements, by absolute misinterpretations, made to appear to be sinister and wicked.

And how is the evidence treated? Why, it is treated as evidence of a power-trust opposition to Boulder Dam. The Power Trust, says Mr. Hearst and his employees, are endeavoring to drown 65,000 people in the Imperial Valley. The Power Trust is corrupting public officials, fomenting strife between the States, corrupting the school children and the colleges. I quote statements appearing in an editorial in the Washington Times May 18:

> This lobby, it has been shown, was endowed with a slush fund of $400,000. Beyond that was a dough bag with no bottom. It has corrupted public educators. It has sought to despoil the public-school system. It has flaunted the authority of the National Government. It has kept tabs upon you as though you were a handful of mannikins. * * *
>
> It has poisoned the information which the public receives through supposedly impartial newspapers.

That last touch, incidentally, is particularly good. Imagine it! William Randolph Hearst charges that some one else is poisoning the information which the public receives through the newspapers. William Randolph Hearst, who tried to foment a war between this country and Mexico within the last year by willfully publishing forged documents, the authenticity of which he did not even care to investigate. William Randolph Hearst, who has almost a monopoly in the United States on the job of poisoning the public mind, says that the Power Trust is encroaching on his personal territory.

Now, what have Mr. Hearst and the Federal Trade Commission discovered—what is the sum total of the marvelous revelations which are filling the columns of the Hearst papers to-day in an endeavor to help the cause of Boulder Dam? Why, they have discovered that the electric industry is opposed to the Government's entrance into the electric business. They have discovered that through various organizations within the electric industry, through channels of publicity, through public speakers, through such contacts as the various electric companies can establish, they have opposed Government ownership. And in this connection they have opposed Boulder Dam. What is there here that is news? Is it news to the Congress of the United States that private industry generally, whether it be in the manufacturing business, the farming business, the automobile business, the moving-picture business, or any other business, including newspaper publishing, are opposed to Government ownership and use such means as are available to them to combat it?

Mark you, Mr. Hearst does not even attempt to show that the statements made by the representatives of the power industry are not true. That is not the point. The high crime they have committed, according to Mr. Hearst, is that they have dared to tell the truth about public ownership. They have dared to oppose it. They have dared to endeavor to protect their industry against the unfair competition of the Federal and State Governments. And by so doing they have opposed a thing Mr. Hearst wants. Poisoning the public mind, according to Mr. Hearst, therefore, is to attempt to combat the propaganda of Mr. Hearst—to attempt to meet misrepresentation and misinformation by letting the truth be known.

The existence of a power trust, of a combination which even resembles a trust in the electric industry, has not been shown, and thus far no attempt has been made to prove its existence. The report of the Federal Trade Commission made a year ago, after a lengthy investigation into the question of the existence of a power trust, in fact definitely found that there was no such thing in existence. But that is a small matter to Mr. Hearst. Facts do not bother Mr. Hearst when he needs a name.

To carry out his fight in behalf of the steal called Boulder Dam he must have a power trust, a terrible, sinister figure stalking throughout the land, trying to drown the people in Imperial Valley, poisoning the public mind, despoiling the public-school system, and so in his own inimitable way he creates one. Facts, I say, do not bother Mr. Hearst. Where they do not exist he creates a satisfactory substitute.

Now, if Mr. Hearst were really interested in getting news out of the Federal Trade Commission instead of using that investigation as a machine for creating his own myths, he might have found something of interest to the public in those hearings. Mr. DOUGLAS of Arizona appeared before the commission and gave written and indisputable evidence of the lobbying activities of the political groups behind Boulder Dam. He submitted the evidence showing tens of thousands of dollars spent in entertaining Congressmen, a hundred and forty thousand dollars given to the Reclamation Service to create this Boulder Dam project. He gave evidence which showed the existence of a real lobby, a direct-action lobby which expends its money upon Congressmen and does it avowedly for the purpose of influencing Congressmen to help the Los Angeles Power and Light Bureau get a power supply. Mr. DOUGLAS presented the resolutions of the board of public service commissioners appropriating thousands of dollars annually avowedly for the purpose of lobbying—and appropriating it from their power-revenue fund. Mr. DOUGLAS, I say, presented some evidence which did not need interpretation, crooked interpretation, to make it news. And what does Mr. Hearst and his newspapers say about that? Not one word; not a syllable; not a mention. That was not part of Mr. Hearst's program. That would not have assisted in foisting this crooked scheme called Boulder Dam upon the Congress of the United States.

I said in the beginning of this address that this bill is rotten to the core; that it is not supported by facts, but by astounding misstatements of fact. The facts have been presented time and again. I have presented them in two minority reports; Senator HAYDEN, Congressmen WHITTINGTON and DOUGLAS have presented them; Senator SMOOT has recently presented them in most able fashion in a two-day speech in the Senate of the United States. There has been no refutation; indeed, no attempt at refutation, of the facts.

The facts which have thus been brought out repeatedly and for which the indisputable evidence is available to all Members of Congress in printed minority reports and speeches are: That this is not a flood-control project but a project which delays and may prevent flood control; that it has not a chance of repaying to the Government its investment; that it is not needed for irrigation; that it is not needed for domestic water; that there is no economic demand for it from a power standpoint; that it is based on unsound engineering of the most questionable character; that it is opposed by the country's ablest engineers; that it threatens years of litigation and threatens the despoiling of the Colorado River. Those are some of the facts which are established. Proponents have been challenged to disprove them, to refute them, and they have evaded the issue.

If those are the facts—and anyone who has studied the proposition in even a hasty way, if it is approached with an impartial mind, will instantly recognize that they are the facts—why is this thing before us? It is before us for the reasons that I have herein pointed out. Arguments on facts have been met by vituperation and slander of opponents. To every factual statement, to every indisputable proposition, proponents have but one answer. And what is the answer? Simply and solely the answer furnished by Mr. Hearst: "Power Trust." Tell them this is not a flood-control proposition. They do not attempt to show it is. They simply answer "Power Trust."

Tell them it is unsound and will cost $250,000,000 out of the Federal Treasury. They do not answer the argument or attempt to demonstrate how it can be built or paid for. They simply answer "Power Trust." Tell them that Los Angeles has a sufficient power supply at one of the cheapest rates in the United States, that it could not use the Colorado River water, and would not go after it if they could get it, and they answer "Power Trust."

What is there about this situation which prevents us from being frank? I have endeavored to present it, in a somewhat hasty fashion, it is true, but, nevertheless, to present in its broader outlines the true story of one of the most scandalous schemes with which the Congress of the United States has ever been confronted in its history. A small political group, small but powerful and with widespread influence, has concocted a scheme to raid the Treasury of the United States with a plan which is so bold, so audacious, so absurd that in its very weakness there is strength because it is difficult to believe that anything so lacking in merit would be seriously presented.

But the Hearst press has espoused the cause, and the Hearst press has given it such chance as it has of passage through this body. I have little fear that this bill will become a law at this session of Congress. I have no fear that Boulder Dam will ever be built if this law is passed. It is simply so much of an engineering fraud and physical impossibility that it is inconceivable it would ever be attempted. If attempted, it would not be built within 20 years, or at a cost to the taxpayers of less than $250,000,000.

But I am most reluctant to see the House of Representatives of the United States misled. I am most reluctant to see this body stamped with the Hearst insignia.

Fifteen years ago William Randolph Hearst forced another scheme through Congress. At that time he passed, through the same methods he is now attempting, the Hetch Hetchy bill. He passed it under the plea that San Francisco needed water and would have to have it immediately to avoid famine and disaster. There were men in Congress then, as now, who knew the facts.

But Hearst put that one over. Fifteen years have passed, and every criticism of the Hetch Hetchy project made at the time has been proven to be true. The same misrepresentations were made as to the San Francisco need for water that are now told as to the need of Los Angeles. The facts developed during the 15 years have shown that they were untruths. San Francisco has not yet used Hetch Hetchy water and yet has no need for it. The cost of $45,000,000 then estimated has been expanded to three times that estimate.

Within the last year William Randolph Hearst perpetrated another gross fraud upon the American people and the Congress of the United States by publishing in his newspapers the plainest and most malicious kind of forged documents in an attempt to embroil this country in a war with Mexico. He libeled Senators of the United States with his forgeries. He admitted that he had published these gross forgeries without any attempt at their authentication. He flaunted his boldness with an air of defiance before the Senate committee, which should have forever discredited him. At what point have we arrived when a man of the caliber of William Randolph Hearst can deliberately drag a man's name in the mire of his press on one day and the next day find the same man patting him on the back and fawning upon him for his support?

I said at the outset that I extended my sympathy to those Members of Congress, if any there are, who have pledged their vote to this bill without knowing the facts. I am sincere in that statement, because those who may be in that position are now confronted with the choice of repudiating their pledge or becoming the victims of a bunko game of the rankest sort. They are confronted with the choice of attempting to defend their vote for this raid upon the Treasury with the facts fully available to them. They are confronted with the necessity of voting against this bill on the ground that it is an impossible and dishonest scheme, as everyone will know who can read, or of voting for it and defending their vote on the ground that Mr. Hearst said the Power Trust was against it, and they were therefore afraid of being branded as voting with this monster created out of the imagination of Mr. Hearst and his hirelings.

What other defense can be made if we do not live in California or Nevada? Of course, if you live in either of these two States you can say that at least we induced Congress to spend hundreds of millions of dollars in our territory. But we who represent other States have no excuse. We may say we wanted to protect the Imperial Valley from floods, and we will be met with the fact that we have afforded Imperial Valley no protection—we voted for an impossible engineering structure which can not be built in 15 years, can only be started after years of litigation between the States and the United States, and then in fact will never be built. We turned down an opportunity to afford prompt flood protection to Imperial Valley at a cost of from $7,000,000 to $15,000,000 and voted instead for an enormous power structure which, if ever attempted, will be a failure after the expenditure of many times $15,000,000.

We may say we wanted to provide domestic water for Los Angeles and we will be met with the fact that Los Angeles does not need and will not take domestic water from the Colorado River, and if it ever does take it within 50 years, its taking is in no manner dependent on the construction of Boulder Dam.

We may say we wanted to get started on the development of the Colorado River and to get rid of the problem; and we will be met with the fact that the plan of development voted for mars the Colorado River forever, and forever prevents its wise, orderly, and economic development.

We may say we wanted to prevent further extension of irrigation in Mexico, but we will be met with the fact that the dam voted for will result in the extension of Mexican irrigation at the expense of the American taxpayer through the use of American water as could be done under no other plan. We will have provided for a dam which, if it is to be operated at all, will result in the loss of 5,000,000 acre-feet of water to Mexico at the expense of the States in the Colorado River Basin.

We may say that we wanted to provide for a plan of development which would be self-supporting and would not cost the taxpayers one cent, and we will be met with the fact that if we believe such a statement we have been deluded, because the facts now available, the undisputed facts, show that by no stretch of the imagination can one cent of the hundreds of millions to be expended be returned to the United States Treasury.

And finally, Members of the Congress, we will be reduced to the one argument now advanced in behalf of this bill. That we voted for it because we were told by Mr. Hearst that it was opposed by a Power Trust.

We can not escape the issue. The issue is whether William Randolph Hearst and his string of newspapers runs the Congress of the United States. Are we to determine our votes on legislation without regard to the facts, merely because Mr. Hearst threatens us with libelous defamation, with contemptible falsehoods about our alliance with a fictitious organization? Are we going to admit to the people of the United States that whenever Mr. Hearst wants to put over a raid upon the Treasury of the United States, we will be obliged to vote for it if he threatens us hard enough, without regard to the cost to the people we are here to represent?

The issue, gentlemen, I repeat, is whether a political gang in southern California in alliance with William Randolph Hearst can lobby, propagandize, and bluff a rotten measure through this Congress because we have not the courage, the patriotism, the loyalty to our oaths to stand up and be counted against them.

I would rather vote to present to southern California $125,000,000 outright, build for them some power plants in an economic manner, pay for flood control on the Colorado River and save this great resource from despoliation, than I would to establish the principle that Hearst and the Hearst press run this country. The question is before us, and we can not escape it, because eventually the truth about this infamous scheme will be known and accepted. The truth here is too plain, too easy to ascertain, to be covered up even by the propaganda of the Hearst press. [Applause.]

With reference to the question of lobbying, I again repeat my views upon that question as found in my minority report:

> A favorite means of currying favor for this bill has been the time-honored if not honorable one of representing that it is opposed and hindered by a sinister and wicked lobby, which lobby lures and corrupts unsuspecting, weak, and helpless Congressmen. Lobbying charges have, indeed, been such a common means of meeting opposition to the bill that this argument, if it can be called such, occupies

a foremost place in the proponents' list of reasons why the bill should pass. It seems desirable, therefore, to bring the subject of lobbying into the open, to analyze and frankly examine it, in order to determine what bearing improper and misleading influence has had or may have on the proper understanding of this measure.

The lobby in behalf of this bill is and for years has been one of the largest and most active lobbies in Washington. I doubt if there is a Congressman who has not been buttonholed either in the Halls of Congress or at some social gathering by a Boulder Dam lobbyist. All kinds of lobbying have been used—social lobbying, direct personal-contact lobbying, propaganda lobbying, etc. Special favors, in the nature of trips to California and gifts of grapefruit and other California fruits to Congressmen and their friends, have been judiciously and inoffensively distributed. An association known as the Boulder Dam Association has for years raised and spent large sums of money for lobbying activities and propaganda for their bill. A score of lobbyists who represent and are paid by the Boulder Dam Association, the Los Angeles Bureau of Power and Light, the Imperial Valley Irrigation District, the Los Angeles City Council, the State of California, the State of Nevada, the city of Las Vegas, Nev., other municipalities of southern California, etc., are so constantly with us when Congress is in session that they seem almost to be an institution. They have been with us year after year for six years or more, sometimes appearing before committees and at other times earning their money and spending their time in interviewing Congressmen, interviewing newspaper men, taking polls of the House and Senate, manufacturing and circulating propaganda, devising ways and means by which this or that Congressman can be controlled or influenced by the folks at home, setting up "back fires" on these Congressmen with the folks at home, and exercising the other well-known devices of the skilled lobbyist. Thousands of dollars annually have been spent by these organizations of California and from donations of the public corporations, such as the Imperial Valley Irrigation District and the Los Angeles Bureau of Power and Light, the chambers of commerce, etc. From one source alone, namely, from the county treasuries of southern California, a fund of $50,000 is being or has been raised for lobbying in this single session of Congress. It is said that the county of Los Angeles alone is contributing $25,000 to this fund. In addition to this fund large sums have been appropriated by the city council of Los Angeles and other cities and by the other organizations above named. It seems conservative, therefore, to estimate that the total sum spent for lobbying activities during this single session of Congress will be $100,000 and that upward of half a million dollars have been spent for lobbying activities during the past several years.

The headquarters for this lobby have been in the public offices of its representatives in Congress. Last year a former officer of the American Farm Bureau Federation, who was the director of the activities of the lobbyists, set up his office in one of the rooms of the Senate Office Building, and there the California delegation in the House and their assistants, these lobbyists, were required to make their daily and weekly reports as to their progress in their attempts to win the support of individual Congressmen to this bill.

Nor has the work of this giant lobby been confined to Californians. The mayor of Chicago, with a special trainload of "Boulder Dam boosters," came to Washington last year at the height of the Boulder Dam debate in the United States Senate, in order that he might exert his powerful influence and intelligent leadership in behalf of this legislation. The publisher of a great string of newspapers personally came to Washington and called in some 20 of his employees and assistants from various sections of the country where his papers are published, in order that they might add their influence over Senators of the United States to the herculean efforts in behalf of this legislation. In the matter of propaganda, two great sections of the press have for years freely devoted their news and editorial columns to the dissemination of argument, fiction, and fact for the bill, and to slander and vituperation of its opponents.

During the past several years a large percentage of the Members of both the House and the Senate has been most hospitably entertained in California by the enterprising promoters of this project. This entertainment has not been confined to members of the committee considering the legislation, but has extended to members of other committees and to any other Members who were available for a trip to California. Any Government official, whether on official business or merely on a pleasure trip, is always assured not only of an enthusiastic reception in southern California, but incidentally of an opportunity to make his position with reference to the Boulder Dam publicly known, either at a public dinner in his honor or in the columns of the newspapers. Automobile trips to points of interest on the Colorado River and in the Imperial Valley are freely provided—always, of course, accompanied by one or more individuals able to point out the merits of the Boulder Dam project.

In view of the foregoing, which is only a brief summary of the lobbying activities in behalf of the bill, I have been awe-struck by the audacity of proponents who represent that the bill is being opposed by a lobby. It has seemed to me that on this subject their silence would indeed be golden—that the discussion of "lobbying" should be extremely distasteful to them.

And what of this other powerful, sinister, and flamboyant lobby which is said to be engaged here in seducing us, in forcing weak-willed and susceptible Congressmen to vote against this measure contrary to their better judgment? The treacherous, lecherous, treasonable malefactor lurking behind every tree on the highway trod by this fair maiden called the Boulder Dam bill is said to be a "power-trust" lobby. One gathers from the press reports and speeches of proponents of this bill that these monsters are practically preventing the enactment of the Nation's business; that no Congressman is safe from their plots and malign influence either inside or outside of his office. We are told that the real reason for the failure of the experiment in Government ownership at Muscle Shoals is this lobby, and that if it is not watched the people will be deprived of this great gift of Boulder Dam. I doubt if there has ever been so much written and spoken and so little seen or heard of any being as of these "power-trust" lobbyists, unless it be of the hobgoblins and "spooks" used by bad nurses to frighten refractory children.

This bad lobby must indeed be a secret organization which works in mysterious ways its wonders to perform. Although many searches and inquiries have been made for it, it has not yet been exposed to our view. The committee considering this bill made a search for it, and all we could find were these other lobbyists working for the bill. The only evidence I have seen of this "power trust" lobby were some rather stupid telegrams sent to Members last year from managers and officials of power companies advising us that they were opposed to the Government-ownership features of the bill. If that puerile effort represents the best this "power trust" can do, and so far as I know it was their magnus opus, they are getting magnificent credit which is not their due. If Congressmen are overwhelmed by a telegram, what has happened to them as a result of the work of this other crowd of really skilled workers?

Is it not about time that some one possessed of more courage than political sense should rise and say frankly and clearly that most of this talk about the malign influence of lobbies is "guff," and very cheap "guff"? It is an insult to the intelligence of anyone who has the slightest knowledge of conditions in and around the halls of Congress. It is buncombe and claptrap resorted to by those who do not dare to rest their case on its merits and by those seeking alibis for failure to secure legislation promised to their constituents. When a bill is weak on its merits, when it is advisable to protect it from close scrutiny, when it is necessary to attempt intimidation of opponents rather than to meet their arguments fairly, then the charge of opposition by a powerful lobby representing the "interests" may always be expected.

Members of Congress know and the public knows that the promoters of this bill, and of every other bill, are constantly lobbying in behalf of their proposal. They are entitled to do so and they are expected to do so. Legislators are only representatives of the people, whose duty it is to receive and listen to the facts and arguments presented by the people and to pass upon the merits of legislation after having heard these facts and arguments. Whether wisely or not, no provision has been made to protect legislators against the presentation of these arguments or to hedge them about with the restrictions of the judge on the bench or the jury in the box. We receive some information and much misinformation through written communications, through the press, through printed propaganda, both direct and indirect, through personal interviews and through the ex parte statements of both proponents and opponents of legislation. The evidence which we consider is not confined to that presented upon the floor of Congress or in the committee rooms. If it were there would, fortunately or unfortunately, be much less legislation.

I opine that there is no one who is so poorly informed as not to know that organizations such as the United States Chamber of Commerce, the American Farm Bureau Federation, the Federated Council of Churches, the American Federation of Labor, the Anti-Saloon League, the Association Opposed to Prohibition, the American Railway Association, the American Manufacturers' Association, trade associations representing almost every large industry, and a thousand other organizations maintain offices and salaried employees here in Washington. For the most part these organizations work openly and frankly for the special interests they represent, and they often are able to and do furnish much useful and expert information which is helpful to the Congress. They maintain their offices in Washington to deal not only with the Government bureaus, but with the legislative branch of the Government. They circulate literature which they deem helpful to their interests and they endeavor to create and to circulate propaganda which will assist them in presenting their viewpoint. None of these organizations or their lobbyists represents the public as a whole, but they endeavor to advance or protect the interests of that section of the public whom they are paid to represent, and in doing so they use such legitimate methods as they deem effective. This condition is but a reflection of the fact that in a complex society such as exists in this country groups will organize because of mutual interest, and having created organizations for the purpose of promoting their interests,

maintain representatives at the seat of the National Government who endeavor to promote and protect the interests of these groups.

There is another kind of lobby and another sort of lobbyist which endeavors to influence legislation by intimidation and threats. Organizations are maintained in Washington whose principal function it is to produce and circulate scurrilous and defamatory articles concerning legislators who oppose those measures which the employees of these organizations are paid to promote. The editorial and news columns of many newspapers and other publications favoring or opposing particular measures are freely used to praise, to ridicule, to threaten, and to defame those legislators whose views either agree or disagree, as the case may be, with the legislation which the owners of these particular publications deem it to their interest to oppose or to promote. These organizations maintain spies and writers who endeavor to devise ways and means of directly and indirectly threatening and intimidating legislators. Those who make most promiscuous use of these vicious and corrupting methods of influencing legislation rarely ever do it openly and frankly in the name of the special interest they in fact are endeavoring to promote, but usually in the name of the public, of the "peepul"; in short, in the name of the very person from whom they are endeavoring to extract favor or plunder—the taxpayer. This class of lobbyist does not rely upon fair argument nor choose to allow the legislator to arrive at his own conclusion, but endeavors to bludgeon him into accepting the ready-made program of the interest they represent.

If we are to investigate and consider the general question of lobbying, while we are endeavoring to determine the proper method of developing the Colorado River, I recommend that we give due consideration to this latter group of lobbyists. I also suggest that we consider this bill on its merits and separate from the representations of lobbyists for or against it, and that when we come to consider lobbying, we likewise endeavor to separate it from the spouting of the Boulder Dam orators.

Mr. COX. Will the gentleman yield?

Mr. LEATHERWOOD. I prefer not to yield. I have appeared here at considerable inconvenience on account of my health. If I was feeling as I usually do I would be glad to take on in debate all comers and answer all questions. [Applause.]

Mr. SMITH. Mr. Chairman, I yield 15 minutes to the gentleman from New Mexico [Mr. MORROW].

Mr. MORROW. Mr. Chairman, ladies and gentlemen of the Congress, after listening to the gentleman from Utah who has just spoken it would appear, my fellow Members, that this is a controversy entirely between the United States Government and the city of Los Angeles, Calif. I want to say to you that in the Colorado River we have a great national asset that belongs to no portion of the United States but is a Government proposition. That river was not made for the gentleman's State of Utah; it was not made for the State of California; it was not made for any portion of the United States; but was a creation by the great Maker of the universe who planted there in the Rocky Mountains the watershed to provide water which would take care of that arid region when the needs of the Nation required it to be utilized.

I want to say to you that there are seven great arid States in that western country that have an interest in the waters of that river.

It is a wonderful asset if harnessed and utilized for the benefit of the people of the western part of the United States. This country was not created entirely by individual effort, or for an individual to utilize and monopolize for selfish purposes. It is said that we are trespassing upon the rights of individual States. The great bulk of that land out there is still public land. That river, with a watershed of 244,000 square miles, rises in the peaks of the Rocky Mountain regions, where the snows and rainfall are gathered into the waters of the Colorado River. That water is a common heritage for those seven arid States, to be utilized by them. It is said that there is no need of this at this time. With the population of the country increasing yearly, the time is coming when every acre of that arid land which can be utilized to raise a food crop for the people of the United States will be needed and will be utilized for that purpose.

What does this river do? As I say, it rises in the high peaks of the Rocky Mountains and flows a distance of 1,750 miles to the Gulf of California. Hydrographic engineering shows that the water flow per year is something like 17,000,000 acre-feet. Is it being utilized to-day? It is being utilized in southern California, in the Imperial Valley, where 400,000 acres of land are under cultivation, and in Mexico, where 230,000 acres have been put under cultivation practically since this controversy about water started, thus diverting from the seven States their future water supply in order that those lands in Mexico may be reclaimed by speculators. This is being done by speculators living in the State of California. Mexico is now claiming, by the use made by the American speculator, a certain amount of water, so that they can utilize Mexican labor to grow the same crops in competition with the people of the United States. Why do we want these waters impounded? Why do we want these waters in a compact for the benefit of these seven arid States? The State of Arizona lies at the mouth of that stream. It is the only State that practically now holds out from the seven-State compact.

That State says that the water comes down by gravity and that they are bound to get a supply of water and that if they do not get everything they want by the terms of legislation, they will not join in the compact whereby the water can be apportioned equitably among all of the seven States. We want a compact in order that the seven arid States may have their equitable division of the water, to be used for the settlement and development of the various States. In my own State of New Mexico we have more than a million acres of land that can be reclaimed, in a climate where the conditions are favorable for the production of crops much better than in some other parts of the United States. We have a small population, it is true, but the future indications are that in this arid section of the United States we will have, by the protection of our water, in the course of time a large population. We have every mineral for utility that is to be found in any part of the United States. New Mexico has a greater coal area than nearly all of the eastern portion of the United States, including Pennsylvania and West Virginia, and to that area you could add three or four other States; all this fuel to be used in time. One-fourth of the entire coal deposits in the United States are included within three or four States in the West. We have iron ore in abundance.

We have power propositions that will mean immense power when developed. They tell you that this is a power proposition. No doubt it is one of the greatest power propositions in the United States, but it does not belong to any individual set of people, nor should it be controlled by any corporation unless protection is provided to the people who are going to use the power supplied in that region. The power should be used beneficially and a higher rate should not be charged than that which will make a fair return on the investment. Provision should be made in this bill so that the people of California and the other States will be protected. It may appear to you that this is a controversy between two States, the State of Arizona and the State of California. There are seven States out there that need the compact. They met in Santa Fe, N. Mex., in 1922 to form a compact whereby they divided the waters of that great stream, apportioning 8,500,000 acre-feet to the lower basin, composed of Arizona, California, and Nevada, and 7,500,000 acre-feet to the upper basin, Colorado, Wyoming, New Mexico, and Utah. That division was equitable, and if that compact had been stood by up to the present time we could have gone ahead with the Boulder Dam.

Only two factors can enter into the argument of this question. Is it a sound, economic proposition, can it be constructed there and be a permanent proposition from the geological formation, and will the Government of the United States get a return of the investment it puts into it? The present Government officials who have charge of the matter say that they have made an investigation through engineers who are competent and reliable, whose reputation is above reproach, and whose engineering ability has been utilized in other propositions. In order to impound the waters and protect the people of the Imperial Valley and preserve by compact the waters for the seven States, it is proposed that the Government shall spend $125,000,000 by the enactment of this legislation and construct a great dam at Boulder Canyon or at Black Canyon at an expense of $41,000,000, and there impound 26,000,000 acre-feet of water. All of this money is to be repaid to the Government of the United States within a period of 50 years at 4 per cent. If the proposition is sound economically, why should not the Government construct the dam?

The Government does not say that the power companies can not purchase from the Government electric power. It provides that the Secretary of the Interior shall sell the power at the switchboard. It does not direct that companies shall buy nor prohibit the companies from buying that power, but permits others as well to buy the power. The fact of the matter is that at the switchboard the Government should hold a protecting hand, or through a commission, which will for all time protect the citizens of the Pacific coast and the people of the States concerned which may utilize that power.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MORROW. Yes.

Mr. MOORE of Virginia. Do I understand the gentleman to argue that the main reason and justification for the project is

found in the necessity for protecting life and property? Is that the fundamental ground for the project?

Mr. MORROW. That is one of the grounds. There are several grounds showing the necessity of it. One is a compact to protect that water. That water is going into Mexico, and is being accumulated and utilized in Mexico beyond the bounds of the United States, until to-day they have something like 250,000 acres of land under irrigation.

They are taking the water that my State needs. They are taking the water that the State of California needs. They are taking the water that the State of Wyoming needs, and that the State of Utah needs. That water is going beyond the United States.

That is one reason. Another reason is stated in the gentleman's question: The people in the Imperial Valley are at the mercy of that great river. It is true there may not be loss of life to any great extent should the Colorado River break its bounds and flow back into the Imperial Valley as it did in the year 1905, but it can destroy the property of those people and the destruction of property means frequently the destruction of life; it means the devastation of that which they have accumulated for 50 years. They have invested $150,000,000. There are 65,000 people living there, and the water may break over in the future, as it has done in the past. The Colorado River, it is said, carries down more silt each year than was excavated in the entire construction of the Panama Canal. That silt has filled up the Gulf of California 144 miles from where it was at one time. The Imperial Valley that exists to-day from 50 to 250 feet below the river, has been cut off and dried up; it was once part of the Gulf of California.

It has been established by the opinion and testimony of reliable engineers who have examined the Colorado River that should storage dams not be built that the river will in a few years destroy the very communities that it is now watering.

The two important sites to be considered are the Boulder Canyon and Black Canyon sites. The building of a dam to the height of 550 feet at either site, where bedrock can be reached and foundations are known to be entirely suitable for a dam constructed to this height, will afford complete flood protection and secure river regulation, with sufficient capacity to take care of silt deposits, it is said, for a period of 300 years.

The building of a low dam would mean that in a short time the same would be filled up by silt deposits and would fail entirely as a storage reservoir from which a steady supply of storage water for needs of reclamation could be had. There would be no method with a low dam whereby the repayment of the cost of the building of the dam could be guaranteed, because there would be nothing to return payment for the investment; this return can be provided by the building of a high dam for the development of hydroelectric power to the extent of 600,000 to 800,000 of continuous horsepower of electricity. All of the horsepower, under the terms of section 4 of the pending bill, shall be disposed of before work shall be begun or any moneys expended upon or in connection with the works or structures provided for in the act. This would guarantee the return of the Government investment before anything could be done under the terms of the bill.

It is further provided, under "b," of section 4, that—

> before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

Apparently from the provisions inserted in the bill proper action and supervision will be taken. This is the opinion of Dr. Elwood Mead, Commissioner of Reclamation, who states:

> In conformity with the safeguards in the bill, no Government department would dare to undertake such a work, involving a dam of considerably greater height than heretofore constructed, without investigation and approval by competent authority. If the high dam at Boulder or Black Canyon is authorized by Congress such dam will not be erected until after the fullest investigations have been made as to the sufficiency of the structure and also of the sufficiency of the geologic structure at the dam site.

Mr. Mead adds—

> I am confident that Arthur P. Davis, F. E. Weymouth, and the engineers working under them in the Bureau of Reclamation have investigated fully and that the engineering data which they have collected is a safe basis for action by Congress. They have built the outstanding dams of the world.

The silt problem of the Colorado is a reason for building the high dam with large storage capacity. We know the river carries a large amount of silt. The aggregate amount of silt carried in suspension in the lower reaches of the river is about 100,000 acre-feet per year. To this there is to be added the silt which is entrained by the waters of the river along its bed.

In connection with the building of the high dam there should be built also a power dam whereby power could be developed and disposed of at the switchboard, and return made to the Government for moneys expended by the Government together with interest thereon at 4 per cent, within a period as provided in the bill of not more than 50 years.

The all-American canal should be constructed within the United States to protect the people of the Imperial Valley in their water supply for irrigation and domestic use, and to free them from the vassalage of another nation, Mexico, through which country the route of the waters of the Colorado River, that are required for irrigation and domestic supply in the Imperial Valley at the present time, is taken. This canal traverses 60 miles in Mexico before entering the United States.

By the terms of the concession permitting this water to be taken through Mexican territory into the United States the Mexican lands are pledged one-half of all water flowing through this canal. Applications are pending for the irrigation of 200,000 additional Mexican acres at this time. Each Mexican acre supplied with water means an acre taken from the development of the seven arid States.

The building of a high storage dam would store the water of the entire river for a period of one year and a half; after this is accomplished it would be easy to compel Mexico to make the proper treaty concerning the distribution of the water to which Mexico is entitled.

Secretary Hoover says that the building of the dam at Boulder Canyon would in his opinion store water and create power for practical utility equal in value to that of the average State. That this project is so vast and the cost so great that it becomes a national affair. It being an interstate matter it must necessarily be carried forward through legislation enacted by Congress and placed under control of the proper department of the Government.

Four Presidents have referred to the necessity for flood protection on the Colorado River. Theodore Roosevelt was the first President to address a message to Congress requesting the necessity for remedial legislation, in 1907. He referred to the flood of 1905 and showed the danger then of overflow into the valley and requested that something be done to permanently maintain a natural bed, stating that unless this was done that in time all land along the Colorado River would be deprived of the necessary supply of water for gravity canals. James A. Garfield was appointed by President Roosevelt as commissioner and was sent by the Secretary of the Interior to the Colorado Basin with three other commissioners, as a fact-finding commission. Their report was that the Colorado River should be dealt with as a national problem; that the entire watershed is a unit and the use of any particular place in the course of the river for development, irrigation, or power, should be constructed in connection with the entire river. That the development physically could not be limited by State or international lines. That the United States alone had the power to safeguard the interest and the right of all those who would be affected by such development. That the only political agency that could deal with and settle the international question arising with Mexico would be the United States Government.

In 1912 President Taft recommended to Congress an appropriation for flood protection on the Colorado River.

President Harding at the time of his death had prepared an address which he planned to deliver at San Diego, in which he referred to the impounding of the waters of the Colorado River as follows:

> I should indeed be proud if during my administration I could participate in the inauguration of this great project (a dam and reservoir at Boulder Canyon) by affixing my signature to the proper legislation by Congress through which it might be launched.

On October 7, 1924, President Coolidge stated in a message to parties interested:

> Flood control and the provision of an immense water storage seem to me to dominate all others and point logically to the Federal Government as the agency to undertake the construction of a great dam at Boulder Canyon or some other suitable locality. I should indeed look with great pride on the consummation of this, one of our great national improvements, during my administration.

In his message to Congress on December 7, 1926, President Coolidge asserted:

In previous messages I have referred to the national importance of the proper development of our water sources. The great project of extension on the Mississippi system, the protection and development of the lower Colorado River, are before Congress and I have previously commented upon them. I favor the necessary legislation to expedite these projects.

A report on the investigation by the engineers was submitted to Congress by the Secretary of the Interior in February, 1922. In this report the department explained the necessity for control of floods and the development of the Colorado River as a national problem and referred to the stream and its tributaries as being interstate and the stream as being a navigable river. That waters impounded could be utilized to irrigate public lands now desert in character; that the problem was one of such magnitude as to require national solution.

I desire to quote herein Owen D. Young in the matter of Government operation of water power propositions:

*There is a class of water powers which * * * must be separately considered. * * * Where vast rivers either on international boundaries or within the United States require development for several purposes, such as navigation, irrigation, and flood control, as well as for power, there arises a new kind of question which is wholly unrelated to the old controversy of Government versus private ownership. The discussion of this question has been clouded by the old animosities. The private-ownership people feel that if the Government has anything to do with the development of power in these composite situations, it will be merely the starting point from which the advocates of public ownership will advance their operations. On the other hand, the public-ownership people feel that the privately owned companies which seek to throw dams in these great rivers, and incidentally perforce take over the effective navigation, irrigation, and flood control, are so intrenching themselves in purely public operations as not only to make all thought of public ownership impossible, but to create instruments of oppression rather than of service.*

The great opposition to the carrying forward of this proposition comes not from the people who will be served with the water and with the power generated, but from the existence of the opposition of the Power Trust, which does not want this great project developed under Government supervision; if developed, that it be under their supervision and dictation. This is very apparent from the documents and evidence that have been brought out in the hearing exposed by the Federal Trade Commission investigation. It is clear that men occupying positions in some of the States to be benefited by this development are in the pay and control of the Power Trust. Sufficient evidence has certainly been presented to the American public and to Congress to show the opposition to the construction of the dam and the carrying forward of the Swing-Johnson bill. It is not my purpose to be personal or to mention any particular names of former State officials who are now directly in the employ of the Power Trust to prevent the passage of this legislation; they are now acting as lobbyists under the guise of State authority.

The State of Arizona feels that it alone can remain without the seven-State compact and protect her water rights for the future; if she feels she is in a better position to do so, because of her location; if she believes in a selfish way that by this means she will gain more in the years that go by, she should be left out of the compact, and the remaining States should seek a compact of the water rights for the future protection of the citizens of their respective Commonwealths.

Much of the opposition to the legislation is that it can not be accomplished economically. If this be true, then the Government in its reports, and through the information of those seeking and compiling data, must be grossly in error. Admitting that the Government is correct in its position, the only State that can and will absorb the power from the Government power proposition, and which will guarantee to repay the Government, is the State of California. Must we not then admit that the State of California makes a definite and binding agreement to take the power not otherwise disposed of at the switchboard, and agrees upon a fair and equitable division of the 8,500,000 acre-feet of water, with Arizona and Nevada receiving their share according to their needs and economic development. The bill should pass. The question of power should be under the control of the Government and disposed of at the switchboard at a figure that will insure within a definite period the repayment of the money advanced by the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. SWING. Mr. Chairman, I yield 15 minutes to the gentleman from Nevada [Mr. ARENTZ].

The CHAIRMAN. The gentleman from Nevada is recognized for 15 minutes.

Mr. ARENTZ. Mr. Chairman, it is with some reluctance that I speak at all on this bill. I have fairly lived with it for eight years. It was back in 1919 that as a delegate to the League of the Southwest I was appointed by the Governor of Nevada to join with others in the consideration of the development of the Colorado River.

In the discussion of this matter by our friend, the gentleman from Utah [Mr. LEATHERWOOD], we heard about the Hearst papers, about the Los Angeles lobby, about everything else in the world but about the construction of this great work itself. And I want to say in the beginning that I have absolutely nothing to do with such things as Los Angeles may have in its mind in the way of the development of the Colorado River. I know nothing about what its ambition may be relative to the development of a city of 2,500,000 or 5,000,000. I know nothing about the difficulties on the river. I know nothing about the lobby they have or about the money they may have advanced to the Federal Government for investigations on the Colorado River. But I do know something about the contents of this bill. I do know something about what is contemplated in this bill. And, my friends, if it were not for the fact that Arizona failed to sign the seven-State compact, as it was directed to do by the Arizona-Colorado River Commission in Santa Fe in 1923, Utah would still be in this six-State compact. The Governor of Utah has never said a solitary word in opposition to this bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. I am not going to yield to the gentleman from Arizona. He can have all the time he wants after I get through. This is a controversial question, to be sure. If my statements are incorrect, he can correct them on the floor after I get through.

The Governor of Utah, at Denver, Colo., said he was going to do everything he could to bring about the signing of the compact by the State of Arizona. He said he would do all he could to adjust the differences and when Arizona came into the friendly family of States Utah would be among those present.

What are the differences? The only difference that existed in Denver, Colo., last year—that is, the year 1927—was the difference in the amount of water that Arizona said she was entitled to. As nearly as I can determine, they decided it was 450,000 acre-feet of water, and, as I understand it, Arizona, Nevada, and California within the last six months have reached several points where their differences, so far as water was concerned, were eliminated. But all at once some other points came up.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield there?

Mr. ARENTZ. No; I can not, with all due respect to the gentleman from Arizona.

Mr. DOUGLAS of Arizona. Just to state the facts as to what the agreement was.

Mr. ARENTZ. I can not yield. I say that every time California, Arizona, and Nevada reached an agreement—and I repeat it—every time they reached bordering on an agreement something else came up to disturb the equilibrium of the conference, and Arizona wanted something else. They say they do not want the dam at Boulder Canyon. Why? Because they want Glen Canyon, Bridge Canyon, or Marble Canyon dam sites selected. Why? Because both wings of the dam would then rest on Arizona soil, the dam would be strictly a power dam, the silt problem would be unsolved, the head gates so far upstream from the point of diversion that control would be impossible not alone because of the distance but because of intervening streams flowing into the Colorado below the dam, presenting a flood menace.

Now, as to the opposition of Arizona with reference to the construction of Boulder Canyon Dam at Boulder Canyon. If this great development is perfected and consummated at Boulder Canyon, one arm of the dam will rest on the soil of Nevada and one arm on the soil of Arizona. But, mark you, the money necessary for the construction of this dam will be advanced by the Federal Government at the rate of about $9,000,000, $10,000,000, or $12,000,000 a year, and 4 per cent interest will be paid on this amount. Under what conditions will this be done? First, the Federal Government, through the Secretary of the Interior, must meet with municipalities, with counties, and with States, and then after that with individuals, to determine who want the contracts and will offer the best price for the power developed. If they agree to take 50,000, 75,000, 100,000, or 200,000 horsepower, what do they do? They enter into contracts with the Government relative to payments over a sufficient term of years to repay the Government, with 4 per cent interest, every penny expended in the construction of the

works enumerated in this bill. Such contracts must guarantee amortization payments with interest. The ability to pay must be unquestioned, and no work can be performed upon the dam or canal until the power developed and the water stored is contracted for at a price sufficient in amount to return all costs, with interest, over a period ranging from 25 to 50 years.

Now, as to the economics of the situation. The gentleman from Arizona is an expert in that line. He has many figures to offer showing that the "capital set-up" is wrong. I want to say to him that the first thing that enters his mind in any consideration of the Boulder Dam bill is the question of Government operation and that the dam should not be built at this particular place. Ask him where it should be located. He will say up in Arizona, 100 or 150 miles farther up on the Colorado River at Marble Canyon, Bridge Canyon, or Glen Canyon.

Mr. DOUGLAS of Arizona. Will the gentleman permit a statement of fact for the RECORD?

Mr. ARENTZ. No, if you please; the gentleman can have all the time he wants. If I make a misstatement, he can correct it in his own time. Every time you ask me a question, undoubtedly without meaning to, you are throwing me off my line of thought.

Mr. DOUGLAS of Arizona. No; I am trying to get a statement of fact in the RECORD.

Mr. ARENTZ. It seems to me, my friend, you are too much bound up in this thing and in your opposition to it, and you have been opposed to it ever since you cast your vote in the Arizona Legislature which prevented the signing of a compact; I understand you were the one who, by a single vote, prevented Arizona from going into the compact. Since that time you have done everything in your power to prevent action on this legislation, not because, forsooth, Hearst may be in favor of it, and not because Los Angeles has been in favor of it but simply because you are opposed to every feature of it; you want it your way or no way.

Now, my friends, as to the seven-State compact. The waters of this river flow through seven States, comprising an area of 244,000 square miles. The river is 1,750 miles long, heading away up in the mountains of Wyoming, in the Continental Divide in Colorado and in New Mexico, and flowing down into this one stream, forming the boundary of several States and flowing into Mexico. Two hundred thousand acres of land are already under cultivation in Mexico, and each year they try to put into cultivation tens of thousands of acres in addition to what they now have.

We know as well as we know anything in the world that when it comes to a settlement or agreement, a friendly agreement, with Mexico they will take every acre under cultivation and count that as a perfected water right, and it means that every acre under cultivation in Mexico will be taken away from the total acreage in the upper-basin States. I want to repeat, my friends, that if Arizona were in the compact to-day Utah would be in the compact, contrary to what our friend [Mr. LEATHERWOOD] says. The Governor of Utah has stated that time after time. The only other question in the governor's mind is that he believes some day oil will be found in the bed of the Colorado River in Utah, and he wants it stated definitely that Utah has a perfect right and title to the bed of that stream. Why should she not have the title to the bed of that stream? She certainly is entitled to it. Under all the laws that have ever been passed upon by the Supreme Court the bed of a navigable streams belongs to the State and Utah should have it. Utah is entitled to it; but the seven basin States own the water in this river—and he is interested in that, too—and with the compact four States in the upper basin would be entitled to 7,500,000 acre-feet, and three States in the lower basin would be entitled to 8,500,000 acre-feet of water. And how will they divide this water after they have it allocated. The four States in the upper basin will get together. Have they quarreled over what the division will be in the future? No. They have concluded they will get together in a friendly, quiet spirit, and they will allocate among the four States a division of that 7,500,000 acre-feet of water. And the three lower basin States, what have they done? They have gotten together day after day, day after day, in summer and winter, for years, trying to settle their differences.

There is very little difference of opinion as to what is an equitable division of water in the lower basin States. They have almost agreed and have almost settled on what the allocation should be, and as I understand from a recent letter from a gentleman in New Mexico who is on the New Mexico-Colorado River Commission, at the present time there is not over 150,000 acre-feet of difference between the States of Arizona, Colorado, and Nevada. Do you think that Arizona could carry on a 50-year lawsuit for 150,000 acre-feet of water? I think not and so do you. Then, there must be something else in the mind of Arizona that we know nothing of that prevents an agreement.

As far as I am concerned, I would be perfectly willing to tell my governor to-morrow that if he can settle this difference, he should take a portion of the water that has been allocated to Nevada and give it to Arizona. [Applause.] But Arizona would not be satisfied, my friends, and just as soon as the water question is settled she wants something else. For the life of me, I do not know what that something else is unless it be death and interment of the Swing-Johnson bill.

In order to partly satisfy the gentleman from Arizona, the Arizona-Colorado River Commission, and the Governor of Arizona, I have offered an amendment, which will be offered as a committee amendment, allocating to Arizona 18¾ per cent and allocating to Nevada 18¾ per cent of any surplus that may exist in the fund after meeting the amortization cost yearly to repay the Government. I do not believe the Congress is willing that one solitary cent should be given to the States until the Government is paid the yearly payment due it, but if there is a surplus after paying the Federal Government the amount due each year, I think the States of Arizona and Nevada are entitled to it; but, my friends, I do not think the State of Arizona any more than the State of Nevada is entitled to say, "You shall not build this plant until we get what we want."

There are seven States in this family of States and the State of Arizona has no more right to come here and say that we must stop at this line and go no further than the State of Maine or the State of New York or any other State.

This bill contemplates holding for the people of the seven States an asset which in 50 years will be one of the greatest assets they possess.

The gentleman from Arizona possibly may question this and may say it is not in the bill—of course, it is not in the bill—but we are going to leave this entirely to the good faith of the American Congress 25, 40, or 50 years hence, that after the Federal Government has been fully repaid for every dollar that has been expended in the construction of this wonderful work, a work to adjust the water differences between the seven States, to increase navigation on the Colorado River, to prevent floods in the Imperial Valley, to supply water for the Government lands scattered from central Wyoming to the Mexican line, then the basin States shall receive from the profits accruing from this wonderful development a certain share, because it is an asset, it is a silver vein running through these States.

After all our mineral is gone, after all our mines have been depleted, this water resource will be the only thing remaining to a State that is 84 per cent at the present time in Federal ownership. [Applause.]

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield myself four minutes.

The generosity of the gentleman from Nevada [Mr. ARENTZ] is comparable to the extravagance of his statement. I defy the gentleman from Nevada to find anything of record which I may have said by way of advocating a dam, both ends of which will rest within the boundaries of the State of Arizona.

The gentleman knows, and he knows as well as I know, that the only position I have taken with reference to the location of a dam on the Colorado is that it should have the support of competent engineers. If this be unreasonable I do not know what can be considered to be reasonable. The gentleman knows that in my substitute bill there is a provision for a board of engineers which shall locate and designate a site or sites at which structures shall be erected.

Mr. ARENTZ. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will not. If that be unreasonable, then I do not know what can be reasonable. Now I will yield.

Mr. ARENTZ. I just want to direct the gentleman's attention to several Government reports where they have delved into this matter month after month, year after year, and all that sort of thing.

Mr. DOUGLAS of Arizona. All by the same men and all employed by the Bureau of Reclamation or the Los Angeles Bureau of Power and Light.

Mr. ARENTZ. And better engineers do not exist than those men.

Mr. DOUGLAS of Arizona. And the gentleman can not find a report by any other department or any other bureau of the Government written by any engineer which approves the Boulder Canyon project. He can, however, find a provision in the appropriation act for the War Department of 1925 which excludes Army engineers from investigating the Colorado.

The only position which I, as the Congressman from Arizona, have taken in this Congress with reference to the location of a dam, is that the location shall be selected by an independent board of engineers, not by engineers employed by a bureau anxious to increase its power over the destinies of peoples, and not by engineers in the service of the Los Angeles Bureau of Power and Light.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will be delighted to yield to the gentleman.

Mr. JACOBSTEIN. Will the gentleman state why it was this board of engineers was refused the right to investigate the location of the dam?

Mr. DOUGLAS of Arizona. It is my understanding, sir, although I do not know that there is anything of record, that California specially requested that the Army Corps of Engineers be excluded from investigating the Colorado River.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. SMITH. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Chairman and my colleagues, the Government has been studying and planning operations on the Colorado River for 40 years but little else has been done. The Government has many great obligations on the Colorado River.

The first duty is river regulation and flood control. That is vital. There is no question that the Government owes that duty, not only on the Colorado River but on every navigable river, and this House has recognized that duty always and more recently in the Mississippi flood control bill. Control of the Colorado against floods is vital to the people of the Imperial Valley, the Palos Verdes Valley, and the Coachella Valley in California. It is also of great interest to the people of the Yuma project in Arizona.

The Government also has the obligation of navigation on navigable streams under the interstate commerce provision of the Constitution. This obligation is well recognized. The right and duty of the Federal Government to take charge of navigable streams for the purposes of interstate commerce have been upheld by the Supreme Court of our land in numerous decisions going back from the present to early beginnings.

Then there is the duty of reclamation and irrigation in which our Congress has shown great interest and in which it has been liberal, even generous, in appropriations of millions of dollars, particularly for the benefit of the arid States of the West. Arizona has been the greatest beneficiary of this governmental duty.

Now, others are going to speak on these features of this legislation, men who know more about them than I do, and men who are better prepared to tell you about them than I am. But I do want to say this, that these duties of the Government on the Colorado River can be taken care of properly only by a high dam at Boulder Canyon. There is no other way that it can be properly done.

Not only that, if a high dam is built there the Government eventually will get back every dollar that it puts into this project with interest. It will do so in such a short time, compared with the length of time the dam will be in service, that it will seem almost as though a gracious Providence had made a gift of this great dam to the Government and its people.

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAIL. With pleasure, to the gentleman from Maryland.

Mr. LINTHICUM. Is the gentleman to be assured of a contract that will pay for the dam; and if so, in how long a time?

Mr. CRAIL. The bill provides that no money shall be spent, no operation shall be commenced, until the Secretary of the Interior has entered into valid, binding contracts with parties who are financially responsible, and whose agreements can be legally enforced, to the effect that the Government will be repaid every dollar that is spent on this project with interest. The bill fixes a maximum of time within which every dollar must be repaid.

Mr. SWING. The contract provides that repayment must be within 50 years.

Mr. CRAIL. Yes. I thank the gentleman from California. While the time limit is fixed at 50 years, it is expected that full repayment will be made in a period of 30 years.

Now, a good deal has been said about the interest of Los Angeles in this project, and intimations have been made on this floor by opponents of the bill that this is a Los Angeles enterprise, and as something to be put over on Congress.

There is nothing of that kind whatever. Los Angeles has done nothing in this matter to be ashamed of, and it has nothing to conceal or to apologize for.

Los Angeles, a city of 1,300,000 people is right there on what was a desert. Is it not marvelous that a city of that size should spring up on what was once a desert?

Water, which nature did not supply, was brought to the city by men. Courageous pioneers went back into the high Sierras, 250 miles, and harnessed a river and brought its waters over desert plains, across deep gorges, and through steep mountains to the city. Nearly everything that lives and grows in Los Angeles depends for its life upon water supplied by the hand of man. The same applies to southern California. Arizona and New Mexico and Utah are much the same. They were once the Great American Desert.

Go through southern California and see the extensive truck gardens, the green lawns, the fruit-ladened orchards, the waving fields, and the magnificent trees there in abundance with all of their heavy foliage. It is a Garden of Eden, a paradise on earth. A generous Creator furnished a marvelous climate and everything man could wish but water. Man's ingenuity, man's ability, and man's foresight brought to this fertile desert the waters necessary to make it the land where flowers grow, where the sun shines, and where everyone is happy. But water is scarce out there. Our rivers are dry, and we have reached the limit of our supply of developed water.

Waters which have been used for irrigation are gradually being withdrawn for domestic use. Domestic use is the highest use that water can be put to. People have a right to drink water and to use water in their kitchens and to water their stock. Southern California and all of the coastal cities—30 of them—that are comprised in the metropolitan water district are now depending, the records of the hearings before the committees of this Congress show, upon stored water for their domestic supply. The only available, sure, and adequate source of supply left is the Colorado River. Here is an opportunity for the Government to perform its duty to Imperial Valley, which is hundreds of feet below sea level and under the dreaded flood menace and suffering the constant encroachment of silt. Here is the opportunity for the Government to do its duty by Imperial Valley and at the same time help Los Angeles and the other coastal cities, and in a way that ultimately will not cost the Government a dollar.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CRAIL. Always to my colleague from New York.

Mr. WAINWRIGHT. What has the gentleman to say to the assertion of the gentleman from Arizona that the State of California insisted that the Army engineers should not be taken in on this project?

Mr. SWING. Mr. Chairman, will the gentleman permit me to answer that question?

Mr. CRAIL. I gladly yield to my friend from California, who knows the facts.

Mr. SWING. What the gentleman refers to was what took place in the Senate on the river and harbor bill in which a general survey of all of the rivers in the United States was being ordered, which the War Department engineers said would take them 10 years to make; and since the United States Reclamation Bureau had already made a survey of the Colorado River, covering 30 years of time, and the War Department engineers had done nothing on the Colorado, to save money and to save time the Colorado River was excluded from the blanket authorization.

Mr. DOUGLAS of Arizona. Does the gentleman know that Major Raymond, of the Corps of Engineers, made a survey of the Colorado——

Mr. CRAIL. Please, can not the gentleman from Arizona put that in his speech when he takes the floor?

Mr. DOUGLAS of Arizona. I shall be delighted to. I beg the gentleman's pardon.

Mr. CRAIL. I have only a short time. There is not any section of the country, even the Imperial Valley, so vitally interested in this project as is the city of Los Angeles, in which I live.

This is not a real-estate promotion scheme, as has been malevolently alleged on this floor. It is life or death not only to Los Angeles but to all of the southern California coastal cities. It is as if our growth and prosperity and development depended upon this one thing. It is vital to us. Without more water we must become stagnate. Stagnation means only death.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. CRAIL. I could not deny my friend from North Carolina.

Mr. ABERNETHY. What authority has this Government to go into this proposition? On what basis are we justified in the expenditure of this money as a Federal proposition?

Mr. CRAIL. I tried to explain that in the beginning of what I had to say. Probably the gentleman was not in the Chamber at the time. But though it takes my time of which I have but little, I shall repeat it. The Government owes three great duties here. The first duty that the Government owes is river regulation and flood control. Second, there is the duty to make possible navigation and interstate commerce, which has always been recognized by our Government and is stated in the Constitution as a duty of the Federal Government.

Then there is the third duty of reclamation and irrigation, which is also of vital interest to the Government of the United States. Any one of these duties would fully justify the expenditure, even if the Government were not going to get back every dollar of its money with interest, within 50 years. Not a dollar will be spent of this $125,000,000 until there are contracts satisfactory to the Government that the money will be returned with interest.

Mr. MORTON D. HULL. Mr. Chairman, the gentleman himself and the promoters of this bill have in the background of their minds some definite guaranty. What is the nature of this guaranty which can be given?

Mr. CRAIL. It is the guaranty of 30 municipalities of southern California, of the Imperial irrigation district, and other irrigation districts. Los Angeles has a bonding capacity which has not been used of almost a hundred million dollars available for this very purpose. We are not asking the Government to do this because we are not financially able to do it or would not like to do it. It is because this is an international and an interstate problem, and the city of Los Angeles or the metropolitan water district of southern California can not take hold of it.

Mr. ABERNETHY. Why?

Mr. CRAIL. Because the law will not permit it, because only the United States Government can do it from any point of view. That is a problem which men who have the time will discuss at length. Everyone in the House knows that that is true, and there is no use of me arguing it.

Mr. COX. The guaranty to which the gentleman refers upon the part of the cities in the group he has in mind is not that they will refund to the Government the amount expended, but it is simply guaranteeing a market for the power and the water that the Government will produce.

Mr. CRAIL. No; it is that they will enter into definite contracts with the Government to purchase power at a fixed price and for long periods of time, until the cost of construction and cost of operations and interest and carrying charges are all repaid to the Government.

Mr. LINTHICUM. How long do you contemplate it will take to complete this dam?

Mr. CRAIL. Ten years.

Mr. LINTHICUM. Then you would draw money in 10 installments from the Government?

Mr. CRAIL. Moneys would become available only as needed. The bill provides that the work shall be done under the direction of the Secretary of the Interior. I wish I had time to answer more fully. I hope the gentleman from Maryland will not think I mean to be short or discourteous. I have so many things in my mind which I wish to say and so little time to say them in.

It is not often that the Government is asked to undertake a development where the return of the money expended is guaranteed in advance. Even in its great undertakings where it has been expected that revenue will be produced there has been no assurance of a return of the cost. Time and results only could tell the story.

Here, however, in the bill pending before us for the construction of the Boulder Dam we have a combination where the Government is taking care of its national obligations and at the same time is receiving a guarantee in advance that the money expended will be returned. The proponents of this measure have not only told the Congress that the communities to be directly benefited are willing to repay the costs, but they have come before the committees and produced abundance of evidence establishing beyond doubt their ability to repay the cost. To make perfectly clear their good faith they have written into the bill a provision that nothing is to be done, no money is to be expended, no contracts let for construction until there have been presented to the Secretary of the Interior perfectly good legal contracts for the full repayment of the cost with interest. If the communities of Southern California had the jurisdiction and could serve the multitude of purpose that will be served by a Government-built Boulder Dam, they would not be here asking anything of the Congress. They have the ability to finance and they have the ability to utilize the products so that Boulder Dam would be built by these communities if they were in a legal position to build it.

In most cases where the Government is asked to undertake any development it is essentially one where the assets must be largely created. In other words, the Government investment creates the ability to repay the cost. Here the commodity produced will be used for that purpose. The communities to be served are already in such prosperous condition that the contracts when made will be secured, thoroughly and automatically.

The all-American canal will be paid for largely by communities already thoroughly established and in excellent financial condition.

Domestic water will be contracted for by a large group of coastal cities with a combined population of perhaps 3,000,000 and assets of billions of dollars.

The power will be contracted for by power corporations who are already in the business and have assets of hundreds of millions of dollars, and by cities with assessed valuations of billions of dollars, and, indeed, by States with the whole of their resources back of their contracts.

No such offer has ever heretofore been made to the Federal Government, and yet this is a public improvement which the United States would not only be justified in constructing, but would be under obligation to construct even if there were no hope of return of the money.

The United States has already expended in flood protection on the Yuma reclamation project about $2,840,000. There has been expended for flood protection alone on the river front threatening Imperial Valley something like $10,000,000, mostly by the local communities. Large sums have likewise been spent by local interests in the Palo Verde Valley of California. But the flood menace is more acute now than it has ever been in the past. The United States owns hundreds of thousands of acres of public lands of great potential value along the lower Colorado. This land is all threatened with the flood menace and should the river get beyond control in the Imperial Valley these lands will never be reclaimed. Indeed a great flood on the lower Colorado would destroy the Yuma reclamation project, including the Laguna Dam, which is owned by the United States. The Parker Valley and the Yuma Valley in Arizona and Palo Verde and Imperial Valleys in California, with a combined population of more than 100,000 are constantly menaced by the floods. Clearly it is the Government's obligation to afford protection against floods. As a matter of good business on the part of the United States, flood protection should be assured for the benefit of its own property, even if its citizens and privately owned property are not taken into account. The Boulder Dam would give the greatest possible assurance against flood menace. In fact, the construction of this great dam would solve the flood menace.

A dam that will give flood protection and nothing else on the Colorado is estimated to cost not less than $28,000,000. Indeed, some of the engineers who have studied the problem state that a dam of that size would not solve the flood menace. Of course, money spent solely for flood protection could not be repaid. This bill, however, guarantees not only to repay the additional cost that will make water available for irrigation and domestic use and relieve the communities below of the intolerable silt burden, but it guarantees to repay all of the cost including money spent on the Government obligations of flood control and reclamation and regulation of commerce.

During the years that the Government has practiced flood control it has never asked the local communities to repay all of the cost thereof. At no time has any local community been asked to pay more than a small part of it. But by the provisions of this bill instead of asking the Government to pay a large part of the cost it is guaranteed in advance that the communities benefited will pay all of the cost. If contracts are not made for the repayment of all the cost, then the works will not be constructed or even commenced.

The fact that it can be so paid for can not well be disputed. Something like 550,000 firm horsepower of electrical energy will be generated at Boulder Dam. The revenue therefrom will be very large.

All of this power will not be thrown on the market in one block so as to disturb the market. On the contrary, as the witnesses have explained before the committees of the House and Senate when the dam is finished to a height of 200 or 300 feet, the first units of power will begin to flow into the market and will come in thereafter at the rate of perhaps 100,000 horsepower per year until the works are finally completed. The power market will absorb this power just about as fast as it is brought in. Speaking conservatively, it will all be used within two or three years after it is available. It will be known at least three or four years in advance when the power will be available and the power distributing agencies will shape their new production program accordingly.

The Southern California Edison Co. is one of the several agencies distributing power in Southern California. It has recently issued a statement that its power consumption is increasing at the rate of 130,000 horsepower per year. It serves perhaps one-third of the power load of the territory to be served. It is a safe assumption, therefore, that the power market in the Southwest is increasing at the rate of perhaps 300,000 horsepower per year. For a long time the power market has doubled every four years in southern California, and it will quickly take all of the Boulder Dam power and will require more to supply the demand.

Prof. William F. Durand, of Stanford University, who is an eminent expert on the subject, in his report to the Secretary of the Interior, printed in part 4 of the hearings on this bill, says:

Regarding this question it may be noted that the record of the various hearings before Congress is particularly full on this point and gives strong evidence for the conclusion that by the time the dam and plant could be completed, the demand due to normal growth in the territory susceptible of economic service from Boulder Canyon should be sufficient to absorb a very large percentage of the available power from the plant; and that within a period of two or three years from completion, a market should be found for the entire product.

A careful independent study of this subject by Messrs. Ready and Butler, consulting engineers of San Francisco, and the details of which have been carefully examined by the undersigned, support these same general conclusions.

Under these conditions there can be no doubt about the ability of the power market in the southwestern portion of the United States to absorb this power and to pay the cost thereof. However, as I have said before, these contracts must be made in advance and if the power market would not justify the making of the contracts then the project simply will not be built and the United States will have expended no money. Those of us who live in the communities affected are sanguine that the contracts will be made and that the power will be used and are therefore willing to have this rigorous provision in the bill. We do not regard it as an injury. We are willing to be required to thus finance in advance. At the same time the plan fully protects the Federal Treasury.

I have been referring to repayment and pointing out that the United States can not lose any money in this development. I wish to refer now to merely one other economic question. It is of considerable magnitude. It is also one of the many reasons why this great project should be completed. I refer to the conservation of oil resources.

From time to time we have heard it suggested that electric power in the extreme Southwest can be generated more cheaply by steam than by water at Boulder Dam. The facts do not substantiate this claim. It will be remembered that there is no coal in southern California, Nevada, or Arizona. The big power market is southern California. The nearest coal fields to southern California are something like 800 miles away. In transporting coal over this distance, mountain ranges are crossed so that the cost of coal in southern California is very great. It is so great that in order to generate power in southern California by steam, fuel oil and gas must be used. In recent years immense oil fields have been discovered, enormous quantities of petroleum have been taken out, but we do not know just how much remains. In any event, how long this fuel supply will last is very problematical.

On this subject, Professor Durand in his report had this to say:

At the present time the cost of fuel oil is about $1 per barrel. Certain users of fuel oil at the present time, however, are understood to be enjoying the advantage of a considerably lower price, due to the terms of long-time contracts made some years ago when the prevailing prices were $0.70 to $0.80 per barrel.

Users of oil fuel are able also to realize marked economies by the installation of a double system of combustion, suited alternately to oil or natural gas. Favorable contracts for such gas have been made (and are understood to be now operative) which give heating values equivalent to oil at about $0.80 per barrel.

On the other hand, it is understood that no time contracts for oil, of any extended duration, can now be obtained at any such price as $1 per barrel. The future trend of the price of fuel oil, looking forward to a period of 10 years, is doubtful in the extreme, and for longer periods of time is quite beyond the reach of any reasonable basis of estimate.

Without going here into details, the broad facts are these:

We are unquestionably exhausting our liquid-oil reserves.

A few years ago it was estimated that at the then rate of production such reserves would be practically exhausted in a period of 20 to 25 years.

Since those estimates, some new fields have been discovered.

Methods of extracting oil from the ground are improving.

The demand is constantly increasing.

Enormous reserves are available in the oil shales, awaiting only the development of some economic method of extraction of the oil from the rock. No methods are at present known which will produce such oil in competition with its extraction in liquid form from the ground.

While California territory has been generally prospected for oil, there may be still large fields as yet unknown and uncounted. The same is, of course, true of other territory in the United States and to still higher degree in the world at large.

In a situation of such complexity and with such diverse and unknown elements, the uncertainty of any forecast regarding the cost of fuel oil over any period of future time is clearly apparent. It may seem proper to conclude that over a long period of years the probabilities will be for a rise in price rather than for a fall, but as to how much or how soon, it is quite impossible to forecast.

In considering fuel-oil prices over any considerable period in the future, it would seem proper to use figures of $1, $1.25, and $1.50. The first as possibly representing present conditions or those in the very near future, while the higher figures seem within the limits of probability for a future period of any considerable extent.

In this connection it should also be noted that prices of power based on the low fuel prices which may be enjoyed at the present time as a result of earlier favorable contracts have no significance in the present inquiry, since the competition of Boulder Dam power with that from steam will be based primarily on the fuel conditions of the next half century.

Even though it were assumed that electric power could be generated in southern California by steam at the same price that it could be delivered from Boulder Canyon, it would be an extremely wasteful and short-sighted policy to so generate it. This is a mechanical age. There has not yet been discovered any satisfactory substitute for mineral oils as lubricants. While the demand for lubricants as well as for gasoline and other petroleum products is greatly on the increase, it is well known that the supply of these products will some day be exhausted.

In 1922 Professor Durand testified before the House Committee on H. R. 2903 (p. 1194). His testimony was reproduced in the hearing in 1924, as follows:

The only further point I have had in mind and which I do believe is of importance is that with regard to the significance of this power at Boulder Canyon Dam in reference to our oil reserves. Last week while here I had a conference with Director Smith, of the Geological Survey, and was provided by him, as set forth in authorized estimates which have been made by a special commission intrusted with the duty of determining as far as was humanly possible the amount of our oil reserves. The amount of such reserves is represented by a figure of about 9,000,000,000 barrels, according to the best estimate which can humanly be made at the present time.

Our present rate of production is a little under 500,000,000 barrels per year and the consumption a little over 500,000,000 barrels, which means that we have to go abroad for the balance. If these various conditions should continue about as they are we should exhaust these resources in about 20 years.

Importations will have to increase in order to balance the increased consumption. Now, if we equate the power at Boulder Canyon into fuel oil, we find that the 600,000 horsepower a year equated into terms of oil represents something like 23,000,000 barrels.

Mr. Walter G. Clark, consulting engineer of New York City, testified before the Senate Committee on Resolution 320 (p. 160) in 1925, and stated:

At the present time the fuel used to generate electric power within transmission distance of Boulder Canyon is equivalent to the continuous discharge of fuel oil from an 8-inch pipe at the rate of 5 feet per second every second of the year. This oil should be conserved for the use of the Navy and for marine shipping.

From all of which it clearly appears that in studying the economics of Boulder Dam we must not only regard it from the standpoint of the Treasury in dollars and cents, important as this is, but from the standpoint of the conservation of natural resources.

My conclusion is that the coastal cities of southern California will cheerfully and speedily enter into contracts with the Government to purchase all of the power which can be developed at Boulder Dam, and there is no doubt that every dollar will be returned to the Treasury. At the same time that the taxpayer's money is being saved, the natural resources of our country, which mean more than dollars and cents, are also being saved.

Here we have a situation where a wealth which does not now exist in Arizona, Nevada, and southern California will actually be created. All of the money required for that creation will be returned to the Federal Treasury with interest and the

natural resources of the Nation will be conserved. Surely no one can object with reason and in good faith to such a program.

Mr. DENISON. May I inquire of the gentleman if it has been arranged for some Member to discuss the constitutional question involved?

Mr. CRAIL. That is for the chairman of the committee to answer.

Mr. SMITH. That will be covered.

Mr. CRAIL. This project is entirely feasible. It has been declared constitutional by the most eminent legal authorities. It has been declared practical by the most eminent engineers of national and international reputation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CRAIL. May I have two minutes more?

Mr. SMITH. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. CRAIL. As I was saying, this project is feasible, it is practical, it is constitutional. It has been approved by the United States Reclamation Service. It has been indorsed in the national platforms of the two great political parties of this country. President Coolidge on numerous occasions has indorsed it and expressed a wish that it would soon pass Congress. Members of the President's Cabinet have approved it, and have appeared before the committees of the House and of the Senate to indorse it and to urge its passage.

And now, friends, Congress has the golden opportunity. The time has come. The Colorado River is the last great undeveloped natural resource of the United States. Water is life in the great Southwest, and this Congress at this session should make a reality of this great dream which means so much not only to the people of the Southwest but to all the people of this country. [Applause.]

When this great dream of the people of the Southwest rounds into fulfillment Boulder Dam will be one of the great national assets. [Applause.]

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.; and

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military-post construction fund.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House of Representatives was requested, a bill of the House of the following title:

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The message further announced that the Senate agrees to the amendments of the House of Representatives to bills of the following titles:

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes; and

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.

The message also announced that the Senate had ordered that Mr. SIMMONS be excused from service on the committee of conference on the bill (H. R. 1) entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," and that Mr. HARRISON be appointed in his stead.

ADDITIONAL HOSPITAL FACILITIES FOR WORLD WAR VETERANS

Mrs. ROGERS. Mr. Speaker, I am authorized by the Committee on World War Veterans' Legislation to ask unanimous consent to take from the Speaker's table the bill H. R. 12821, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

NEW DIVISION, DISTRICT COURT, NORTHERN DISTRICT OF TEXAS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3864, which is identical with House bill 12692. Mr. JONES, the author of the bill, is here and joins in the request.

The SPEAKER. Will the gentleman say there is an emergency?

Mr. SUMNERS of Texas. Yes.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill S. 3864. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3864) to create a new division of the District Court of the United States for the Northern District of Texas

Be it enacted, etc., That there is hereby created, in addition to those now provided by law, a new division of the District Court of the United States for the Northern District of Texas, which shall include the territory embraced on the 1st day of July, 1928, in the counties of Bailey, Borden, Lamb, Floyd, Kent, Motley, Hale, Dickens, Crosby, Lubbock, Scurry, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dawson, and Gaines, which shall constitute the Lubbock division of said district. Terms of the district court for the Lubbock division shall be held at Lubbock on the third Monday in May and the second Monday in December: *Provided*, That suitable accommodations for holding court at Lubbock shall be provided by the county or municipal authorities without expense to the United States.

The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy, in addition to the places now provided, at Lubbock, which shall be kept open at all times for the transaction of the business of the court.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

THE PRESENT AND FUTURE OF DISARMAMENT

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by myself recently before the American Academy of Religious and Social Science on the subject of disarmament.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. RATHBONE. Mr. Speaker, under leave granted to extend my remarks, I insert the following address delivered by myself at the annual convention of the American Academy of Political and Social Science, held at the Bellevue-Stratford Hotel, Philadelphia, May 12, 1928.

ADDRESS BEFORE CONVENTION OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE BY HON. HENRY R. RATHBONE, CONGRESSMAN AT LARGE FROM ILLINOIS

War is the most terrible scourge that afflicts humanity. The greatest irony of our boasted civilization is that it is still led captive behind the chariot of the god of war.

Peace is the crown of civilization. The assurance of a just and lasting peace would be the greatest blessing ever conferred on mankind.

THREE PROPOSED ROADS TO PEACE

There are three roads which humanity is invited to take and which we are told will lead us toward the temple of peace that shines afar from its lofty heights and beckons us on. There are three lines of attack against the forces of Mars.

Each of these proposed plans for abolishing war has its especial champion and sponsor among the great nations or groups of powers.

First, we have the proposal to outlaw war, which originated with and is championed by the United States. This would probably involve some form of codification of international law and the establishment of a tribunal for the settlement of justiciable disputes, the decisions of which would be based upon such code.

Secondly, the covenant of the League of Nations, which rests upon the principle that disputes between nations should be settled by the maintenance of the status quo and the peace of the world by economic pressure or force of arms.

Thirdly, we have the recent proposal made by the Soviet Government of disarmament, to be accomplished as speedily and completely as possible.

DISARMAMENT ONLY A PARTIAL REMEDY

It can hardly be claimed that disarmament is the sole or even the most important road leading to peace. It is negative rather than affirmative. Nevertheless, it should not be belittled for that reason. It is as important that the farmer first clear his raw land as it is for him later to plant his crop.

Disarmament is one of many changes which will have to take place before the world can rid itself of war. In order to achieve success the attack upon the enemy's forces should be made all along the line of battle, and disarmament is a vital point in that line.

PRESENT PROSPECTS FOR DISARMAMENT

At first blush the prospects would not appear especially bright for any movement in the direction of disarmament. Despite the declarations of its covenant the League of Nations has accomplished practically nothing in bringing about disarmament. The Geneva conference ended in total failure. The recent proposal of the Soviet Union was so lightly, if not scornfully, received by most of the great powers as to induce the belief that the world was not prepared for any considerable reduction of armament.

FORCES WORKING TO BRING ABOUT DISARMAMENT

In spite of every discouragement, however, I believe that there are great fundamental forces at work, the influence of which will sooner or later have its effect upon future armaments. It has been well said that "nothing succeeds like success." Disarmament has been achieved and the inference therefore will be drawn that it may in the future be made a success in a yet wider field than ever before.

True, such forms of disarmament are only partial and on a strictly limited scale, but still the success made gives great hope for the future.

The international boundary between the United States and Canada, which for over 100 years has been unguarded by fort, a soldier, or a gun, is one shining example of successful disarmament.

The Washington conference is another. Although it dealt solely with capital ships and left untouched other problems of disarmament, yet it marked the beginning of a new era. For the first time in the history of the world great nations, by their chosen representatives, met about the council table and were able to agree upon a limitation and reduction of armament, to take a naval holiday, to lighten the burden of their taxpayers by many millions of dollars, and to turn the thoughts of men, at least for the time being, away from preparation for war and in the direction of peaceful commerce and industry.

Again, the advance of science will tend to do away with armaments. It may well be that in the not far distant future battleships and cannon will be rendered obsolete. Mighty armaments will be replaced, if war is to continue, by the chemical laboratories, where the asphyxiating gases nad deadly poisons will be concocted with which conflicts of the future will be waged.

Moreover, economical forces in the long run are well-nigh irresistible and it is likely that they will in the end exert a most potent influence against great armaments. Those nations which, like Germany, have been compelled to disarm will be thereby relieved of such a staggering weight that they will hold a position of great advantage over those nations which must still bear the colossal burdens of preparedness for war. The peoples who are taxed to maintain armaments will note the difference and sooner or later are likely to insist on a lightening of their burdens.

PUBLIC OPINION WILL MAKE ITS INFLUENCE FELT

Recently we had an example of the power of public opinion when aroused on the subject of increased armament. This happened in connection with the program of naval construction laid before Congress at its present session. At the outset it seemed as if nothing could stop a wave of sentiment in favor of a great program of naval construction. But then came what amounted almost to an upheaval of public sentiment in opposition to an extreme expenditure on new cruisers, which was so powerful that Congress was at once constrained to take heed and to adopt a moderate program of construction.

Finally, the reception given to the proposal of the Soviet Government for immediate and total disarmament, and later for a reduction of armaments by degrees, was not so wholly unfavorable as might, perhaps, have been expected. The comments of many leading newspapers at the time were far from unfavorable.

The most significant thing, however, of all, to my mind, was the total failure on the part of those who scornfully rejected the Soviet proposal to assign any good reason for rejecting it. Litvinov's jibe has remained unanswered, when in his address he said, "On the one hand the criticism of our proposal was based upon deep international mutual suspicion, upon the assumption that a solemnly adopted international convention is inevitably bound to be violated. On the other hand, we are being told: When two neighbors, armed to the teeth, give a solemn promise not to attack each other, then they believe that a fight is impossible. But when these neighbors, in addition to their solemn promise, engaged themselves to disarm and actually do disarm, then we are told that this will not only increase, but, on the contrary, even diminish the existing security."

THE CONDITIONS OF SUCCESS

There are certain conditions that must be met before any success in the matter of disarmament can be achieved. First, disarmament must be mutual. As Abraham Lincoln once said, "A house divided against itself can not stand; I believe that this Nation can not permanently endure half slave and half free." So we might well say, "The world can not permanently continue half armed and half unarmed."

Secondly, disarmament must be voluntary. One of the most deep-seated things in human nature is that it resents discrimination and rebels against an assumed superiority. If disarmament is involuntarily imposed on some nations while others are permitted to be armed to the teeth, the disarmed nations will most deeply resent their impotence. "To be weak is miserable, doing or suffering." It may be regarded as certain that at the earliest opportunity nations forced to disarm against their will will repudiate any agreement which they may have made and will insist on their being treated as the equals of those which are armed, even though they are compelled to go to war to reestablish their equality.

Thirdly, disarmament must be general. Either nations like Germany must be allowed to arm or the powers which are now armed must disarm.

DISARMAMENT MUST BE BASED ON JUSTICE

If the nations are to lay down their arms, above everything else a new spirit must prevail among them. There must be a new standard of international ethics established. We must take this as the motto for our international conduct: "Nothing can be right between nations which is wrong between men." Emerson was eternally right when he closed his great essay on self-reliance with these words: "Nothing can bring you peace but the triumph of principles."

This new international spirit must be manifested by the adoption of higher and better principles in international relations.

RENUNCIATION OF IMPERIALISM IS NECESSARY

Renunciation is the word which best expresses the moral lessons which nations so sadly and urgently need to learn. It is the spirit of imperialism that more than anything else stands like a mighty rock to block the onward progress of the nations toward peace and disarmament. All forms of commercial or other advantage enjoyed by one nation over others should be surrendered. Colonies and spheres of influence should be abandoned. The system of mandates should be done away with and one of joint control should take its place. The civilized nations should be guaranteed equal opportunity to participate in the development of backward countries. The doctrine of the "open door," one of the fundamental principles of American diplomacy, should be broadened and universally recognized.

If we expect the great powers to surrender the advantages that they enjoy, the United States must be prepared to do the same. What has been said would apply to the Philippines and to our spheres of influence in Central America and in the Caribbean Sea. Moreover, it may well be that the war debts should be considered as part of a general international settlement. The surrender of war claims should form part of the inducement extended to other nations to take part in such a settlement.

Not only must nations be prepared to surrender their advantages on land, but also any which they may enjoy on sea. The doctrine of the "freedom of the seas" should be enlarged to take in all the elements. No nation should be the ruler of the land or of the sea or of the air.

Every civilized nation should be pledged to a belief in and a strict observance of the principle of self-determination, which is none other than the doctrine proclaimed in the Declaration of Independence of Government by the consent of the governed.

CONCLUSIONS

Armaments are a very great and growing evil. Every effort should be made to bring about disarmament, whether partial or total. The choice before the nations is somewhat similar to that which confronts a man who has for a long time past been indulging to excess in intoxicants and whose physician informs him that he must stop, if he is to

live. He may decide never to take another drop or he may determine strictly to limit and perhaps gradually to reduce the amount of his potations. No doubt the first course would be for him the best, but the latter is the one which he is more than likely to follow. Total and permanent disarmament would be of immense and incalculable benefit to humanity. It is so difficult to attain to the conditions, however, under which total disarmament would be possible, that it can hardly be considered as practical at the present time.

I believe, however, that in the comparatively near future we shall see a substantial step taken in the direction of some reduction of armaments and that this will be brought about through an international conference.

Let us hope that this will come before the catastrophe of another great world war. Let us bend every effort to keep constantly before the eyes of the peoples of the world the tremendous importance of the problem of disarmament. Let us do our best to speed the coming of the time of "Peace on earth, good will to men."

LEWIS MORRIS, SIGNER OF THE DECLARATION OF INDEPENDENCE

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks at St. Ann's Church, the Bronx, New York City, July 5, 1926, on the occasion of the sesquicentennial of the birth of Lewis Morris, a signer of the Declaration of Independence, and in that connection an address made by the Hon. Charles W. Parker, justice of the Supreme Court of New Jersey, upon Lewis Morris, the grandfather of the signer and the first Governor of New Jersey.

The SPEAKER. Is there objection to the gentleman's request?

Mr. CRAMTON. I have no objection to the gentleman printing his own address, but I shall have to object to the other address.

Mr. GRIFFIN. It has a connection. The grandfather of Lewis Morris, the signer of the declaration, was the first Governor of New Jersey, referred to in the address of Mr. Justice Parker.

Mr. CRAMTON. I would not object if the gentleman would modify his request.

The SPEAKER. So far as the extension of the gentleman's own remarks is concerned, is there objection?

There was no objection.

The address was as follows:

LEWIS MORRIS, 4TH, ONLY SIGNER OF THE DECLARATION OF INDEPENDENCE WHO WAS BORN AND BURIED IN THE CITY OF NEW YORK

It is a great privilege to be afforded the opportunity to address this distinguished gathering upon this doubly significant occasion, for we celebrate not only the sesquicentennial of the birth of our Nation but also the two-hundredth anniversary of the birth of a great patriot and statesman, who was born and who died and was interred in the city of New York. We are standing on sacred ground. The mortal remains of Lewis Morris are interred in the crypt in the basement of this historic edifice.

I hope the celebration here to-day will revive the interest of the people of New York in historic landmarks. If this delightful old church were in Pohick, Va., or somewhere around Boston, its steps would be worn smooth with caravans of patriotic tourists who would be directed to its doors. Because it is in New York it seems to have been forgotten.

I made an address at the Bunker Hill celebration in Boston a few years ago and was delighted, as well as amazed, at the local pride manifested in all of the Revolutionary landmarks. The house where Benjamin Franklin lived, the old church in whose tower the lanterns were hung to signal to Paul Revere the news that the British troops were about to begin the march on Lexington and Concord, and other historic landmarks were pointed out to visitors with pride and reverence. All the way from Boston Common to Lexington and Concord, where the embattled farmers stood and "fired the shot heard 'round the world"—every rod of it was marked by some historic recollection and is idealized into a shrine for patriotic devotion.

Recently I journeyed through the Yorktown Peninsula, and every acre of it was held sacred—Jamestown, the scene of the first settlement; the little church at Williamsburg, where Pocahontas was baptized; Yorktown, where Cornwallis surrendered; and the sites of the famous battles of the Civil War—all were marked and emphasized with patriotic fervor.

New York City is not lacking in equally interesting landmarks of great historic interest, but in our overwhelming devotion to commercial and industrial progress we have apparently allowed ourselves to forget our obligations to the finer sensibilities of pride in the origins and traditions of our city. To the student of history whose heart is warmed by contact with places having a historic significance our great city offers for our devotion numerous Revolutionary landmarks.

Bowling Green, where the sons of liberty tore down the leaden statue of George III and used its metal for bullets, there stands to-day the iron railings once capped with the ornamental iron balls which were chipped off and used as shot for patriot cannon.

Fraunces Tavern, where Washington bid his officers farewell, the old structure being preserved in the same state in which it stood in Revolutionary days.

Trinity and St. Paul's churchyards, on Broadway, containing the remains as well as monuments of patriotic statesmen and heroes.

The Subtreasury Building, on Wall Street, where Washington was sworn in as the first President of our Republic and where the first Congress of the new Government met.

The anchorage of the Brooklyn Bridge, at No. 3 Cherry Street, which now occupies the site where once stood the colonial mansion which Washington occupied as the first White House.

City Hall Park, the site of the old British prison, where so many patriots languished and died. There stands the statue of Nathan Hale who, before he died on the scaffold on that very spot, is said to have defiantly exclaimed: "My only regret is that I have only one life to give for my country!" Whether he said it or not, we can easily believe that was his thought.

I was born and brought up on the east side of the Island of Manhattan, within a stone's throw of the shore, on which the boats of Washington's army were beached when he led them on that foggy night after the disastrous defeat on Brooklyn Heights. To cover his retreat through the Island of Manhattan, intrenchments and block houses were built at intervals. One of these block houses was built at Broadway and Houston Street by General Putnam. Another, which is still standing, may be seen in the northwestern corner of Central Park.

I shall not take time to enumerate the many points of Revolutionary significance to be found in the Bronx. Suffice it to say that, beginning at this historic church, the whole county which was then a part of Westchester, is filled with historic sites and recollections. When the British occupied New York City, which was then at the tip of Manhattan Island, the Bronx was the fighting ground of guerrillas from both sides all during the Revolutionary conflict. And in that fighting, Lewis Morris, to whom I am to pay my tribute to-day, had a vital and conspicuous interest.

When I accepted the honor to speak here to-day I confess I assumed the task in a most light-hearted manner, believing that my mere casual acquaintance with the subject could be easily fortified and augmented sufficiently for the purpose by reference to the encyclopedias. What was my surprise then to find that Lewis Morris, one of the signers of the Declaration of Independence, was not deemed of sufficient historic importance to entitle him to even a paragraph? In one encyclopedia, for instance, was the brief statement at the end of the memoir of Gouverneur Morris in these casual, almost flippant, words: "His elder brother, Lewis, was one of the signers of the Declaration of Independence."

Such was my predicament that I began to fear that I would have to come here to-day and apologetically make the disgraceful admission that the annals of American history were silent upon the life of Lewis Morris, the modest, able, brave statesman and soldier, who really paved the political way for his younger and more famous brother.

One of the most discouraging embarrassments of the student of history is the inequitable appraisal of the relative merits of historic characters. I know of no great man in our early history whose memory has suffered more from this disparagement of bias and utter neglect than the patriot whose memory in great measure we are assembled here to honor on this distinguished occasion.

Lewis Morris was born here in the Bronx on April 8, 1726; so that by a strange historic coincidence this occasion is not only the sesquicentennial anniversary of American independence but the two hundredth anniversary of his birth.

The name Morris is inseparably connected with the Bronx, forming as it does the root of Morrisania. It is of Welch origin, being derived from the word "Maur" (meaning great) and the term "Rhys" (meaning a chief). "Maur Rhys" was the appellation for Rhys Fitzgerald, a Cambria chieftain, who invaded Ireland in the reign of Henry II. He was given a large domain in Wales and dropped the name of Fitzgerald. The compound name "Maur-Rhys" was later corrupted into "Maurice" and finally "Morris."

The founder of the Morris family in America was Richard Morris, a captain in Cromwell's army. On the restoration of Charles II he decided that it might, perhaps, be more comfortable for him to reside outside of England. At first he sought refuge in the Barbadoes, where he married, and later came to New Amsterdam, which was soon to be conquered by the English and its name changed to New York. He purchased a large tract of land in the Bronx, building a mansion on the slope of the hill leading down to the old mill stream that used to meander along about the location of the present Brook Avenue. He died in 1673. His son Lewis (born 1671) became the first colonial Governor of New Jersey. He died May 21, 1748, and his remains are interred in this church. He left two sons, Lewis Morris, who became a justice of the court of vice admiralty of New York, and Robert Hunter Morris, who became chief justice of New Jersey under the Constitution of 1776. Lewis Morris had four sons.

Lewis Morris, the fourth of the name, the subject of this address, was the eldest and was born at the old homestead, within a stone's throw

of the historic church in which we are now gathered, on April 8, 1726. He was sent to Yale College when 16 years old and graduated in 1746. For 20 years he devoted his energies to the cultivation of his immense estate, which covered an area of 3,000 acres. In the meantime he married Miss Mary Walton, a young lady of large fortune. Six sons and four daughters blessed the union.

His, indeed, was a home of supreme domestic felicity when the rumblings of the Revolutionary struggle began. When the infamous stamp act was promulgated by the British Parliament in 1765 it elicited immediate and emphatic protests. The newspapers published editions in black borders to symbolize the death of liberty. With everything to gain, except the consolation of his conscience, Lewis Morris (whose wealth and social standing might well have tempted a mercenary man to ally himself with the Tories, of whom there were many in the colony) forgot self-interest and arrayed himself upon the patriotic side of the controversy.

The stamp act was repealed in the following year but was soon followed by other acts of oppression. Parliament, it seemed, would concede one point to recede and then insist upon some other point equally objectionable to American sensitiveness.

An old statute of Henry VIII was revived in Massachusetts under which persons charged with political offenses could be brought to England for trial instead of being permitted to be tried where the alleged offense was committed. You will recall that this was one of the chief grievances subsequently enumerated in the Declaration of Independence.

In other colonies similar acts of oppression, but varying in their character and intensity, forced the colonies into a cohesive combination of resistance and in the aggregate forced the calling of the first Continental Congress in 1774. Its resolutions of protest were spurned.

This cavalier treatment of the first Continental Congress drove the patriots to more determined preparations for the next. The provincial congresses in the different States at the ensuing sessions passed resolutions indorsing the stand of the Continental Congress and elected a full representation to participate in the session of 1775. The New York Convention of Deputies met at White Plains on April 22, 1775, a few days after the Battle of Lexington, and chose Lewis Morris, of Morrisania, as a delegate to the Continental Congress.

When the Continental Congress met in 1775 he was placed on the committee, of which George Washington was chairman, to provide military stores and ammunition for the rapidly forming Continental Army. In the following fall and winter he was among the foremost in shaping and perfecting the preparations for what he saw was to be a long military struggle. He went into the western part of the country and took up negotiations with the Indian tribes in an effort to detach them from their alliance with Great Britain.

I see before me in this audience Chief Fair Cloud, a full-blooded descendant of one of the Indian tribes which Lewis Morris visited. What a curious coincidence is this! It would seem as though his presence here to-day had been planned to give emphasis to this phase in the life of Lewis Morris; and yet I venture to say that neither Chief Fair Cloud himself nor Major Davis, who invited him to be present, were, up to this moment, acquainted with the relationship he occupies to the renowned subject of this address.

When the Continental Congress met again in 1776 Lewis Morris was made a member of the committee to contract for the purchase of muskets and bayonets and the encouragement of the manufacture of saltpeter and gunpowder. He was also a member of the Committee on Indian Affairs.

In June, 1776, the committee, composed of Jefferson, Adams, and Livingston, were appointed to draft a suitable declaration justifying the attitude of the Colonies before the world. On June 28, 1776, Washington announced the arrival of Gen. Sir William Howe in the *Greyhound* off Sandy Hook with a convoy of 130 vessels. It was generally known that Admiral Lord Richard Howe was near at hand with nearly 300 more transports and warships, all aiming at the capture of New York.

Imagine the state of mind of Lewis Morris in the Continental Congress when the draft of the Declaration of Independence came up for consideration. His home and large estate in Morrisania he knew would soon be given over to Howe's mercenaries; but, abandoning all thoughts of self-interest, and never wavering for an instant, he threw his whole heart and soul into the balance in favor of American liberty.

His signature to the immortal document of American liberty is in a fine and clear though not so large a hand as that of John Hancock. It is, indeed, significant of the simplicity, modesty, and integrity of his noble character. He was not wrong in foreseeing the reprisal of the British for his activities in behalf of American liberty. Washington was beaten at the Battle of Long Island, and the British troops soon tore through the beautiful valleys of the Bronx. His splendid woodland of over a thousand acres was destroyed, his cattle driven off, and his estate given up to plunder and conflagration, so that when he returned after the evacuation of New York on November 23, 1783, he found himself impoverished, his only consolation being the honor and esteem in which he was held by his fellow citizens.

The distinguishing characteristic of Lewis Morris was his modesty, his integrity, and disinterestedness. For instance, it is not generally known that he declined to run for a second term in the Continental Congress, waiving his rights in favor of his younger half-brother Gouverneur Morris, thus giving the opportunity to that young statesman to lay the foundations for his subsequent renown. Lewis Morris sincerity. To do a good act was to him its own reward. He never sincerity. To do a good act was to him its own reward. He never looked for praise or blame. To use a commonplace expression, "he never blew his own horn." He left no autobiographical records of his achievements, and has thus been neglected by historians. Gouverneur, on the contrary, had the gift of oratory and wielded a facile pen. The confidence of Lewis in his younger brother was not misplaced. There is no doubt that the younger was the better fitted for a parliamentary career, and his splendid achievements confirm and justify the wisdom of a brother's sacrifice.

Lewis Morris thus passed from a parliamentary career into the sphere of military action, for which he was perhaps more fitted. He resumed his connection with the State militia, attaining the rank of major general, and participating in the many skirmishes which ensued during the British occupation of New York. For the Bronx was then a sort of "No man's land" and the scene of almost continuous guerrilla warfare. He also served in the State legislature, where he was distinguished for his patriotic zeal and rare sagacity.

It is not alone the contribution of Lewis Morris himself to the patriotic cause that should entitle him to honor and esteem. It must also be accorded to his glory that three of his sons bore an active part in the Revolutionary armies. Their remains also are interred within the sacred bounds of this historic church.

The great struggle for independence over, Lewis Morris returned to his ravished and ruined estate and devoted his declining years to rebuilding it to its former magnificence. He was content to live in bucolic peace and happiness and passed peacefully out of a life well worth while at the age of 72 years on the 22d day of January, 1798.

His remains are now interred in the crypt over which I am at this moment standing. Outside in the great mausoleum are the remains of his more distinguished brother, and all around us in vaults and graves in the modest churchyard of this inclosure lie the remains of noble men and women of conspicuous renown in war and peace. This little church is therefore historic. Its significance should be better appreciated. We live in an environment where patriotism is not sufficiently fostered. There is no future for America unless we maintain the spirit of reverence for the virtues of courage and self-sacrifice which characterized the signers of the Declaration of Independence.

It is my most sincere hope that one of the results of this anniversary, which I trust from hence forward is to become an annual celebration, will be the stimulation of a revival of interest among New Yorkers in its many vital historic landmarks which stand as mementoes of the highest form of human disinterestedness, devotion, and patriotism.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3554. An act to authorize the Public Health Service and the National Academy of Sciences jointly to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 971. An act for the relief of James K. P. Welch.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 2823. An act amending the statutes of the United States with respect to reissue of defective patents;

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.;

S. 3867. An act to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes; and

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress.

JOINT RESOLUTIONS AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval joint resolutions and bills of the House of Representatives of the following titles:

H. J. Res. 39. Joint Resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China;

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes;

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 11338. An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River near Randolph, Mo.; and

H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields.

LEAVE OF ABSENCE

Mr. CLANCY, by unanimous consent (at the request of Mr. MCLEOD), was granted leave of absence, on account of the death of his mother.

Mr. CONNERY, by unanimous consent (at the request of Mr. DOUGLASS of Massachusetts), was granted leave of absence, indefinitely, on account of illness in his family.

ADJOURNMENT

Mr. SMITH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 23, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 13683).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

539. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Waddington Harbor, N. Y. (H. Doc. No. 322); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

540. A letter from the chief scout executive of the Boy Scouts of America, transmitting copy of the eighteenth annual report of the Boy Scouts of America (H. Doc. No. 323); to the Committee on Education and ordered to be printed, with illustrations.

541. A letter from the Secretary of the Treasury, transmitting report of the Federal farm-loan board for the year ended December 31, 1927 (H. Doc. No. 324); to the Committee on Banking and Currency and ordered to be printed, with papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. R. 11800. A bill to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island; without amendment (Rept. No. 1809). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13929. A bill to provide for the enlarging of the Capitol Grounds; without amendment (Rept. 1810). Referred to the Committee of the Whole House on the state of the Union.

Mr. DALLINGER: Committee on Civil Service. S. 3116. An act providing for half holidays for certain Government employees; with amendment (Rept. No. 1811). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 11469. A bill to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; without amendment (Rept. No. 1812). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. S. 3294. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; without amendment (Rept. No. 1813). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 13882. A bill to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; without amendment (Rept. No. 1816). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 311. A joint resolution to provide an annual appropriation to meet the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts; without amendment (Rept. No. 1817). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 3097. An act for the relief of the State of North Carolina; without amendment (Rept. No. 1818). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 13108. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; with amendment (Rept. No. 1820). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13747. A bill authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.; without amendment (Rept. No. 1821). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13777. A bill authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burrs Ferry; without amendment (Rept. No. 1822). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 13848. A bill to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.; without amendment (H. Rept. No. 1823). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.; with amendment (Rept. No. 1824). Referred to the House Calendar.

Mr. BURTON: Committee on Foreign Affairs. H. R. 13930. A bill to authorize an appropriation for the American group of the Interparliamentary Union; without amendment (Rept. No. 1825). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 2651. A bill for the relief of David F. Richards, alias David Richards; without amendment (Rept. No. 1814). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs, S. 2894. An act for the relief of Robert O. Edwards; without amendment (Rept. No. 1815). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 11749. A bill for the relief of H. A. Russell; with amendment (Rept. No. 1819). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 13955) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla.; to the Committee on Military Affairs.

By Mr. PARKS: A bill (H. R. 13956) for the purchase of a site and the erection of a public building thereon at Warren, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. DOWELL: A bill (H. R. 13957) to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: Joint resolution (H. J. Res. 316) authorizing an appropriation in the sum of $12,350 to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy to be held at Rome in 1928; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 317) authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels in 1928; to the Committee on Foreign Affairs.

By Mr. REED of New York: Concurrent resolution (H. Con. Res. 39) to provide for the printing of additional copies of the hearings held before the Committee on Education of the House of Representatives on the bill "To create a department of education"; to the Committee on Printing.

By Mr. PARKER: Resolution (H. Res. 219) to pay additional compensation to the clerks of the Committee on Interstate and Foreign Commerce; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BULWINKLE: A bill (H. R. 13958) granting a pension to Uttie Grooms; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 13959) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. FULBRIGHT: A bill (H. R. 13960) granting a pension to Isadore Hitchcock; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 13961) granting a pension to Elvira Burton; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 13962) granting a pension to Nellie Bell; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 13963) granting an increase of pension to Sarah E. McHolland; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13964) granting an increase of pension to Nancy Elizabeth Armstrong; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 13965) for the relief of the dependents of Vincent A. Clayton; to the Committee on Claims.

Also, a bill (H. R. 13966) granting a pension to William A. Hankinson; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 13967) granting a pension to Nancy R. Gibbs; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 13968) for the relief of James Hayden; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 13969) granting an increase of pension to Phila Cross; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 13970) granting an increase of pension to Olive A. Baker; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 13971) granting an increase of pension to Mary Eva Turner; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13972) granting an increase of pension to Matilda A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13973) granting an increase of pension to Anna M. Dielkes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13974) granting an increase of pension to Hester A. Darlington; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 13975) for the relief of Morris Pondfield and Kalman Steiner; to the Committee on Claims.

By Mr. MENGES: Resolution (H. Res. 220) to pay a sum not to exceed $500 to Kate Gilbert for expenses of William R. Palmer, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7741. By Mr. BARBOUR: Resolution adopted by the Kern County Beekeepers Club, Bakersfield, Calif., protesting against the passage of House bill 10022 and Senate bill 2806, which would modify the pure food and drugs act; to the Committee on Agriculture.

7742. By Mr. GARBER: Petition of J. E. Stiles, president Minnesota Retail Jewelers Association, New Richland, Minn., in support of Capper-Kelly bill; to the Committee on Labor.

7743. Also, petition of Dr. L. L. DeLano, in opposition to the passage of House bill 12947 and Senate bill 3936; to the Committee on the District of Columbia.

7744. Also, petition of Oklahoma Press Association, Norman, Okla., in support of Oddie bill in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

7745. By Mr. O'CONNELL: Petition of Baugh & Sons, Baltimore, Md., opposing the Muscle Shoals bill as agreed by the conferees; to the Committee on Military Affairs.

7746. Also, petition of the National Fertilizer Association, Washington, D. C., opposing the report of the conferees on the Muscle Shoals bill; to the Committee on Military Affairs.

7747. Also, petition of the National League of District Postmasters of the United States, Washington, D. C., favoring the passage of House bill 7900 for fourth-class postmasters and to override the President's veto; to the Committee on the Post Office and Post Roads.

7748. Also, petition of the Federal Grand Jury Association, New York City, N. Y., opposing the passage of the Senate bill purporting to take from the Federal judges their ancient power freely to comment upon the evidence in trials by jury; to the Committee on the Judiciary.

SENATE

WEDNESDAY, *May 23, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 22, 1928, the President approved and signed the following bills and joint resolution:

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes;

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.;

S. 4216. An act to authorize the adjustment and settlement of claims for armory drill pay;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Des Moines River at or near Croton, Iowa.;

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.; and

S. J. Res. 125. Joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba, and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.

(Mr. Latta also communicated to the Senate a message in writing and returned Senate bill 3752.)

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Locher	Sheppard
Barkley	Edwards	McKellar	Shipstead
Bayard	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Smoot
Blease	Gillett	Metcalf	Steck
Borah	Glass	Moses	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norbeck	Swanson
Broussard	Harris	Norris	Thomas
Bruce	Harrison	Nye	Tydings
Capper	Hawes	Oddie	Tyson
Caraway	Hayden	Overman	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pine	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Kendrick	Reed, Pa.	Warren
Dale	Keyes	Robinson, Ark.	Waterman
Deneen	King	Sackett	Wheeler
Dill	La Follette	Schall	

Mr. BROUSSARD. I desire to announce that my colleague the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness. I desire that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

CONSTRUCTION AT MILITARY POSTS FROM PROCEEDS OF SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

In compliance with the resolution of the Senate of May 21, 1928 (the House of Representatives concurring), I return herewith the bill (S. 3752) entitled "An act to amend section 3 of an act entitled 'An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surpuls War Department real property, and authorizing the sale of certain military reservations, and for other purposes,' approved March 12, 1926."

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

Mr. FLETCHER. I want to correct one word in the bill. It was a mistake which occurred in engrossing the bill. I submit the following concurrent resolution and ask for its adoption.

The concurrent resolution (S. Con. Res. 21) was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States in signing the enrolled bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926, be, and the same is hereby, rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed, in the reenrollment of the bill, to make the following correction: On page 2, line 11, of the engrossed bill strike out the word "therefore" and insert the word "theretofore."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3864) to create a new division of the District Court of the United States for the Northern District of Texas.

The message also announced that the House had passed the bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont., with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes and it was signed by the Vice President.

MUSCLE SHOALS—CONFERENCE REPORT

Mr. NORRIS. Mr. President, I ask unanimous consent that the Senate take up the Muscle Shoals conference report and that we vote on it at not later than 3 o'clock this afternoon.

Mr. BLEASE. I object.

Mr. NORRIS. I would like to ask the Senator from South Carolina if he would object if we should extend the time of voting to a later hour than 3?

Mr. BLEASE. Mr. President, I do not intend to consent to fixing a time to vote on the conference report until I have had an opportunity to discuss it. We had some discussion of the conference report last night. I objected to taking a vote at 10.30 o'clock last night, and I gave my reason. I was right. Last night at 10 o'clock one Senator had finished his speech on the conference report. Then one of the other conferees took the floor—the senior Senator from South Carolina [Mr. SMITH], with whom, I regret to say, I differ on this matter. He took the balance of the time of the evening session. None of us had the slightest opportunity to state our position on the matter, let alone discuss it. I am not going to consent to a time being fixed to take a vote at a certain hour, because it would enable one Senator to take the floor and hold it, and none of the rest of us would have an opportunity even to state our position.

Mr. NORRIS. I will change the request. I ask unanimous consent that we take up the conference report and that two-thirds of the time be given to those who are opposed to it. Will the Senator object to that?

Mr. BRUCE. Mr. President, I feel bound to make an objection to that, so far as I am concerned.

Mr. NORRIS. Would the Senator object to making it 4 o'clock?

Mr. BRUCE. Oh, yes. I want to have an opportunity to discuss the conference report.

Mr. NORRIS. Would the Senator object to taking the vote at 4 o'clock if we provide by unanimous consent that all of the time shall be given to those who are opposed to the report?

Mr. BRUCE. I would. Let us let things drift along a little further.

Mr. NORRIS. That is the trouble. If we let them drift along, the session will end and we will have no vote.

Mr. HEFLIN. Mr. President, I suggest to the Senator from Nebraska that later in the day he try to arrange for another night session, and then for further night sessions until we can get some action on the measure.

Mr. NORRIS. I would like to submit to the Senate that here is a conference report upon a matter which has been pending before the Congress for seven or eight years. I am perfectly willing, so far as I am concerned, that those who are opposed to it shall take all the time. I did not want to debate it last night. I asked that those who were opposed to it take the time. But, with some reason, I think, it was thought that some one representing the conferees ought to explain the report.

The point is this: We will undoubtedly adjourn very soon. If the conference report is to be rejected, it ought to be rejected so that the conferees can have another meeting and try to comply with the action of the Senate. That is the reason, it seems to me, why we ought to do with this conference report like we almost invariably do with conference reports. We ought to vote on it as soon as possible and, if it is rejected, then the conferees can bring in another report.

Mr. HEFLIN. Mr. President, I am in thorough accord with the Senator in his stand on the question. I am anxious to have a vote on the conference report. We have discussed it for the last 8 or 10 years. We know who is on the side of the Fertilizer Trust and who is on the side of the farmers of the country. I am anxious to get a vote on the measure at the earliest date possible. The joint resolution is not at all as I would like to have it, but I would vote for the report rather than have the measure bandied back and forth, and submit to the swarm of lobbyists who are here, every time we take it up, to defeat it, meddling with the business of the Congress and meddling with the business of the people. If we do not get an agreement to vote on the conference report, I want to have a chance to discuss it, and I intend to say something about the lobby and the tremendous power that is back of it.

PROPOSED AMENDMENT OF COTTON FUTURES ACT

Mr. CARAWAY. Mr. President, there is a matter I regret to speak about because it puts me in the attitude of complaining. However, the most important bill recently before the Committee on Agriculture and Forestry, the bill (S. 4411) to amend the United States cotton futures act approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on future contracts at certain designated spot-cotton markets by defining and prohibiting manipulation, by providing for the designation of cotton-future exchanges, and for other purposes, a bill important to every grower of cotton in America, was this morning ordered reported by the Committee on Agriculture and Forestry, when I am certain that only two of its members have ever read a line of it. I wanted an opportunity to discuss it before the committee, but for reasons which I do not purpose to go into I failed to have that opportunity, although I am a member of the committee and have been interested in the legislation.

The bill which has been reported purports to amend, as it states, the Smith-Lever Act. I doubt very seriously that anybody could give an intelligent guess at what some of its provisions mean and what the results would be if it were enacted into law. There is one very decided change, however, of the present law. By that amendment the boards of governors of the exchanges are given the power to name a committee of their own members, men who are engaged in speculating in cotton, and that committee is given the power to strike down trading whenever it shall decide that it is for the best interest of, I should say, the exchanges.

We complained, Mr. President, very bitterly because the Department of Agriculture issued a statement last fall in which it said that the price of cotton was too high; a decline was predicted, and there followed a radical decline. It was believed then by cotton growers—I then believed it and I yet believe it—that the producers of cotton were robbed of millions of dollars by that unauthorized assumption of power on the part of the Department of Agriculture to say that cotton prices were too high and that, therefore, they ought to decline. In justification of that act one member of the committee on economics in the department said it was his belief that cotton was selling too high; so it was the desire and intention of the department to strike down the price that the farmer was getting for his cotton. That was an indefensible act, and the Senate has passed a bill to make it a felony to repeat that performance.

The Senate is not willing to trust the Department of Agriculture or anyone else with the power to say when a farm product is selling too high and thus to break the price. I concur in that; but at least, Mr. President, it was a department of this Government which did that, without any direct interest—it was supposed, at least, to have no direct financial interest—in the actual manipulation of the prices of farm products. I have heard nobody charge that it had. However, it assumed the right and did destroy the market for cotton. Everybody concedes that. We banned that by legislation. This bill, Mr. President, proposes to give to a board appointed by the governors of the exchanges, a board consisting of members who themselves are speculating in cotton, the right to say whenever there is too much speculation; in other words, when the price climbs too high, they can say, "You are speculating too much, and you must stop." The power that the Secretary of Agriculture exercised was of negligible effect as compared to this. That committee could stop every exchange in America with a stroke of its pen and kill the market as dead as a killing frost can kill a tender plant.

That power, Mr. President, is lodged not in a disinterested governmental agency but it is lodged in the hands of people who themselves are interested in the very manipulation of the market they can destroy. The only control over that unthinkable power is that somebody, indefinitely mentioned, may appeal to a Government board consisting of the Attorney General, who would not know cotton from hay, of the Secretary of Agriculture, who would not know a cow from a horse, if the cow were dehorned, and the Secretary of Commerce, whose specialty is something else. That is the appellate court. How long, Mr. President, it would take to get action before that body no man has the faintest idea. Certainly the growers of cotton that year would have no relief.

That is one of the things, Mr. President, which is in this bill; one of the most indefensible things that anybody ever thought of writing into a farmers' market control bill. We have said heretofore, and we have said, I think, with some effect, that the future markets in a way do control the farmers' prices; that those who deal in futures are able to manipulate the market, and are able to destroy the producers as well as to penalize the consumers. That has been most strenuously denied by some members of the committee who reported out this bill. It was said they could not manipulate the market; that futures are an actual reflex of the world's market. Now, they abandon that, and say that speculators could manipulate the market. In the very beginning the bill says——

Mr. HARRIS. Mr. President, I should like to ask the Senator from Arkansas who is the author of the bill?

Mr. CARAWAY. I am coming to that. I have not been able to find out as yet. The Senator, whose name it bears, says he is the author of it, and I accept his statement, although I have a letter here which says that the author of it is the attorney for the New Orlans Cotton Exchange, and Mr. Clayton. I think that is not true, because the Senator denies it. I have a telegram lying here on my desk from a cotton man, and a good man of my State, and who is associated with one of the greatest cotton firms in this country, taking me to task for opposing it and saying he helped write it. At least before we are asked to put our neck in the noose we ought to know who prepared the noose. I say right now, sir, that, aside from the Senator who claims its authorship, there is not another member of the committee, unless it be the Senator from Louisiana [Mr. RANSDELL], who ever read it or knows one provision of it, and I yield for anyone of them to stand up and tell what any provision of it means. I am going to say, with all due deference to my friend from South Carolina, that I would risk everything I have on earth on the statement that he does not know what its effect would be.

No one can read this bill and see how it tries to dovetail the new amendments into the trading in grain act and the old Smith-Lever law with its amendments and know what it means, except for the one outstanding provision that the exchanges themselves shall have the power to stop trading when they want to do it. Whenever they get into a corner they can say, "Stop," and there is no power to restrain them whenever they please to do it. The bill gives them a power that nobody ever suggested heretofore of putting into the hands of speculators—the power of industrial life and death over every producer of cotton in America. I defy anybody to read the bill and deny that it gives such power. The governors of the exchanges have the power to name a committee, and that committee is to have even more power than I have indicated, for it will have the right, to start with, to say that so-and-so, naming him, may buy so many bales of cotton or sell so many hedges, and he may buy no more; that other people may buy so much and they may buy no more, and they can say that they can not even buy spot cotton in some markets under certain conditions. It is open to two interpretations; but that provision is in the bill, and when I get the time I will discuss it further, and I hope we may obtain intelligent consideration for it, because it has had no consideration in the committee. Those

of us who were opposed had no chance to do so. There is not a member of the committee on the floor who knows what it means, and, outside of two members of the committee, there is not a member who read it. Yet we are asked to put the fortunes of the growers of cotton in America in the hands of a committee created by this bill.

The best way to know what a thing is is by finding out who is for it. I want to read a telegram from Haley Bennett. He is a fine man; I do not fall out with him; he came here to protest against my bill because he wanted to trade on the future market, and he has a right to do that so long as the law permits it. He was frank with me about that; he said, "I am against your bill." However, here is his telegram about the bill to which I am referring. It is dated Little Rock., Ark., May 22:

Senator T. H. CARAWAY,
Senate Office Building, Washington, D. C.:
You are quoted in the morning papers saying that Clayton is in effect the author of Smith bill.

I do not know what the newspapers said. I have, however, letters here which I intend to read stating that that statement is true. The Senator from South Carolina denies it, and I accept his statement. However, I wish to read further this interesting telegram:

You have been misinformed. This and the Vinson bill—

Whether they are one and the same now I do not know—

You have been misinformed. This and the Vinson bill embody the principles for which the smaller cotton merchants—

Is Golman & Co. one of the smaller cotton merchants? Is Anderson, Clayton & Co. one of the smaller cotton merchants?

the smaller cotton merchants have been working for years.

That will at least acquit my friend from South Carolina of the "honor" of origination, because they say they have been working on it for years. These men, whose business it is to speculate on the cotton market, say they have been working on it for years.

I personally helped in the framing of these measures—

I will say to the Senator from South Carolina, I think Mr. Bennett is wrong about that, for I think the Senator's bill was rewritten after he went home.

Mr. SMITH. I will explain the matter in my own time.

Mr. CARAWAY. Very well. I am perfectly willing the Senator should do so. I know Mr. Bennett thinks that he helped to write the bill. Now, he asks me to vote for it because he thinks that he is the author of it. If he is not the author of it, then it is not the bill he thinks he is getting, and his indorsement ought not to bind him. He says in his telegram:

I personally helped in the framing of these measures, and believe, if enacted, will go far toward correcting apparent evils and still not destroy necessary hedging.

That means necessary gambling; that is, they can play the game with other people's property just as they have done heretofore.

You and the New York Cotton Exchange are the only opponents of our bill I have heard mentioned.

Not "your" bill, I will say to the Senator from South Carolina, but "our bill," the bill of the people who hedge in the exchanges.

Believe me, dear Senator, I am most sincere and have no ax to grind.
HALEY BENNETT.

Now, the interesting part of what he said was that I and the New York Cotton Exchange were the only ones that were fighting this bill. Why, God bless your soul, I want to show you that he does not know all about this. Here is the New York Journal of Commerce, and it declares that every big member of the New York Cotton Exchange is for the bill. Let me read you the roll. You will recognize your old friends:

Southern delivery in Vinson bill may go to aid passage—New York cotton dealers wire Senators urging Smith measure.

This is the bill Haley says he wrote, and this is the bill that the Senator wrote, and this is the bill that others say others helped write; but the New York Cotton Exchange is for the Smith bill. That is the bill the committee reported out this morning. If you have any friends on that exchange, we will find their names here indorsing the Smith bill; and, what is interesting, the paper says that the telegrams are so much alike that it is suspected that somebody inspired them.

Provisions requiring the designation of not less than two spot markets of the South for the delivery of cotton on futures contracts, as contained in the Vinson bill, may be sacrificed by their sponsors as a means of securing the approval of the House of Representatives to that measure. To-morrow morning the companion bill introduced in the Senate by Senator ELLISON D. SMITH, South Carolina, will be considered by the Senate Committee on Agriculture and Forestry.

The committee did not consider it. It reported it—

with the appearance of Representative VINSON, Georgia, to discuss the legislation.

What he had to say about it, I do not know. We had at least to import whatever talent we had before the committee to tell us what the bill was.

Senator CARAWAY, Arkansas, also is expected to oppose the bill at this meeting.

Well, I was a few minutes late and it was reported when I arrived.

Senators COPELAND and WAGNER, of New York, have received a great many telegrams from cotton dealers in New York, urging that since Senator SMITH has amended his bill to provide for the inclusion of New York as a delivery point for cotton they support the measure and aid in securing its early passage. * * *

Among the senders of telegrams were La Mar L. Fleming, who is associated with William L. Clayton in the firm of Anderson, Clayton & Fleming.

William L. Clayton was the man that Marsh said so manipulated the cotton exchange that he ruined not only the growers but the dealers and the hedgers alike. He was the principal witness before the committee. It was his investigation, and, incidentally, he was the man who took to New York 172,000 bales of cotton, that I will be able to show you, I think, without doubt, a large part of it was untenderable on contracts, to beat down the price of cotton. In answer to a question I asked him, Mr. President, he said, "If I had not had this cotton there they would have taken my shirt off my back"; but he had it there, and instead of their taking the shirt off of his back he took the shirt off the back of every grower of cotton in America. He manipulated the price of cotton until he destroyed the grower; and, according to the best information of men who manipulate the markets themselves, he did it in such a way that he ought to have been indicted, and they appealed to the Attorney General to indict him for violation of the law by his manipulations.

That was a row between cotton gamblers and I am not much concerned about it, but his representative indorses this bill. It was said, as I said, that his attorney wrote the bill. The Senator from South Carolina denies it, and I accept that statement; but at least he indorses it. It is his bill by adoption.

Now, he is not all:

Wallace Fleming, Philip G. McFadden, W. Levie Harriss, L. H. Reid & Co., William J. Walsh, E. J. Schwabach—

I am reading you now the roll of these growers of cotton on the New York Cotton Exchange—

William Mitchell, B. Conlin, Eugene Basho, D. B. Cannafax, Clayton E. Rinh, D. Holder, Frank G. Brown, William F. Higgins, T. C. Figgat, Leslie J. Healy, Spencer Waters, and H. L. Goss. Among other things they stated that they give the bill in its present form their most hearty indorsement.

Mr. Haley Bennett, who said that the New York Cotton Exchange and myself were the only ones opposing it, must amend his statement in two respects: First, he said he is the stepfather of the legislation. That is denied, and I accept it. Next, he said the New York Cotton Exchange and myself were the only people opposing it; and now he will have to admit that he and the cotton exchange are indorsing it, alongside of my good friend here from South Carolina.

Now let us see who Clayton is and how much the cotton growers ought to be put at his mercy.

I have here the statement of Mr. Brown, who was appointed, among others, to examine the cotton Clayton had in New York for the purpose of destroying cotton values. I understand from the Senator that he has changed that statement. I do not know. I am reading the one that he gave out. Whether it was true or not, I do not know. If he has made another statement, I would not know which to accept. But, anyway, if I may have the attention of Senators who are at all interested in the future of the cotton growers of America, under the cotton market rules, where people sell cotton, when delivery day comes, if they give notice five days in advance, they may tender that cotton—not the cotton they sold, but cotton that falls within certain grades, although the man who bought may not be able to use a single bale of the cotton tendered. Mr. Clayton shipped to New York and kept there for at least 18 months—I think it was 2 years—about 200,000 bales of cotton, and whenever he was caught short he would tender this to those people who held

his contract. They could not take it. They did not want it. They could not have paid for it. They were just gambling in futures, as he was. They were gambling in other people's products, as was he; but, since they could not take it, he could beat down the price, and he settled his contracts at a lower figure. He said himself, "If I had not done this, these cotton gamblers would have taken my shirt off my back"; but, inasmuch as he had this cotton there and they could not take it or use it, he took the shirts off of their backs. That was not all. He took the shirts off the backs of all cotton growers.

Among other things, the cotton has to be seven-eighths of an inch in staple. When this committee was told that Anderson, Clayton & Co. were manipulating the market, and among the agencies they were using was this 200,000 bales of cotton kept in New York for two years, at an expense, admitted by him, of about $9,000,000—a dead loss so far as economic laws were concerned, but a profitable investment so far as gamblers' needs go—they examined it and they found that 6,700 bales could not have been tendered on contract. Mr. Jones is quoted that *about 25 to 42* per cent of the remainder did not meet the Government standard; and yet for nearly two years Anderson, Clayton & Co. tendered this cotton over and over and over again, and beat down the price of cotton, and every cotton grower in America suffered. The Department of Agriculture never raised its hand, although it knew the facts; the board of governors of the exchanges had to know, and they made no protest. And yet, and yet, and yet, now the proponents of this bill want to give them still greater power, so that they do not even have to ship cotton to New York; but this board of governors can say "No," and save Mr. Clayton the $9,000,000 that he has heretofore had to expend in keeping this cotton in New York to beat down the price of cotton.

I will put his statement in its entirety in the RECORD. My friend here from South Carolina says he is wrong. He saw the cotton, and the Senator did not; but, of course, I presume the Senator from South Carolina knows more about the cotton than those who saw it.

The two men who came here came first to me, I believe, if I may be permitted to say it, complaining of the manipulation of the cotton market. I sent them to the Senator from South Carolina. They furnished the bases and statements that made the investigation possible. They were the ones who called attention to the gamblers that were manipulating the cotton market. They wrote me a letter yesterday about this bill. They are not camouflaging. They want a cotton market on which they can hedge, but one that other people can not literally strip them of their very shirts, as Clayton said. They say:

THE WILLARD,
Washington, May 22, 1928.

HON. THADDEUS CARAWAY,
United States Senate, Washington, D. C.

DEAR SENATOR CARAWAY: In response to your request for our criticism of the Smith cotton bill.

We are practical cotton men, but are not allied to any cotton exchange or trade body. We were, however, the first to expose to Congress the methods in use in the manipulation of the cotton market, and the Vinson bill is largely the product of some constructive and corrective suggestion given to Congress by us. On the other hand, it is generally reported that various members of exchanges and others, some of whom have been actively engaged in manipulations, assisted or participated with Senator SMITH in writing his bill, * * *.

I do not assert that that is true. Haley states that he did. I do not think he did. I think the bill he helped write has been discarded and another is here.

There is a paragraph of the letter which I shall not publish.

There are a number of good features in the Smith cotton bill, practically all of which, however, have been taken verbatim from the Vinson bill; but there are other provisions and loopholes in the bill which, together with the southern delivery clause, will probably result in making the way of the manipulator even easier than it is under the present law. One of the most serious objections in the bill is that it places the control of manipulation in the hands of the cotton exchanges, which, in turn, are almost completely dominated by the manipulators themselves; and this is confirmed by the testimony of the New York Cotton Exchange president, Mr. Hubbard, before the investigating committee to the effect that the exchange was powerless to correct certain abuses.

The Vinson bill, on the other hand, places the control directly in the hands of the Secretary of Agriculture and should be far more deterrent, if not effective. We think it a mistake under any circumstances to delegate any additional powers to the cotton exchanges, which are almost certain to be abused by selfish interests and therefore fail in their purpose.

The rest of their letter I shall put in the RECORD, with the permission of the Senate.

There being no objection, the remainder of the letter was ordered to be published in the RECORD, as follows:

We think the southern delivery plan as set forth in the Smith bill, where cotton may be delivered in as many as five or more different points so that the purchaser can not tell beforehand where he is going to be forced to take delivery or whether it may be all in one place or part in a number of other places. It is bound to have a depressing effect on the price, as it is a well-known fact that anything which increases the uncertainty of the buyer's position makes him that much more reluctant to take actual delivery.

The Vinson bill has a provision enabling the prospective buyer to examine samples of the certificated cotton delivered on contract, so that he does not have to buy a cat in a bag, as is the case to-day. The necessity for this has been fully demonstrated by the recent reclassification of the New York certificated stock, where some fifty thousand-odd bales have been found to be below minimum legal requirements, although used for delivery purposes the past two years. The Smith bill contains no such provision, it having been purposesly excluded by Senator SMITH himself, at whose behest we do not know.

If there is any further information you require, please command us.

Respectfully yours,

L. M. GANIER.
LOUIS N. OSMOND.

Mr. CARAWAY. Suffice it to say that the men who unearthed the crookedness in the exchanges, and called attention to it, and out of which this bill grew, say that they had rather have no legislation than this legislation, that it means ruin to the honest interests. Whether they are right is a matter of opinion.

Mr. President, most bad legislation, though not designedly bad, goes through Congress in the last three or four days of a session. I am perfectly willing to repeat what I said: There is not a man on this floor who knows just what this bill would do, except we do know that it shackles the farmer to the exchanges, and he will live or die by their grace. Why, Mr. President, it goes so far in its effort to prevent retendering that it actually stops people from buying spot cotton.

Mr. HEFLIN. Mr. President, will the Senator read us the provision that enables anybody to prevent people from buying spot cotton?

Mr. CARAWAY. Yes, sir.

Mr. HEFLIN. I should like the Senator to read it to the Senate.

Mr. CARAWAY. If the Senator had read the bill he would have found out that under certain conditions, where a man has bought cotton to sell, and it is decided that he is going to manipulate the price, the exchanges can absolutely stop him from buying or selling.

Mr. HEFLIN. I differ with the Senator about that, and I challenge him to point out the provision.

Mr. CARAWAY. If the Senator had read the bill he would know that.

Mr. HEFLIN. I will discuss it in a moment. I do understand it.

Mr. SMITH. I will explain the bill, when the Senator gets through, and all the circumstances surrounding its drafting.

Mr. CARAWAY. And its reporting out.

Mr. SMITH. Yes; and reporting it out.

Mr. CARAWAY. Will the Senator say whether or not there is a provision in his bill which would stop anyone from buying spot cotton now?

Mr. SMITH. There is not a provision in the bill that would stop anyone from buying spot cotton in any particular unless he has sold so many hedges against actual spot cotton as to threaten a corner in the market. That is what is in the bill.

Mr. CARAWAY. That is the provision, so that if prices were going up they could stop him.

Mr. SMITH. I will explain that.

Mr. CARAWAY. I know the Senator will explain it; but the Senator from Alabama said it was not in the bill.

Mr. HEFLIN. I will ask the Senator this question: Is there any provision in the bill that will prevent any farmer in the Cotton Belt from selling cotton when he pleases, or any merchant or any spinner in the Cotton Belt from buying it? There is no such provision in it.

Mr. CARAWAY. Nobody said there was any such provision in it.

Mr. HEFLIN. The Senator's argument suggested that they were going to stop trading in cotton.

Mr. CARAWAY. That is what is provided. The Senator from South Carolina agrees.

Mr. HEFLIN. The Senator now says that what I suggest is not in the bill.

Mr. CARAWAY. The Senator does not say that.

Mr. HEFLIN. I ask him again.

Mr. SMITH. There is nothing in this bill that can stop anyone from buying and selling cotton any time, anywhere, under any conditions, except some member of the exchange.

Mr. HEFLIN. Who is engaging in a speculative deal.

Mr. SMITH. Who is trying to bring about a corner.

Mr. HEFLIN. Or who is in a speculative deal, dealing in fictitious cotton.

Mr. SMITH. If the Senator is opposed to legislation designed to prevent an actual breach of the Sherman antitrust law, he can say so.

Mr. CARAWAY. If there is a breach of the Sherman law, there is a law on the statute books to prosecute the one breaking the law.

Mr. SMITH. We at least could call attention to it here, and warn the exchanges that their charters will be forfeited if they sit down and permit this to be done before the suit can be brought.

Mr. CARAWAY. To show that the Senator from Alabama has not read the bill, the Senator from South Carolina says that there is a provision in it to prevent people on the exchange from buying spot cotton and selling spot cotton where there is to be a corner. A corner in cotton is threatened where somebody has bought so much cotton that he is about to raise the price too high, and when that is attempted it can be stopped so that the price can not be raised sky high. On the other hand, there is no provision in the bill to keep anyone from knocking the bottom out of the price. The only check is against getting it too high; there is nothing against getting it too low. The Senator from South Carolina laughs. Let him point out the provision.

Mr. SMITH. Mr. President, there is no such provision in the bill.

Mr. CARAWAY. I know it.

Mr. SMITH. I do not care to interject any comments here, but I will take my own time and I will state in my very feeble way, and out of my very limited knowledge of the business, what I have attempted to do.

Mr. CARAWAY. It is conceded, then, there is in the bill a provision that if somebody buys too much cotton and the price is going up, he can be stopped; but if he sells and sells until the bottom drops out of it, there is nothing to stop him.

Mr. HEFLIN. I do not concede that.

Mr. SMITH. Certainly; nobody concedes any such thing.

Mr. CARAWAY. The Senator just said there was no provision in the bill against overselling.

Mr. SMITH. The whole bill, from start to finish, as I will show, is for that very identical purpose.

Mr. CARAWAY. It is not in the bill.

Mr. SMITH. It is all through the bill.

Mr. CARAWAY. It is not.

Mr. MAYFIELD. Let us have order.

The VICE PRESIDENT. The Senate will be in order.

Mr. CARAWAY. Mr. President, one of the strong backers of the bill—and I am sorry he is not on the floor—is the senior Senator from Louisiana [Mr. RANSDELL]. When we had before us an amendment to the tax bill, which has just passed, on the 10th day of this month the Senator said what I shall read about the present law. This bill indicts the present transactions on the exchanges, and the Senator is just now trying to brand me as being unwilling to help stop certain criminal practices in the cotton exchanges. Yet the Senator from Louisiana on the 10th day of this month said this, speaking about the present cotton law, passed in 1914:

> That law was found to be unconstitutional and was reenacted in 1916.
>
> It has been in existence ever since, with slight amendments, and has functioned admirably.

Mr. GEORGE. To what bill was he referring?

Mr. CARAWAY. To the present law.

Mr. GEORGE. The Smith-Lever Act?

Mr. CARAWAY. Yes. That was on the 10th of this month, when he wanted to defeat an amendment I had offered. He said the present law was functioning admirably. Now I am told that if I do not let that "admirable law" be amended in the last minutes of this session, I am protecting criminals. Is it not strange that it was "admirable" on the 10th of this month——

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. HEFLIN. Is the Senator referring to something I said?

Mr. CARAWAY. The Senator did not say this.

Mr. HEFLIN. The Senator referred to "the Senator from Alabama."

Mr. CARAWAY. Then I was mistaken. This was said by the Senator from Louisiana. The Senator from Alabama need not defend himself on this. He did not say it.

Mr. HEFLIN. I was going to say that the old law which we repealed, the Smith law, which was the best one ever enacted up to that time, did away with the old grades, about 32.

Mr. CARAWAY. Yes.

Mr. HEFLIN. And reduced them to about nine.

Mr. CARAWAY. What I am talking about is this: The Senator from Louisiana who is, I will say, the stepfather of this bill, told the Senators on the 10th day of this month, in appealing to them to vote down an amendment I had offered, that the present law is working admirably. That appears in his printed speech of the 10th of May, on page 8261, in the RECORD. If it was an admirable law on the 10th of May, what has gone wrong with it between that and the 23d day of May? He could not defend this change on the ground that he had not heard the results of the Smith investigation, because he was a member of the committee, and was present when some of the testimony was being given. I know, because I was present and saw him.

In the same admirable speech about that same "admirable law" made by the Senator from Louisiana on the 10th of this month, he made another statement to which I wish to refer. He and another Senator were commending that law, because there was a provision in it, it was suggested, for the selling of livestock on the stock exchanges—a hog exchange. God knows it would be funny trying to sell a hog on a future market. One would not know whether he was big or little, black or brown, poor or fat, whether he had the cholera or gallstones. Those would all be interesting details in considering a future market for hogs.

Mr. GEORGE. Mr. President, let me ask the Senator if that is not just about what they do with cotton under section 5 of the Smith-Lever Act?

Mr. CARAWAY. Yes; and what they are going to do with it better under this proposed law.

Mr. SMITH. If the Senator will yield——

Mr. CARAWAY. I yield.

Mr. SMITH. If I catch the implication of the question of the Senator from Georgia, they do no such thing, because trading is restricted to one of the standard commercial grades, and also to a certain length of staple. They can not go below that in delivering cotton. When I take the floor in response to the remarks that have been made I think I can show the Senator that he was not justified in making that remark.

Mr. GEORGE. I understand he must deliver one of the grades, but he can deliver any one of the grades.

Mr. SMITH. Does the Senator also understand that under a test made by the Department of Agriculture all of the grades of a given length of staple make exactly the same quality of cloth and yarn?

Mr. GEORGE. So it may be, Mr. President, but it is still the sale of the pig in the bag. Under section 5 it makes no difference what cotton you sell or what cotton you buy, the seller can deliver you any grade of cotton recognized.

Mr. SMITH. The grade governs nothing but the color. Let me say, since such great stress has been laid upon the length of the staple that I have simply proposed to amend the present law so as to include staple length, emphasizing it a little more than it was in the first instance.

Mr. GEORGE. I merely desire to say—and I can say it very briefly if the Senator from Arkansas will permit me——

Mr. CARAWAY. I yield.

Mr. GEORGE. There will never be a proper regulation of the exchange unless your contract calls for something specific, or unless you stop short selling, as the Senator from Arkansas has proposed in his bill.

Mr. SMITH. May I make just one statement in reference to that, not in reference to the general argument the Senator is now making?

Mr. CARAWAY. I yield.

Mr. SMITH. If we shall have southern delivery, in view of the fact that the farmer disposes of his cotton within 60 to 90 days, he can then sell his cotton while it is growing, and under the Smith-Lever Act can then deliver every grade he makes, providing it does not go below seven-eighths in staple, and below middling in color, at the market price for any grades below middling, and any above middling, and deliver that cotton at the time he promised to deliver it after it is produced. The Senator from Georgia grows cotton. He knows that while his cotton is growing he could not determine what grade he was going to make or what particular length of staple. Therefore, if you had a specific contract, you would have a mill contract, and the grower would be out of it.

Mr. CARAWAY. The Senator from South Carolina knows that a farmer can sell his cotton, but he can not sell that cotton on the exchange. He can buy a future contract or sell a future contract, but there is nothing in the old law and there is nothing in the proposed law that will make the man who bought the contract take the cotton. They settle on commercial differences, and the law provides for the method of ascertaining the proper figures.

Now I want to digress a moment. Under the old law, and under the proposed law, the seller of the contract can give notice and make the buyer accept cotton. There is nothing in the bill that can make the seller deliver if the buyer gives notice that he is going to demand cotton. They settle on commercial differences. In other words, the exchange man can gamble in my cotton all he wants to, and he can deliver or not deliver. The option is with him; it is not with the purchaser. When delivery time comes, if he can beat down the price of spot cotton, so he can buy it cheaper than the figure at which he sold his future contracts, then under the present law he can give 5 days' notice, under the proposed law 10 days' notice, and make the buyer take it. But the option is his option. If he does not want to give notice, they do not exchange a bale of cotton. But if he wants to beat down the price by giving notice that he is going to deliver, he can do it so as to make money on his future sales, on his gambling contract; but the buyer can give a dozen notices and never get a bale of cotton under his contract.

Mr. SMITH. Oh, no. The law is equal in each case.

Mr. CARAWAY. There is no provision at all of that kind.

Mr. SMITH. There is none about the seller either.

Mr. CARAWAY. Oh, yes. He can give 10 days' notice and make the buyer accept it.

Mr. SMITH. And the buyer can demand specific performance.

Mr. CARAWAY. But if the seller has not got it, they settle on commercial differences. He can demand, but he can not get it. They settle on commercial difference.

Mr. SMITH. If they agree to do it.

Mr. CARAWAY. Oh, they can make him do it.

One of the best arguments made against the amendment that I was trying to put on the tax bill in the interest of the farmer, as I said, was made by the Senator from Louisiana [Mr. RANSDELL]. He was the only man who did make a speech. My friend from South Carolina made a speech after the amendment had been defeated, but the only argument made against it was by the Senator from Louisiana [Mr. RANSDELL]. In his concluding appeal to the Senate he said this:

> If I may just put it in this way, the difference between the Senator from Arkansas and the Senator from Louisiana is this: The Senator from Louisiana stands by the existing institutions, by something that has been used for years and years and years. The Senator from Arkansas wants to destroy them. He wants to put in something else. "He who asserts must prove" is a principle of law with which the great Senator from North Carolina certainly is familiar. I am not seeking to do anything here except to maintain the status quo; that is all. I do not want to do a thing but let these exchanges alone.

That was the 10th of this present month, and now, on the 23d day of the same month, it is said that if we do not pass this bill crime will flourish.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator desire to take the floor?

Mr. SMITH. I do.

The VICE PRESIDENT. Will the Senator suspend until the Chair lays before the Senate a message from the President of the United States?

Mr. SMITH. Certainly.

The VICE PRESIDENT. The Senator from South Carolina will be recognized afterwards.

FARM RELIEF—VETO MESSAGE (S. DOC. NO. 141)

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read the message, as follows:

To the Senate:

Senate bill 3555, called the surplus control act, is in some respects an improvement over Senate bill 4808 of the last Congress. It includes several provisions, which, if unencumbered by objectionable features, would form a basis for a measure that should do much to develop stronger business organizations in agriculture. But the present bill contains not only the so-called equalization fee and other features of the old measure prejudicial, in my opinion, to sound public policy and to agriculture, but also new and highly objectionable provisions. In its entirety it is little less undesirable than the earlier measure. The bill still is unconstitutional. This position is supported by the opinion of the Attorney General, which is hereto attached.

In its essentials the objectionable plan proposed here is the stimulation of the price of agricultural commodities and products thereof by artificially controlling the surpluses so that there will be an apparent scarcity on the market. This is to be done by means of a board having supposedly adequate powers and adequate funds to accomplish such purpose through various agencies, governmental and private. The surpluses of the different selected commodities so accumulated by the board are then to be sold by export and otherwise directly or through such agencies at whatever loss is necessary in making the disposition. The fund to pay the losses and other costs while at first furnished by the Government is ultimately to be replaced and thereafter replenished from time to time by means of a tax or fee charged against the product. The theory is that the enhanced price of the commodity would enable the producer to pay the equalization fee and still reap a profit.

The recurring problem of surpluses in farm products has long been a subject of deep concern to the entire Nation, and any economically sound, workable solution of it would command not only the approval but the profound gratitude of our people. The present measure, however, falls far short of that most desirable objective; indeed, although it purports to provide farm relief by lessening the cares of our greatest industry, it not only fails to accomplish that purpose but actually heaps even higher its burdens of political control, of distribution costs, and of foreign competition. It embodies a formidable array of perils for agriculture which are all the more menacing because of their being obscured in a maze of ponderously futile bureaucratic paraphernalia. In fact, in spite of the inclusion in this measure of some constructive steps proposed by the administration, it renews most of the more vicious devices which appeared in the bill that was vetoed last year. This document is much altered from its previous form, but its substance, particularly as to its evident ultimate effect of tending to delude the farmer with a fantastic promise of unworkable governmental price regulation, is still as repugnant as ever to the spirit of our institutions, both political and commercial.

A detailed analysis of all of the objections to the measure would involve a document of truly formidable proportions. However, its major weaknesses and perils may be summarized under six headings:

I. Its attempted price-fixing fallacy.

II. The tax characteristics of the equalization fee.

III. The widespread bureaucracy which it would set up.

IV. Its encouragement to profiteering and wasteful distribution by middlemen.

V. Its stimulation of overproduction.

VI. Its aid to our foreign agricultural competitors.

These topics by no means exhaust the list of fallacious and indeed dangerous aspects of the bill, but they afford ample ground for its emphatic rejection.

I. Price fixing: This measure is as cruelly deceptive in its disguise as governmental price-fixing legislation and involves quite as unmistakably the impossible scheme of attempted governmental control of buying and selling of agricultural products through political agencies as any of the other so-called surplus control bills. In fact, in certain respects it is much broader and more flagrant in its scope. The heights to which price lifting might be promised are freed from the limitations fixed in previous measures. The bill carefully avoids any direct allusion to such price-fixing functions, but there can be no doubt about its intentions and authorizations to the Federal farm board in this respect. There is apparently no change in the import of the bill in the resolution to impose upon the farmer and upon the consumers of farm produce a régime of futile, delusive experiments with price fixing, with indirect governmental buying and selling, and with a nation-wide system of regulatory policing, intolerable espionage, and tax collection on a vast scale.

These provisions would disappoint the farmer by naïvely implying that the law of supply and demand can thus be legislatively distorted in his favor. Economic history is filled with the evidences of the ghastly futility of such attempts. Fiat prices match the folly of fiat money.

The board would be compelled to arrive in some way at the premium on the domestic price which would be demanded from the consumer, and this figure would have to be fixed in the contracts which it would make with the millers, packers, canners, spinners, and other processors. Such prices and other terms fixed in the contracts would be used by the board to calculate the losses upon which it will base the size of the equaliza-

tion fee. This procedure is the very essence of price fixing no matter how cumbersome and crudely camouflaged it may be. By throwing the very large resources of the Government into this operation the present bill gives the widest latitude for the most vicious temptations adherent in autocratic authority in complete command of vast industries and trades.

In previous bills definite yardsticks have been determined by which prices were to be established by the Government. They are omitted from this bill, which thereby leaves almost no restraint whatever upon the discretion of the board in this respect. The present measure, therefore, has even less merit than its predecessors in this regard since it carries no limitation as to the extent of price inflation which it can undertake.

II. The equalization fee, which is the kernel of this legislation, is a sales tax upon the entire community. It is in no sense a mere contribution to be made by the producers themselves, as has been represented by supporters of the measure. It can be assessed upon the commodities in transit to the consumer, and its burdens can often unmistakably be passed on to him.

Furthermore, such a procedure would certainly involve an extraordinary relinquishment of the taxing power on the part of Congress, because the tax would not only be levied without recourse to legislative authority but its proceeds would be expended entirely without the usual safeguards of congressional control of appropriations. This would be a most dangerous nullification of one of the essential checks and balances which lie at the very foundation of our Government.

Incidentally, this taxation or fee would not be for purposes of revenue in the accepted sense but would simply yield a subsidy for the special benefit of particular groups of processors and exporters. It would be a consumption or sales tax on the vital necessities of life, regulated not by the ability of the people to pay but only by the requirements and export losses of various trading intermediaries. It would be difficult indeed to conceive of a more flagrant case of the employment of all of the coercive powers of the Government for the profit of a small number of specially privileged groups.

It has been alleged that these operations would be inaugurated only as a last resort, but this would be scanty assurance indeed, since no board would be able to resist the pressure of the political forces which could be mustered in behalf of every staple commodity to demand that the Government should undertake the responsibility of attempting to legislate its prices above those fixed in the normal operations of the law of supply and demand.

III. Widespread bureaucracy: A bureaucratic tyranny of unprecedented proportions would be let down upon the backs of the farm industry and its distributors throughout the Nation in connection with the enforcement of this measure. Thousands of contracts involving scores of different grades, quantities, and varieties of products would have to be signed by the board with the 4,400 millers, the 1,200 meat-packing plants, the 3,000 or more cotton and woolen mills, and the 2,700 canners. If this bill had been in operation in 1925, it would have involved collections upon an aggregate of over 16,000,000,000 units of wheat, corn, and cotton.

The bill undertakes to provide insurance against loss, but presumably only against reasonable and unavoidable loss. Just what this might be would involve judgment on the part of Government employees upon tens of thousands of transactions running into billions of dollars. This is bureaucracy gone mad. Cooperative associations, flour mills, packing plants, and grain elevators will cease to be private and become public agencies. If there is any conclusion that we can announce as final with regard to governmental business operations, particularly after the bitter and excessively costly war-time experiences with such enterprises, it is that we can not maintain a bureacracy of such vast proportions engaged in buying and selling without constant danger of corruption, mismanagement, and prodigious tax burdens. No private agency of so gigantic and complex a character attempting to juggle with profound economic principles in such fashion could survive under such circumstances, and the chances for a governmental trading organization would be even less.

Swarms of inspectors, auditors, disbursers, accountants, and regulatory officers would be let loose throughout the land to enforce the terms of these contracts and to curb the inevitable attempts at evasion of the equalization fee. This plague of petty officialdom would set up an intolerable tyranny over the daily lives and operations of farmers and of every individual and firm engaged in the distribution of farm products, intruding into every detail of their affairs, setting up thousands of prohibitory restrictions and obnoxious inspections.

Such autocratic domination over our major industry, its dependent trades, and the everyday activities of hundreds of thousands of our citizens would indeed be profoundly repugnant to every instinct of our institutions. It would undermine individual initiative, place a premium upon evasion and dishonesty, and poison the very wellsprings of our national spirit of providing abundant rewards for thrift and for open competitive effort.

The arbitrary powers in the hands of the 12 members of the board are almost incredible. But even more extraordinary would be the veto power over the board which this measure places in the hands of the commodity advisory councils.

Acting with the board, these men could throw the entire machinery of the Government into an attempt to raise or lower domestic prices at will. Even though such efforts would ultimately be doomed to certain failure, these men would meanwhile, during the course of costly experiment, hold in their hands the fate of vast industries using farm products employing millions of persons and of great cooperatives with thousands of farmer members. They could disrupt the settled channels of trade and commerce; they could alter at will the cost of living, influence wage levels in all lines of industry, and affect conditions of business in every part of the country. The mere enumeration of such powers is the complete answer to the proposal that they be granted.

IV. Encouragement to profiteering and wasteful distribution by middlemen: As was pointed out in the veto last year, it seems almost incredible that the farmers of this country are being offered this scheme of legislative relief in which the only persons who are guaranteed to benefit are the exporters, packers, millers, canners, spinners, and other processors. Their profits are definitely assured. They have, in other words, no particular incentive toward careful operation, since each of them holding a contract, no matter how unscrupulous, wasteful, or inefficient his operations may have been, would be fully reimbursed for all of his losses.

This would be bound to encourage wholesale profiteering at the expense of the farmer and of the consumer. Every one of these processors could charge what he chose to his domestic trade and recoup the loss incurred on any one of his products thus made unsalable at home through excessive prices by dumping it at reduced rates in foreign markets. With such a complete guaranty of profit these concerns would be entirely without restraint or limitation as to profiteering and as to slovenly and wasteful processing and selling operations.

Surely there could be no more direct means of destroying the very germ of American commercial genius which is so frankly envied by our foreign rivals—the tireless search for better and more efficient business methods, the competitive zeal for superior service, and for adequate returns through large sales of better merchandise at lower prices.

The packers could be commanded by the board to buy hogs enough to create a near shortage at home and then raise the prices to a fixed level. The unsalable surplus would then be dumped abroad at a loss, which would thereupon be made good out of the pockets of all taxpayers, including the farmers. The operations would involve an impenetrable maze of contracts between the board and hundreds of packers and provisioners. The result would be a bewildering snarl of entangled accounting problems, because packing houses buy one kind of product and sell a wide range of highly differentiated specialties. To "equalize" the losses on these would indeed be a task of overwhelming difficulty.

These objections were raised against the previous measure and apparently an attempt has been made to meet them by broadening the discretionary powers of the board so as to escape the necessity of describing its functions and limiting its authority. The result, however, has been entirely the reverse from that which was intended. The board is endowed with vast powers over our basic industry, but, unlike every other agency in the Government, it would not be limited by congressional control over its appropriations, since it would have within itself the power to raise funds without limit by means of the compulsory equalization fee.

V. Stimulation of overproduction: The bill runs counter to an economic law as well settled as the law of gravitation. Increased prices decrease consumption; they also increase production. These two conditions are the very ones that spell disaster to the whole program. The vaguely drawn clause in the measure to meet this obvious danger merely amounts to moral suasion and, as a last resort, the withdrawal of the equalization fee. Thus, if 90 per cent of the growers of a given commodity heed the admonitions of the board and refrain from production, they will nevertheless be punished because of the evasions of the remaining 10 per cent who have ignored the board's requests. In other words, no farmer will be safe in directing his planning upon his individual judgment, for should the result be a stimulation of an increased yield, the board will be likely to withdraw the support which encouraged the sur-

pluses and allow the prices to collapse under the weight of that artificially created excess. The annals of the industrial and agricultural world are replete with the catastrophes that have come in the wake of such attempted distortions of one of the most fundamental principles of commercial relations.

VI. Aid to our foreign agricultural competitors: This measure continues, as did its predecessor, to give substantial aid to the foreign competitors of American agriculture and industry. It continues the amazing proposal to supply foreign workers with cheaper food than those of the United States, and this at the expense of the American farm industry, thereby encouraging both the foreign peasant, whose produce is not burdened with the costs of any equalization fees, and also affording through reduced food prices the means of cutting the wage rates paid by foreign manufacturers. The latter step would promptly impair the prosperity of our manufacturing population, which is by far the leading and most profitable market for our farm produce. It is nonsense to say that our farmers are not interested in such a development, which can only result in unemployment and in consequent decreases in food consumption in the great industrial districts. It is surely poor business to transfer the farmer's market from an employed American workman to the latter's competitor in the low wage-scale countries across the seas, whose potential buying power and standards of living even at best are far below those of this country.

This is indeed an extraordinary process of economic reasoning, if such it could be called. Certainly it is a flagrant case of direct, insidious attack upon our whole agricultural and industrial strength. By the inevitable stimulation of production the bill can only mean an increase of exportable surplus to be dumped in the world market. This in turn will bring about a constantly decreasing world price, which will soon reach so low a figure that a wholesale curtailment of production in this country with its attendant demoralization and heavy losses would be certain. Where is the advantage of dragging our farmers into such folly?

Furthermore, as the board undertakes to dump the steadily mounting surplus into foreign countries at the low-cost figures, it will come into direct conflict with the dumping and similar trade laws of many foreign lands which are interested in the maintenance of their own agricultural industries. We might, therefore, expect immediately a series of drastic, retaliatory discriminations on the part of these consumer countries. This will drive our surplus into narrower market channels and force even further price reductions with consequent increases in the burdens of the equalization tax.

Lastly, and most important, in connection with this aspect of the bill as an aid to our foreign competitors, the measure will inevitably devastate many of our important farm areas. For instance, the board is expected to obtain higher prices for the American farmer for corn by removing the surplus from the home market and dumping it over our borders at a lower level of prices. In other words, the hog grower in Ontario, Canada, may buy American corn at a very much lower level than the hog grower in the State of Ohio. Both being situated equally as to the European market for their pork products, we shall see immediately the migration of the Ohio hog industries across the border into Canada with consequent losses to our pork industry by this Canadian competition.

Likewise the dumping of cheaper American feeds for Dutch and Scandinavian producers of dairy products further subsidizes them in direct competition with the American industry. In other words, the framers of this measure naïvely submit a proposal to save the American livestock grower and dairyman by supplying his overseas rivals with abundant feedstuffs at reduced rates. It would be difficult indeed to conceive of a more preposterous economic and commercial fallacy.

To take another illustration, our cotton-manufacturing industry, which now has some 18,400,000 spindles in the cotton-growing States and 16,400,000 in the New England States, has been in a precarious condition for several years. Further handicaps imposed upon it by this bill might spell its ruin and the consequent serious crippling of our entire cotton-growing belt. Under this bill it would be quite conceivable that foreign mills could obtain American cotton for prices substantially less than those paid by domestic mills. Foreign mills could ship cotton goods to this country in spite of the tariff, since the equalization fee in this measure is not applied to cotton fabrics. Furthermore, foreign mills would undoubtedly capture our existing export markets for the 600,000,000 square yards which we ship abroad annually, valued at over $75,000,000. The very serious hardships thus inflicted upon the nearly 500,000 wage earners in the cotton-manufacturing industries and the consequent impairment of their consumption of farm produce, as well as of the raw cotton in the mills, would be indeed a tragic, if not disastrous, episode.

All of this assumes that the foreign countries will permit the carrying out of the plan, but many of those countries are interested in the production of their own agricultural industries and will not hesitate to impose higher tariff duties or antidumping laws to prevent such undue depression of their own markets. Furthermore, they would be inclined to institute discriminatory measures in favor of our competitors by way of retaliation. The markets for our surpluses would thus be limited if not fatally obstructed. To stake the future prosperity of American agriculture upon the course of action to be taken by foreign governments acting under such hostile impulses is altogether too hazardous.

Many of the objections urged in my former veto message apply with equal force to the present bill. No good purpose would be served, however, by repeating them in detail.

The bill now under consideration also includes objectionable features not found in the one of the last session.

The present measure would authorize the board to insure cooperative associations against price decline and require the nonmembers as well as the members to bear the cost under the so-called "nonpremium insurance." All producers would be compelled not only to bear the risk of the few, but also to insure them against the consequences of bad management.

We all believe in sound cooperation; the Government has gone far in recent years to aid it, and I have recommended additional steps for its encouragement; but no system of cooperation founded on the favoritism contemplated under the name of "nonpremium insurance" could be of lasting benefit to agricultural cooperation.

This bill also provides that the equalization fee collected on any agricultural commodity produced in the United States shall in addition be collected on importations of that commodity. This provision would empower the board to do the following:

1. Regulate foreign commerce, for the equalization fee on imports would be in fact a tariff. This surely would be a delegation of legislative power, since no logical rule is prescribed to govern the board's actions in making this addition to import duties.

2. Raise the domestic price to the consumer, not only to the full amount permitted by the tariff but as far above that amount as the board might deem proper and expedient. This effect on domestic prices was clearly contemplated by the Committee on Agriculture of the House. Speaking of the effect of this provision on wheat, the committee said:

> Therefore the maximum price for all wheat, whether of domestic or foreign origin, would approximate a level that included both the tariff and the equalization fee.

3. Nullify the provision of the tariff act that tariff rates shall be based on differences in cost of production here and abroad, so far as that provision relates to agricultural products.

An effort has been made to create the impression that the present bill is an important concession to my recommendations for the control of agricultural surplus. It has been emphasized that the loan provision is what this administration has recommended and that loans to cooperative associations for the control of crop surplus constitute one or two alternatives, with the equalization fee the other alternative. It is said that the first alternative will be tried first and that the equalization fee will be resorted to only if the loan provision should prove inadequate. It becomes apparent, however, upon careful study of the present bill and of the supporting committee reports that these alleged alternatives can afford no real test of any plan of the kind I have recommended.

The board is authorized to invoke the trade agreement and the equalization fee only upon finding three facts: (1) "That there is or may be during the ensuing year a seasonal or year's total surplus * * * in excess of the requirements for orderly marketing or in excess of the domestic requirements for the commodity"; (2) "That the nature of the commodity—its durability, preservability, methods of marketing, etc.—adapts it to the operations contemplated"; and (3) that the cooperative associations are unable or unwilling to handle the surplus under the loan provision—i. e., that the "first alternative" is inadequate.

These conditions are always present. It is provided (sec. 8) that the board shall inquire into these facts upon request of the advisory councils, or organization of producers, or upon its own motion. The board could not escape making the three "findings" and would therefore be obliged to enter into trade agreements and to use the equalization fee from the beginning.

A surplus in excess of orderly marketing, *or* (the word "and" is not used) in excess of domestic requirements is always

present in many agricultural commodities. The exportation of any part of the domestic output proves the existence of such a surplus.

The second "finding" is equally inescapable because it is based on ever-present and obvious facts. Numerous commodities—cotton, wheat, corn, rice, tobacco, processed meats, and other products—always have the durability, preservability, etc., that render them adaptable to the operations contemplated in this bill.

The third "finding" is also assured in advance because it is certain that the cooperative associations would be both unwilling and unable to handle the surplus under the terms of this bill. Under the first alternative (the loan provision) the cooperative associations would be obliged to repay their loans with 4 per cent interest and pay their losses, if any, in the normal course of trade. Under the second alternative (the equalization fee plan) not only would the board make advances to the associations without interest but would also guarantee to pay their "losses, costs, and charges." Moreover, the equalization fee and the nonpremium insurance would enable the board to insure them against decline in the market price and against the consequences of bad management in merchandising their products, and to compel all producers of the commodity—members and nonmembers—to pay for the insurance. These inducements are surely sufficient to insure unwillingness of the cooperative associations to accept the first alternative.

Both unwillingness and inability of the cooperative associations to handle the surplus under the loan provision are made doubly certain by the central objective of the bill, which is to inflate domestic prices and to dump the surplus abroad at a loss. These associations, and everyone else who has given thought to the matter, know that this can not be done by loans and that it never was contemplated under the plan I have proposed.

The objectives of the type of legislation I have suggested and of this bill are radically different. The two proposals are therefore incompatible as practical alternatives. The object of my proposal is to aid in adjusting production to demand, to afford farmers a greater bargaining power, to handle surplus due to seasonal and other causes beyond the control of producers when unaided by strong business organizations, to minimize price fluctuations, and to reduce the margin between the price paid by the consumer and the price received by the producer.

The real objective of the plan in this bill is to raise domestic prices to artificially high levels by governmental price fixing and to dump the surplus abroad.

While agriculture has been distressed in many countries since the World War, the severity of the agricultural depression in the United States must not be underestimated. It is true there has been an increase in prices and purchasing power of agricultural products. Many important farm products have increased rapidly in price in recent months. Nor should we overlook the fact that our farmers have made noteworthy progress since 1921 both in the purchasing power of their products and in the output per worker in agriculture. The latter is the result of improved methods and equipment, and is in keeping with the fundamental cause of American prosperity—high productivity per worker. Moreover, we should avoid the error of seeking in laws the cause of the ills of agriculture. This mistake leads away from a permanent solution, and serves only to make political issues out of fundamental economic problems that can not be solved by political action.

In conclusion, if the measure is enacted one would be led to wonder how long it would be before producers in other lines would clamor for similar "equalizing" subsidies from the public coffers. The lobbies of Congress would be filled with emissaries from every momentarily distressed industry demanding similar relief of a burdensome surplus at the expense of the Treasury. Once we plunged into the futile sophistries of such a system of wholesale commercial doles for special groups of middlemen and distributors at the expense of farmers and other producers, it is difficult to see what the end might be.

I have believed at all times that the only sound basis for further Federal Government action in behalf of agriculture would be to encourage its adequate organization to assist in building up marketing agencies and facilities in the control of the farmers themselves. I want to see them undertake, under their own management, the marketing of their products under such conditions as will enable them to bring about greater stability in prices and less waste in marketing, but entirely within unalterable economic laws. Such a program, supported by a strong protective tariff on farm products, is the best method of effecting a permanent cure of existing agricultural ills. Such a program is in accordance with the American tradition and the American ideal of reliance on and maintenance of private initiative and individual responsibility, and the duty of the Government is discharged when it has provided conditions under which the individual can achieve success.

I am still hopeful that legislation along the lines suggested in my last annual message, with which many of the provisions of this bill are in harmony, may be enacted, but this bill embodies substantially all of the objectionable features which I said, in that message to the Congress, I could not indorse. I am therefore obliged to return Senate bill 3555, entitled "An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce" without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 23, 1928.*

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 22, 1928.

SIR: In response to your request for an opinion as to whether the bill to establish a Federal farm board (S. 3555, 70th Cong., 1st sess.), if approved, would contravene the provisions of the Constitution of the United States, I submit my conclusions.

The bill resembles in many respects S. 4808, which you returned without your approval February 25, 1927, and which was dealt with in my opinion to you rendered February 25, 1927.

Much that was said in that opinion applies to the bill now under consideration, but the importance of the subject and the differences between the two measures justify an extended statement of my views.

The first question is whether this legislation may be sustained under the commerce power.

The Federal Government is a Government of limited powers. It has only such powers as have been expressly given to it by the people in the Constitution or are implied as incidental to the powers as expressed.

In general, legislation under the commerce clause has been directed at carrying out the primary purpose of the commerce clause, which, as discussed in the decisions, was to prevent undue discriminations against and burdens or restraints upon interstate commerce, and most of the decisions of the Supreme Court under the commerce clause deal with such legislation.

Since heretofore Congress has never enacted legislation based on an assumed existence of a power to fix prices of merchandise bought and sold in interstate commerce, no case identical with this may be found.

The bill declares the policy of Congress to be, "through the execution of the provisions of this act, to provide for the control and disposition of surpluses of such commodities, to preserve advantageous domestic markets for such commodities, to prevent such surpluses from unduly depressing the prices obtained for such commodities, and from causing undue and excessive fluctuations in the markets for such commodities, to minimize speculation and waste in marketing such commodities"; the provisions of the act to be executed are for limiting the available supply of commodities by keeping them off the market by purchase and withholding in the country or sending them out of the country for the purpose of increasing the price in this country; and influence on the movement of merchandise in interstate commerce is only such as may incidentally result from the attainment of the primary result; and the question is whether fixing and maintaining prices of goods bought, sold, moving in interstate commerce, because of the incidental effect it may have on the movement of such goods, is or is not a valid regulation of commerce within the meaning of the commerce clause.

Another way of stating the question is: Has the Federal Government authority under the commerce clause to enter into the business of buying and selling—manipulating a market in—goods flowing in interstate commerce for the purpose of raising the prices of such goods between producers and consumers?

That I do not misinterpret or overstate the matter when I say the real objective is price maintenance, and effect upon commerce only an incident in the operation of this bill, I quote from the report of the committee of the House (p. 25):

> * * * The board is authorized and directed to enter into "marketing agreements" with cooperative associations or corporations created and controlled by them, under which such associations or corporations agree either to withhold from the market or to buy, remove from the market, and export or otherwise dispose of such quantities of the agricultural commodity as are agreed upon.
>
> The fundamental purpose of this act is to enable the board to assist in controlling and handling crop surpluses. It is expected that prices will respond readily. (House committee report, p. 26.)

It is suggested that the tariff acts and laws regulating immigration and other legislation have an effect on domestic prices

of merchandise and labor. In such legislation the effect on prices is the incidental result of the exercise of admitted powers under the Constitution. Here the fixing, establishing, and maintenance of prices of merchandise is not the incidental result of the exercise of power under other clauses of the Constitution, but is the primary result to be accomplished.

Because it has been held that the fact that an otherwise constitutionally authorized enactment may incidentally in its operation affect prices of goods flowing in such commerce does not make such regulation invalid, this legislation is said to be valid because the attainment of its purpose—raising and maintaining prices by governmental action in keeping off the market a portion of the supply of goods—may incidentally affect the flow of such goods in commerce.

* * * this current [of commerce] may find itself stimulated at times and restrained at other times, as surpluses are disposed of or withheld. (House committee report, p. 40; Senate committee report, p. 25.)

It is further said:

As to the * * * objection that the commerce power does not give Congress direct power to fix, establish, and maintain prices in interstate and foreign commerce, * * * the answer is * * * that no such direct power is given.

Let us examine this:

In the whole bill there is no provision for any action affecting commerce other than the removal from commerce—taking out of the market—and putting into commerce—selling—merchandise for the sole purpose of controlling the price of such goods in the interest of the producer.

In view of the further provisions of the act, section 8 (b) must be construed to read:

(b) Whenever upon such investigation the board finds, subject to and with the approval of the advisory council for such commodity—

The action provided for is—

"The board (subject to the approval of the advisory council) shall arrange for the marketing of the surplus through marketing agreements" providing for withholding from sale any part of the surplus or for the purchase of any part of the surplus and holding it off the market at Government expense, with the risk of gain or loss in such transactions borne by the Government, all done with Government funds, and all done "through the execution of the provisions of this act" "to provide for the control and disposition of surpluses," "to preserve advantageous domestic markets," "to prevent surpluses from unduly depressing the prices obtained and prevent causing undue and excessive fluctuations in the markets."

The board "may make such regulations as are necessary to execute the functions vested in it by this act." (Sec. 3e.)

The member delivering to a cooperative association a commodity for withholding is to receive from the association an advance payment "fairly reflecting the current market value of such commodity," and, further, is to be insured against decline in price during the period of withholding the goods from the market.

In order that a cooperative association * * * may with reasonable security make payments to its members at the time of delivery of such commodity by the members, * * * the board is authorized to enter into an agreement * * * for the insurance of such cooperative association against price decline * * *. (Sec. 11a.)

Any such agreement for insurance against price decline shall provide for the insurance of the * * * association * * * against loss to such association of its members due to decline in the average market price for the commodity during the time of sale * * * from the average market price * * * during the time of delivery to the association. (Sec. 11b.)

So the producer will deliver his goods to his association, receive from it an advance of Government funds to the amount of the then market price of the goods, and at the same time be insured against loss by decline from such price to any time when his commodity is sold within the year the insurance may run, notwithstanding how much higher the price may have been at any time between delivery and sale.

Not only are there these provisions for the control of such of the commodity as is delivered to associations by members, but further marketing agreements shall provide for the purchase of any part of such commodity not delivered to such association by its members and the withholding and disposal of the commodity so purchased and for the payment of the losses, costs, and charges arising out of such purchase, withholding, and disposal or of contracts therefor. (Sec. 8, c-2.)

And finally—

During a marketing period fixed by the board (with the consent and approval of the advisory council) for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of a surplus of the commodity, shall apply to the agreements in respect of its food products. (Sec. 8 f.)

This seems to put the Government and its agents, the board and the advisory council, and the cooperative associations, and other authorized agencies into the market to buy up the crop and hold it or ship it out of the country, as the interest of the producer requires, and of manipulating the market, not only in the agricultural products themselves but in the food products made from them.

How can the price of any staple article of food be raised more certainly and effectively than by substantially diminishing the available supply?

Is there any limit to the height to which prices may be forced by the Government's purchase and withholding from use of goods?

The price at which a surplus or any part thereof is to be purchased or disposed of under any marketing agreement is not in any way regulated or limited.

At any time the state of the market, so far as purchases are concerned, must include, then, governmental action artificially limiting the supply available for domestic consumption, taken by agents of the Government acting in the interests of the producers and not responsible to the board or anyone for the prices at which they buy or the sacrifices in price they make in disposing of goods out of the country in order to make a scarcity here.

The theory of this measure is not that the board shall fix artificial prices through definite prices named in the agreement, but that it shall assist cooperatives to influence the prevailing price indirectly through control and disposition of the surplus supply of the commodity under the marketing agreements. (Senate committee report, p. 5.)

What is to prevent the representative of wheat, corn, or any other crop in which the board authorizes trading from forcing the price to consumers of food made from it in this country to any height?

Without reviewing again the decisions cited in my former opinion, it is enough to say that in my opinion Congress has not been given power to fix the prices at which merchandise may be bought and sold.

Another question is whether this bill delegates legislative power to the board and the advisory council.

It has been said, and repeated many times in various forms, that the marketing agreements equalization-fee plan of surplus control is not to be applied by the board to any commodity unless and until the provisions for surplus control through loans to cooperative associations have proven ineffective.

But such are not the provisions of the act as passed.

Quite to the contrary, the terms of the act are that the board shall arrange for marketing agreements when it finds, with the consent and approval of the advisory council, that there may be a surplus and that operation of the loan provisions will not be effective.

The board shall investigate the supply and market condition, and if it finds, with the consent and approval of the advisory council, that there is—or may be—a surplus, and that the operation of the loan provisions of the act, either because of inability or unwillingness of cooperative associations to control surplus, will not be effective to control surplus, shall arrange for marketing of surplus by means of marketing agreements and nonpremium price-guaranty contracts to commence when the board and the advisory council determine.

Of course, there always may be a surplus.

We produce, and we can not well avoid producing, a surplus above domestic requirements of certain agricultural commodities. (House committee report, p. 14; Senate committee report, p. 7.)

There is no rule of law laid down for their guidance and observance. To say that they shall arrange for marketing agreements when they find that the operation of the loan provisions of the act will not be effective to control surplus, because of the inability of associations to control surplus with the aid of loans, is to say they shall do it when they think best.

What quality of fact has a conclusion of the board and advisory council that loan operations will not be effective because of inability to control when no trial of loan operations has been had; when nothing is known as to what associations can accomplish with two hundred millions of capital at their disposal under a law giving them authority to buy up and hoard the food supply, and to sell, send out of the country, much or little when they please—manipulate the market as they will?

To say that the board and advisory council may find that operations under the loan provisions will not be effective,

because of the inability of cooperative associations, with the assistance of loans, to control a surplus, leaves action to the opinion of the board and advisory council, based not upon any experience with loan operations but their own views as to what will happen if they should be undertaken.

Under the provisions of the act giving the board and the advisory council authority to decide whether operations under the loan provisions will be effective to control surplus, the Congress delegates to the board and advisory council authority to determine whether operations under the loan provisions shall ever be tried.

As elsewhere discussed, the purpose of this bill is to raise, maintain, control prices to consumers of food in the United States in the interest of the producers.

The officials intrusted with its administration are to be persons who are "producers" "interested in and representative of producers," persons selected by "cooperative associations," "other organizations representative of the producers of the commodity," "heads of agricultural departments, and governors of States," interested in the production of the commodity.

Seemingly every opportunity that can be devised is given for the full exercise under authority of law of selfish interested control of price.

And, in addition, there is created a direct financial inducement to producers and those interested in and for them to reject all attempt at operations under the loan provisions.

The act provides that not exceeding $200,000,000 shall be available for loans to cooperative associations for carrying out the policy of the act, at 4 per cent interest (sec. 5b), and provides that at least $200,000,000 shall be available for advances to the stabilization funds for financing marketing agreements (sec. 12) without interest (sec. 8d), so the whole $400,000,000 authorized to be appropriated may be used for financing marketing agreements without interest.

The equalization fee "is a payment directly or indirectly by the producers for benefits received by them," but—

> The payment of the fees will in most instances be reflected in the price paid the producer for the commodity. (House committee report, p. 42; Senate committee report, p. 26.)

That is, the equalization fee paid by the producer for benefits received by him is to be passed on to the consumer and paid by him.

There is not a word in the act as finally passed requiring a trial of the loan plan before determining that it will not be effective, or the ascertainment of any fact as to its operation, nor any implication to that effect. Facts are things which have come to be, which are, the existence of which has been demonstrated. What will happen if given experiments should be undertaken is opinion, not fact.

In considering whether the operation of the loan provisions will be effective, the board and advisory council will have before them one plan under which producers operating at their own risk and expense can borrow for use in limiting the domestic supply of foodstuffs $200,000,000 at 4 per cent interest, as against another under which they can have for the same use four hundred millions without any charge for interest, such funds being provided either by the Government or by the consumers in this country through the price paid by them, which is to include—"reflect the payment of"—the equalization fee, or by both, without expense or risk to the producer.

To the board and advisory council under such conditions is delegated the power to decide whether the loan provisions will be effective, with the resulting conclusion, of course, whether they shall be undertaken, because the board is not directed, but authorized only, to make loans.

Such a determination, being without foundation upon prescribed ascertained facts, is only an opinion; and action upon such opinion is only an exercise at discretion.

The continuance of the operations of removing from the available supply, and hoarding or other disposition, is to be so long as the board and advisory council judge it to be advisable "to preserve advantageous domestic markets" and "prevent depressing of prices obtained."

It does not help to say that another element which may enter into the decision is the unwillingness of the cooperative associations handling the commodity to control the surplus, for that only makes one further delegation of authority—to the cooperative associations—to say whether the marketing-agreement provisions of the bill shall or shall not come into and continue in force; and then the whole matter of the beginning and end of the use of marketing agreements, including the establishment and collection of the equalization fee, is legislated into or out of existence, not by Congress but by the cooperative associations.

And, further, there is no way provided by which the unwillingness of the cooperative associations shall be ascertained. Does it mean unwillingness of any part of them, or a majority of them, or all of them?

If, as pointed out above, the primary duty of the board and advisory council is to determine the price at which certain agricultural commodities shall be bought and sold in the domestic markets, then to the board has been given the legislative power to determine that price in its entire discretion, without any rule or formula to guide its judgment prescribed by Congress, such as a provision that the price to be maintained as the objective of operations shall be based on cost of production, or reasonableness, or anything of that kind. The power of the board to control the price is absolute and the discretion unlimited.

The Congress undertakes to delegate to the board and advisory council authority to determine whether the provisions of this act shall or shall not be the law under which the business of selling and buying food commodities shall be conducted.

That is a legislative function which can not be delegated.

The board set up by the act is a governmental agency set between those who produce food and those who must eat to live, an arbiter whose sole guide is its own views as to what those who eat ought to pay to those who produce, an arbiter authorized, empowered, and directed to control by manipulation of the market the price.

> This provision makes it clear that the fundamental purpose of this act is not to have prices fixed by the board but to enable the board to assist in controlling the handling of crop surpluses. It is expected that prices will respond to such surplus control without any arbitrary price fixing by the board. * * * (Senate committee report, p. 13.)

Assuming that the board is composed of men of absolute rectitude, of wholly impartial attitude, who will in all they do under the powers conferred upon them attempt to be fair to—look to the welfare of—the whole people of the country, not of producers of food alone, still this act does by its terms, as they appear to me and as claimed by its sponsors, commit to them absolute power to control, regulate, raise, and lower at will at all times, so long as they deem it advisable, the prices which producers may obtain for their products, and all the people must pay or go without.

In addition to the decisions cited in the former opinion as to the delegation of legislative authority, reference may be made to the recent decision of the Supreme Court in J. W. Hampton, Jr., & Co. *v.* The United States, No. 242, October term, 1927, decided April 9, 1928.

It is not the purpose of the act that the board shall act impartially and in what it does under the powers conferred upon it look to the welfare of the whole people.

> The current will be so controlled, however, that the surplus will be withheld or eliminated from a glutted market, and its flow regulated in such manner as in the judgment of the board will immediately further the best interests of the domestic producers of the commodity. * * *. (House committee report, p. 40; Senate committee report, p. 24.)
>
> * * * the measure would permit producers of surplus commodities to receive an assured benefit from operations financed by fees collected upon such commodities. (House committee report, p. 2; Senate committee report, p. 2.)

The marketing operations by the Government are to continue so long as the board and advisory council judge advisable in furtherance of a policy "to preserve advantageous domestic markets" and prevent "surpluses from unduly depressing prices obtained."

The act itself provides, and its sponsors understand and expect, that the board will not be an impartial arbiter between producers and consumers, but that it shall act in the interest of producers alone.

The amount of the fee is to be based upon the estimate of the board and advisory council from time to time of the probable expense and losses, and necessarily their estimate of the amount of the product which will be marketed; and whether it shall be paid on the sale, processing, or transportation of the goods is to be determined by the board.

Results of operations under marketing agreements can not be known until the goods withheld, bought, and removed from the market have been disposed of and proceeds collected and expenses paid.

So, any deficit arising from transactions under any equalization fee established can not be restored to the stabilization fund by increased exactions upon the goods involved in those transactions, and must stand as a loss to the fund; and the other way around, if the fee in force at the time of any transaction produces more than is required to reimburse the stabilization

fund, the excess above such reimbursement will remain in the fund, with no provision for its return to those producers from whom it has been exacted and taken.

The expressed purpose of the act is to compel some producers to contribute to gains or making up the losses upon products of others.

The consequence of any excess or deficiency in the amount of the fee is to be corrected through revision in the amount of the fee to be collected subsequently. (House committee report, p. 27; Senate committee report, p. 15.)

The law contemplates that the collection of the equalization fee shall cease when the operation ceases. If it is found when operations end that the equalization fee fixed has been too low to produce enough to meet the losses, the losses will be borne out of public funds raised by taxation, constituting the revolving fund, by loans from it to the deficient stabilization fund, which must remain unpaid.

It is not important to decide whether this charge is a tax or is not. Treating the equalization fee as not a tax, it is obvious that what is attempted by this act is to enable certain agencies under Government direction and supervision to engage in the business of buying, selling, hoarding, and otherwise disposing of agricultural products for the sole purpose of controlling prices.

The theory of the act is that giving producers permission to organize combinations in restraint of trade is ineffective to enable them to combine and fix prices, because some producers who do not contribute to the enterprise realize a gain without bearing any of the expense; and the purpose of the act is to force all producers, directly or indirectly, to make a contribution, not in the nature of a tax, toward the losses and expense suffered in operations for the common benefit of all producers wherever their products may be sold. Compelling some citizens to participate in business operations by requiring them to contribute to the loss and expense thereof is, in my opinion, in violation of the provisions of the fifth amendment and a taking of property without due process of law. (Parkersburg *v.* Brown, 106 U. S. 487.)

On the other hand, if it be a tax, then its proceeds constitute public funds in the Treasury, with the result that the Public Treasury would bear the losses and expenses and take the profits, if any, of the business of buying, storing, and selling of agricultural commodity.

Because the equalization fee is not called a tax, does not purport to be imposed as a tax, is not exacted on any provided basis of equality, is not to be paid into the Treasury of the United States, is to be imposed and collected or not at the will and favor of interested administrative boards without congressional chart or compass directing as to the time when it shall be imposed, the time it shall remain in effect, the amount of it or upon whom it shall be levied, I think it can not be sustained under the taxing power of the Constitution.

And, further, notwithstanding the length to which the courts have gone in sustaining legislative authority, I am unable to believe that in an act which provides, in substance, that, through governmental agencies, prices of certain farm products shall be determined upon, established, and maintained, Congress may lawfully delegate to Federal officers the unlimited discretion to decide whether the price-fixing operation shall be commenced; may lawfully delegate the complete discretion without any prescribed rule to determine what the price shall be; or may lawfully delegate the power to determine on whom shall be directly placed the burden of collecting the charge to provide the fund to conduct operations.

I think and advise that this legislation providing for the control, in the interest of the producer alone, by the Government, of prices of goods moving in interstate commerce, by keeping out of the channels of commerce a part of the supply of such goods available for consumption, is not a valid regulation of commerce between the States and with foreign nations within the authority of the commerce clause of the Constitution.

That the members of the advisory councils hold posts in the service of the United States is shown by the facts that their office is created by an act of the Congress, their term of office is fixed by an act of the Congress, their duties are prescribed and their authority conferred by an act of the Congress, their compensation and expenses "within the limitations prescribed by law" are fixed by an act of the Congress, and they are specifically constituted a Government agency.

Under the provisions of this act, agencies entirely separate and apart from any department of the United States Government participate in their appointment.

The act provides that the board shall create an advisory council of seven members, selected annually only from lists submitted by the cooperative associations and other representative organizations and the governors and heads of agricultural departments of States where the commodity is produced.

Under these provisions, the board has no choice but to appoint from such lists, and all that the cooperative associations, other organizations, governors, and heads of agricultural departments need to do is to limit their list to seven persons, and they have made the appointment of the entire council.

But if they do not go that far, in any event the character, capacity, integrity, and judgment required in members of the advisory council are passed upon by persons, corporations, officers, in no way connected with or responsible to any department of the Government of the United States.

The board can take only what is offered to it; can make no independent selection on its own judgment.

Conceding that the legislative branch may prescribe qualifications to be possessed by an appointee to an office, still the exercise of the judgment and discretion to determine whether or not an individual possesses those qualifications, as well as other qualifications of ability, training, judgment, and character necessary to make a good public officer, may only be committed by the Congress to the appointing officers provided for that purpose and charged with that duty by the Constitution.

To provide that corporations, associations, organizations, and State officials who are not even officers of the United States shall designate a list from which only can appointees be selected, is not in any sense prescribing qualifications, but is authorizing these outside agencies to participate in—even control—the Executive function of appointment.

I am unable to find any constitutional authority for vesting the appointment of inferior officers of the United States by the Congress in anyone, outside of the President, with or without the advice and consent of the Senate, the courts of law, and the heads of departments.

The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when offices became numerous and sudden removals necessary, this mode might be inconvenient, it was provided that in regard to officers inferior to those specially mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt. This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. (United States *v.* Germaine, 99 U. S. 509, 510.) See Springer et al. *v.* Government of the Philippine Islands, Nos. 564 and 573, October term, 1927, decided by the Supreme Court May 14, 1928.

Therefore I think and advise you that the delegation of authority to dictate the selecting of individuals for such appointments to cooperative associations, other organizations, governors, and heads of agricultural departments of States, and conferring upon the board the authority to make appointments, whether so selected or not, is not only without warrant in the Constitution but contrary to its express provisions.

The appointment of advisory councils failing, because of no constitutional provision for their appointment being made in the act, might not be so serious a matter, as perhaps those officers might be dispensed with and the balance of the provisions (if otherwise valid) carried out, but for another matter which seems to be inextricably interwoven into the whole fabric of the bill.

It is provided that none of the marketing operations, including fixing the amount of and collection of the equalization fee, shall be begun—or once begun, ended—without the consent and approval of the advisory council for the commodity concerned.

The act vests—

the advisory council with power to be exercised concurrently with the power of the board to examine the facts upon which the board's decision to commence or terminate a marketing period is based, or to approve the estimates which form the basis for determining the amount of equalization fees. Substantially the same delegation of power as to findings of fact is made to both governmental agencies, and their joint agreement is required as to the presence of certain prescribed conditions before part of the legislative power exercised in the bill becomes effective. (Conference committee report, 4, third paragraph.)

So the Congress delegates the final authority to determine whether the act shall go into effect, and how long it shall remain in force, to a body of officials for whose existence there is no constitutional warrant—a delegation to a body which can not exist of legislative power which can not be delegated.

I have considered these questions with realization of the grave responsibility involved in passing on the validity of acts of Congress and with appreciation of the rule that the courts will indulge in every presumption to support the validity of legislation and that no act of Congress will be declared invalid unless plainly so, but nevertheless I feel bound to advise you that the act in question, if approved, would violate the Constitution of the United States, in that legislation having for its main purpose the control of the price of food in the interest of the producer is not authorized by the Constitution; in that if Congress possessed the power to do the things attempted by this act it could not delegate it, as it is legislative in character; in that it vests in those not officers or agents of the United States the power and duty of participating in appointments to fill places in the service of the United States; in that it contravenes the provisions of the Constitution against the taking of property without due process of law.

Respectfully,

JOHN G. SARGENT,
Attorney General.

THE PRESIDENT,
The White House.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. McNARY. Mr. President, I ask that the message of the President of the United States be entered in the Journal, and that it lie over for the day.

The VICE PRESIDENT. Is there objection?

Mr. SMITH. Mr. President——

The VICE PRESIDENT. The Senator from South Carolina.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I should like to have this matter disposed of because I want to take the floor on another subject.

Mr. NORBECK. Mr. President, I have great respect for our President, but I have an entirely different view of this matter. There may be room for difference of opinion; but I want to say that I should be pleased indeed to have an opportunity to vote for this bill. I feel that we owe it to the producers of the country to try to pass it notwithstanding the veto. While I have no objection to its lying over for one day, I hope the chairman of the committee will bring it up to-morrow, so that we may pass upon it.

I am not going to discuss the veto message at length to-day, but I can not refrain from noting two objections which the President raises to the bill. The first is that the bill is a price-fixing bill.

It truly is, if the tariff is a price-fixing instrumentality. The farmers of this country, Mr. President, are operating under a disadvantage that has come on of late years. I think it is mainly due to the fact that the prices of the products of others have been "fixed." The price of manufactured products are largely fixed by the tariff—Government price fixing. The earnings of the railroads and other public-service corporations are fixed on the cost-plus plan—guaranteeing a profit. The earnings are virtually guaranteed by the Government. When operating costs increase, freight and passengers rates are boosted to make up the difference.

Prices are not only fixed by the Government. They are sometimes fixed by the monopolistic conditions of the business. Where there is no competition the price goes high.

Salaries are increased from time to time by the Government to meet changing conditions. Will the farmer believe that nothing can be done for him? Wages are to a considerable extent "fixed," sometimes by trade agreements, sometimes by the law itself. It is this "fixing" that has become a real burden upon the producer, who has no way of adding the increased cost to the price of his goods.

The farmer has a right to complain about price fixing, especially if the price is fixed for others, and to a point where it operates to his disadvantage. It is the high cost of goods and service that has depreciated the farmer's dollar. He is trying to get back to normal—those good old conditions we had before the World War, when the Agricultural Department found by careful investigation that the farmer's earnings averaged $600 a year, of which $200 was cash and the balance was the advantage of living on his farm.

Now, as to the claim that this bill will stimulate overproduction, I can only remark that if the prices that prevailed before the war had stimulated overproduction, there would be some basis for the fear; otherwise, I can see none.

Mr. SMITH. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. SMITH. Had not the Chair recognized me?

The VICE PRESIDENT. The Chair had recognized the Senator from South Carolina.

Mr. NORBECK. I will close. I beg the Senator's pardon.

Mr. SMITH. I am very much interested in what the Senator is saying, but I am a little more interested in a very personal matter.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon [Mr. McNARY]? The Chair hears none, and it is so ordered.

DEFICIENCY APPROPRIATIONS

Mr. CURTIS. Mr. President, I ask the Senator from South Carolina to yield to the senior Senator from Wyoming [Mr. WARREN] that he may ask unanimous consent temporarily to lay aside the unfinished business, and proceed with the consideration of the deficiency appropriation bill.

Mr. SMITH. I yield for that purpose.

Mr. WARREN. I make that request, Mr. President.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I ask that the formal reading of the bill be omitted, and that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR EVENING SESSION

Mr. CURTIS. Mr. President, I ask unanimous consent for the entry of the order I send to the desk.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The clerk will read the order proposed.

The Chief Clerk read as follows:

UNANIMOUS AGREEMENT

Ordered (by unanimous consent), That to-night at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not extend later than 10 o'clock and 30 minutes p. m., the Senate proceed to the consideration of unobjected bills on the calendar.

Mr. JOHNSON. Mr. President, before that is entered, I want to add to it that at the conclusion of the evening session a recess be taken until 11 o'clock to-morrow, and that then we proceed with the unfinished business; and I give notice now that when we proceed with it to-morrow we will proceed with a continuous session.

Mr. HARRISON. May I ask the Senator in that connection if we are not to take a vote to-morrow on the President's veto of the farm bill?

Mr. JOHNSON. I understand that is privileged, and I could not prevent it if I desired.

Mr. SMITH. Mr. President, I would like to have the order disposed of without further debate.

Mr. TYDINGS. Will the Senator yield just a moment?

Mr. SMITH. I can not. I must get to what I have to say.

Mr. CURTIS. I ask that the order be modified by adding "and that at the conclusion of to-day's business the Senate recess until 11 o'clock a. m. to-morrow."

The PRESIDING OFFICER. The modification will be made. Is there objection to the order submitted by the Senator from Kansas? The Chair hears none, and it is agreed to.

PROPOSED AMENDMENT OF COTTON FUTURES ACT

Mr. SMITH. Mr. President, I have been assailed, directly and indirectly, and insinuations have been made, and, perhaps, charges, that I have now yielded to certain influences that are not friendly to and have been disastrous to the grower and the producer of cotton.

Practically for years I have devoted my life in Congress to trying to bring about a system of marketing that would, as nearly as may be, reflect the real intrinsic value of that which is the currency of the South. There are comparatively few men in the Nation who realize the importance of cotton in our commercial life. So insignificant does it appear to a great many that the man who devotes his life to it is discredited; it is considered of such little importance that he necessarily is of small caliber, in the opinion of some, or he would not devote his life to it. I have devoted, in the main, my senatorial life to bringing about a solution, as nearly as may be, of this stupendous problem.

Cotton has held the balance of trade in favor of this country for more than 60 years. It is used by nations whose combined population is more than 900,000,000. Sixty-odd per cent of the liquid capital of the British Isles is devoted to the manufacture and distribution of American cotton. I have no criticism to make of those who do not appreciate this wonderful American asset if they do not agree with me that it is a thing that should receive the serious consideration of every American citizen, and particularly of those who are dependent upon it for their livelihood.

There is brought into the Senate a great cry that a bill has been introduced which Mr. "A" wrote or Mr. "B" wrote, and gentlemen can not find the author of it. With the exception of a few amendments there is not a line in this bill that is not either in the grain futures act or the cotton futures act.

Mr. HEFLIN. Mr. President, will the Senator permit an interruption?

Mr. SMITH. I yield.

Mr. HEFLIN. The Senator discussed with me the various provisions while we were having hearings investigating the cotton exchanges. When we would come out of the hearing room he would say to me frequently, "We must put in a provision to meet this objection and this evil." The Senator from Arkansas is entirely mistaken, and I want the Senator from South Carolina to know in the outset that the southern Senators generally do not feel as the Senator from Arkansas does about this matter. I regard the Senator from South Carolina as the best authority in the United States on the cotton question, and I would rather follow him blind on this question and vote for measures he would introduce, than for those of any other Senator or any other Member of Congress.

I have the utmost confidence in the Senator, and the country has. The Senator knows this subject. He has done more for the cotton producers than any man who ever came to the Congress from the South in either branch, and I, with the Senator, resent the attack that has been made upon him, and I will have something to say on the subject myself later on.

Mr. SMITH. Mr. President, I certainly am much obliged to my long-time friend from Alabama, and I do not believe there is a man on the floor of the Senate who has served with me who would impute any such motives or such acts as were attempted to be injected into the debate this morning. I am not responsible for the opinions men have; I am responsible only for my integrity. I certainly thank the Senator from Alabama for this tribute, which I may really indulge the hope is the majority opinion of my colleagues.

Mr. President, quotation was made here this morning from the speech of the senior Senator from Louisiana [Mr. RANSDELL] made, in which he took occasion to say that the Smith-Lever Cotton Futures Act had been a splendid measure. Is there any man here who recalls any piece of constructive legislation which has not been amended from time to time as necessity indicated? The original not repealed, but as certain amendments to it appeared necessary we have from time to time added them to the act. Let me state to my colleagues that the only change in the present law made by the first three or four pages of this pending bill is a rewriting of the Smith-Lever Act and amending it by placing the interstate-commerce feature in place of the taxing feature. The balance of it is word for word with that act, and the reason I followed that course was that there were certain other amendments I wanted to place in the bill, and it has been decided by the Supreme Court that taxation invoked for the purpose of regulation is not constitutional. Of course, I had my doubts about the consistency of that decision, in view of the State bank tax and the oleomargarine tax, but, anyway, this bill with subsequent amendments might lead to court procedure which might upset the law.

In regard to who wrote this bill, the provisions that are new I dictated myself. The balance of it, as I have said, is simply a reprint of the old law, made necessary to incorporate the features of interstate commerce as against the taxing feature.

The bill needed no hearings. It is simply a reenactment of the law with some provisions that every man was at liberty to hear divulged in the hearings that we had.

There have been letters read here in reference to certain men indorsing the bill. I am not responsible for any man that indorses anything that I do. Men may draw any inference they please. I certainly will not insult a man for indorsing what I do, even though he may have a sinister motive in doing so.

I hold no brief for any cotton merchant or any speculator, but why should we start out on the assumption that every man engaged in the cotton business, other than producing it, is a thief and a rogue? I do not propose to start out on any such premise. I take for granted that every American citizen has the right to engage in any legitimate business and to follow that business as his interests may dictate.

The Senator from Arkansas [Mr. CARAWAY] stands here and declares that in this wonderfully iniquitous bill the power is given to a board of control on the exchange to limit how much a man shall buy and thus control the price. There is no such provision in the bill. I will read the provisions before I get through.

I want to state in this connection that Mr. Clayton's name has been mentioned from time to time. Any man that took the time or trouble to go into the committee room where we were holding the hearings will understand that the controversy between Mr. Marsh and Mr. Clayton was a controversy that came into our committee accidentally. The Senator from Alabama [Mr. HEFLIN] will bear me out in that statement; he was on the subcommittee. These men had fallen out about certain practices, or the results of certain practices, which had been indulged in, and which they alleged had not caught the producer alone that time, but had caught the speculator and skinned him, and they came in to give their testimony. The main object of our investigation was to find what were the causes that brought about the slump in cotton in 1927. Any man who was there and heard the testimony as to what Mr. Clayton did, will see, in reading the bill, that every provision which is a new amendment to the bill is aimed at the things he is alleged to have done. The Senator from Alabama will bear me out in that statement. Every new provision here was drafted for the purpose of making impossible the very things that Mr. Clayton was alleged to have done.

Now, let us see. The Senator from Arkansas [Mr. CARAWAY] said that the bill gives unlimited power to a board to stop trading. They can do that without the law. Every man here knows that the exchanges, as they now exist, can now put a limit on trading and stop it any hour they please. They know that they have 200 points, or $10 a bale limit, and if cotton goes up that high they automatically stop trading. If it goes down to 200 points, they automatically stop trading. They do that in order, as nearly as they can by their rules and regulations and by-laws, to correct what might be a runaway market either up or down.

It was alleged in the testimony that Mr. Clayton, of the firm of Anderson, Clayton & Co., had bought so much cotton, had sold so much cotton, either in the form of hedges or contracts or actual spot, as to put them in possession of the situation so that he could control the market up or down as he saw fit.

The testimony was to the effect that not only did he dominate the American market, both New Orleans and New York, by virtue of his credit and capital, but that he dominated Liverpool, Barcelona, Munich, Alexandria, and even the markets in Japan and in China. That was the testimony as presented to our committee.

Therefore, when I came to draft certain amendments to the Smith-Lever Act—and let me say in passing, with reference to the fundamental principles of the Smith-Lever Act, that if any Member of this body will study and acquaint himself with the processes of purchasing and marketing cotton, he would not change a line of that act. I shall take the time right now to call attention to what the present act is and what it did until conditions changed and led to the necessity of still further legislation. It is not a reflection on the original act, not of any sort, but because, though it appears it was all right when things went right, it has not under present conditions gone far enough. Now let us see what it does.

The Senator from Georgia [Mr. GEORGE] called attention a while ago to certain things that were done. Before we had that law the Congress took up the matter of the alleged wrongdoing on the New York Exchange and appointed a commission to study conditions and recommend legislation. Herbert Knox Smith was chairman of the commission and he came back and made a report. The cardinal principle of that report was that that exchange allowed gin-cut, water-pack, dog-tail, perished-fiber, anything that had bagging and ties on it that they called cotton, to be delivered on a contract, and then, when the party that bought a contract called for delivery, they would deliver him this miserable stuff at a price fixed by the seller at the time of delivery called the "fixed price." He recommended that the practice should be abolished. I introduced the bill that later became the law, providing that no cotton should be tendered on contract that was not standardized by the Government.

One step further. The Government up to that time had only standardized some six or seven grades. The cotton futures act provided for the delivery of cotton standardized by the Government. But the Government did not stop there. They standardized all cotton. They standardized it from the lowest grade, which is called "good ordinary," to the highest grade that is called "middling fair," so that the law was without

effect in view of the standardization of all cotton, because under it they could deliver practically the same kind of stuff that they have been delivering before.

I offered an amendment to the law which provided that nothing below low middling in color should be tenderable. Get the difference, now. To those of you who do not understand the technical terms used in cotton, let me say that grade has to do with the color and staple has to do with the length of the fiber. I then provided, by an amendment to the law, that no cotton shorter than seven-eighths inch in staple or below low middling in color should be tendered on a contract. That became the law. I maintain now that any man buying a contract has the right to demand the delivery of his cotton and he will not get one pound of cotton that is not highly commercial and easily disposed of.

Mr. GEORGE. Mr. President, I hope the Senator did not misunderstand what I said. I concede that the Smith-Lever Act remedied a great defect in the marketing of cotton as it was theretofore marketed; but I contend, and we might as well face the situation, that under the Smith-Lever Act the seller can deliver any one of those nine grades.

Mr. SMITH. I am coming to that right now.

Mr. GEORGE. And while, as the Senator said, it is all a merchantable and marketable cotton, the cotton mill or the man who wants actual cotton can not use all of it. There is not a mill in the world that would undertake to use any one of those grades.

Mr. SMITH. Let me call the Senator's attention to this fact: I brought about an appropriation of $50,000 to enable the Government to test the actual value of all the grades of cotton of a given length of staple. We took 1-inch upland cotton and we took it from good ordinary to middling fair. Of course, we did not take gin-cut or water-packed or dog-tail, but we took dry, sound, 1-inch staple, and tested every grade as to its value for spinning and as to its bleaching qualities. The result after the tests were made is set forth in a report which I have in my office now. There is not one scintilla of difference between 1-inch staple cotton, good ordinary to middling fair, either as to its cloth-making or its bleaching qualities. The differentiation in grade is a thing to which we have got to address ourselves. It is a habit of the trade that has no basis in commercial fact. If we will take out the trash and foreign matter incident to conversion, and ordinary of the same length of staple is just as good for cloth-making purposes as middling fair of 1-inch staple.

The point the Senator from Georgia made is that no mill will take it. Most of them will not take it because they want to keep up the fiction of a difference in grades that does not exist. I have had millmen come into my office and tell me that in the spinning of yarn and the making of cloth, as long as it was uniform staple and dry and sound, they could produce and did produce the same cloth. And yet they will go on to your market and my market, not the speculators and gamblers alone, but the cotton buyers, and will get in the northern light to see if it has a yellow tinge or whether it is exactly middling or not, or exactly low middling or not, when all the facts in reference to its value are, Is it dry and sound, and what is the length of staple, and how much trash is in it? That is another feature that I propose, if God spares me, to bring to the attention of this body. Perhaps Mr. Clayton will help in that. Perhaps some other cotton dealer will help in that. I do not give a "shot" who helps, as long as the help is right.

I am calling attention now to the basic principle of the original act. There has been an advancement and development. We have found that certain traders were alleged to have bought cotton in such volume and sold hedges against it in such volume that a "corner" resulted like the cornering of wheat when a certain individual bought all the wheat in sight and began to raise the price or to pour it on the market and depress the price. So we put in this provision.

Mark you, this was alleged to have been the practice of Anderson, Clayton & Co. Here is what I propose. I mentioned it time and again to my colleagues on the subcommittee.

Let us see what this awful surrender to the exchanges is. Bear in mind that it was alleged by the ex-president of the New York Cotton Exchange that the volume of hedges and the volume of actual cotton bought and controlled by Anderson, Clayton & Co. destroyed the parity of the market and put others out of business. I ask Senators to listen. I see present one member of the subcommittee. The question was asked, "How many bales of spot cotton did you have? How many hedges did you have?" That is in the record. When the number was given they said that was practically a monopoly in any active month, and therefore destroyed anybody else dealing in the market. So it is provided in the bill that before any exchange can obtain a charter to do business it shall have amongst its by-laws this provision:

When the governing board—

The iniquitous combination that has the power to do right now what we propose to require them to do by law—

When the governing board shall establish a control committee with the necessary powers of investigation for the purpose of determining and preventing manipulation and/or the cornering of cotton by dealers or operators upon such exchange and specifically provide—

This is what they must have in their by-laws and constitution—

That the interest in futures contracts on said exchange for delivery in any one month of any individual, firm, or corporation, and his or its affiliation shall not exceed a prescribed limit, which limit shall be publicly announced from time to time—

And that limit will stand until the board sees fit to change it, and then only after—what?

after investigation, at which all interested parties shall have the right to be heard, but this limit shall not apply to an interest in any one month wholly composed of hedges against the purchase or sale of spot or cash cotton.

Thus it is provided that the board of governors shall incorporate in their by-laws and constitution a provision that no one firm, individual, or corporation shall buy or sell to such a limit by virtue of their capital and credit as to create a monopoly in any one month; that they shall prescribe the limit and promulgate it before any season opens, and that limit will stand so that all those interested will know of it and accommodate themselves accordingly. The last appeal is to the Secretary of Agriculture, and he is only to be appealed to when it is manifest that this power is used for the purpose of artificially affecting the market.

The allegation of Mr. Marsh and his attorney was that Clayton did this thing. The query of the investigating committee was how to stop it. It can not be stopped without a rule of the exchange providing a definite limit. It is a good suggestion along the lines of a normal flow of the law of supply and demand.

What kind of a double-twisted fool would a man be to write a bill to stop himself from doing that which made him millions, as Mr. Clayton was alleged to have made? I invite Senators to read the language. This measure is the outcome of an investigation that lasted 90 days. Am I to be held up here, after 20 years of fighting in this cause, as catering to men who prostitute the market place? Let me say right here, Mr. President, I shall never vote to destroy the market place, but I will vote to drive out with scourges the scoundrels who do prostitute the market place.

Mr. HEFLIN. Mr. President, if the Senator will yield to me at that point, let me say that the provision he has read tries to confine the speculation as much as possible to the actual cotton in existence.

Mr. SMITH. And to a legitimate movement of supply and demand.

Mr. HEFLIN. Certainly. Instead of their selling without let or hindrance hundreds of millions of bales of cotton, they have got to be confined more to the actual production of cotton?

Mr. SMITH. Precisely, that is its object, which the Senator from Alabama and I discussed during the hearings before the committee, and I have incorporated the provisions as a necessary amendment because of conditions that have developed since the passage of the Smith-Lever Act.

As I said a moment ago, I do not propose to be such an imbecile as to burn down a house in order to get rid of the rats, or to destroy a church because I do not like a certain preacher. I prefer to get rid of the rats and the preacher and let the house and the church stand.

Now, I wish to take up the next point. These are the new features to which I call attention. It is provided:

For the purposes of this act the word "manipulation" shall be construed to mean, among other things:

(1) Shipping or transferring to any contract market any cotton—

I hope Senators will pay particular attention to this, because it was alleged that Mr. Clayton—bear that in mind—shipped cotton from New Orleans to New York at an obvious loss according to the quotations of the two markets on that day for the purpose of putting a block of cotton in New York to tender on the contract and depress the market. That was developed. I made a point of it, and asked if it was a fact, and the testimony seemed to prove that it was. I believe Mr. Clayton admitted that he did ship cotton from New Orleans to New York

at an obvious loss and said that if he did not do it they would have taken the shirt off his back. I believe the Senator from Alabama will recall that. Therefore we incorporated as a part of the Smith-Lever Act the provision that no contract market shall have a license unless it shall have in its by-laws and constitution the following provision:

(1) Shipping or transferring to any contract market any cotton for the purpose of delivery on such contract market at an obvious loss on the transaction for the purpose of artificially influencing prices.

Mr. HEFLIN. That is one of the best provisions of the bill.

Mr. SMITH. And Mr. Clayton was the man who was charged with this very thing.

Mr. HEFLIN. Yes.

Mr. SMITH. And it has been said that Mr. Clayton backed the bill and Mr. Clayton wrote it, and yet the very things that Mr. Clayton was alleged in the hearing to have done and alleged to have made millions by doing, we provide under the bill that he shall not do again.

Another thing was alleged against Mr. Clayton. It was alleged that Mr. Clayton, of the firm of Anderson, Clayton & Co., in affiliation with Pennyfather & Co., of Liverpool, and certain Japanese and other foreign organizations had been guilty of another practice. We took weeks of testimony, heard every phase and side of it. It was alleged that he would buy one month and sell another month what they call straddles or would buy in this market and sell in that market in such volume that, having so much money, he could put one up and the other down, and then he would liquidate at a profit; thus play both ends against the middle, and never handle a bale of cotton. That was alleged and voluminous testimony was taken. We asked if under the rules of the exchange that could be done. The reply was, "We can not determine where a man shall buy or where he shall sell unless there shall be provided a law in response to an obvious wrong that is being done and that needs corrective legislation." After patiently listening to the testimony, we were convinced that that practice had been indulged in, and we proposed an amendment to the existing law which I shall read. I hope all of those that do me the honor of listening to me will try to find where I have been a party to a sinister proposal which will ruin the producers. Just follow the reading and see in what respect I am guilty. If you find that it is a mistake of judgment, very well; but I thank God that I can claim at least what Paul said about the Jews, "They have a zeal of God, but not according to knowledge," and I think I have got both.

Mr. HEFLIN. We think the Senator from South Carolina has got the zeal and the knowledge, while some of those who attack him have intense zeal but not so much knowledge.

Mr. SMITH. It really appears thus. Now let me read this provision:

The purchase in one contract market of a given number of bales of cotton for delivery in one month and a corresponding sale in the same contract market of a like number of bales of cotton for delivery in a later month, accompanied by the receipt of any cotton on the purchase and the tender of the same or other cotton on the sale, when such transaction is done at an obvious loss, for the purpose, and with the effect, of artificially influencing the price relationship of the two months.

It was charged by Mr. Marsh, ex-president of the exchange, against Mr. Clayton that he was the culprit who influenced the price. What would induce Clayton to write a bill that put the halter around his neck and stopped him from doing what he was alleged to have made millions out of doing?

The Senator from Arkansas said that nobody had read the bill. Anyone interested in cotton sufficiently to get up here and criticise others who are interested had the door open to him to come in and hear every word of the testimony, and those who did not avail themselves of the privilege have themselves to blame. We were at it for 90 days—exhaustively at it.

Mr. HEFLIN. Not only that, if the Senator will permit me, but we permitted the Senator from Arkansas (Mr. CARAWAY) to interrogate the witnesses two or three times when he was admitted.

Mr. SMITH. The room was wide open for him or anybody to come in who was a Member of the Senate and was sufficiently interested to try to get the facts.

I am just taking up this "iniquitous, this horrible, this damnable, this diabolical surrender of Senator SMITH to the influences." I propose to show how much surrender it is.

Let us see the next charge.

The next charge, and one that was voluminously testified to, was that Anderson, Clayton & Co. would buy up a lot of cotton and carry it to New York. It was alleged that Mr. Clayton had 200,000 bales there. He had sold cotton in the New York market, and it was charged that he had put 200,000 bales there to meet delivery, and he would give notice that he was ready to deliver. It was alleged that Mr. Clayton or his firm would go on notice day and tender this cotton, and buy it back himself, and immediately retender it to another one, and buy it back himself, and retender it, so that when the transactions for that month were over with he would have every bale of the cotton ready to repeat the same thing next month without having to ship it in.

Mr. HEFLIN. So that he could satisfy a million bales of contracts with the same 200,000 bales.

Mr. SMITH. With the same identical 200,000 bales of cotton.

Mr. HEFLIN. Without ever actually delivering and getting rid of the actual cotton.

Mr. SMITH. Precisely. It was alleged that he would tender this cotton, his brokers would buy it up, he would recertificate it, and tender it again and again that day and during that month, until he had satisfied and met all the buyers of that month, and still had his cotton to do the same trick the next month.

That was alleged before the hearings. I see in the Chamber a gentleman from the House who, by courtesy of the committee, was allowed to sit in, and he will verify every word I am saying; and he is one of the men who are reported to have said that this bill was absolutely iniquitous.

All right. Now, let us see what we say about that tendering and retendering. Mark you, now, I was charged here with writing the bill, or Mr. Clayton with writing the bill. I am taking the charges that were brought against Mr. Clayton and voluminously testified to, and the proposed legislation in reference thereto.

Let us listen to the next item.

This board of control and this exchange shall not be allowed under this law to exist if, amongst the things that I have already enumerated, it permits this:

Tendering and repeatedly retendering on futures contracts in any designated contract market notices of delivery of the same cotton for the purpose of artificially influencing prices upon such contract market.

It was alleged and testified under oath that Clayton did that thing with that 200,000 bales of cotton. Do you think Mr. Clayton wrote that, or had a single thing to do with it? It was the result of the investigaion that I broke my health down holding, and trying to keep everything to the main issue, to find out what had been the cause of the depression in 1927.

Let us see what else there is, now.

It was alleged against Anderson, Clayton & Co. that they were the ones who developed and put into operation these extraordinary practices that temporarily ruined the cotton market during the months that they operated.

Now, let us see what else is charged.

Along the very same line of this tendering, we put this into the law:

The tender upon futures contracts more than once by the same person in the same calendar month of notices of delivery of the same cotton, or otherwise trafficking in notices of delivery for the purpose of artificially influencing market.

Does any man here with sense enough to sit in the Senate think that Will Clayton, or anybody of the firm of Anderson, Clayton & Co., wrote that? This is a thing that he was charged to have done, and the testimony went so far as to convince us that it had been done. Therefore it was incumbent upon us, if we were going to keep the market place, that we should by law divest it of those things that were prostituting the market place.

This "iniquitous" bill, a "gamblers'" bill! I wonder if the Senator from Louisiana would like to be operated on in this manner if he was alleged to have done the things that Anderson, Clayton & Co. were alleged to have done?

Next, it was alleged and admitted, as I referred to a moment ago—and here is an additional section of the bill to take care of that—that they would buy Liverpool and sell New York, or sell New York and buy Liverpool, in such tremendous volume as to get them both out of whack. It was alleged, and solemnly sworn to before that committee, that they sold Liverpool down to such an extent, and held the menace of a load of cotton over them of such undesirable grade, that they practically stopped trading in the Liverpool association. It was alleged that they bought New York and sold New Orleans, or, bought New Orleans and sold New York, until they sold New York down so low that it was profitable really to buy cotton in New Orleans and ship it to New York, that the parity was absolutely destroyed, when it takes 80 points to carry cotton

from New Orleans to New York. That was what was known as straddling. I have already described it.

What do we propose in this amendment as a part of the Smith-Lever Cotton Futures Act? We propose to prohibit—

> Engaging in straddle operations in and between various markets described by the Secretary of Agriculture as contract markets, with the purpose of artificially influencing the movement of prices in any such designated contract market.

Do you think Mr. Clayton wrote that?

Mr. HEFLIN. Mr. President, it has been the purpose of the Senator from South Caroiina and myself, and all who are interested in the cotton producer, to do something that would prevent artificially controlling the market.

Mr. SMITH. Why, to be sure, and that is all this bill does from Genesis to Revelations; and yet a speech is made here to leave the impression that I, who have devoted my life to that crowd that I am proud to say socially I am one of but sorry to say financially I am one of the growers of cotton—here in the evening of life, when the shadows are growing long, and by the very statute of God's limitation my work must cease, I must stand in this place which I am proud to occupy and which I have so zealously striven to honor, and by insinuation and otherwise I am accused of selling the darling of my heart for not even a miserable mess of pottage, but to sell it for what purpose God in His wisdom only knows!

Now, next: I am only reading you these provisions of the bill that we thought essential to amend the present act with as they occurred in our investigations:

> For the purposes ot this section a straddle shall be understood to mean—

I have stated that. Outside of that there is not a line in the bill—not a line—that is not either in the grain futures act or the cotton futures act; and where the cotton futures act was changed it was simply changed to put in the interstate-commerce feature rather than the taxing feature.

Now, I want to call attention to another thing, and that is about the grading of that cotton in Washington.

Under the cotton futures act the Agricultural Department is charged with the duty of promulgating from time to time certain standard grades which shall be the basis of certification and delivery on the contract markets of this country. Under the law they can not certificate anything shorter than seven-eighths of an inch staple or below low middling in color. Complaint came to us that somebody had bamboozled the Agricultural Department and slipped over something, and that the New York warehouses were filled with gin cut and punk and God knows what else. I do not think, according to their description, that a decent rat would have built a nest in it. They were so loud-mouthed that they not only said that Anderson, Clayton & Co. had been guilty of shipping 200,000 bales of cotton gathered from the delivery points in the South up to New York but they said that they had certificated cotton that would not come up to the Government standard and was absolutely unusable.

After various attempts to get the best way we could to investigate thoroughly that allegation, we first said that we would ship all the cotton samples here to Washington, and then get independent graders to come in and grade it under the supervision of the committee. We found that that, perhaps, would take too long, and be too tedious; and upon the recommendation of Mr. Jones, one of the observers that we appointed—we appointed two to represent the committee in New York—it was finally agreed that we would take the samples of the 200,000 bales which the Government had drawn from each bale in its process of certification, and have six spot markets of America furnish us two expert graders from each market, so that they would take every one of these samples and take the Government standard, put it right down, and grade the cotton by the box, as they called it, according to the Government standard, just as you would take a Government yardstick and measure what a man had sold you for a yard to see whether it was a yard or not. These men reexamined one hundred and seventy-odd thousand bales; and out of that one hundred and seventy-odd thousand bales, they reported—and I have their signed report right here with their signatures on that report as to what they found—6,700 bales were, according to their opinion, a little shy of seven-eighths in length for some of it, and some was shy as to grade; but every one of them testified that it was what is called "line cotton."

Now, mark you, get this point, and get it clear in your minds: If anything was wrong with that cotton, according to their testimony, it was because of the Agricultural Department, and not because of the parties dealing in cotton; for all of them testified that they thought the Government seven-eighths staple was shy of what the trade would call seven-eighths. That would not be your responsibility or mine. If you and I were out to buy cotton according to the Government standard, and the Government furnished us the standard, and we went according to the standard, and the standard was found wrong, it was not you and I; it was the Government that was at fault.

I told them that I proposed to take it up here with the Government and see whether or not by actual measurement and by actual test it was up to seven-eighths or not. Here is their testimony. There was not one word said to me by any member of that grading committee as to the amount of cotton that they considered was not according to Government standard outside the 6,700.

The law says that no cotton shall be tendered on contract under certification unless it is seven-eighths inch in length and low middling in color. Suppose I were to have the Government certificate a tender to me, and you had sold me the cotton, and you had tendered it to me, and I by pulling found that it was three-fourths staple and strict good ordinary or ordinary. Do you not know I would have the right to appeal and have it actually measured and actually graded? The right is given in the law. We have the monstrous proposition made here that the Government loaned itself wholesale to allowing individuals to tender cotton that was notoriously below the requirements of the law.

Just one other point, and then I will be through, as I am very tired. I have a brand-new feature in this bill, and Mr. Clayton, the alleged archdevil of the cotton world, according to those who would denounce me, has for years been an advocate of southern delivery. Any man who has a grain of sense who is not an advocate of southern delivery is an advocate of the manipulation of the market. What does southern delivery mean? Before I get to that, however, let me call attention to what is to be done now. Every contract bought or sold in New York contemplates delivery of cotton in New York; you can not deliver elsewhere. It takes about 80 points to carry any cotton from the South to New York. Therefore every contract recording a sale in New York has to be so much above what spot cotton of like character would bring in the South to cover the carrying charges. In other words, in round numbers, if cotton were 21 cents a pound basis middling in New York, you would expect to get 20 cents a pound in the South, because it costs a cent to carry it to New York. It also will cost you a cent if you take it up to New York, to get it back to the South, if you are going to spin it in the South. So that you have in round numbers an additional cost of $10 a bale to fulfill your contract in this uneconomic market.

Every man who is in the cotton business, who is buying and selling cotton, advocates southern delivery, and what does that mean? It means that if I go to New York and buy a contract or sell a contract, when specific fulfillment is to take place, you deliver it where the cotton is grown and where there is no carrying charge attached. So that your hedge or your sale in New York will represent a flat price for cotton where it is going to be delivered, and not subject to manipulation and overhead and uneconomic delivery. That is all it means and all there is to it. Camouflage it as much as you please, it means that New York can still remain the greatest hedging market in the world, as Liverpool is to-day, a market where American contracts are bought and sold; but who contemplates delivering in Liverpool? The cotton is bought and sold upon the net basis in the South. Why should not New York do the same? Do you not see the reason why we want to keep it a spot market?

Suppose you have sold on the New York market a contract, let us say, for 100 bales, and the month of maturity arrives, and the party who bought it were to demand the cotton and the cotton were not there. It would cost you $10 a bale, or $5 or $6 a bale, to rush down into the South and buy and ship the cotton up there, and perhaps even if you shipped it by express, you could not get it there in time to specifically fulfill your contract. The seller could squeeze that market, as was done, and put it out of sight. On the other hand, on account of the uneconomic situation, they can put cotton in the warehouse and sell contracts, and then when you come to take it up, they say, "Here is the cotton." You say, "No; I would rather settle on the best price. Let me go down South and buy the cotton you have sold me. You just give me the money and I will go down there and buy." "Oh, no; you take this cotton." I not only have to take that cotton, but I have to pay the freight clear back down to the South, or wherever else I am going to ship it. It is uneconomic, and an artificial manipulation of the price. What is wrong in buying and selling cotton in New

York, with the understanding that you are going to deliver where the cotton is made, so that there is no stevedoring, no monkey business, just a plain sale of cotton to be delivered where it naturally belongs?

Mr. President, that is all there is in the bill. Is it such an infernal piece of iniquity?

As to the other features of the bill, I did, at the request of Mr. VINSON, of the House, add certain administrative features of the grain futures act which he thought might help in tightening up the execution of the things to which I have called attention.

Mr. President, I was born on a South Carolina farm. I was educated principally in my State. When I had gotten my degree, I felt and still feel that I might have made a success along professional lines. But I did not follow my inclinations for reasons very intimate and dear to me. I had a mother whose other children had grown to manhood and womanhood and left the old roof tree. I was the last one, and she was in the old home alone, and for seven long years I gave up my desire to enter a profession in order that my mother might have with her at least one of those to rear whom she had given her life. I could not do otherwise; I could not pay my debt of love and obligation to her in any better way than by being her support and stay as her years came to a close. That is a closed chapter in my life, and I thank God for what I did. When we laid her away in old St. Luke's churchyard I looked upon that as one completed duty that I had performed, and I am glad that I did. But during those seven years I had gotten interested in and intimate with the affairs that pertain to cotton. God knows, if the men on this floor could understand the intolerable burden that rests upon the devoted cotton producers of the South, they would not hesitate to come to the aid of those who are trying to lighten that burden.

When President Wilson and this body fixed the price of wheat, I was at the White House, and the President asked me why it was not reasonable to fix the price of cotton along the same average lines on which we had fixed the price of wheat. I said, "Mr. President, have you ever considered the difference between the production of wheat and the production of cotton? Machinery sows wheat, machinery breaks up the ground, machinery reaps the wheat, machinery threshes it, machinery elevates it, and machinery grinds it, while human fingers cultivate every hill of cotton, human hands with hoe and plow intimately touch every stalk of cotton on 48,000,000 acres, human fingers touch every lock in an 18,000,000-bale crop. Human hands load it into wagons and carry it to the gin. It is intimate with not only the labor of humanity, but it is burdened with the hopes of millions of people."

There is no device known to the ingenuity of mankind that can ever pick cotton outside of God's machinery. No human has ever created a machine that can cultivate it. We furnish the balance of trade for America and help clothe 900,000,000 people, and I have devoted my life to trying to bring to the realization of my colleagues what is involved in this problem. I have plead with them not to see cotton alone, but to see America, to see her monopoly of the world, to see the hopes of the purest American stock extant on the American Continent to-day, the southern whites, to help me to solve that problem that will in no sense impoverish them but will enrich them, and in enriching them help to enrich that devoted land, the South.

At this hour, after all my life, from the time I left the university until this good hour, I have lived on that same spot, the heritage from my forebears. The old colonial home in which I lived stands on a part of a land grant from King George III.

If anybody knows the burdens that the cotton grower bears, I should know them. I have devoted my life from my schooldays until now to that industry, and then, in the evening of my effort, crowned, thank God, with some success, I am to come into this body and hear a southern man charge me with apostasy to the crowd to whom I belong, and whom, thank God, neither he nor any other man can keep me from loyally serving.

Mr. HEFLIN subsequently said: Mr. President, I am not going to speak upon the cotton-measure question that has been injected into the Senate this morning. The Senator from South Carolina [Mr. SMITH] has covered that question so fully, so ably, and so completely that it is not necessary for anyone to say a word on the subject now. I feel that he has impressed every Senator who has heard him with the soundness of the provisions he has submitted. The bill was just this morning ordered to be reported out by the committee. The Senator from Arkansas [Mr. CARAWAY] precipitated the debate. I shall discuss it when it comes up for consideration by the Senate, and I hope that will be at an early date.

LETTER OF GEN. ROBERT E. LEE

Mr. BLEASE. Mr. President, I present a letter from Mrs. Mary D. Carter inclosing a letter from the greatest general this country ever had, Gen. Robert E. Lee, to Lord Acton, of England, published in the Libertarian of Greenville, S. C., January, 1924, which I ask may be printed in the RECORD.

There being no objection, the matter indicated was ordered to be printed in the RECORD, as follows:

DID THE SOUTH RETRACT?

Editor THE LIBERTARIAN,

Greenville, S. C.

DEAR SIR: I am inclosing a copy of General Lee's letter to Lord Acton, of England, published for the first time in this country in Doctor Riley's recent life of Lee, "Robert E. Lee after Appomattox," Lee as a college president, that I believe would be enjoyed by your readers, should you find space for it at any time. General Lee's position has been so often misstated that I believe it would be a fine thing for the readers of your magazine to have this first-hand, documentary evidence on the subject.

Dr. Newell Dwight Hillis, in his book entitled "The Battle of Principles," has the following to say:

"To-day the leaders of thought in the South believe that Lee and Gordon were right in the statement that they thanked God that they failed to establish State rights and that northern men had succeeded in maintaining the Union."

Compare this statement with what General Lee says in his letter to Lord Acton on State rights, written in 1866, just four years before his death, and you will see how grievously Doctor Hillis has misstated General Lee's real sentiments on this subject. You have an opportunity to correct this misstatement, at least so far as the readers of the Libertarian are concerned, by publishing this letter.

I think a number of other northern writers also are catering directly to this error, so it behooves those of us who are in possession of the facts to correct this injustice to General Lee whenever occasion offers.

I took this matter up directly with Doctor Hillis, and sent him a copy of General Lee's letter to Lord Acton, and asked him to correct this misstatement in the next edition of his Battle of Principles. I received a most gracious letter of thanks and appreciation from Doctor Hillis, telling me that he had filed my letter for future reference; and I am led to believe from this and the gracious tone of his letter that he will correct this manifest injustice to Lee in the next edition of his book. He will certainly do this if he is an honest man, after being supplied with documentary evidence as to General Lee's real sentiments.

General Lee belongs in the group of southerners like Dr. Lyon G. Tyler, of William and Mary College; Chief Justice White; L. T. Everett, author of Living Confederate Principles a Heritage for All Time; and other, who are now being joined by an ever growing northern group, of which Dr. A. L. Littlefield, of Boston, is an illustration, who believes that Appomattox was a triumph for imperialism in this country, and a blow that many fear it will never recover from. Appomattox utterly failed to "save the union of the fathers," which was a union of choice based on law, though this false claim has been repeated so often that there is danger of its being accepted because of its very repetition in spite of its falsity.

Dr. Arthur W. Littlefield, of Boston, writes:

"'The South tried to divide the country; Lincoln saved it'—that is the erroneous notion in these parts still; nobody up here, with very few exceptions, understands that the South tried to save federalism and the constitution of the fathers as against imperialism and the constitution of the protectionists. The South, though defeated, really saved to America, and, as we now see, to the world, all that was best in American nationality—the constitution of the confederacy furnishes ample proof of that. Lee's shrine at Lexington, not Lincoln's tomb, will become the shrine of American patriotism, when once history is told correctly."

Again, Doctor Littlefield says on this subject:

"Both Henry and Calhoun saw clearly that federalism would develop eventually into imperialism and that the central government could and would coerce the States whenever one section got control of that government.

This, of course, actually happened in the tariff legislation inaugurated and controlled by the North. I know that sounds utterly disloyal to the North, especially from a Massachusetts man; but in order to be true to the American ideal one must know no sections nor mere habitat. I am simply an American patriot trying to be true to principles, and loving the South, not only for her own sake, but because she was true to the principles that the fathers thought they had established and secured in the Constitution of 1787–1789. Therefore I stand squarely opposed to the perversion of that Constitution committed by Hamilton, Webster, and Lincoln, all of them arch imperialits at heart, in my judgment.

In the recent biography of Jefferson Davis by Gen. Morris Schaff, the following tribute to the Confederate cause is voiced:

"In spite of disasters and privations the southern people were willing to fight on. That spirit in Davis was the color bearer and never quailed; the trumpet for him, and for Lee, and the self-respecting, was the principle involved, a principle, we venture to prophesy, which will be the rallying ground for the people of the United States when the rights under the Constitution are all in the constricting folds of the Lernean Hydra of complete centralization."

Sentiments like these from ranking northern men, and the extensive State rights "Back to the Constitution" movements now being staged in the North, bear witness to the fact that so-called "Lost cause" is one of the liveliest issues of the day.

Very truly yours,

MARY D. CARTER,
Historian Welby Carter Chapter.

LETTER OF GENERAL LEE TO LORD ACTON

This letter, written while General Lee was president of Washington College, is unique, since its author was extremely cautious and reticent among his own people on the subject which he here discussed freely with his foreign correspondent. It will be found in Lord Acton's Correspondence I, 302–305:

LEXINGTON, VA., *December 15, 1866.*

SIR: Although your letter of the 4th ultimo has been before me some days unanswered I hope you will not attribute it to a want of interest in the subject, but to my inability to keep pace with my correspondence. As a citizen of the South I feel deeply indebted to you for the sympathy you have evinced in its cause, and am conscious that I owe your kind consideration of myself to my connection with it. The influence of current opinion in Europe upon the current politics of America must always be salutary; and the importance of the questions now at issue in the United States, involving not only constitutional government in this country, but the progress of universal liberty and civilization, invests your proposition with peculiar value and will add to the obligation which every true American must owe you for your efforts to guide that opinion aright. Amid the conflicting statements and sentiments in both countries, it will be no easy task to discover the truth or to relieve it from the mass of prejudice and passion with which it has been covered by party spirit. I am conscious of the compliment conveyed in your request for my opinion as to the light in which American politics should be viewed, and, had I the ability, I have not the time to enter upon a discussion which was commenced by the founders of the Constitution and has been continued to the present day. I can only say that while I have considered the preservation of the constitutional power of the General Government to be the foundation of our peace and safety at home and abroad, I yet believe that the maintenance of the rights and authority reserved to the States and to the people not only essential to the adjustment and balance of the general system, but the safeguard to the continuance of a free government. I consider it as the chief source of stability to our political system, whereas the consolidation of the States into one vast republic, sure to be aggressive abroad and despotic at home, will be the certain precursor of that ruin which has overwhelmed all those that have preceded it.

I need not refer one so well acquainted as you are with American history to the State papers of Washington and Jefferson, the representatives of the Federal and Democratic Parties, denouncing consolidation and centralization of power, as tending to the subversion of State governments, and to despotism. The New England States, whose citizens are the fiercest opponents of the Southern States, did not always avow the opinions they now advocate. Upon the purchase of Louisiana by Jefferson, they virtually asserted the right of secession through their prominent men; and in the convention which assembled at Hartford in 1814, they threatened the disruption of the Union unless the war should be discontinued. The assertion of this right has been repeatedly made by their politicians when their party was weak, and Massachusetts, the leading State in hostility to the South, declares in the preamble to her constitution, that the people of that Commonwealth "have the sole, exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right which is not, or may hereafter be by them expressly delegated to the United States of America in Congress assembled." Such has been in substance the language of other governments, and such the doctrine advocated by the leading men of the country for the last 70 years. Judge Chase, the present Chief Justice of the United States, as late as 1850, is reported to have stated in the Senate, of which he was a member, that he "knew of no remedy in case of the refusal of a State to perform its stipulations," thereby acknowledging the sovereignty and independence of State action. But I will not weary you with this unprofitable discussion. Unprofitable because the judgment of reason has been displaced by the arbitrament of war, waged for the purpose as avowed of maintaining this union of the States. If, therefore, the result of the war is to be considered as having decided that the union of the States is inviolable and perpetual under the Constitution, it naturally follows that it is as incompetent for the General Government to impair its integrity by the exclusion of a State, as for the States to do so by secession; and that the existence and rights of a State by the Constitution are as indestructible as the Union itself. The legitimate consequence, then, must be the perfect equality of rights of all the States; the exclusive right of each to regulate its internal affairs under rules established by the Constitution, and the right of each State to prescribe for itself the qualifications of suffrage. The South has contended only for the supremacy of the Constitution and the just administration of the laws made in pursuance of it. Virginia to the last made great efforts to save the Union, and urged harmony and compromise. Senator Douglas, in his remarks upon the compromise bill, recommended by the Committee of Thirteen in 1861, stated that every Member from the South, including Messrs. Tombs and Davis, expressed their willingness to accept the proposition of Senator Critteneo frdm Kentucky, as a final settlement ofthe controversy, if sustained by the Republican Party, and that the only difficulty in the way of an amicable adjustment was with the Republican Party. Who, then, is responsible for the war? Although the South would have preferred any honorable compromise to the fratricidal war which has taken place, she now accepts in good faith the constitutional results, and receives without reserve the amendment which has already been made to the Constitution for the extinction of slavery. That is an event that has been long sought, though in a different way, and by none has it been more earnestly desired than by the citizens of Virginia. In other respects I trust that the Constitution may undergo no change, but that it may be handed down to succeeding generations in the form we received it from our forefathers. The desire I feel that the Southern States should possess the good opinion of one whom I esteem as highly as yourself, has caused me to extend my remarks further than I intended, and I fear it has led me to exhaust your patience. If what I have said should serve to give any information as regards American politics, and enable you to enlighten public opinion as to the true interest of this distracted country, I hope you will pardon its prolixity.

In regard to your inquiry as to my being engaged in preparing a narrative of the campaigns in Virginia, I regret to state that I progress slowly in the collection of the necessary documents for its completion. I particularly feel the loss of the official returns showing the small numbers with which the battles were fought. I have not seen the work of the Prussian officer you mention and, therefore, can not speak of his accuracy in this respect.

With sentiments of great respect, I remain,

Your obedient servant,

R. E. LEE.

PREVENTION AND CURE OF TUBERCULOSIS

Mr. MAYFIELD. Mr. President, I present a paper by Dr. J. Morrison, of San Antonio, Tex., relative to the public health, entitled "Original research into the causes, nature, pathology, prevention, and cure of tuberculosis," which I ask may be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

IN THE MATTER OF THE PUBLIC HEALTH—ORIGINAL RESEARCH INTO THE CAUSES, NATURE, PATHOLOGY, PREVENTION, AND CURE OF TUBERCULOSIS

In the long catalogue of human maladies there is none more destructive to human life than tuberculosis. It has existed in the human race from time immemorial all down through the historical ages in all countries and climates. It has been called the great "white plague" by reason of its greater prevalence among the white races than among the colored. It is very slow and insidious in its onset, lingers a long time, becomes chronic, and eventually hurls its victims into a premature grave.

Millions of our people are slowly dying of it to-day all over the land. During the decade 1913–1923, it is stated by competent authorities that over 100,000 died from the disease in New York City and suburbs alone, and that in the entire United States more than 200,000 perish annually from tuberculosis, and further it can be safely affirmed that for every person who dies of it at least 15 living have symptoms of it and require immediate medical attention.

For many centuries the medical profession have been treating the disease with all kinds of drugs and compounds, such as vegetable and mineral tonics, emulsions of cod liver and other oils, stimulants, inhalations of different gases, hypodermic injections of antiseptics, mineral waters, baths, living in elevated situations in winter and summer, etc., and all to no purpose—a downright failure in every case.

While the profession was in this condition of ignorance and inability to do anything for the relief—not to say prevention or cure of suffering humanity—an obscure and unknown German physician, Doctor Koch, thirsting for fame or notoriety, announced to the scientific world that he had discovered the cause of tuberculosis to be a "living animalculum, microbe, bacillus, or bug," which was actually boring into and gnawing at the very vitals of the victim, and also that he had formulated what he called a "serum" which, when injected into the patient hypodermically, would kill the microbe or bacillus and permanently cure the patient. This astounding news was telegraphed to the earth's remotest regions as the greatest discovery in medicine since the time of Hip-

pocrates, 2,300 years ago. Many of our physicians rushed to Germany to interview Doctor Koch and to secure a quantity of his "serum," which they distributed to their friends on their return, and a few weeks afterwards there were to be seen in our cities and large towns signs painted on both sides in golden letters announcing the "Koch cure for tuberculosis"—an announcement a little too previous.

Doctor Koch himself followed closely on their heels with object of exploiting his discovery among American physicians and selling his serum for $50,000, but he failed to find a purchaser. He was given an opportunity of testing the merits of his serum in the hospitals of Boston, New York, and other eastern cities, but it proved to be a dismal failure; instead of even relieving the patients it made them worse, and Doctor Koch returned to Germany a wiser and a poorer man.

But while many of our physicians rejected the serum treatment of Doctor Koch they accepted the germ theory of the cause, became actually obsessed by it, and many of them remain so to the present day. The medical journals and the public press proclaimed the germ theory far and wide. The craze spread with amazing rapidity. In many places the people were alarmed by it, were thrown into a panic, and afraid to sit down where another had sat for fear that the germs would crawl into their bodies. This wave of pseudoscience, as it has proved to be, led to an immense amount of deception even in high places.

While the people were being quieted down and regaining their breath, some wondering why they had escaped, others why they were alive at all, because the patients were supposed to be exhaling microbes or bacilli by the millions, and they had been in constant contact with them in the same house for years, a new disturbance broke out unexpectedly. Another obscure and unknown German, Dr. Franz Friedmann, announced that he had discovered an error in Doctor Koch's formula which he had carefully corrected, and also had passed the new serum "through a turtle"—an animal noted for its longevity—which he claimed would most certainly kill the bacilli or germs in the lungs and also prolong life to an extent never before anticipated. Doctor Friedmann did not exploit his new serum at home, but at once set out for America. In New York and Washington he was given ample opportunity to test the merit of his serum, but, like that of Doctor Koch, it also proved to be an ignominious failure—absolutely useless.

At this stage the Federal Government took a hand in the game, ordered an investigation of this so-called cure, and a report thereon. Accordingly, committees of the most competent physicians in New York and Washington made an exhaustive examination of its therapeutic powers, and their reports are briefly summed up thus: "That Doctor Friedmann's serum is a dangerous and cruel fraud."

This report put an end to any further introduction of German serums but not of the belief in the "germ theory" as the cause of disease in general. It is the greatest medical fallacy of this or any other age, as will be proved further on; no sane person can believe in it in its entirety. Truth is simple and appeals to reason and common sense; error is complex and appeals to ignorance and superstition.

A HOMEMADE SERUM

The disturbance in the profession caused by the Friedmann cure had hardly subsided when a new serum, American made, was announced, which, of course, demands full consideration. The entire country from ocean to ocean and from our northern boundary to the Gulf of Mexico was flooded with literature proclaiming this new serum, which, unlike those of Koch and Friedmann, was not kept a secret but was openly divulged. It is well known that the bite of a rattlesnake is fatal, and that, too, in a short time; hence it was reasoned out that the tenth, or even the twentieth, decimal or centesimal dilution of rattlesnake poison could hardly fail to kill the tuberculosis germs or bacilli in the lungs and at the same time be nontoxic or harmless to the life of the patient. This supposed cure was proclaimed far and wide from pulpits by overenthusiastic preachers, but was not favorably received. A wealthy person financed the building of a sanitarium in Washington, D. C., for the curing of tuberculosis on this theory, but like all other similar experiments it proved a failure and disappeared long ago; it had a short and inglorious career. Very few people indeed would care to have rattlesnake poison thrust into their system, and those who did had good reason to regret it, for they became visibly worse.

MEDICAL CONVENTIONS

The next move of the profession was to request the governments of all the civilized countries to appoint their most eminent specialists in lung diseases to meet as delegates at some appointed place in order to discuss the subject of tuberculosis in all phases, to get an exchange of opinion on it from physicians living in different climates and latitudes, and to devise some means of curing or at least arresting the progress of this formidable malady which is levying such a high toll of death on the people of all nations. Some three or four such conventions or councils were held in European capitals, and one was held in Washington, D. C., about 1888–1890, but nothing of any value was accomplished in any of them.

From the preceding brief history of tuberculosis during the last century the reader can hardly fail to perceive that the medical profession at large has no conception of the causes and nature of the disease and much less of its pathology and treatment. In all the treatises on the practice of medicine, in the English language or in any other language, not one definition of tuberculosis is given, because the authors did not know, and 90 per cent of them do not know it yet, as they still hold to the germ theory—a world-wide delusion.

DEFINITION

TUBERCULOSIS IS A SLOW DECAY OF VITALITY

That is to say, a slow and continuous decay of the vital functions—respiration, circulation, nutrition, and assimilation—a disease in which the decay of the body exceeds the growth or repair.

It is not hereditary or contagious; no child was ever born with tuberculosis, but the parents may hand down to their progeny the predisposition or tendency to contract the disease on exposure to certain conditions of environment.

CAUSES

There are four principal causes, all of which are capable of being removed; all are acquired, not inherited. And here it may be laid down as an axiom that if the cause of a disease can not be found and wholly or partially removed, no permanent cure can be made; the disease will prevail in spite of everything that can be done.

FIRST CAUSE

Neglected or badly treated cases of pneumonia or bronchitis very frequently degenerate into tuberculosis, and the number of such cases is legion.

SECOND CAUSE

Vaccination or inoculation of the body with animal matter or poisons (ptomaines) which impair wholly or partially the function of the lymphatic glands whose function is to take up the waste or dead matter and eliminate it from the system.

THIRD CAUSE

A deficiency of iron in the blood. Such persons are pale, anemic, weak, have flat chest, soft muscles, insufficient lung expansion, are easily fatigued, lack endurance, etc. Iron is absolutely necessary for our very existence. We receive it in our food, which can never be too rich in that metal. A person can never have too much iron in his blood; it maintains health and strength.

FOURTH CAUSE

The use and abuse of alcohol in any form has been a prolific cause of tuberculosis, especially among the aboriginal inhabitants, the Indians. Alcohol has a strong affinity for water, it dries up the brain and nerves, causes sclerosis of the liver, jaundice, dyspepsia, and all the disastrous results that flow from them, and very frequently terminates in tuberculosis.

Now, in order to understand the action of these causes and the nature and treatment of tuberculosis, it is absolutely necessary to describe as briefly as is consistent with clearness the composition and molecular constitution of the human body. It is recorded in Genesis that the Lord God created man out of dust of the ground—"dust thou art, and to dust thou shalt return," a statement which chemistry proves to a demonstration.

If a human body which has never been drugged by mineral, vegetable, or animal compounds be burned and the results of combustion carefully anayized it is found that out of the 70 or more simple substances found on the surface of the earth, only 14 of them enter into the composition of the human body, 5 of which are metals (potassium, calcium, sodium, magnesium, and iron), 5 are gases (oxygen, hydrogen, nitrogen, chlorine, and fluorine), and 4 are nonmetallic bodies (carbon, sulphur, phosphorus, and silicon). Every organ and tissue of the human body is made up of compounds of these 14 elements; 70 per cent consists of water, a compound of oxygen and hydrogen; bone consists of calcium (lime), phosphorus, fats, oils, these last two being compounds of hydrogen and carbon; the brain and nerves of phosphorus, potassium, sodium, calcium, iron, and oxygen; and so on.

The entire structure of the human body is built up with a vast number of exceedingly small organisms, called cells, which differ in size and function according to the tissue or organ to which they belong; thus one drop of blood contains between two and three millions of red blood cells or corpuscles, circular in shape like a penny, slightly concave on one side and convex on the other, and contain oxide of iron. So small are they that at least 5,000 of them placed in line are required to make an inch, and their function is to carry oxygen from the lungs to the heart, by which it is distributed through the blood to all parts of the system. The cells float in a liquid called serum, which consists of a solution of chloride of sodium—common salt—in which are also albumen, fibrin, and all the other compounds of the aforesaid elements necessary for the building up of all the various tissues and organs. Each cell absorbs from the blood such material as is required to build its own structure; for instance, the bone cells abstract phosphate of calcium; brain and nerve cells, the phosphates of potassium, calcium, magnesium; and so on.

The walls of the cells consist chiefly of albumen, fibrin, and other compounds. The cells are short lived; millions of them die every hour, but nature provides for their reproduction. Every one of these elements and every compound formed by them—carbonates, sulphates,

chlorides, phosphates, etc.—has a special function to perform in the system; they are the vital portions and active builders of every part of the human structure.

These 14 elements reach our system through our food and also through vegetable and mineral drugs; for instance, 1 pound of rice contains about 1 grain of iron worked into it by nature, as it were, in an organic condition. Wheat and other cereals contain phosphate of potassium, calcium, etc.; mustard, radishes, cabbage, eggs, etc., contain sulphur; and so on. In regard to vegetables for food or medicine, their value depends largely if not entirely on the amount of mineral matter they abstract from the soil, and just here it is worthy to remark that trees and plants do not take up from the soil mercury, arsenic, lead, copper, etc., but only those found in the human body.

It is also necessary that the patient have a knowledge of the structure and function of the lungs, because they are the organs most frequently affected, but the tubercular matter may be deposited in other organs, as the bowels, bones, throat, etc.

STRUCTURE AND FUNCTION OF THE LUNGS

Take a bunch of grapes, say as large as your fist, and let us assume that the pulp has been taken out, leaving a thin, unbroken skin, and that the stems are tubes through which air can pass in and out freely. This will fairly well represent a small lobe of the lungs; the empty grape skins the air cells, and the stems the large and small bronchial tubes.

Now, around and between these air cells there is spread a thin layer of elastic tissue through which ramifies a fine network of arteries, veins, and nerves. As already stated, millions of the blood cells, also of the muscles, skin, brain, nerves, liver, etc., die every hour. This dead matter—composed, of course, of all the 14 substances composing the human body—is called heteroplasm, and is taken up throughout all the tissues and organs by the absorbents or lymphatic vessels which accompany the large and deep blood vessels, and poured into the veins, and thence into the heart, by which it is sent to the lungs; and while passing around and between the air cells, an extraordinary exchange of substances takes place. The blood sent to the lungs by the heart is venous blood—light blue, as seen in the veins on the arms and back of the hands—and is charged with carbon dioxide gas, the result of the oxidation of the carbonaceous portion of the heteroplasm; of course, the bowels, liver, and kidneys take part in eliminating the remainder of it.

While the venous blood is passing through the lungs, the cells or corpuscles, by virtue of the iron in them, take up another molecule of oxygen from the air cells and carry it to the heart, which distributes it to all the organs and tissues of the body, and at the same time the carbon dioxide gas in the venous blood passes out into the air cells and is exhaled along with the nitrogen and some aqueous vapor.

This interchange of gases (oxygen and carbon dioxide) through the same membranes and in opposite directions is called endosmosis and exosmosis—a wonderful provision of nature without which we could not exist for a single hour. During the circulation of the blood through the general system the extra molecule of oxygen taken up by each cell while in the lungs is set free for the purpose of disintegrating and oxidizing the old cells and other dead matter, and of eliminating it from the system.

The function of the lungs is the removal of the deleterious or poisonous carbon dioxide gas, and the taking in or absorption of oxygen from the air in order to carry on and maintain the marvelous operation of this body in which we move and live. That portion of the heteroplasm which seeks an outlet through the lungs is deposited in the elastic tissue between and around the air cells. Its additional accumulation and the pressure exerted on it by the action of the heart through the circulation gradually flattens and finally obliterates the air cells and thus shuts off the supply of air and, of course, of oxygen.

This heteroplasm or dead matter may permeate the whole lung or render a large part of it impervious to air, or it may separate and form an abscess, destroy the small blood vessels, the lung tissue, the walls of the air cells, and produce serious hemorrhage. The decaying and offensive contents of the abscess are expectorated, sometimes in enormous quantity, and a cavity as large as a hen's egg is formed. When an abscess is not formed the heteroplasm becomes semisolid or of a cheesy consistence, of a dark color, offensive odor, and possesses a greasy feeling when rubbed between the fingers. This substance is called "tuberculin," and it has been injected into patients on the old theory of what will cause tuberculosis will cure it, but always with fatal results.

DIAGNOSIS

The characteristic symptoms are easily recognized; there is diminished respiratory murmur in the upper part of the lungs, dullness on percussion, deficient lung expansion, a general wasting away, loss of weight and strength, etc. There may be a distressing cough, the result of capillary bronchitis, the sputum may be clear, frothy, or tough and stringy, but the microscope shows that there are no germs or bacilli in it. This confounds the philosophy of the physician who can not understand how this can be, because it is quite evident to anyone that the patient is seriously afflicted with the disease, but the chief internal evidence—the presence of bacilli—is wanting.

In children, and sometimes in adults, the lungs become rapidly infiltrated with the heteroplasm to such an extent that a large portion of them becomes impervious to air, very severe dyspnœa occurs, and pneumonia or bronchitis sets in and hastens the fatal issue. This is what some people call "galloping consumption"; in such cases the so-called bacilli do not appear in the sputum because abscesses have not had time to form. This condition has led the authors of works on medical practice to state that tuberculosis may exist whether bacilli appear or not.

The medical profession very generally believe that these so-called microbes or bacilli are generated in the air cells of the lungs only and thence exhaled in millions into the atmosphere; this is a great error into which they have fallen through ignorance of their nature and composition. The bacilli originate in the system, in the blood, in the heteroplasm, and in order to reach the outside world would have to penetrate the walls of the capillary blood vessels, the elastic tissue, and the walls of the air cells, and therefore they can never appear in the sputum until all these barriers are removed by abscesses. The bacilli are never exhaled under any condition, but always expectorated in the dark-colored, offensive sputum after abscesses have formed.

This is in direct opposition to the teaching in medical schools. They declare that the bacilli are exhaled in countless numbers, that they adhere to the walls of the room, to the furniture, to anything and everything with which they come in contact, and that a sound person can contract the disease by sleeping in a room which a consumptive occupied several years before. Such teaching is absolutely and superlatively false.

NATURE OF THE SO-CALLED BACILLI

If a quantity of the sputum—not less than three or four quarts from several tuberculosis patients who have abscesses—be collected and spread out on a clean surface to evaporate or dry up, the bacilli or germs, if living animalcula would, under this treatment, perish and disappear, but, on the contrary, they can now be more easily seen and examined with the microscope in the dry dust than ever before. The dust containing them can now be bottled up and preserved for any length of time.

As already stated, the heteroplasm or effete matter deposited (tuberculin) around the air cells of the lungs, is composed of the albuminoids, fibroids, oils, fats, etc., together with the sulphates, chlorides, phosphates, and carbonates of the five metals that enter into the composition of the human body. The tiny drops of the solution of these salts mixed up in the heteroplasm can not blend with it no more than oil with water, but when expectorated and cooled crystallize out and form exceedingly minute rods or crystals, clear and transparent, whose length varies from about three to four or five thousandths of an inch; in shape they are hexagonal or octagonal prisms with ends capped with pyramids of the same number of sides, with sharp angles and polished sides which no art can imitate. This inorganic portion of the heteroplasm is, of course, motionless, lifeless, and harmless; they are the result and not the cause of tuberculosis or of anything else.

CHEMICAL ANALYSIS OF THE "BACILLI"

Put a quantity of the dried sputum prepared, as already described, into a suitable glass vessel and pour on 5 or 6 ounces of boiling distilled water acidulated with nitric acid in order to insure the decomposition of any carbonates that may be present and carefully filter. The filtrate—the liquid which passes through—contains in solution all the sulphates, chlorides, phosphates, and nitrates of the five metals which enter in the composition of the human body—viz, potassium, calcium, sodium, magnesium, and iron—and the dark or black substance on the filter is tuberculin, the organic portion of the heteroplasm.

To the filtrate add carefully drop by drop, stirring with a glass rod, a solution of barium nitrate; a white precipitate of barium sulphate will be thrown down characteristic of sulphur. Filter and set it aside for subsequent examination if deemed necessary. The filtrate is now free from all sulphates. The next step is the removal of the calcium which would interfere with the subsequent examination for magnesium; therefore add drop by drop, stirring always with a glass rod, a strong solution of oxalic acid, which will throw down a white precipitate of oxalate of calcium (lime), which filter off as before. The filtrate now contains the salts of four metals—potassium, sodium, magnesium, and iron.

Now add a solution of silver nitrate; a pale yellow or dirty white precipitate of the chloride and phosphate of silver will be thrown down, and to this add strong nitric acid, which will dissolve the phosphate but not the chloride. Remove the precipitate by filtration as before, dry it and expose it to sunlight, when it will turn black, highly characteristic of chlorine. The filtrate now contains only phosphates and nitrates. Now add more nitrate of silver, when a yellow precipitate of the orthophosphate of silver characteristic of phosphorus will be thrown down, which remove by filtration as before.

The sulphates, chlorides, and phosphates have now been decomposed and nitrates remain in their place; calcium has been removed and sulphur, chlorine, and phosphorus shown in the precipitates which can now be dried, weighed, and estimated in the usual way if a quantitative analysis is required.

The filtrate—now a solution of nitrates—is now to be evaporated to dryness and heated to redness or as long as nitrous fumes are given off, when there will remain the oxides of the four metals—potassium, sodium, magnesium, and iron. The first two are soluble in water, the other two are not. Dissolve in distilled water and separate by filtering. The filtrate now contains only potassium and sodium hydrates. Wash off the mixture of magnesium and iron hydrates on the filter with sufficient nitric acid to dissolve them, which reduces them again to nitrates, divide the solution into two equal parts, to one add ferrocyanide of potassium. A white precipitate falls and rapidly becomes blue by the absorption of oxygen of the air, intensely characteristic of iron. To the other add chloride of ammonium, aqua ammonia, and phosphate of sodium; a white precipitate falls off the double phosphate of magnesium and ammonium having the composition of $MgNH_4PO_4$—highly characteristic of magnesium. There is no direct test for this metal, but only by forming double salts as above.

To the balance of the filtrate which now contains only potassium and sodium hydrates, add a few drops of hydrochloric acid, thus converting them into chlorides. Now add a drop or two of the perchloride of platinum, a yellow precipitate of the double chloride of platinum and potassium having the composition of $PtCl_4 2KCl$ will be produced characteristic of potassium.

There now remains in the filtrate only chloride of sodium—common salt—for the sodium, of which there is no chemical test or reagent. A drop of the solution imparts an intensely yellow color to the flame of an alcoholic lamp, distinctly characteristic of this metal, and the spectroscope gives the distinctive yellow line which distinguishes this metal from all others.

Here ends the chemical analysis of these minute crystals of the salts which enter into the composition of the human body—the first and the only one ever made or on record in any country in the world.

These crystals of inorganic matter, erroneously believed to be animalcula, that is, living microscopic germs consuming and gnawing at the very vitals of the unfortunate victims, have caused an incalculable amount of trouble and distress to millions of our people, and as a result of which very many of them fill premature graves.

The vital statistics published annually by the Census Bureau of Washington, D. C., show that the mortality from tuberculosis is simply appalling. This is a matter of tremendous national importance and demands the serious consideration of the statesman as well as of the physician.

TREATMENT, PREVENTION, AND CURE

The treatment is medicinal, dietetic, and hygienic.

The prevention and cure of tuberculosis depend on two conditions, viz, a sufficient intake of oxygen from pure air and the disintegration and normal elimination of the heteroplasm or daily waste of the system through the excretory organs of the body. Enough of oxygen can not be taken in unless there is a sufficiency of iron in the blood, and there is only one preparation of that metal which is suitable for this purpose, viz, the phosphate, a mixture of the ferrous and ferric salts. It is prepared by taking a given weight of the salt and nine times its weight of sugar of milk and triturated several hours or even days, and reduced to the finest practical state of subdivision and administered in powder or tablet form dry on the tongue or in water. When it enters the blood, the cells or corpuscles take up the iron, which colors them red, and the phosphorus combines with the albumen, fibrin, oil, fat, etc., to form lacithin, which largely enters into the structure of the brain, spinal cord, and nerves, which furnish energy to the entire system.

The iron also confers tonicity, resiliency, elasticity, and strength to the circular fibers in the muscular walls of both arteries and veins, reduces their caliber, prevents congestion, inflammation, and hemorrhage. Therefore those persons who have inherited from their ancestors the predisposition to contract tuberculosis, as well as those who have not, should take phosphate of iron—from five to eight of the 1-grain tablets of the 3x or 6x potency every three or four hours every day for months.

This will not only prevent tuberculosis but will also render them immune from all the so-called contagious diseases such as smallpox, typhoid fever, etc., for no disease can go from person to person when the blood is well fortified by a sufficiency of iron; but at the same time good digestion must be maintained, constipation avoided, and all dietetic and hygienic measures faithfully carried out in order to avoid auto-intoxication. Elimination of the heteroplasm or daily waste of the system is essentially necessary in all diseases, but more especially in tuberculosis, in which the waste exceeds the repair.

The so-called epidemics of any disease can only "catch" those who have poisoned or impure blood, and stop short where there is no auto-intoxication. Persons who are pale or anemic, weak, and neurasthenic should also take the phosphates of calcium and potassium along with the phosphate of iron. The former enters largely into the composition of bone to the extent of about 58 per cent. It also unites with albumen, fibrin, fats, etc., to form the walls of the cells of the blood, muscles, etc.; while the latter, the phosphate of potassium, constitutes a larger portion (about 20 per cent) of the gray matter of the brain.

These three phosphates, prepared as already described, are the foundation on which the muscular, bony, and nervous structures of the body depend for their energy and the performance of their functions. They enter our body through the food, but very frequently not in sufficient quantity to satisfy the demand of the various organs and tissues which by pains, aches, coughs, etc., are calling for help (food); hence the necessity of supplying these very essential substances which are both food and medicine to the system in molecular form just as nature furnishes them in our food.

These three compounds—the phosphates of iron, calcium, and potassium—are the most valuable medicines ever discovered by man; they will accomplish more to prevent disease, to maintain health and strength, to prolong life, and to keep people out of the lunatic asylum than all the other drugs of the materia medica put together. They are nonpoisonous; they are natural constituents of the human body, and no harm can ever result from the use of them in any dose. They may be taken together, but better separately and alternately, dry on the tongue, through which they penetrate and enter the blood at once.

Now, in regard to the middle-aged and older persons who have actually contracted tuberculosis from any of the causes already mentioned these phosphates just described are to be taken continuously for months, and indeed as long as any symptoms of the disease remain, and at the same time any one of the following powerful tonics and blood purifiers:

(1) Sp. med. echinacea (Lloyd).—Dose, 10 to 25 drops in water four times a day, half hour before meals and on retiring, to be continued as long as necessary. This drug is a powerful antiseptic and nonpoisonous. It is the only medicine which antagonizes blood dyscrasia, removes morbid accumulations of the heteroplasm, and thereby prevents the formation of tumors and abscesses.

Impure blood, septic conditions, and impaired nutrition, with their consequent waste and decay, are preeminently the conditions over which it manifests its manifold and powerful influence. It is still further aided by the following combinations, which are to be preferred in very severe cases, especially if complicated with scrofula or other poisonous taint:

(2) Sp. med. echinacea (Lloyd) two parts, sp. med. berberis aquifolia one part. Mix. dose: 10 to 30 drops in water four times a day before meals and on retiring. Repeat as long as necessary. If a scrofulous taint exists in the system use:

(3) Tinct. echinacea (Luyties) two parts, tinct. cascara amarga one part. Mix. dose: 10 to 20 drops in water four times a day, half hour before meals and on retiring, to be repeated; or

(4) Tinct. echinacea (Luyties) two parts, tinct. N. A. calendula one part. Mix. dose: 20 to 30 drops in water four titmes a day, before meals and on retiring. To be repeated.

For that "hydraheaded monster," scrofula, generally inherited but very frequently the result of blood poisoning, and only one step removed from tuberculosis, the third and fourth formulæ are preferred, together with any one or two of the following tablets, to be taken between and after meals:

(5) Ferri Phos 3x, Kali Phos 3x, Calci Phos 3x. Dose of each: Five or six dry on the tongue four or five times a day, or oftener, at any time.

The liquid medicines—one to four—must be those of Lloyd, Cincinnati, Ohio, or Luyties, St. Louis, Mo., because they are made from the green plants gathered at the time when they are most potent in therapeutic activity.

Echinacea and Calendula are "nature's royal and genuine antiseptics"—they stand without an equal; they not only prevent but also retard, when possible, the disintegration, waste, or decay of healthy tissue. Pus can not exist where they hold sway.

These medicines, comparatively few in number, will not only prevent but cure any case of tuberculosis that is preventable or curable at all, but the patient must not deceive himself. They can not do it in a day, a week, or even in a month. They must be taken as long as any symptoms appear.

The treatment outlined above is not founded on any of the false theories of cure but on the solid rock of human experience—on truth, reason, and common sense. It aims at removing the cause, without which no disease can be cured.

In this general outline of treatment it is hardly practicable to enter into all the minor details which may require attention. For instance, the patient may have obstinate constipation due to inactive liver, for which sodium phosphate may be taken or any good vegetable pill or compound. Again, if hemorrhage threatens, even to the extent of a mere streak of blood in the sputum, the phosphate of iron must be taken freely for several days, and if dyspnea or cough appear the phosphate of magnesium is the remedy, 5 to 10 of the 3x tablets in

warm water every hour or two for a day or more until the symptoms disappear.

In aged persons far advanced in tuberculosis who have had frequent hemorrhages, who have cavities in their lungs, and in whom vitality is well-nigh exhausted, no promise of cure can be made, but by the general treatment already stated, they can be much relieved, made more comfortable, and their life prolonged.

The prevention and cure of tuberculosis are now reduced to one condition, viz, a sufficiency of oxygen taken into the system, and this can only be fulfilled by having a sufficiency of iron in the red blood cells or corpuscles which are the receivers and carriers of oxygen from the air in the lungs to the heart, and therefore the phosphate of iron is the essential and infallible remedy. No other preparation must be used.

But to emphasize again, do not deceive yourself, it will not do it in a day or a week or a month; but in several months continuously. It is the one of the very few drugs which will infuse life and energy into tubercular and scrofulous patients in all stages of these maladies. Tuberculosis is preeminently a chronic disease and requires chronic treatment. Nature cures but not by jumps and bounds, but slowly and certainly. The physician can only aid by removing waste and supplying what is needed to enable her to carry on the marvelous operations of life.

Tuberculosis is not strictly speaking a disease of the lungs, per se, although almost universally believed to be so, but rather a disease of the entire system—a slow and continuous decline of vitality, a general decay which always exceeds the growth or repair. It most frequently manifests its destructive power on the lungs, but often attacks the throat causing paralysis of the vocal organs, or it may expend its force on the bones, especially those of the spinal column.

Under the name of *Tabes mesenterica*, it invades the bowels, especially in children. It is a factor in cerebrospinal meningitis and in that terrible affliction, lupus. It may invade the glandular system, as the kidneys, liver, etc.

In all these forms a liberal use of echinacea, calendula, cascara amarga, with the phosphates of potassium, calcium, and iron in the 3x or 6x trituration, must be faithfully carried out as already indicated in order to build up and strengthen the nervous system.

DIETETIC TREATMENT

It is not practicable to lay down a course of diet to meet all phases of any disease. Tuberculosis, however, is a slow mode of dying from beginning to end, and therefore calls for a generous and nutritious diet of proteids and carbohydrates. All meats, fish, cereals, vegetables and fruits, except the following, which are absolutely prohibited: Tomatoes, rhubarb, cream (except in coffee), fresh bread, ice cream, sweet milk, tea, rich gravies, pickles, salads, alcoholic liquors, hard cider, the use of tobacco, and other narcotics.

The foods rich in minerals should be preferred, such as spinach, rice, rolled oats, lentils, beans, whole wheat bread, rye bread, lettuce, and apples, all of which contain iron. Calcium and potassium are in all the cereals, and phosphorus in beans, cheese and eggs, beef, barley, and potatoes; and sulphur in eggs, radishes, cabbage, celery, onions, turnips, dates, figs, and other stone fruits.

HYGIENIC TREATMENT

In no disease are hygienic remedial measures of more importance. All the excretory organs—lungs, skin, kidneys, and bowels—must be maintained in a normal condition in order to guard against autointoxication.

Deep breathing should be frequently practiced day and night. Whenever practicable, inflate the lungs, gently at first, to their utmost capacity, force air into all parts of the lungs, breathe through the nose and not through the mouth. Frequent magnesium sulphate baths should be taken, winter and summer. This form of bath cleanses the skin as no other can, and leaves the pores open to facilitate elimination. No soap must be used in this bath, best taken just before retiring.

It is absolutely necessary that the consumptive and those who are merely predisposed to it, keep in the open air and sunshine whenever practicable and never be confined to bed in a closed room, starved, and deprived of fresh and pure air—the "rest cure," so called. Sunshine has a tremendous influence over both vegetable and animal life.

The vibrations of the ether sent forth by the sun on coming in collision with our atmosphere are by the law of the transformation of energy converted into heat and light without which no life could exist on the earth. By this genial warmth and marvelous light our hills and valleys are clothed in their glorious garb of green so pleasing to our eyes, and by the action of the invisible or chemical vibrations beyond the violet, this same green mantle is gradually transformed into the golden tints of autumn. Animals and plants will not grow and mature in the dark. Sunshine exerts a powerful influence over matter, and its numerous combinations both in the body and out of it, and it is here for the first time recognized as a remedial curative agent in the treatment of the consumptive. Sunshine carries with it those vibrations of the ether which, with the oxygen and ozone of the air, will disintegrate and destroy the most virulent gases that can emanate from any decaying animal or vegetable matter. Without the sun's friendly aid our atmosphere would, in a few centuries, become unfit for the support of animal life and the earth rendered uninhabitable.

Do not sleep in tents during the winter, but in warm and well-ventilated rooms; pure air is, of course, essentially necessary, but you also require a normal amount of heat and not a freezing temperature. Do not reside in regions in which sand storms occur or work in flour or cotton mills or in other dusty places.

Avoid the seacoast, all large bodies of water, such as the Great Lakes on our northern boundary, all river bottoms, such as along the Mississippi and its large tributaries, and all low, foggy, wet, or marshy localities wherever they are, because the air over such places is charged with too much moisture or aqueous vapor, and therefore deficient in oxygen. On the other hand, elevated places over 2,000 feet are not to be recommended, because the air, though pure and dry, is also slightly deficient in oxygen. An elevation of from 500 to 1,000 feet is to be preferred, and many such can be found along the foothills of the Blue Ridge, Allegheny, and Rocky Mountains, also in Arizona, New Mexico, and western Texas.

If the treatment here outlined be faithfully carried out in all its details, before another quarter of a century shall have passed away tuberculosis will be remembered only as a disease of the past, a matter of history, because all the old incurable cases will have passed over; the new cases that will arise during that time can for the most part be cured, and in the rising generations—boys and girls, the young men and women—the disease can be absolutely and permanently prevented.

All the facts as to the cause, nature, prevention, and cure briefly discussed in the preceding pages are the result of long-continued observation, experimentation, and research extending over a period of more than 60 years while engaged as a professor and practitioner of medicine; they are scientific, positive, rational, and true.

Here the author rests his case and respectfully submits it to the jury of all thinking men and women in this great country, who prefer truth and reason to ancient errors and modern pseudoscience, and here also he throws down the gauntlet and challenges anyone to come out in the open, take it up, and controvert what is stated herein.

Respectfully submitted.

J. MORRISON, M. D., Ph. D.,
1523 East Houston Street, San Antonio, Tex.

PROF. HIDEYO NOGUCHI, JAPANESE SCIENTIST

Mr. COPELAND. Mr. President, on the 24th of February I introduced a bill (S. 3364) to provide for the placing of the names of certain individuals on the rolls of the War Department, and to authorize the Board of Regents of Smithsonian Institution to make certain recommendations. In special recognition of the high public service rendered and disability contracted in the interest of humanity and science as volunteer subjects for the experimentations during the yellow-fever investigations in Cuba, the bill proposes to direct the Secretary of War to place on the rolls of the War Department the names of Mrs. Walter Reed and about 25 other Hospital Corps pensioners, and to pay them during the remainder of their natural lives the sum of $250 per month in lieu of any and all pensions now received.

We thought we had ended yellow fever. But yesterday Prof. Hideyo Noguchi, who was in West Africa under the Rockefeller Institute, caught the African form of yellow fever, and died from the effects of the disease.

I ask that the editorial I send to the desk from this morning's Washington Post entitled "He died for mankind," which has to do with the nobility and the sacrifice and the loss of the life of this great medical hero, be printed in the RECORD in connection with these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 23, 1928]

HE DIED FOR MANKIND

The world has lost another hero in the death of Prof. Hideyo Noguchi, of the Rockefeller Institute for Medical Research, a victim of African yellow fever. The Japanese scientist, in his last works a follower in the footsteps of Walter Reed, had for more than a quarter of a century devoted his life to the study of human ills. He had established new and important conclusions as to the causes of African yellow fever, before he succumbed to that malady. He had previously made his own illness the subject of experiment and was thought to be on the way to recovery when a recurrence caused his death.

It was not in a single field of medicine, however, that Doctor Noguchi attained fame. He ranked with such scientists as Metchnikoff and Pasteur in the work of alleviating the ills of the human body. His tireless efforts in the field of medicine and bacteriological research were invaluable in combating trachoma, infantile paralysis, rabies, and yellow fever, and he did much toward identifying the causes of paresis and locomotor ataxia. No other member of his race was so distinguished in the field of pathology.

Doctor Noguchi was the discoverer of many serums that have revolutionized the treatment of rabies, rattlesnake bite, and infantile paralysis. With Dr. Simon Flexner, of the Rockefeller Institute, he isolated the germ of the latter disease, and later produced a smallpox vaccine, said to be free from bacterial impurity. He identified paresis as a manifestation of a dreaded blood disease germ. He had been decorated by his native Government and other countries, and was the recipient of degrees from a number of universities.

Doctor Noguchi undertook the task of studying African yellow fever after extensive work in combating the South American variety. He chose the Gold Coast for his work. Having contracted the disease, he directed further research work from his hospital bed. Monkeys inoculated with blood from his own body developed symptoms of the disease, and after further tests Doctor Noguchi felt confident that he had identified the carrier. Full reports on his research work had already been received in this country. He was to have sailed for home last Saturday. In the meantime the fever seized him again, and because of weakness following his first attack he lacked resistance to throw off the disease.

Few men have done as much for the general advancement of health as Doctor Noguchi. The sufferings of hundreds of thousands of persons have been lightened through the success of his laboratory experiments. In all probability he had no regrets that he had given his life in behalf of the science to which he had devoted so many years. The world can pay its debt to him only by cherishing his memory.

MUSCLE SHOALS—CONFERENCE REPORT

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, will the Senator from Alabama yield to me to make just a brief statement and submit a motion?

Mr. HEFLIN. I yield.

Mr. NORRIS. It is quite evident to me that the conference report on Muscle Shoals is not going to be voted on at this session, or if it is that it would probably be defeated. I want to say, in prefacing the motion I am about to make, that the conferees, both of the Senate and the House, have been actuated by a fairness and a desire to compromise the different views of the House and the Senate in order that we might reach a conclusion which would be satisfactory to both branches. The provisions which have been the subject of the greatest criticism in the Senate are provisions which were put in, it was believed at the time they were put in, to satisfy Members of the Senate.

I feel, however—and I reach this conclusion after talking with other members of the conference committee on the part of the Senate and of the House—that under the parliamentary situation in which both bodies now find themselves and the anxiety that we all have that the controversy, after so many years of struggle, shall finally be determined, that it will be necessary for a further compromise to be made in order to bring about the legislation.

Mr. HEFLIN. I trust that can be done, because I am not satisfied with the report myself as it stands, and I am willing that the Senator should make his motion.

Mr. DILL. Mr. President, is it the Senator's hope to bring back a report before final adjournment?

Mr. NORRIS. It is my hope, and I have the hope after talking with the conferees, that we will bring back a report to-morrow.

Mr. DILL. I am very glad to have the Senator make his motion, then.

Mr. NORRIS. I want to ask the assistance of Senators who wish to dispose of the measure, that we meet it in a spirit of compromise, as the conferees have had to do and as they will do to-night if my motion prevails, and help us to get the conference report disposed of by both the House and the Senate.

Mr. HEFLIN. I myself am willing to do that.

Mr. DILL. I do not want to see the report go back and be pigeonholed and not come to the Senate again.

Mr. NORRIS. There is no such intention, I assure the Senator.

Mr. ASHURST. Mr. President——

Mr. HEFLIN. I yield to the Senator from Arizona.

Mr. ASHURST. I have on several subjects truly followed many of the ideas of my friend, the senior Senator from Nebraska, and I am pleased that he is going to make the motion to recommit this conference report. I could not vote for this conference report in its present form, and for this reason: I am asserting that by the Boulder Dam bill the arm of the Federal Government is about to enter Arizona and take away one of Arizona's greatest resources, without our consent, and deliver that resource to California. Therefore, by the same rule of fairness, I could not, with any degree of morality, vote to permit the Federal Government to reach its hand into the State of Tennessee and take from Tennessee, over the protest of Tennessee, an asset worth $50,000,000 without so much as, "By your leave." For me to vote to deprive Tennessee of her own resources without her consent would be an act of injustice in which I refuse to participate, and which I shall oppose.

Mr. NORRIS. I am about to make the motion.

Mr. HEFLIN. I hope the Senator will make the motion.

Mr. NORRIS. I move that the conference report on the Muscle Shoals measure, being Senate Joint Resolution 46, be disagreed to, that the Senate further insist upon its disagreement to the House amendments and ask for a further conference with the House, and that the Chair appoint conferees on the part of the Senate.

Mr. BRUCE. Mr. President, let me say——

Mr. WARREN. Mr. President, this is a conference report which requires an immediate vote. It is not open to debate.

Mr. HEFLIN. I hope the Senator will permit the motion to be made.

Mr. BRUCE. It is a motion to remand the conference report.

Mr. WARREN. It is necessary only to vote "aye" or "no" on the motion the Senator from Nebraska has made.

Mr. BRUCE. Let us see whether that is so.

Mr. WARREN. It is so, and I hope the Senator will let the rule of the Senate be applied as it governs the matter.

Mr. BRUCE. This is the first time the Senator has made any reference to the rules of the Senate. He has seemed to think that his dictum was all that is necessary to confirm the statement. If that is the rule of the Senate, I have nothing further to say.

Mr. NORRIS. Mr. President, inasmuch as the House has not yet had an opportunity to act upon the conference report and can not act until the Senate does, I desire to change my motion. I move that the conference report on Senate Joint Resolution 46 be recommitted to the conference committee.

Mr. BRUCE. Mr. President, I am not going to discuss the conference report. I was merely going to express the hope that when our conferees go back to a further conference they will bear in mind that, in addition to other opinions in relation to the Muscle Shoals project, there are some of us who are opposed to the Government entering upon any form of manufacturing enterprise at Muscle Shoals, whether it be the manufacture of nitrogen or whether it be the manufacture of fertilizer or whether it be the manufacture of boots and shoes. I hope that that phase of opinion in this body will be reflected in the interchange of views that will be had between the Senate and House conferees.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). The question is on agreeing to the motion of the Senator from Nebraska that the conference report be recommitted to the committee of conference.

The motion was agreed to.

GOV. ALFRED E. SMITH

Mr. HEFLIN. Mr. President, there are a great many matters of great concern to the American people just now, matters in which the people are vitally interested. In spite of the position taken by a subsidized press, which I regret to say comprises about four-fifths of the big daily newspapers of the United States, the people are thinking. The masses of the people are doing a great deal of thinking to-day. They are not satisfied with the things going on here and elsewhere in our country. They are not satisfied with the steps taken by the subsidized press to nominate two particular men as presidential candidates for the two major parties of the country.

On the same day, in the same column, Republican newspapers are boosting Hoover for the Republican nomination and boosting Smith for the Democratic nomination. I have never seen this situation before. The life story of these two gentlemen has been taken up and published, page after page of it, by newspapers throughout the country. Those of us who have been charged for space by certain newspapers know that those stories and other advertising matter have cost these men and their friends millions of dollars. This thing has never before, that I know anything about, occurred in the history of the Government. After the nominations have been made, then the newspapers have usually published the life story of the nominees of the two parties.

The Democrats have their candidate put forward and the Republicans do likewise. This time, in advance, the largest slush fund, in my judgment, ever raised has reached the coffers of these newspapers for sale, and they have been induced to pick out these two men that the Roman machine and special interests have decided to foist upon the country. Some of the special interests would be satisfied with either.

Mr. President, it is a regrettable situation. No man or woman who loves this country, who wants to see its free institutions

preserved, who wants to see decency in government and right principles upheld, can look upon the situation without fear and trembling for the safety of the country. Things have transpired here in our Nation that have been brought to the attention of this body, that are stirring the people as they have never been stirred before in recent years.

Senators will pardon me for this personal reference, but my mail has never been so heavy in my life as it has been since I spoke in this Chamber on the 18th day of January last. I have received thousands and thousands of letters, and thousands of them I have not yet had a chance to read. My mail will probably average from 350 to 500 letters a day, coming from people who tell me about reading my speeches in the RECORD, and how they are getting the newspapers to print them and having to pay for it, and how they are putting them in circular form and handing them around in the various communities and saying that something must be done to arouse the people to the dangers that threaten.

Senators, I fear that we are reaching the time that Babylon reached just prior to her downfall.

It looks like some of our leaders have gone to sleep and stopped talking. Babylon reached the time when appeal to the people did not seem to stir them. In fact, the truth was kept from them in the main. The leaders seemed to be dazed or dead to the evils and the dangers that infested Babylon. Through their indifference or stupidity they drifted on toward ruin—from bad to worse until God Himself sent His angel down to pronounce a curse on Babylon. God forbid that such evil and corrupt forces shall drag down to ruin the great Government of the United States. God give us the courage to fight to preserve it.

Mr. President, this great free Government is the hope of the world. Dynasties have fallen and thrones have crumbled since Jefferson wrote the Declaration of Independence. The eyes of oppressed peoples the world over have looked to this Government, hopefully, expectantly; and now it seems that we have reached the time when the corrupt use of money has become the terrible master and dominating force in our national politics.

I believe that certain Al Smith supporters down in North Carolina who appeared before the Senate Committee stultified themselves. The idea of Al Smith's leaders down there swearing that they have not received and expended more than $3,500 in the whole Smith campaign in the State which has been going for 12 months and more. They have been working in precincts, counties, and districts for more than six months. Yet, on yesterday, some of them said that they had not seen any money except $3,500 of which Gordon Battle, of New York, gave them $2,500. That is the plan of the Al Smith bunch. They are following the same tactics and telling the same story wherever they are called before the Senate Committee to testify.

Mr. OVERMAN. Mr. President——

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. OVERMAN. Has the Senator any proof that any North Carolinian has received money except as has been testified before the committee investigating campaign expenditures?

Mr. HEFLIN. I have not any proof; but nearly every citizen I talked to in the Senator's State—and they were among the best men in the State—said, "We can not prove it, but they are spending money; they have a lot of money; we know by the men who are handling the situation. Many of them are men who do not get very much interested unless they are getting money."

Mr. OVERMAN. The men who were subpœnaed in North Carolina—I do not know who had them subpœnaed—all testified that they did not receive any money. They are as responsible and high-toned men as there are in the Senator's State or in any other State of this Union. I am sorry that the Senator has brought this matter up again. After he first made his charges I said nothing, because I thought there might be something in them; but the committee has gone to North Carolina and examined these good men, and they swore they had received no money. Does the Senator think it is right for him now to charge that these men, who have taken an oath on the book of the Holy Evangelists of Almighty God, that they have received no money, swore falsely and contrary to the facts in the case? It is improper, it seems to me, after the investigation made by the committee for the Senator to make these charges when these men can not be heard.

Mr. HEFLIN. Mr. President, no corruptionist will admit that he has been bribed. Before God, I believe that the Asheville newspaper man Webb has received money from the Smith people. I will tell you more about that later on.

Mr. OVERMAN. I am just as certain that he has not.

Mr. HEFLIN. That man would not have been attacking Senator SIMMONS, as I am told he has done, after he claimed to be his life-long friend. However, I do not want to have any controversy with my good friend from North Carolina. I am willing for him to say what he wishes to say regarding these men.

Mr. OVERMAN. I do not believe he has attacked him [Mr. SIMMONS]; I know he has not done so in his newspaper; I do not believe that he has received a cent. He swears he has not and he says the statement that he has is a gross slander, and I believe it.

I hope the Senator will let North Carolina alone, so far as that is concerned. Anything else he may say is all right. I am fond of the Senator; he knows what I think of him; we are old friends; but I do not want him to stand up here after these good men have sworn before the Senate committee they did not receive any money, to reiterate the charge that they did. I say that such a course is unfair and improper, particularly when these men can not defend themselves. [One man clapped his hands in the gallery.]

Mr. HEFLIN. You Romanist, do not you dare interrupt these proceedings with your handclapping in the Senate gallery. If I see which one of you is doing it, I will put you out myself, if necessary.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair) rapped with his gavel.

Mr. OVERMAN. Mr. President, I do not know whether they are Romanists or not; but the people are indignant after these men have been sworn and testified—and although I have not seen the testimony, it is here, I suppose—that they should be denounced. It seems to me that it is unfair for my friend to stand here and repeat these charges upon this floor when those against whom the charges are made can not be heard in their own defense.

Mr. HEFLIN. The Senator I am sure has not been down into North Carolina as recently as I have, and he does not know what good Democrats are saying about some of the Smith leaders. But I repeat I am glad for the Senator to make a statement in my time if he desires to do so; I am going to make some more statements about them, however, right now.

This newspaper man Webb, when I spoke in Asheville last year, attacked me editorially most viciously when I criticized the candidacy of Al Smith in my speech there as I had a right to do, and when I told about the efforts of Roman Catholic machines to involve the United States in war with Mexico. On that occasion the largest crowd that had assembled at Asheville in a long time, I was told, hundreds of them standing, cheered my speech and indorsed it when I had finished. The people of North Carolina every where I have spoken have indorsed my speeches, and they indorse them now. They indorse the fight I am making in the Senate. This man Webb, however, assailed me; he made one of the most insulting and vicious attacks that has ever been made on me in a newspaper. And yet on Monday he told the committee at Raleigh—the New York Times says that—

> Senator HEFLIN is uttering slanders and lies in the Senate.

Mr. President, I denounce this little hireling of the Roman Catholic political machine as a liar. And I am responsible for that statement inside or outside of the Senate.

I make no reflection on my good friend, the able Senator from North Carolina [Mr. OVERMAN]. I am very fond of him, and I can understand that he, perhaps, feels that he should have said something, but this man Webb is a wolf in sheep's clothing. I think he is much better off financially than he was when he met the Al Smith bunch. I know how some of these newspapers are reached. If Webb had not been courted by the Tammany tiger he would not have been inspiring secret attacks on Senator SIMMONS and whispering around that they ought to have new leadership in North Carolina. Mr. President, they have never had an abler or more faithful leader in North Carolina than Senator SIMMONS. He and his able colleague, the junior Senator from North Carolina [Mr. OVERMAN], have represented that State faithfully and well. So, when Mr. Webb undertook to say before the committee of the Senate, to my colleagues on that committee, that I was uttering slanders and lies here, he knew that he was a corruptionist and liar.

They are spending money in that State. That is the report of Democrats all over the State. They can not catch them; of course, not, for they are employing the Tammany tactics. They send the money itself; there are no receipts that pass; no record is kept; but a man who will sell his vote will lie until he is black in the face; a man who will barter his country will swear he has never sold it. Of course, you would not expect him to swear that he did.

One of the Al Smith leaders, a man named Dawson, has some serious charges against him in North Carolina. Some of them are of a criminal nature, obtaining money under false pretenses, and hints at embezzlement.

Guffey is leading Smith's fight in Pennsylvania, and he embezzled money from the Government. And Dawson and Webb are leading the fight in North Carolina. It looks like Al Smith gets tied up with crooks and embezzlers wherever he goes. Birds of a feather flock together. Now, so much for that.

Mr. OVERMAN. The Senator has no proof whatever of these charges.

Mr. HEFLIN. Yes; I have. I know what Democrats of North Carolina told me about Dawson and his Al Smith side partners last Monday in North Carolina.

I am not going to permit the Democratic Party of the South and the country to be imposed upon and lied to by the sorry hirelings of Al Smith's in the South, who, in supporting him, put his candidacy and all that that means above the things most dear to the people of the South and the country.

Three thousand five hundred dollars all told for a Tammany-Romanist campaign for President long drawn out over 12 months. Of course, they forgot to tell the truth. Those who will barter this Government, those who will obtain this nomination by the corrupt use of money will tell a lie about it, and laugh in your face. If the committee should say, "Mr. Jones, you are managing this campaign?" "Yes, sir." "It is rumored that they paid you $50,000. Did they?" "Yes, sir." Then you have got him.

What does he do before he goes in? The Tammany tiger trainer says: "Do you know anything?" "No, sir." "Are you going to admit anything?" "No, sir." Why, of course, if he is a crook, if he can be reached by the use of money, and goes and does their bidding, he is not going to come in and say he did it. Men who are charged with crime on the witness stand in the courts will swear that they are innocent, and witnesses who saw them commit the crime have to convict them. You can not convict them by their own testimony. I do not expect Webb to admit the crooked influences that have been at work to cause him to attack southern Senators who have interfered with his very strange Al Smith program! He bitterly assailed me last year. I had met him and he seemed to be a pretty clever fellow, and I said, "This is very strange. Some evil influence has gotten hold of this fellow." His editorial attack read like it was bought and paid for. He had been Senator SIMMONS's friend for years and years, but now he is one of those down there who are picking around on the side. He is being criticized all over North Carolina for his conduct.

Mr. President, I am a Democrat, and I do not intend that my party shall become crooked if I can help it. Whenever I find crooked work going on in it, it is my duty to point it out, and to help clean it out. I have assailed the Republican Party for that; I have helped drive Republicans out of the Senate for that.

We have recently had before us the Frank Smith case. He was public utilities commissioner of Illinois deciding cases for Insull, the power king, and Insull was giving him campaign funds; and here is Gov. Alfred Smith, of New York, who is called a Democrat, with his utility man appointed as the head of his campaign committee to go out and do exactly what Frank Smith did and get money from the public utilities, as Frank Smith got it from Insull. Why are we not justified in assailing Governor Smith for doing what Frank Smith did? Frank Smith was a Republican; Governor Smith, they say, is a Democrat, although he and his bunch bolted Wilson, bolted Cox, and bolted Davis. If a Democrat is involved, shall the Democrats say, "Let him alone; Democrats keep silent"; but, if he is a Republican, "Attack him; go to it. If he is a Democrat, say nothing, let him employ any means possible; let him buy the nomination, just so he gets it. Don't tell it, you will hurt the Democratic Party."

Ah! Mr. President, the man who serves the Democratic Party best is the man who attacks crooked Democrats and keeps the corruptionists out of control of the Democratic Party.

Mr. SIMMONS. Mr. President, I very much dislike to engage in this discussion. I do not mean in any way to impeach the integrity or the veracity of any person who testified before the committee or the two members of the investigating committee on campaign contributions who went to North Carolina. They were there only one day; they heard the testimony of certain people. I do not say that those gentlemen did not testify to the truth with regard to their personal knowledge of campaign receipts and expenditures; but I do say that the people of North Carolina, if I am not altogether misled by the information that I have received, are under the impression that vast sums of money are being expended in North Carolina for the purpose of organizing the Smith campaign.

I have been connected with campaigns in North Carolina and I know that the plan of organization which they have inaugurated in North Carolina can not be carried out in that State without a large sum of money. One gentleman, who asked to be permitted to testify before that committee, said that the plan of organization which my friend and colleague put in the RECORD, and which it was understood had been imported from Tammany Hall, was the plan which I applied when I was a candidate for the Senate against the late Governor Kitchin in 1912—a statement which was false upon its face, because in 1912, when I ran against Governor Kitchin, I ran in a senatorial primary, and the precinct and the county conventions and the State convention had nothing to do with that result.

To say that I had organized a plan of that sort in my campaign is absolutely ridiculous, because I was elected or defeated in the primary election held to determine whether Governor Kitchin or Chief Justice Clark or myself should be elected to the Senate, and I got 25,000 or 30,000 votes more than both of them together.

If the committee which investigated the Teapot Dome scandal had been satisfied with the statement of Mr. Fall, and the statement of Mr. McLean with reference to how Mr. Fall got that $100,000, and had stopped there, we never would have had an exposure of the corrupt methods by which the Government was deprived of this great naval reserve deposit of oil. But the great Senator from Montana [Mr. WALSH] was not willing to accept those statements. He preferred to trace down the lead that was given him. He had ample time. He went to Florida. He examined McLean under oath, and McLean exploded the whole scheme which Fall had manufactured for the purpose of excusing his bribery. An investigation to bring out the facts in the case of North Carolina can not be made in one day, and it can not be determined by the result of the testimony of a few people who are called there. It might require weeks to do it, and you would have to follow up leads that you might get.

I am not impugning the testimony of any of those gentlemen. I have nothing to say against what they testified, except that fellow who testified to the manifest falsehood with reference to my plan of organization in the senatorial primary held between Mr. Kitchin and myself, but I do say that there is a conviction in the minds of the voters of North Carolina that large sums of money are being expended down in North Carolina for the purpose of bringing about packed conventions, packed precinct conventions, packed county conventions, and a packed State convention. I assert this without fear of contradiction. That is the objective of the present plan of organization that has been inaugurated there.

The people in North Carolina asked that the executive committee permit them to vote. Confronted with this powerful, all-embracing organization that went down to the precincts and up to the county conventions and the State convention, they asked that the people be allowed to have a primary on the same day on which the State primary was held to determine who should be the preference of that State for the Presidency.

In the last legislature they repealed the presidential primary, but they let the rest of the State and county primary remain. That primary is to be held on the second day of June; and the people asked the executive committee of that State to permit them to hold at that time a primary vote to determine how the majority of the people of the State stood with reference to the nomination of candidates for the Presidency. They were refused that privilege; they were denied that privilege, because if the individual voters in North Carolina were permitted to register their views and their wishes as to who should be their nominee, Alfred E. Smith would not get one-fourth of them.

That opportunity for an expression of the will of the people on this matter has been suppressed. It was suppressed by the State executive committee. A large part of the votes of the executive committee were proxy votes. The Smith men had been previously tipped off that this meeting was going to be called; and they got the proxies and voted the proxies against the right of the people of North Carolina to express their will upon this question in a primary.

But, Mr. President, the action does not leave us without a remedy in North Carolina. The precinct conventions are yet to meet. In those meetings the people can assemble. I am somewhat apprehensive about getting out the full vote, because those precinct meetings have no function now except to appoint delegates to the county conventions. All the State officers and all the county officers, from constable up to governor, are to be elected in the primary. The precinct conventions, therefore, have no functions to perform except simply to appoint delegates to the county conventions; and with that limited power the people have not heretofore been disposed to attend these meetings.

But this year we hope, in the interest of the rule of the majority, in the interest of a fair expression of the opinion of the people of North Carolina on this question—this vital question, affecting, in my judgment, the life of the Democratic Party—I hope we will be able to get them to come to the polls next Saturday when the precinct meetings are to be held. If they do go out to the polls, there will be registered against Alfred E. Smith a vote of 4 or 5 to 1.

I mention now that during the 12 years that I was chairman of the executive committee I never did anything to thwart the will of the people.

Mr. President, this is a Republic. This is a Federal Government. The people still have the right to name their officials. A well-laid plan has been in operation since the convention of 1924 on the part of the Smith following in North Carolina to arrange it so that the voice of the people would be suppressed. They are continuing to carry out that program as far as they can. In my judgment, however, they will not succeed. There will be an uprising against it. There will be an expression of the vote of the people, because the people of North Carolina do not stand for the things that Alfred E. Smith stands for. They stand against the things that Al Smith is known to stand for. He is not known to stand for anything except his record as Governor of the State of New York and his connection with Tammany Hall with its affiliated alliance with Wall Street. Upon the other great national questions we have not heard from him. Upon immigration, restricted or unrestricted, we have not heard from him. Upon the tariff we have not heard from him. Upon the agricultural situation we have not heard from him. Upon none of the fundamental issues of Jeffersonian Democracy have we heard from him.

His followers would not let us hear from him until we have nominated him. If we nominate him, we must take the "pig in the poke"; and if we do nominate him, Mr. President, what will we get? We will tie to the neck of Democracy in this country Tammany Hall, with all of its terrifying record of corruption in the past, with all it has stood for from the days of Tweed and Croker and Murphy up to the present time—a veritable body of death—and then nominate a man about whose position we know nothing, who has had no connection with politics in America, whose vision has been confined to the things of New York, who never went to the South until he went down there for the purpose of inaugurating a campaign with a view to securing his own election, and possibly to crush me—crush me, Mr. President! How can 15 per cent of the votes of North Carolina crush a man who is standing with 85 per cent of the people of the State solidly behind him?

Mr. Smith can not do it, with all the cunning of Tammany Hall and New York politics. That was his first visit to the South. He never had been there before. He knows nothing about it. His publicity organs now say that he must not be hamstrung with a Vice President who stands for prohibition, because it would interfere with his scheme to run a campaign upon the wet issue, to be elected by the united wet vote of the Democratic Party and the Republican Party; that he must not be hampered and hamstrung by the nomination of a southern Democrat as his associate!

Mr. President, the southern Democrats are not anxious to be his associates on that ticket. I know of no southern man of outstanding ability who will consent to run on that ticket as Vice President.

What does Mr. Smith know about national politics? Has anybody ever heard any utterance from him on national questions? Tammany leaders have never been interested in America. Their vision is confined to local affairs in New York City. All we know is that the New York World, his chief champion, says that if he is nominated the main issue will be "wet or dry." Upon that he will stand or fall. Upon that he will be elected or defeated. The other great issues which Jeffersonian democracy presents to the country, the great questions which divide the two major parties of this country with reference to finance and economy, and every other conceivable thing that connects itself with politics—they are to be thrown into the background. If we attempt to discuss the scandals that grew out of the Harding administration, the prostitution of justice by Daugherty, the robbery of the poor, decrepit veterans of the World War by Forbes, the bribery of Fall—if we attempt to discuss all those things, the answer will be, "Look at Tammany—Tammany! That is the answer.

If we undertake to discuss any of the major questions relating to the differences between the major parties in this country we will have the same answer; the only question raised by the candidacy of Al Smith is the question of whether we shall again have barrooms and liquor or have prohibition in this country.

I will ask the Senator from Alabama to pardon me for thus interrupting him.

Mr. HEFLIN. Mr. President, I am indeed glad to yield to the Senator from North Carolina [Mr. SIMMONS]. He is truly a great Southerner, a great leader of the Democratic Party in his State and here, and he is a fine American statesman. He knows what it all means to the South if that Smith régime goes in. He knows what the people of North Carolina are saying about the slush fund down there. He knows, as a man who has led political battles, that it would take a vast sum of money to carry on in any State such a campaign as the Smith supporters have carried on in North Carolina for the last 12 months. He knows and he has dared to tell you that Democrats all over his State say that the Smith crowd are spending in North Carolina a great deal of money to capture the State delegation for Governor Smith. I am going to read the newspapers to-morrow to see if they tell North Carolina and the country just what Senator SIMMONS said here to-day. I want them to tell the country what the Senator from North Carolina said to-day about Governor Smith and about how the Democratic Party would be hamstrung and hog tied if he should be nominated and speakers go out in a national campaign discussing Fall and Denby and Daugherty and Frank Smith and the Newberry case, and the Republicans just stand up and laugh in our faces and say, "How about Tammany Hall and Al Smith? Cleveland, Wilson, and Bryan all condemned and denounced Tammany Hall, and you went there and took the chief of the corrupt Tammany machine and nominated him for President."

Mr. President, as long as I have the strength to fight, I am going to fight against turning over my party to such a disreputable and corrupt régime. I would be unfaithful to the mother who bore me, and my good father, both gone to their reward, if I did not protest as long as I have strength to fight against putting this man's rule over the South and the Nation. I would be unfaithful to myself and all that is dear to me if I should not protest day by day against the corrupt and dangerous work that is going on in the country.

The idea of these people going out gathering their slush fund from contractors in New York, holding up the public-utilities people, putting a man over them with a club who has the power to punish them by reducing their rates or the power to reward them by raising their rates, making them contribute whether they want to do so or not, to gather up funds to send out and secretly slip into the precincts and counties and obtain delegations, and when you inquire into it, they stand up and say they have spent two or three thousand dollars in a State. Of course they are not telling the truth.

Mr. President, a corruptionist will not convict himself. He will damn his soul swearing a lie. You can not get a corruptionist to convict himself. You can not get a thief to give testimony that will incriminate him. You can not get those who are manipulating and managing a corrupt machine to expose the machine and send themselves to the penitentiary. It is not expected, and I do not expect it. But where there is so much smoke, there is fire.

I have made four speeches in North Carolina, and wherever I have gone they said, "They have money galore, but you can not catch them with it. You can not prove it. We know, from the automobiles that are going up and down the roads, traveling day and night, and the forces that are at work." It costs money, and we are told that those who are manipulating and managing Smith's campaign do not work without pay.

That is the situation. Then they stand up, when they are afraid, if anything should happen and he should be nominated and elected, he would be impeached because he had corruptly obtained the office of President, they are preparing in advance to cover up their tracks and to hide every dollar they expend. That is what some of the so-called Democrats seem to have come to. God help the party, and help it in this body.

I thank the able Senator from North Carolina. His State owes him a debt of gratitude it can never pay. Nobody knows better than I how he has led the Democrats of North Carolina in the past. He took up the battle of the Democratic Party and restored it to control in every congressional district in the State, and to-day, in my judgment, he is loved, honored, and revered as no other man in it has ever been—just as Alabama loved and revered John T. Morgan. Morgan led the fight in the Senate that defeated the force bill, which sought to place Federal soldiers with bayonets around every ballot box in the South. Senator SIMMONS led the "red shirts" in North Carolina, organized that brave band, triumphed in every county, restored white man's rule, drove out carpetbag and negro rule; and North Carolina, God bless her, stands with head erect and basks in the sunshine of Democratic rule and white supremacy.

I point with pride to the fact that my grandfather, Wyatt Heflin, was born in North Carolina. I love the State. I do

not want to see that State go into the Smith column. It would be a reflection upon her.

Some few of them who have been following Senator SIMMONS, who now, in his absence have gone wrong and refused to give the Democrats of North Carolina a presidential primary have started a reaction, and it has put the fighting spirit in the real Democrats, and what they will do to Alfred E. Smith Saturday will be a plenty; but a few of them—and they must have been those witnesses, Webb and Dawson, the latter of whom is charged with serious offenses—they must have given out this statement for the New York Times:

> That Senator SIMMONS, for more than a quarter of a century the recognized Democratic leader of the State, for the first time in all those years is out of harmony with a powerful and influential element in North Carolina Democracy, was evidenced by nearly every witness down there.

Here he was on that day battling in the Senate, taxing his strength to the utmost, fighting to reduce the tax burdens of the people of North Carolina, and here were these men coming over—just one side—to testify briefly, spreading the news around that Senator SIMMONS was losing out and that a new and powerful element was coming on. One of them runs a newspaper that is flourishing now, and the other is charged with things that I will not discuss in the detail if I can help, and I am not now ready to say all I have heard about Webb. These are the men who discredit Senator SIMMONS secretly. His record is as pure as light and stainless as a star. Nobody can assail his record. Nobody can attack his honor. Nobody but a fool doubts his great ability. He is a strong man, a faithful, upstanding American, and because he would not yield to the solicitations of those who were sent here to Washington by the Smith machine of North Carolina, because he stood out here and would not bow the knee to the Al Smith Baal, they went down and tried hard to work up opposition to him. Let me tell Senators what happened in New Bern, N. C., the other day.

Mr. OVERMAN. Mr. President, will the Senator yield to me one moment?

Mr. HEFLIN. I yield.

Mr. OVERMAN. Is it not a fact that the testimony shows that every witness who testified before the investigating committee indorsed Senator SIMMONS, spoke of him in the highest terms, and that not one among those witnesses branded him in any way whatever?

Mr. HEFLIN. I have just read to the Senate what the New York Times said on the subject.

Mr. OVERMAN. I am not talking about the New York Times. I am talking about the witnesses about whom the Senator has been speaking, the same men the Senator says have received these bribes and who are against Senator SIMMONS; if they did not all indorse him and say they were for him and not fighting him.

Mr. HEFLIN. Yes; they indorse him before the Senate committee since they have been discovered and uncovered and are about to be defeated and whipped out next Saturday.

The situation is different altogether now. The Al Smith men who have attacked him will be through next Saturday. Senator SIMMONS is going to win. These men now see it. They feel the lash of the people's love for SIMMONS falling on their backs, and no wonder they are saying, "Oh, well, I don't have anything against Senator SIMMONS. Personally I am for him." But the paper says that the witnesses said that this opposition to him was there.

Mr. OVERMAN. Let us have the truth. Here is my friend the Senator from New Mexico [Mr. BRATTON], who was on the subcommittee that went to North Carolina and who heard these witnesses testify. I will ask him whether any witness slandered Senator SIMMONS or criticized Senator SIMMONS, and whether it is not a fact that they all indorsed him?

Mr. HEFLIN. I am not saying they criticized him before the committee. They told these newspaper boys, practically all the witnesses; that is what the paper says. It did not say they said it before the committee. They said one thing there and another thing to the newspapers.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. BRATTON. I want to answer the inquiry propounded by the junior Senator from North Carolina by saying that every witness who referred to Senator SIMMONS in any way spoke of him in the tenderest language and with the fondest expressions of fidelity and loyalty to his leadership of the Democratic Party through the years. Some of them went to the point of speaking with quivering lips in declaring their love for Senator SIMMONS.

Mr. HEFLIN. If they knew all that was coming to them Saturday their lips would have quivered more. [Laughter.]

Mr. BRATTON. I am confining myself to what was said before the committee. There was not the slightest evidence of any unfriendly feeling or lack of loyalty or confidence or abiding belief that Senator SIMMONS would continue to lead the Democratic Party in North Carolina in the future with faithfulness and fidelity, as he has in the past.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SIMMONS. I have never charged and do not now charge that the adherents of Governor Smith in my State are trying to injure or undermine me. I have not made that charge. What I have charged, and what I do charge, is that the Smith people, yes, Smith himself, and his New York followers are trying to retaliate against me because I have been singled out and falsely charged, as leading the opposition to Smith in the South, and as leading a battalion of death—they, thus, in retaliation against me, are trying to destroy me in North Carolina. It is not the people of North Carolina but these forces from without my State operating in my State that would undermine me.

Mr. HEFLIN. I am sure of that.

Mr. SIMMONS. I want to say to the Senate now that I have been approached by some of the best friends I have and asked not to speak of these things against Smith, especially not to expose his connection with Tammany Hall and Tammany Hall's connection with this campaign. I have said to them, "So far as that is concerned, it is far better that the Democratic Party of this country should know what Smith stands for, should know his environment and his connections in New York, before he is nominated, rather than have the story reserved to be told by the Republicans after he is nominated."

I said to them that the metropolitan newspapers of this country—illustrating with the Washington Post and the Washington Star, both strong Republican papers—in every issue of their papers of this morning, under the name of a man named Fox, whom I have heard denounced in the most bitter terms upon this floor, are boosting Smith's campaign—boosting it more than they are Hoover's campaign. I want to ask the Senator, before he completes his speech, to tell the country why it is that the Republican metropolitan papers of the country, including those published in the city of Washington, have been exhibiting so much anxiety about the nomination of Alfred E. Smith.

When I have been approached about this matter I have said that we have not elected a Democrat to the Presidency since the war who was not an anti-Tammany man. The country nominated Tilden because he stood like a rock wall against the methods of Tammany. The phrase in that day, "We love him because of the enemies he has made," had reference to Tilden's antagonism to Tammany Hall. Grover Cleveland was anathema to Tammany Hall. Wilson fought Tammany Hall at the time he was a candidate, and he fought it during his whole administration; and his Secretary of the Treasury fought Tammany Hall likewise.

Every Democrat that we have nominated and elected since the war has been an anti-Tammanyite. When in the convention of 1912 Champ Clark had polled in that convention more votes than are now credited to Smith, both pledged and claimed, William Jennings Bryan, the great tribune of the people, arose and exposed to that convention the fact that Tammany Hall and a like organization in Chicago were standing behind the candidacy of Mr. Clark. His house of cards tumbled and he was repudiated, and Wilson, an antagonist of Tammany Hall, was nominated.

Now, if anybody wants to know anything about Tammany Hall let him read a recent book just off the press, written by Mr. M. R. Werner, entitled "Tammany Hall." In that book Alfred E. Smith plays a conspicuous part in one of the most disgraceful episodes in the history of American Government. Read that book and ponder before being swept away with Smith.

Mr. HEFLIN. I have here a copy of it.

Mr. SIMMONS. I say I make these statements now rather than later against the advice of friends, because I believe it is my duty to the party to put the people on notice before this man is nominated, because I know that as soon as he is nominated the Republican papers which are now boosting him, which are now vaunting him, which are now praising him for his great virtues with their magazines filled with derogatory matter will open fire, will put all the power that lies in the great Republican propaganda agencies of the country upon his trail, and will expose every one of his derelictions and every one of the acts of his life that discredit him. It is better to know in advance before we nominate him than to wait until after he is nominated. The Republican press is already preparing slogans for their onslaught. One of them I am told is to be, "Shall we Tammanyize the White House?"

May I ask every reading man and woman to read and reflect on the letter by former Senator Robert L. Owen, as written on this subject and which appears on pages 9432 and 9433 of the CONGRESSIONAL RECORD of May 22, 1928?

Now, so far as my position is concerned, I have had friends come to me and ask me to restrain my opposition or rather to refrain and be silent, because they said that "Smith is sure to be nominated; he is a certain winner; he is a great vote getter," notwithstanding the fact that he has never been able to carry four counties out of the sixty-odd counties in the State of New York outside of New York City, "and will be certain to be elected."

I have answered that he would not be certain to be elected, that he was the weakest candidate in my judgment that we could nominate, that the Republican press would literally obliterate him if we nominated him. Would literally crush and destroy him if we nominated him; that the material exists and is in their hands and ready to be exploded the minute he is declared the Democratic nominee.

I have said that this is a conviction with me. I am conscientiously of the opinion that his nomination would mean the ruin of the Democratic Party in my State, the disruption of the Democratic Party in many States in the South. It would create a condition of chaos in the Democratic Party throughout the country from which we would not recover in 25 years. His nomination would entail the loss of Congressmen in my State, and loss of Senators and Congressmen in many other States. He is not supported by delegates from a single State that can be relied on to cast Democratic electoral votes.

I have said that, grateful as I am to the people of North Carolina for the honors they have conferred upon me—and they have showered on me honors for 40 years and never denied anything that I have asked of them—grateful as I am to them for this, and shall be to the end of my life, I would rather be stripped of all, stripped of my earthly possessions if they will but leave me the home in which I was born, the home of my ancestors since the Revolutionary War, than to see this man Smith nominated. I pity the weak man who can not assert his convictions in times like these, because of his fear of some possible danger to his political fortunes. I would rather give it all up and end it and retire to the quiet and the peace of a little country home than to retain it by the sacrifice of my honest and conscientious convictions upon public questions.

I conscientiously believe it to be my duty to the people who have for nearly 30 years honored me with a seat in this Chamber, and have made me one of the national committeemen of my party, to warn them against the appalling disaster which I think now menaces that party, both in the State and in the country at large.

I believe it to be my duty to stand for, and demand in behalf of the people I represent, a free and untrammeled opportunity to express their will with reference to the presidential nomination.

I have so far discharged and shall continue to discharge my duty as I see it, without fear, and regardless of consequences to myself.

Mr. HEFLIN. Mr. President, again I thank the able Senator from North Carolina. His speech has the right ring to it. By such as that and such as he this Republic has got to be preserved. Some men come into public life who in time fall for influences that are not good for the Republic. Sometimes, after being in service a long time, they drift into camps which they pretended to scorn in other days. A crisis is upon our party and upon the country, and the time for speaking plainly has arrived. The Senator from North Carolina has the right spirit. The man in public life who, when he comes face to face with an issue that means ruin to his party and ruin to his country, will not stand up and fight has no business in this body or in the other body or in any other public office. When we get to where we have to cringe and cower before the corrupt interests, it is time for a man or a party to get out of office or to be put out of power by the people.

The situation in North Carolina appeals to the Senator. He knows what is going on. The men down there who appeared and testified and professed, with trembling lips, their affection for the Senator that they are secretly trying to destroy, are not the best specimens of the manhood of that State. I would hate to have them as my only friends and followers. The fellow who would stab me with a dirk, and then stand with quivering lips and say, "I love you, I thought the loss of blood would help you, I am for you, affectionately for you, and I am devoted to you," is the most dangerous kind of man. They are talking that way now because they know what will happen to them. The people of North Carolina are resenting the betrayal of the party in the South when certain people have gone over and championed the Smith cause, and carrying on their strange doings day after day and night after night.

I do not wonder that the Senator from North Carolina feels so deeply on the subject. The things he has fought for since his youth time are imperiled. The ideas and ideals that he has stood for all his lifetime to this splendid hour in his great service are now threatened by a new order of things.

High ideals, the ideals that lifted North Carolina to the glorious position she now occupies, are now being assailed. It is said that they must come down and that the ideas and ideals of Tammany must be put up in their place, that we are ready to surrender the South, the Gibralter of the Democratic Party, and follow on our knees in the wake of the Tammany tiger, with Al Smith, the head of the Roman Catholic political machine, leading the march.

I want to propound a few interrogatories to this Mr. Webb, of Asheville. The Senator from New Mexico [Mr. BRATTON], who is on the committee, said they showed great respect. I am not talking about that. The newspaper writers who went there, who talked to Webb privately, got the impression that he was attacking Senator SIMMONS. They put it in their papers and heralded it all over the country. But on the witness stand they quailed, they spoke with trembling lips. That is frequently the case when we get the guilty in the presence of those who are interrogating them about their crimes; they frequently show their guilt and have trembling lips when talking about it.

Mr. President, I want the committee to go back to North Carolina. I want some more gentlemen questioned and two of those who have already been before the committee to testify again. I want to enlarge the committee also. I understand that one of the members of the committee is going to be on the Democratic campaign committee when the Senate adjourns.

If that is true I do not care whether it be Democrat or Republican, no Member ought to remain on this investigating committee, to investigate the corruption of a candidate who might be nominated, when he is at the same time trying to elect him by virtue of his membership on a political campaign committee. That ought not to be and it must not be.

I agree with the Senator from North Carolina [Mr. SIMMONS] that a trip to Raleigh of two or three hours to interrogate a few witnesses, and bidding them good bye and coming back, is not the way to investigate this very serious question. Senators, it is too big and too important. Senators may think that it will be easily brushed aside. It has not started good yet. The ball will roll, growing bigger and bigger, until election time. The people are going to demand the truth and the whole truth, and surely—surely the Democratic Party leadership held at the Capitol will not deny the truth.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield just for a statement, because I have no time to go into any lengthy discussion on matters not entirely pertinent.

Mr. BRATTON. The Senator suggests that the investigation of the committee was not complete and that the committee should return to North Carolina to complete the investigation. Obviously the committee ought not to incur the expense and spend the time unless it has some concrete suggestions to follow. The Senator from Alabama has been there three or four times. I want him to state now if he can furnish the committee anything definite with reference to the expenditure of money in North Carolina beyond what was developed during the session there day before yesterday?

Mr. HEFLIN. Mr. President, I hope the Senator will not permit himself to appear as defending the other side on this important question. He has been appointed as a prosecuting officer of the Senate. That is the way I look at it. He represents the whole people. He has been appointed to go out and investigate—to find testimony and tell us what is going on, and now he says they are waiting for me to find it for them.

Mr. BRATTON. Oh, no!

Mr. HEFLIN. The Senator can not wait on me to go out and find testimony for the committee. We thought the committee were going to hunt it up. I suggest to the Senator now to summon Mr. R. O. Miller, head of the civic league of the State of New York, from Albany, and ask him if he knows anything about a Democratic chairman from a Western State coming to New York and saying that he needed money, and that his desires were met to the extent of $25,000. Summon him and ask him that. I talked to him about it. He told me that he would come if he was summoned. He is a fine man; he is a

man of high character; he is a great moral and Christian leader in the United States.

But I have not any time to hunt up evidence for the Senator's committee. I told the Senator a while ago that these people said, "They have the money, they are spending it, but we can not catch them." The Senator from North Carolina [Mr. SIMMONS] himself said that they are spending money in large volume in North Carolina. That is the opinion of all the people he has talked to about it. I have not the time to go out and hunt up evidence for the committee. I hope the committee will get busy itself and show me, before the Senate adjourns, that it is after this question in dead earnest, trying to find out every crooked thing that is going on.

My God! I do not want the impression to get out that everything that can be done is not being done to find the facts in this grave and serious matter.

Mr. BRATTON. Mr. President, will the Senator yield further?

Mr. HEFLIN. I will yield to the Senator to ask a question or make a suggestion.

Mr. BRATTON. Which does the Senator want me to do, ask a question or make a suggestion?

Mr. HEFLIN. Either one; but do it quickly.

Mr. BRATTON. I did not ask the question a while ago to enter into any colloquy with the Senator. I asked it in the best of good humor in search of truth.

Mr. HEFLIN. But the Senator asked me, as I had been down there, to give him a concrete case.

Mr. BRATTON. No.

Mr. HEFLIN. Do you suppose these crooks would let me catch them? [Laughter.] I am the last man in the world they would like to have know the truth about their crookedness.

Mr. BRATTON. Mr. President, I simply want to assure the Senate that the committee is serious in its effort to discharge its duties under the resolution, and if there is more to be done in North Carolina the committee is certainly willing to do it. I asked the question with the hope of securing aid in discharging our duties under the resolution, and for no other purpose.

Mr. HEFLIN. I am giving the Senator aid to-day. I am going to do it every day that I can.

Mr. BRATTON. Very well.

Mr. HEFLIN. Because I want this thing fanned into a flame until the people will know the facts. A hundred thousand dollars for the Smith crowd in the 48 States! It comes nearer being ten million, as I have said before, and then palming that statement off on the people. They say that when Van Namee, Al Smith's champion and campaign manager, came down here and told the committee he had only received $103,000 in all, the Tammany tiger laughed that night until he was sick [laughter]; they said he laughed—and he has not been seen to laugh in a long time—he laughed until he was sick. One hundred thousand dollars for carrying on a campaign of publicity since 1924; books written, inspired by that group, sent over the country, given away; and yet they stand up here and swear that they have spent but $103,000 in the whole United States.

Mr. President, they are seeking to barter the Presidency of the United States. I do not want it sold to Hoover or to Smith; and they are not going to do it if I can help it.

Now, I want to ask Mr. Webb, of North Carolina, some questions.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. HEFLIN. I yield for a question.

Mr. WARREN. I will ask the Senator if we may not go on with the appropriation bill very soon?

Mr. HEFLIN. We will get on to it now pretty soon. I am on it now.

Mr. WARREN. As the Senator knows, we have to recess at 6 o'clock this evening.

Mr. HEFLIN. I know we have to recess at 6 o'clock, but I shall be through long before that.

Mr. CURTIS. Mr. President, will not the Senator conclude his remarks so that we may get through with the bill by 6 o'clock? It is very important that the bill be passed?

Mr. HEFLIN. I do not know. I am opposed to some of the items in the bill. I have not yet come to them.

Mr. CURTIS. But the Senator can discuss them when they are reached in the consideration of the bill.

Mr. HEFLIN. Mr. President, I am anxious to get through with the business of the session, but I am not going to neglect these big questions for the temporary expediency of any local situation. It means more to the people who are living now and those who are to come after us when we are gone that this Government be kept clean than it does to pass this bill, which carries a million or two million dollars for keeping the marines in Nicaragua to hold Diaz, a Roman Catholic, in the office of president by the force of arms from the United States.

I ask Mr. Webb, of Asheville, N. C., "Mr. Webb, do you run a newspaper? Do you keep up with the CONGRESSIONAL RECORD? Did you read where I brought to the attention of the Senate from the Washington Post an editorial condemning Governor Smith's campaign managers for permitting Tremaine, one of his appointees, a State officer of New York, to go down into Virginia and make a speech threatening the Democrats of the South if they failed to fall in line to support Governor Smith for the nomination for the Presidency?"

"Mr. Webb, you used to claim to be a pretty true southerner. What has now caused you to fail to speak out against that brutal and contemptible threat against the South? The South and her statesmanship; her newspapers in the past have always resented such things, but when the Al Smith crowd that you are with, the candidate you are supporting through his side partner in the State government, a member of his cabinet, Tremaine, the comptroller of the State, who goes down to Virginia and tells the people in a speech that if the South does not support Smith for the nomination for President the Smith bunch will punish the South by withholding from her the passage of meritorious measures because the southern Democrats would not vote for Smith for the nomination for the Presidency. Mr. Webb, why have you not cried out against that situation? Why have you remained silent during all this time? Why do you continue to support Smith when he has never repudiated that speech and that threat against the southern people? I charge that that speech was made with his knowledge and consent.

"In the face of these things why do you still support Governor Smith?

"Mr. Webb, you know something about immigration. Governor Smith is for open doors and unrestricted immigration. Do you know that the immigration law is violated to-day in New York City more than in any other port in the United States; more foreigners are being smuggled into New York, more Roman Catholics slipped in in Governor Smith's State than in any other place in the country, where he as governor of the State, and Mr. Walker as mayor of the city, have full control. That law is violated as it is violated nowhere else in the Union. Mr. Webb, are you for restricted immigration? Would you protect and preserve America in her integrity? Do you want to turn over America and have an influx of unfit foreigners to come in here and swamp this country and control it and, as Jefferson said, Europeanize our American institutions?" Answer those questions, Mr. Webb.

"Mr. Webb, the New York World—and Governor Smith does not deny it—has put him down as favoring social equality. Mr. Webb, you are running a newspaper in a white community in North Carolina, in one of the greatest States in the Union, and the white people are supporting your paper; do you favor social equality, Mr. Webb? Will you continue to support a man as candidate for President who, as Governor of New York, sanctions social equality?

"Mr. Webb, what would you do if a Republican candidate for President should announce, or his friends should announce, that he stood for social equality? You would assail him in your paper, would you not? You would say he is the most dangerous man that could be put in the White House, would you not? Now, tell me and tell the country, you who grew so indignant at the insinuation that you had received money from the Smith forces, what is it, Mr. Webb, that is causing you to continue to support Governor Smith when you know that he, a candidate for President, stands for social equality.

"What is it, Mr. Webb, that is making you continue to support him, when you know that he stands for social equality, when his friends declare it and he does not deny it? Why do you, in the face of these facts, continue to support him, Mr. Webb? Are you faithful to the people who support your paper in North Carolina? Are you faithful to the State in which you live? Are you faithful to the white race in the South and all over America?

"What else? Mr. Webb, I read in the Senate an article from the Manufacturers Record, known and respected the country over, published by Richard H. Edmonds, of Baltimore. In that article he sets out that in New York City under Tammany rule they run open dance halls in New York City, where Mr. Walker, a Tammanyite, is mayor, and where Governor Smith lives and in the State where he is governor—they run open dance halls where negro men dance with white women and white men with negro women, and the Manufacturers Record said some of the conduct was so indecent on the dance floor that he would not publish the details. Think of that, Mr. Webb.

"Now, Mr. Webb, you used to claim to be for decency and order, clean society, and white supremacy; Governor Smith does not deny this; it has been charged on the floor of the Senate; the Manufacturers article was read two weeks ago, and he has not denied it as yet, and he can not deny it. Are you still supporting him, Mr. Webb? If you are still supporting him—a man who sanctions these things—if you are supporting a man who belongs to Tammany, an organization that Wilson condemned as strongly as he knew how, if you are supporting a Constitution nullifier, if you are supporting a wringing 'wet' who would bring the barrooms back to mix up liquor with gasoline, with the negro problem of the South, tell the North Carolina white men and women why you are still supporting him, Mr. Webb. In view of that, in view of his position on social equality, and on the dance halls in New York, are you still supporting him, Mr. Webb? What is it, Mr. Webb, that makes you turn your back upon the people who support your paper and made you financially what you are?

"What is it that will cause you to attack and slander a southern Senator in your paper when he came to your town and told the truth and challenged anybody to refute anything he said, and they have not done it to this day? What excuse can you give, Mr. Webb? Explain these things before you talk about me, and let the people of North Carolina know why you in spite of all these things still support Governor Smith—Mr. Webb the burden of proof is on you."

The man whom I want summoned next is Rev. O. R. Miller, State superintendent of the New York Civic League. He lives at 452 Broadway, Albany, N. Y. I will get up all the evidence that I can for you. It works me mighty hard. I would have been on the committee, perhaps, if the resolution creating it had not passed the Senate the day I was in North Carolina. I do not know why the hurry was so great on that day. I had the resolution written and on my desk for two weeks, and was just waiting. I had been telling Senators in speeches for four or five weeks that we ought to adopt it so we worked the sentiment up to the point where we could adopt it. If we had passed it at that time, I would have been on the committee, but they did not want me on it. And so while I was away, the resolution went through one day. I wish I had been on the committee; I would have had the authority then to call them in. It works a hardship on me now to have to hunt up evidence.

I have talked with the Senator from Oregon [Mr. STEIWER]. He has given me some valuable suggestions, and let me read over the notes of his hearings, as I have a right to do. He seems very much interested in it, and I believe he wants to do all he can.

I think that will be the situation with the committee in the main. I hope it will, because I am not going to spare anything touching this question. I would criticise my brother if he were on the committee if I did not think he was going to it, and going to it in earnest. The people know very well about how and in what spirit we do these things, whether we are much in earnest or not. The Bible says, "By their fruits ye shall know them." A man must prove his faith by his works. He can not be for these things whole-heartedly without getting worked up and enthusiastic over them.

In conclusion—I am only going to speak a few moments—I want to give the country warning again about the danger that threatens not only the Democratic Party but the Republic. I hold in my hand a Roman Catholic periodical called America. Here is an article published in this paper by Charles J. Mullaly, a Roman Catholic and a Jesuit priest entitled "Does it pay editors to insult Catholics?"

Senators, that is the most startling document that I have seen in the mail. It is the boldest and most brazen pronouncement against a free press, and announcing a program of coercion and intimidation, that I have ever seen before. This article was sent to a number of Senators. It was sent to me by some Roman Catholics, probably a dozen and a half copies, some of them from Buffalo. They wanted to be sure that I got it. They wanted to educate me up to fear them. Here it is. You can see the title: "America, a Catholic Review of the Week."

I had this printed in the RECORD. I am not going to read all of it. I am going to tell you the story.

They themselves cite here a case where, in 1913, a Roman Catholic girl in what they call a Good Shepherd Home here in Washington undertook to escape. She tied dresses together to make a rope down which she could swing in order to escape from that institution. She fell, and the fall killed her. People in the city were startled next day to learn that she had died out there in this fashion. It was quite natural that a humane man or a humane woman would inquire how this girl came to lose her life. I take it that human beings are still interested in such things, and that they will be for a long time to come, and that they would naturally inquire how this girl came to lose her life, and what the trouble was.

One of the newspapers of Washington—it must have been the Star—wrote stories about it, and urged that an investigation should be made to inquire into the death of this girl. Why should they not do that? Why should not all of Washington have been aroused? If there is an institution where a thing of that kind could or did happen—a Protestant institution, a Jewish institution, or a Catholic institution—why should it not be investigated? Where are we—in Spain, in Italy, or in the United States?

The American spirit in Washington demanded an investigation: "Go and look into this institution. It is not above the jurisdiction of the United States. A human being has lost her life. She is dead, trying to escape from that institution. What is it that would make that girl take this leap in order to get away?" People who were interested said, "Let us investigate"; and they wrote articles, and they were printed in this paper—the Star, I think; one of the Washington papers—and then people wrote back indorsing the call for an investigation: "Why not investigate?"

What do you suppose happened? The Catholics here organized. They sent the word out to punish that newspaper, the priest from his pulpit; they wrote letters around to the members; they put women to work going about whispering to others, to do what?

To boycott the paper that asked for an investigation of the death of a girl, a child of God, who lost her life in her 'teens trying to get away from that institution, to get home to her parents, dead on the sidewalk; and the people outside and the paper wanted an investigation made.

Why did not the Catholic authorities want it made? Why did they not say, "Come and investigate. The institution is open. There is nothing here to hide. Come and make your investigation?"

But what did they do? They made that paper feel the power and sting of Rome. They organized; they went after it; and what happened? They boycotted it. What do you think they did? Here is what they said:

I do not know what kind of Catholics each of you may be, but as for me, I will fight insults to Holy Mother Church. I do not know what you will do, but I will fling any offending newspaper from my house and I will never buy it again.

The effect was magical. A news stand opposite one church had 400 copies for sale. At nightfall the 400 copies were still untouched. In every part of the city it was the same story. Catholics refused to buy the paper. As the days passed, even the newsboys refused to handle it.

In a large parish, on the Sunday after the pastor had spoken to his people, one of the parishioners who had been away from the city for several weeks and had returned only that morning, called a newsboy and requested the paper. The little fellow looked at the would-be purchaser first in surprise and then with withering scorn:

"Mister, don't you know we won't sell that sheet around here?"

At the same time the officers of the Washington Truth Society (Catholics) privately interviewed priests in charge of young ladies' sodalities in the various parishes of the city. They knew that women are more active workers than men in matters of this kind, provided they have leadership. As a result, letters began to pour in to the business manager, pledging the writers never to buy his paper again. These young ladies persuaded friends to do the same, and these, in turn, spoke to their friends.

Listen to this, Senators:

The business office of this newspaper admitted the loss of 40 per cent of its circulation in two weeks. The counterattack did not stop here. An even more tender spot was hit.

Members of the society interviewed merchants who advertised in the paper and suggested that they demand an immediate change of editorial policy if they hoped to keep Catholic trade. No intimation of boycott was given, but these business men understood perfectly well that the paper was supported by their advertising, and they hastened to show sympathy for their insulted Catholic patrons. In one instance an advertiser who daily used a page and a half immediately cut his space, with the warning to the business office that if any more insults were published against his Catholic customers he would withdraw all advertising.

Mr. President, let me again ask what are we coming to in the United States of America? Here is a power in our midst that will suppress the truth at any cost. Here is a power in our midst that would deny a Protestant or Jewish newspaper the right to tell the truth about a strange death occurring in the community. Here is a power in our midst that uses the pulpit in the Catholic Church, the Truth Society, to spread its poison, to reach not only the newspapers and cause people to stop

buying the papers at the news stands but to go to the merchant who sells to all—Jew and Gentile, Protestant and Catholic, white and black—and hold him up and say, "If you do not write this paper and make it promise never again to publish the truth about the Catholics, we will quit trading with you." That is the forerunner of what may be.

Do you want to turn this Government over to Governor Smith and his régime? Do you want to foster and establish here such a spirit as that? Do you want to put that power in control of Al Smith and his bunch? I am talking to you about the vital life of this Nation. If you destroy a free press, you have gone a long way toward destroying free institutions in America.

Jefferson said, "When the press is free, and all men and women can read, the country will be safe." Now, they can read, and here is an effort to keep the truth from getting to them. Here is a case where a girl lost her life trying to escape from a Catholic institution; and because a Protestant paper protested against this situation and insisted on an investigation, they rise up and they severely punish that paper.

Listen to what happened to the paper.

I read from the article:

The lesson was a lasting one. This was shown several years later. One of the other Washington papers had changed its editor. This new editor requested the vice president of the Washington Truth Society (Roman Catholic) kindly to give him the history of the whole affair.

"I do not mind telling you," he said, "that the owners of the paper have warned me not to publish anything that might be considered objectionable by you. They believe it does not pay to insult Catholics."

My God! I tremble at the approach of such a power upon the Capitol of the Nation. They wrote that and printed it in this periodical and mailed it to Members of Congress, and saw to it that I got at least a dozen or a dozen and a half copies; and some of them were sent to me by Catholics from Buffalo, N. Y.

Senators, are you going to permit this thing to steal upon the American people without serious protest and earnest opposition?

Listen. Just a word or two more and I am through.

A few weeks ago Senator NYE, of North Dakota, made some remarks about Governor Smith appointing Sinclair, the oil king—who buys his way out of court, laughs at the statutes, and defies the Senate of the United States—on the race commission of New York State.

Senator NYE got after him about appointing this man in his administration and referred to a letter that he received from a man named White, who worked on a newspaper in New York, the Herald-Tribune. What do you suppose happened to that newspaper man who was trying to be of service to the Senate and the country? He was discharged. He lost his job. He had held it for years. He was a faithful newspaper man. He crossed the Roman path. He assailed Governor Smith. He pointed out facts. He lost his job under this relentless power that they employed up there, the same kind of cruel power employed on that paper here in Washington. He lost his job.

In conclusion, listen to this. A man by the name of Broun—Heywood Broun—a brilliant writer, who had been an editorial writer for years on the New York World, I am told, made a statement to the effect that New York needed a daily paper that dared to speak the truth and would tell the truth on any denomination and all of them. He is right. But what happened to him? He lost his job. The New York World put him out because he dared to make that statement, and the statement is the truth. Listen to what he said after he went out. This will go in the RECORD, and I hope be preserved for all time to come.

And still more precarious is the position of the New York newspaper man who ventures any criticism of the Catholic Church. There is not a single New York editor who does not live in mortal terror of the power of this group. It is not a case of numbers, but organization.

I leave this matter with you, Senators, with that dreadful indictment of this newspaper man of New York. You see what the Roman machine has done for an American free press in New York where Catholics control. Do you want that control extended all over the United States? I take it that the paper here intimidated is the Washington Star, because the Star to-day is the handy instrument of the Romanists of Washington. It has a Romanist editor, I understand. Let me tell you what happened here with it not long ago. I want the people of Washington to know, and if the Protestants and the Jews have any courage left, let them know that the Catholics, inclined to do so, can not control the press at the Capital.

Not long ago Miss Eva Moss, an ex-nun, who tells a fearful story about how she was punished trying to escape from the Good Shepherd's Home and broke her ankle jumping off a high wall, and how she was taken back and put into a dark room each day and kept for so many hours, spoke over in Virginia, and a Knight of Columbus had her arrested. A Virginia court tried her and acquitted her. She came here, and the people insisted on her speaking in this city. They rented the Washington Auditorium. She came up with her husband, and invited me to come down and hear her address. I said, "I will be glad to hear it." They went down to the Star with an advertisement, saying just this:

Miss Eva Moss, an ex-nun, will speak to-night at the Washington Auditorium. Senator HEFLIN will be there. Will you?

That is all there was to it. They went down to see the Star people, and those people looked it over and called in everybody in the building, talked it over, and discussed it, and finally one of them said, "Yes, take it; that is just an advertisement giving notice about a speaking." They said, "All right, we will take it."

They paid them $43, and went their way. In two or three hours the officials of the paper called them back over the phone and told them that the priests and the Knights of Columbus were raising so much Cain that they would not be allowed to print the advertisement, and they must come and get their money back. That happened right here in this city of Washington. God deliver us from the further encroachment of this spirit. Prepare the people to combat it. I am not fighting the Catholic's right to worship. I want him to worship as he chooses and work out his own salvation, but when he comes with his Roman encroachments upon American institutions, I dare to fight him in this body and elsewhere.

Senators, we have come to the parting of the ways. We are either going to back off and yield to these things or we are going to stop them where they are. If I am doing anything contrary to the genius of American institutions, and you will show me that I am, I will stop it. If they are doing things contrary to these institutions and the American standard, they ought to stop them. They must stop them. They shall stop them.

Mr. President, the people of the United States are a patient and long-suffering people, but they have a right, and it is their duty, to stand for their rights, the rights of their children, the rights of those who are to come after them; but, strange to say, whenever a man stands up and contends for American rights and principles some feeble-minded, weak-kneed, spineless Protestant gets up and says, "I don't believe in intolerance," and the Catholic priests applaud him, just as that hickory-nut-headed Roman Catholic tried to applaud condemning me a while ago. When a man stands up and exposes a wrong and points the right way, they have a Protestant, so called, to get up and lecture and say, "I want you people to be more tolerant," and the Catholics sit up and cheer him, and when they get off they laugh about it and nudge each other. I will say this of that sort of a Protestant, that you would not have to knock his brains out with a club; you could pinch them out with your fingers. [Laughter.] He is a misfit in the universe and a stumbling block to Americanism. He is blind and does not know it. He has eyes to see, perhaps, and sees not; ears to hear, and hears not.

Let us to-day reconsecrate ourselves to the highest and best interests of our common country. Let us treat the Catholic right, and let him know that so far shall he come toward American ideals and institutions with Romanism and no farther. We are going to preserve these institutions and preserve them at any cost.

If the Catholic wants to get along well here, let him change his conduct in certain things; do right, worship as he chooses, but he can not control America and set up a Catholic state, or fly a Catholic flag above the American flag. We are not going to submit to it. Wake up, Americans! God help North Carolina to do her duty next Saturday. Unless all signs fail, she will beat Governor Smith from 5 to 8 to 1 in that State. The people are aroused now because the primary was repealed on them in the closing days of the legislature last year without a minute's warning, and then when the little giant from North Carolina, Senator SIMMONS—that is what they call him, and a giant he is; they love him devotedly—when he asked them to provide a way for letting the people, who had to come to the polls anyhow the 2d of June, to express their preference, their choice for President, and the committee by about 60 to 30 decided that they would not do it, stirred the Democrats greatly. Now the people are saying, "Is Tammany and the Roman machine going to be allowed to come down here and run this State? SIMMONS is right and we are with him."

When I closed my speech at New Bern I said: "The Senator from North Carolina expects you to hold the line. Your sister States in the South, who have the same issues that you have, expect you to hold the line. The women and children of the

South, who know what social equality would bring, expect you to hold the line. Those who want to see American ideals and institutions preserved are looking to you to hold the line. Those who would hold this Government true to its American form expect you to hold the line. I want all of you who want me to take the word back to Senator SIMMONS that you will held the line against Al Smith next Saturday to stand up." Everybody stood up except one Catholic priest and three others. The great audience stood as if they were receiving a benediction in church. The priest was already standing—there were three or four hundred standing who were unable to get seats—and when I put that question he dropped down in a chair made vacant by another who stood up. He was so anxious to make his protest he would not stand up against Alfred the Romanist. He wanted to be listed on the other side. But those people stood up, and I brought the message to the able Senator from North Carolina.

God help the South when his kind dies out, and God help America when his kind fails to come to this body. God pity the country when we grow up a statesmanship that will barter itself and follow where the money bags are, and betray the best interests of the country, and surrender all that is sacred and dear in order to drift with those from whom they think they might gain power and take care of them and theirs in a political way.

Senators, I felt that it was my duty to bring this matter to your attention. I wanted you especially to know about what is going on in North Carolina and about this Catholic attack upon the press. I have an article here from business men assailing this Catholic article, which I will bring to your attention in a few days.

I have no feeling of prejudice against anybody's religion. I am willing for everyone to worship as he chooses. I do not want that right of mine and of those who are dear to me who are to come after me ever disturbed. I want every American to worship as he chooses, and I do not want the Pope of Rome ruling this Government from the Vatican. He is not going to do it if I can help it. He has diplomatic connections with nearly every country on earth, and if Alfred Smith were made President, he would have a secret diplomat at the White House as sure as you live and I live and God reigns.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3620) granting certain land to the congregation of St. Joseph's Roman Catholic Church, in the parish of East Baton Rouge, La.

The message also announced that the House had agreed severally to the amendment of the Senate to each of the following bills:

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 6908. An act for the relief of Michael Ilitz; and

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. L. 1066, U. S. C., title 39), regulating postal rates, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRIEST, Mr. RAMSEYER, and Mr. BELL were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, and it was signed by the Vice President.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION (S. DOC. NO. 143)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the George Rogers Clark Sesquicentennial Commission amounting to $200,000, fiscal year 1929, to remain available until expended, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MOUNT VERNON MEMORIAL HIGHWAY (S. DOC. NO. 149)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation amounting to $2,500,000 for the Department of Agriculture, fiscal year 1929, to enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HOSPITAL FACILITIES, VETERANS' BUREAU (S. DOC. NO. 151)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the United States Veterans' Bureau, fiscal year 1928, amounting to $7,000,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FOREIGN MAIL TRANSPORTATION (S. DOC. NO. 150)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Post Office Department, fiscal year 1929, amounting to $7,500,000, for foreign mail transportation, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SURVEY FOR A NICARAGUAN CANAL (S. DOC. NO. 145)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting an estimate of appropriation for the War Department, fiscal year 1928, to remain available until expended, for investigation and survey for a Nicaraguan Canal, amounting to $150,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION LOAN FUND, SHIPPING BOARD (S. DOC. NO. 146)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a draft of proposed legislation relating to the United States Shipping Board in connection with obligations that may be entered into by the board for loans to be made from the construction loan fund, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

WOOL STANDARDS, BUREAU OF AGRICULTURAL ECONOMICS (S. DOC. NO. 148)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation to carry into effect the provisions of the act entitled "An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes," approved May 17, 1928, amounting to $50,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COOPERATIVE AGRICULTURAL EXTENSION WORK (S. DOC. NO. 144)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation amounting to $980,000, for the Department of Agriculture, fiscal year 1929, for cooperative agricultural extension work, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PAVING OF RINGGOLD ROAD, GEORGIA (S. DOC. NO. 147)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the War Department, fiscal year, 1928, for paving and improving the Government road known as the Ringgold Road, Georgia, amounting to $117,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LANDS ON THE FORT PECK INDIAN RESERVATION, MONT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S.

3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont., which was, on page 2, to strike out all after the name "Indians," in line 9, down to and including the word "purposes," in line 11.

Mr. WHEELER. I move that the amendment of the House be concurred in.

The motion was agreed to.

PROTECTION OF FISH IN THE DISTRICT

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives for the return to the House of the bill (S. 2972) for the further protection of fish in the District of Columbia, and for other purposes.

Mr. CAPPER. I move that the request of the House of Representatives be complied with.

The motion was agreed to.

PETITION

Mr. COPELAND presented a petition of sundry citizens of the State of New Mexico, praying for the passage of legislation requiring that the finger and foot prints of mother and child be taken at birth on joined cards, the identification of persons injured, lost, or otherwise unmarked, and also requiring that every alien and traveler carry an identification card with his own fingerprints thereon, etc., which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 11981) to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes, reported it without amendment and submitted a report (No. 1269) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 10166) to amend the Foreign Service buildings act, 1926, reported it without amendment.

Mr. MOSES, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 161) authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928, reported it without amendment and submitted a report (No. 1271) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 6432) for the relief of James E. Moyer, reported it without amendment and submitted a report (No. 1272) thereon.

Mr. SACKETT, from the Committee on Commerce, to which was referred the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, reported it with amendments and submitted a report (No. 1273) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, reported it with amendments.

Mr. BORAH. As in executive session, from the Committee on Foreign Relations, I submit three different reports for the Executive Calendar.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

MEMORIAL FOR WINNING OF OREGON COUNTRY

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 102) authorizing the erection of a memorial building to commemorate the winning of the Oregon country for the United States, reported it with amendments.

Mr. McNARY subsequently said: Mr. President, during the afternoon the Senate Committee on the Library made a favorable report on a joint resolution authorizing the erection at the little town of Champoeg, Oreg., of a memorial to commemorate the winning of the Oregon country.

I have in my possession an unusually able article covering this important history, prepared by Hon. Peter H. D'Arcy, of Salem, Oreg. I ask unanimous consent that it may be incorporated in the RECORD immediately following the report of the Committee on the Library.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

HISTORICAL REVIEW, CHAMPOEG, THE PLYMOUTH ROCK OF THE NORTHWEST

By Peter H. D'Arcy

Champoeg, the Plymouth Rock of the Northwest. What romance, trials, and vicissitudes surround this historic spot! What grandeur in contemplating the heroic conduct and sturdy patriotism of the pioneers of the Oregon country!

From 1830 to 1843 Champoeg was the important settlement of the Oregon country.

The Oregon country consisted of the States of Washington, Idaho, and parts of Wyoming and Montana west of the Rocky Mountains, and Oregon. A vast empire of territory.

President Jefferson, with a vision looking into the future, secured the Louisiana Purchase and in furthering the idea of what was necessary for the welfare of the United States, procured the services of Lewis and Clark to explore the region of our Nation west from Missouri to the Pacific Ocean. This exploration was one of the reasons why the United States claimed the Oregon country.

In reading the history of the world, one is greatly impressed with the migration westward. The exodus of the Israelites from Egypt to the land of promise, the eruption of the hordes of the north, the Goths, the Huns, and the Vandals, who overran the Roman Empire, the invasion of England by the Normans, the landing of the Pilgrim Fathers at Plymouth Rock, the settlement of Virginia and Maryland and what was known as the Western Reserve—Kentucky, Mississippi, Missouri—and what was particularly denominated the Southern States, the migration to the Pacific coast from the Atlantic seaboard, and from the valleys of the Ohio, Mississippi, and Missouri Rivers, form some of the great epochs in the world's history. In the migration to Oregon and the Northwest there is a romance of enterprise, endeavor, patriotism, adventure, and ambition illustrating the genius and pluck of the American people.

Those who came to Oregon as pioneers were composed of every class of people, almost all nationalities and religious belief. They came from what was known at that time as the Eastern, Middle Western, and Southern States; from Virginia and Maryland; from the Alleghenies; from the blue and green hills and vales of Kentucky and Tennessee. The history of the world does not furnish anything to equal the dangers, uncertainties, and toil which surrounded the early pioneers to Oregon, except the landing of the Pilgrim Fathers at Plymouth Rock, and those who settled in the pathless wilds of what was in early days termed the Eastern, Middle, Western, and Southern States of this continent. The migration of the Israelites from Egypt to the land of Canaan was not like the early migration to this country. They traveled but one-tenth of the distance the pioneers did. It took 40 years to travel to their destination. They were undergoing a pilgrimage in order that they might be capable of self-government at the end of their journey. It was a state of evolution with them. Our pioneers were capable of self-government, intelligent, self-restrained men; had all the characteristics and qualifications of men capable of forming the best kind of a government.

The migration of the Goths, the Vandals, and the Huns, the invasion of England by the Normans were of a different character from that of the settlement of the Oregon country. The Normans, it is true, brought civilization, such as it was, to England, and Norman blood and customs had a beneficent effect upon the English people. With the exception of the Normans, these people were rude and uncultured barbarians. They were all warlike and fierce races, who carried everything before them by the prowess of their arms.

Such was not the case with our pioneers. While they were ready, willing, and able to defend themselves, and families, they were actuated by a spirit of peace. Descended from hardy and sturdy races, they had all the elements that make a good and strong government. They were animated by the same spirit which prompted the Pilgrim Fathers to land upon the inhospitable shores of the Atlantic Ocean, the cavaliers in Virginia, the burghers in New Amsterdam (New York), the Quakers in Pennsylvania, the Catholics in Maryland, the Huguenots in South Carolina.

It is proper briefly to refer to the claim of the United States to the Oregon country. At the time the early emigrants came to the Oregon country they found an organization known as the Hudson Bay Co. strongly intrenched and assuming to govern and direct the destinies of the Northwest. Its principal business was hunting, fishing, and trafficking in pelts of wild animals. The Hudson Bay Co. was constituted by royal charter given by Charles II on the 16th of May, 1670. At the time of the early settlement of the Oregon country, this company assumed a sovereignty over the Pacific Northwest second only to that of the King of England. It had become enormously rich, and was filled with the arrogance and power that riches sometimes brings. It had absorbed all the other fur-trading companies, which had undertaken to do business in the Northwest, and was in control. The chief factor and head of this powerful organization was Dr. John McLoughlin, who was a remarkable man in every way; intelligent and able. If his lot had been cast in a civilized community, he would have filled conspicuous positions of trust and honor. His di-

plomacy and honesty of purpose were constantly called on in dealing with the rights of the company. He had a high sense of honor, and his integrity was beyond question. He took care of, fed, and clothed the destitute immigrants after their long trip across the plains.

The claim on the part of the United States to the Oregon country was based on, first, our claim by right of discovery; second, early settlements in the Oregon country; third, the Louisiana Purchase (contiguous territory); fourth, the Spanish treaty of 1819.

The discovery of the mouth of the Columbia River by Capt. Robert Gray on the 11th day of May, 1792, was one of the real and just bases of our claims to the Oregon country. It was explored from its head to the mouth of this river by Lewis and Clark in 1805. A settlement of Americans was begun at Oak Point in 1809; a fur-trading fort was built by Americans on Snake River in 1810, and Astoria was founded by John Jacob Astor in 1811; was captured by the English in 1813 and restored to the United States in 1818, thereby acknowledging the right of this country to this territory. Finally, by agreement between England and America, the forty-ninth parallel as far west as the Rocky Mountains became the border line. It was claimed by reason of the Louisiana Purchase (1803) that the contiguous territory belonged to the United States, and in the treaty with Spain in 1819 we became the owners of the Oregon country, particularly when Spain was afterwards limited on the north to 54 degrees and 40 minutes.

From 1818 to 1828, by treaty, the United States and England occupied the Oregon country by what was known as "joint occupancy," and this joint occupancy was continued until the 15th of June, 1846, when the disputed boundary line was finally adjusted. From 1818 up to 1843 "joint occupancy" was the law, so far as Oregon was concerned, but "English occupancy" was the fact.

The immigrants from 1838 to 1843 had petitioned and memorialized Congress and the Government at Washington to assume some control of the Oregon country, but their cry for help and protection was not listened to. The country during this period was engaged in a struggle that afterwards culminated in the Civil War. The contest over the question of slavery was so strenuous that the Oregon question was overlooked except so far as it might assist in or interfere with this system. Even at this early period of our history the slavery question entered into all matters in the acquiring of new territory. The Oregon country, in spite of the representations that it was a splendid section for settlers, was not kindly considered to be acquired by the United States. Among the few friends that Oregon had in this struggle were Senators Benton and Linn. They comprehended the worth of this section of the United States and fought manfully to secure the assistance of the Government in behalf of the people of the Oregon country.

While the people of the Oregon country had frequently endeavored to bring about some kind of government for themselves, having had meetings known as "Wolf meetings" off and on from 1841 to 1843, no serious action was taken until the 2d of February, 1843. On the first Monday of March, 1843, a committee of 12 was appointed to take into consideration the protection from beasts of prey, such as bears, panthers, wolves, etc., and "consider measures for the civil and military protection of this colony." This committee was to report on the 2d of May, 1843, at Champoeg. On the 2d of May the committee of 12 reported in favor of a provisional government, and the organization of the people so that they would be governed by the laws of the United States, and that this provisional government should owe its allegiance to this Nation.

On the 2d day of May the settlers met in mass meeting. The committee, among other thing, reported in favor of a permanent civil and political organization until such times as the United States should establish a Territorial government. One hundred and two pioneers were present on this occasion. Joseph L. Meek, the famous mountaineer, trapper, and hunter at this meeting cried out in a loud and ringing voice: "Who's for a divide?" and added: "All for a report of the committee and an organization follow me." Upon a count of the persons present it was found that 52 of them voted in favor of the report and 50 in opposition. Thus was organized the first American government west of the Rocky Mountains, and in consequence thereof the whole Oregon country was saved to the United States, and each of the States carved out of this section has been added to the bright constellation of stars which compose our glorious banner and signifies that they have become a part of our great country, owing allegiance to this Republic and proud of its development and growth. This meeting of the pioneers of the Oregon country forms an important event in the history of pioneer days. The provisional government thus adopted lasted from May 2, 1843, until August 14, 1848, when the Territorial government was extended over the people. From August 14, 1848, to February 14, 1859, Oregon remained a Territory, at which latter date it was admitted into the Union as a State. The organization of the provisional government in May, 1843, gave additional impetus to the friends of the Oregon country, who were desirous of securing it to the United States, also by reason thereof the United States acquired the annexation of Texas in 1845, the ceding of Mexico in 1848 of the large extent of territory composing the States of Colorado, Nevada, Utah, Arizona, and New Mexico.

The "Oregon question" became an important one in the presidential election of 1844. The cry of "50-40 or fight" was the rallying one of this election, which elected James K. Polk. One would naturally think that the demand would have been made for the boundary line to be established at that point; but no sooner had President Polk been inaugurated than it was advocated by him that the disputed line should be established at 49°, claiming that his predecessors in office had embarrassed him to such an extent that he could not make any other claim. It is aggravating to think how little the early pioneers were assisted by this Government, and how few public men favored the acquisition of the Oregon country. Senator Benton, with a prophetic vision, in a public address at St. Louis, October 19, 1844, said: "I say the man is alive, full grown, and listening to what I say (without believing it, perhaps) who will yet see the Asiatic commerce traversing the North Pacific Ocean, entering the Oregon River, climbing the western slope of the Rocky Mountains, issuing from its gorges, and spreading its fertilizing streams over our wide-extended Union! The steamboat and the steam car have not exhausted all their wonders. They have not yet found their amplest and most appropriate theaters—the tranquil surface of the North Pacific Ocean, and the vast inclined plains, which spread east and west from the base of the Rocky Mountains. The magic boat and the flying car are not yet seen upon this ocean and upon this plain, but they will be seen there, and St. Louis is yet to find herself as near Canton as she is now to London, with a better and a safer route by land and sea to China and Japan than she now has to France and Great Britain."

Believing in liberty in its purest and best sense, they were loyal and patriotic Americans. The divine gift of freedom was cherished by them with an intensity that time and distance from the Capital of the Nation could not lessen, notwithstanding the fact that the National Government was so tardy in recognizing the value of the Oregon country and extending its protection over them. The people realized to its fullest extent that the Republic of the West was the most beneficent nation ever established, and longed for its protection.

These pioneers, by the organization of the provisional government in 1843, made it possible to secure the vast extent of country which was acknowledged as our right by the treaty of the 15th of June, 1846. The victory obtained by the "embattled farmers" at Saratoga and the surrender of Cornwallis at Yorktown are no greater events than the peaceful victory obtained by our people in the treaty which secured the Oregon country to this Nation principally by the individual efforts of our pioneers through the provisional government. "Peace hath its victories as well as war."

As time goes on and our population increases and we are further removed from the important event of the 2d of May, 1843, the celebration of this day will be celebrated with an éclat, pomp, and circumstance not realized by our people at this time. What Plymouth Rock in Massachusetts, Jamestown in Virginia, and the landing at St. Marys in Maryland are to the people east of the Rocky Mountains, so the action of the grand old pioneers of '43 in inaugurating a civil government for their protection and in obedience to their loyalty to the noblest government that has ever been instituted among men will be commemorated with more display than it is possible for me to describe.

Through the heroic efforts of our pioneers a great extent of territory was added to the United States by the treaty of the 15th of June, 1846, assisted by the subsequent admission of pioneers up to and inclusive of 1846. Without the action of the pioneers on the 2d of May, 1843, and the organization of a government to protect them, it would have been impossible for us to acquire this large section of country which was done by treaty on the 15th of June, 1846.

During the last session of the Legislature of Oregon it appropriated sufficient money to purchase some 20 acres of land at Champoeg, which makes in all about 41 acres of land now owned by the State of Oregon. In addition thereto some 10 years ago a small and insignificant building was erected on the land owned by the State in remembrance of the pioneers of Oregon and their action on the 2d of May, 1843. The building is a disgrace to their memory and it is nothing more than right that the United States Government by an appropriation by Congress should build a building worthy of the efforts made by the Oregon pioneers to secure to the United States the Oregon country and prevent England from procuring it. It was through the efforts of the pioneers that this large extent of territory was secured and should be gratefully remembered by a Government which ought to take pride in what our pioneers accomplished.

From 1830 to 1859, the expiration of the pioneer period, it is estimated between 25,000 and 30,000 emigrants were buried in nameless graves between Missouri and the Oregon country.

At the first year of the celebration of Champoeg day there were about 250 people present. This year, the twenty-eighth annual celebration, 2,000 autos and 10,000 people were in attendance.

WHITE RIVER BRIDGE, ARKANSAS

Mr. DALE. From the Committee on Commerce, I report back favorably without amendment the bill (S. 4504) granting the consent of Congress to the State of Arkansas, through

its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark., and I submit a report (No. 1270) thereon. I call the attention of the Senator from Arkansas [Mr. CARAWAY] to the report.

Mr. CARAWAY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Arkansas, through its State highway department, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Augusta, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge, upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged, and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED of Pennsylvania:

A bill (S. 4536) for the relief of Elizabeth C. Randolph; to the Committee on Finance.

By Mr. THOMAS:

A bill (S. 4537) for the relief of the State of Oklahoma; to the Committee on Claims.

By Mr. ROBINSON of Arkansas:

A bill (S. 4538) for the relief of Abbott Ford Kinney; to the Committee on Military Affairs.

By Mr. BINGHAM:

A bill (S. 4539) to equalize the pay of certain captains and majors appointed to the Regular Army prior to April 6, 1917; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 4540) making an appropriation for National Capital Park and Planning Commission; to the Committee on the District of Columbia.

By Mr. HAWES:

A bill (S. 4541) granting an increase of pension to Virginia Whitehead (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 4542) granting a pension to Dorothy Simpson; and

A bill (S. 4543) granting an increase of pension to Helen F. Lasher; to the Committee on Pensions.

A bill (S. 4544) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; and

A bill (S. 4545) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. GEORGE:

A bill (S. 4546) for the relief of William N. Hammontree; to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 4547) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.; to the Committee on Agriculture and Forestry.

A bill (S. 4548) for the relief of the dependent relatives of Edgar C. Campbell (with an accompanying paper); to the Committee on Military Affairs.

By Mr. GEORGE:

A bill (S. 4549) to establish an assay office at Dahlonega, Lumpkin County, Ga.; to the Committee on Mines and Mining.

By Mr. BROUSSARD (for Mr. RANSDELL):

A bill (S. 4550) authorizing the President to reappoint Briscoe A. Trousdale, jr., formerly a second lieutenant of Field Artillery, United States Army, an officer of Field Artillery, United States Army; to the Committee on Military Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. BRUCE submitted an amendment proposing to appropriate $18,547.88 to pay the Charlestown Sand & Stone Co., of Elkton, Md., for additional freight charges and the increased cost of labor and material incurred by said company in the fulfillment of the requirements of the United States engineer office under contract of August 23, 1917, and so forth, intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was ordered to be printed, and, with the accompanying paper, to lie on the table.

CLAIM OF THE CITY OF BALTIMORE, MD.

Mr. BRUCE submitted the following resolution (S. Res. 246), which was referred to the Committee on Claims:

Resolved, That the Comptroller General of the United States be, and he is hereby, authorized and directed to readjust the claim of the city of Baltimore for amounts advanced at the request of Maj. Gen. R. C. Schenck, dated June 20, 1863, to aid the United States in the construction of works of defense, as allowed by the accounting officers of the Treasury and reimbursed pursuant to the sundry civil act, approved March 3, 1879 (20 Stat. L. 385), and to allow to the city of Baltimore reimbursement for interest paid on its bonds issued to raise amounts advanced to aid the United States, and in so doing the Comptroller General of the United States shall adopt and apply the rule established in the case of the State of New York *v.* The United States (160 U. S. 597, decided January 6, 1896), and the case of the State of Indiana (VIII Decisions of the Comptroller, p. 729, April 14, 1902), and report the amount so ascertained to the Senate for consideration.

NIGHT WORK IN THE POSTAL SERVICE—VETO MESSAGE

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing that the President of the United States had returned to the House of Representatives in which it originated the bill (H. R. 5681) to provide a differential in pay for night work in the Postal Service and had proceeded in pursuance of the Constitution to reconsider the same and resolved that the bill do pass, two-thirds of the Representatives present voting in the affirmative.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Hale	McKellar
Barkley	Curtis	Harris	McMaster
Bingham	Cutting	Harrison	McNary
Black	Dale	Hawes	Metcalf
Blaine	Deneen	Hayden	Moses
Blease	Dill	Heflin	Norris
Borah	Edge	Howell	Nye
Bratton	Edwards	Johnson	Oddie
Brookhart	Fess	Kendrick	Overman
Broussard	Fletcher	Keyes	Phipps
Bruce	George	King	Pine
Capper	Gerry	La Follette	Pittman
Copeland	Glass	Locher	Sackett

Schall	Smith	Swanson	Walsh, Mass.
Sheppard	Smoot	Thomas	Warren
Shipstead	Steck	Tyson	Waterman
Shortridge	Steiwer	Vandenberg	Wheeler
Simmons	Stephens	Wagner	

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, there is a quorum present.

Mr. WALSH of Massachusetts. I call for the yeas and nays.

Mr. CURTIS. Mr. President, this is a question of the highest privilege. The Senate must recess at 6 o'clock. There are a number of Senators now absent who want to be here to vote on the vetoed measures. I ask Senators in charge of them to let them go over until to-morrow.

Mr. McKELLAR. Why not vote this afternoon?

Mr. CURTIS. Several Senators went away when we got an agreement to take a recess at 6 o'clock, believing that nothing would be brought before the Senate this afternoon except the appropriation bill.

Mr. LA FOLLETTE. Can we have an understanding as to a time for a vote?

Mr. CURTIS. It is a question of the highest privilege and it can be taken up at any time.

Mr. LA FOLLETTE. But it is debatable.

Mr. CURTIS. It can be taken up at any time. We are anxious to pass the deficiency appropriation bill to-day.

The PRESIDENT pro tempore. May the Chair suggest that, the presence of a quorum having just been ascertained, it is perfectly feasible to ask unanimous consent to take it up immediately on the convening of the Senate to-morrow.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the two messages from the President concerning the two measures may be taken up to-morrow at the convening of the Senate at 11 o'clock, and that they shall be disposed of not later than 11.30 o'clock.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. BORAH. Mr. President, I have no objection to taking up the matter and disposing of it, but I would like a little more time than 30 minutes, perhaps. I suggest that we vote at 12 o'clock.

Mr. SMITH. That is all right.

Mr. LA FOLLETTE. I will accept that modification.

The PRESIDENT pro tempore. Is there objection to the request as modified?

Mr. LA FOLLETTE. Provided that it be modified that the vote shall be taken at not later than 12 o'clock upon the two measures.

Mr. BLEASE. Mr. President, I have just entered the Chamber. What is the request?

The PRESIDENT pro tempore. It relates to the President's veto message on House bill 5681.

Mr. BLEASE. I object. I want a vote on it now.

SEVERAL SENATORS. Regular order!

Mr. BORAH. I have no desire to discuss the matter, but I would like to have some member of the committee advise us a little more in detail, if we are going to take a vote, what the bill does and what is the obligation which it imposes upon the Treasury? What is it we are about to override?

The PRESIDENT pro tempore. It is the veto message on the bill providing for night differential pay for employees in the Postal Service.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WALSH of Massachusetts. Can we proceed to vote upon the veto message now?

The PRESIDENT pro tempore. We can unless the unanimous-consent agreement suggested by the Senator from Wisconsin is agreed to.

Mr. BORAH. Mr. President, I ask for a reading of the veto message.

The PRESIDENT pro tempore. The veto message will be read.

The Chief Clerk proceeded to read the veto message.

Mr. LA FOLLETTE. Mr. President, I desire to renew my request——

Mr. DILL. Mr. President, this is the order of business. I demand a vote now.

The Chief Clerk resumed and concluded the reading of the veto message, which is as follows:

To the House of Representatives:

Herewith is returned, without approval, H. R. 5681, a bill to provide a differential in pay for night work in the Postal Service.

Night work has always been a necessary and characteristic feature of employment in the Postal Service, and notwithstanding the continuous campaign that has been carried on by the Post Office Department for a number of years, with some measure of success, to induce the public to mail early in the business day rather than just before its close, it is evident that the expeditious distribution, dispatch, and delivery of the mails will continue to require the greater part of postal work to be performed between the hours of 6 o'clock in the evening and 6 o'clock in the following morning.

It is estimated that the provisions of the bill now returned would add $6,456,000 to the present annual cost of the Postal Service. The operating deficit in postal revenues for the fiscal year ended June 30, 1927, payable from the general fund of the Treasury derived from taxes, duties, and miscellaneous receipts, was over $31,500,000. For the fiscal year 1928 it is estimated that the deficit will be about $32,400,000, and for the fiscal year 1929 about $28,300,000. There is now pending before the Congress a bill (H. R. 12030) revising postal rates. As passed by the House of Representatitves it is estimated that the bill will cause an annual decrease in postal revenues, and a corresponding further increase in the postal deficit, based on current mailings, of $13,585,000. As passed by the Senate it is estimated that the bill will cause an annual decrease in the revenues and a corresponding further increase in the deficit of $38,550,000.

With these figures before me I am not disposed further to increase the burden on the taxpayers of the country for the maintenance and operation of the Postal Service, especially in view of the very substantial increases in pay given postal employees under the so-called postal reclassification act, approved February 28, 1925. Moreover, it is my understanding that a proposal to establish a night-work differential was considered by the proper committees of Congress in connection with the reclassification legislation, and eliminated by them because of the substantial flat-rate increases in pay that had already been agreed to and which were subsequently included in the reclassification act. If night work in the Postal Service has any basis whatever for a differential in pay, the action of the committees referred to would indicate that the present pay schedules include it.

It should be recalled that the postal-pay increases, which I approved, caused an increase in the Budget for 1926 of about $65,000,000. Every committee that approached me urged that this increase be granted because of certain night work that was involved in the duties of the postal clerks. It is well known that the pay received by those so employed is in excess of that which is paid for corresponding work in private enterprise. While I believe in good wages, they can only be advanced as our economic position improves. The burdens of the war debt have to be borne by all our people. The almost irresistible tendency of Government expenditure is to mount higher and higher. All increases which are not absolutely necessary ought not to be incurred. The officials of the Government who are charged with the conduct of its affairs ought not to yield to constant and organized clamor for increases in pay, unless they are justified by the clearest evidence.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

Mr. SHORTRIDGE. Mr. President, it appeals to me that a decent respect for the message of the President requires it to be given some consideration. If it be in order, therefore, I suggest and move that the further consideration of the matter be taken up at the convening of the session of the Senate to-morrow.

The PRESIDENT pro tempore. That motion may be entertained. The question is upon agreeing to the motion of the Senator from California.

Mr. JOHNSON. Mr. President, what does that mean in respect to the unfinished business?

The PRESIDENT pro tempore. It does not interfere with it whatever.

Mr. JOHNSON. Very well.

Mr. DILL. Mr. President, I understand this is a matter of the highest privilege and we have a right to take action on it at this time.

The PRESIDENT pro tempore. Yes; but a motion may be made to postpone it.

Mr. DILL. But not to take a vote at a certain time.

The PRESIDENT pro tempore. A motion to that effect might be made.

Mr. DILL. It would not be in order.

The PRESIDENT pro tempore. The present occupant of the chair would hold it to be in order.

Mr. DILL. I think the present occupant of the chair would be overriding the rules of the Senate.

The PRESIDENT pro tempore. It is quite within the rule.

Mr. McKELLAR. Mr. President, I want to say about this bill that it has been recommended twice by the Postmaster

General. It has been considered time and again by the Committee on Post Offices and Post Roads, and has passed the Senate. There is a real reason for it. The President in his message says that this increase was provided for in the 1925 pay bill. The 1925 pay bill applied to all classes of employees. It did not raise the pay of the night clerks over the day clerks. There was no such question in that bill.

It has been believed by many for a long time that those who work in the hours of the night are justly entitled to better pay than those who work in the daytime. I think that should appeal to almost any fair-minded person. It appeals to me. I think the bill ought to pass. I think it is just and fair. For these reasons I sincerely hope that the Senate will vote to override the President's veto just as the House did. The House on yesterday, by a tremendous majority, disapproved of the President's veto on the subject and I think that the Senate should do the same thing.

Mr. WARREN. Mr. President, I hope that action on the veto message may be put over until to-morrow. What is before the Senate now?

The PRESIDENT pro tempore. The question is on the motion submitted by the Senator from California [Mr. SHORTRIDGE] that consideration of the question be postponed until the convening of the Senate to-morrow.

Mr. CURTIS. Mr. President, I have stated to a number of Senators that there are several Senators absent who are paired, but who did not know this matter was coming up. I hope we can let the matter go over until to-morrow morning. I ask unanimous consent that further consideration of the veto messages by the President be postponed until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 2965. An act authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.;

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas;

H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.;

H. R. 5898. An act to authorize certain officers of the United States Army, Navy, and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.;

H. R. 10014. An act for the relief of A. F. Gallagher;

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; and

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota.

DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The PRESIDENT pro tempore. The clerk will read the bill for action on the amendments of the committee.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 1, to insert:

SENATE

To pay Natalia S. Jones, widow of Hon. Andrieus A. Jones, late a Senator from the State of New Mexico, $10,000;

To pay Mary E. Ferris, widow of Hon. Woodbridge N. Ferris, late a Senator from the State of Michigan, $10,000;

To pay Allie D. Willis, widow of Hon. Frank B. Willis, late a Senator from the State of Ohio, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

To enable the Secretary of the Senate to pay from the appropriation "Salaries of officers and employees of the Senate, fiscal year 1928," to Vernon V. Thompson for services as a folder in the folding room of the Senate from February 6 to March 2, 1928, both dates inclusive, at the rate of $1,140 per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to insert:

To enable the Secretary of the Senate to pay from the appropriation for "Salaries of officers and employees of the Senate, fiscal year 1927," to Florence L. Gulliver, for services rendered as assistant clerk to Hon. Frank L. Smith, of Illinois, from June 1 to 30, 1927, both dates inclusive, at the rate of $1,830 per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

To pay William A. Folger for extra and expert services rendered the Committee on Pensions during the first session of the Seventieth Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, $1,200.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

For payment to Hicklin Yates for services rendered as clerk to the Special Committee Investigating Campaign Expenditures in Senatorial Primary and General Elections, pursuant to Senate Resolution 195 of the Sixty-ninth Congress and Senate Resolution 10 of the present Congress, fiscal year 1928, $2,500.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

For services performed during the summer of 1927 in the removal and cleaning of books and documents incident to the renovation of the Senate library and document room as follows: To James Payne, $300; to Richard Blount, $200; in all, fiscal year 1928, $500.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to insert:

For additional compensation to the messenger of the Committee on Appropriations, fiscal year 1929, $250.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

For payment to William S. Cheatham, an employee of the Senate under supervision of the Sergeant at Arms, at the rate of $1,770 per annum in lieu of the salary he is now receiving, from December 1, 1927, to February 29, 1928, $190.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

For additional compensation to laborer in the office of the Secretary, fiscal year 1929, $130.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert:

For payment to J. Mark Trice for services rendered the Senate and committees thereof, fiscal year 1928, $600.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

For driving, maintenance, and operation of an automobile for the Vice President, fiscal year 1928, $500.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1928, $50,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

For stationery for Senators, officers, and committees of the Senate, fiscal year 1928, $5,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per 100 words, fiscal year 1928, $40,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, fiscal years 1928 and 1929, $5,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

For repairs, supplies, and personal services for Senate kitchens and restaurants, Capitol Building and Senate Office Building, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, fiscal year 1928, $10,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

JOINT COMMITTEE ON PRINTING

Biographical Directory of the American Congress: To enable the Secretary of the Senate to pay, upon vouchers approved by the chairman of the Joint Committee on Printing, for the necessary expense of collecting additional information incident to the research work, preparing of manuscript for the printer and the maintenance and preservation, for ready reference, of a current file of biographies of all Members and ex-Members of Congress, fiscal years 1928 and 1929, $20,000; and said sum, or any part thereof, in the discretion of the chairman of the Joint Committee on Printing, may be paid as additional compensation to any employee of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 8, after line 9, to strike out "To enable the Architect of the Capitol to pay to Steuart's garage for labor and material furnished during the following fiscal years: For 1921, $40.71; for 1922, $301.23; and for 1923, $291.35; in all, $633.29, to be paid out of the appropriation for the Capitol power plant for the fiscal year 1927" and in lieu thereof to insert:

To enable the Architect of the Capitol to pay to Steuart's garage for labor and material furnished during the following years, viz: For the fiscal year 1921, $107.87; for the fiscal year 1922, $626.27; and for the fiscal year 1923, $706.23; in all, the sum of $1,440.37, to be paid out of the appropriation for the Capitol power plant for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

To pay Richard H. Gay for extra services in connection with the proposed heating, ventilating, and air conditioning of the Senate Chamber, $500.

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to insert:

BUREAU OF EFFICIENCY

The sum of $1,092.33 of the appropriation for salaries and expenses, Bureau of Efficiency, fiscal year 1928, is hereby made available for the payment for contract services since April 1, 1927, to secure actuarial data in connection with various retirement plans for teachers in the District of Columbia and for civil-service employees.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

GENERAL ACCOUNTING OFFICE

To enable the General Accounting Office to furnish such data, reports, etc., as may be required by the Committee on Indian Affairs of the Senate in accomplishing the survey and investigation authorized and directed by Senate Resolution 79, Seventieth Congress, first session, which shall be available for the employment in the District of Columbia and elsewhere of the necessary personnel without regard to civil-service laws and regulations, fiscal years 1928 and 1929, $45,000.

The amendment was agreed to.

FARM LEGISLATION

Mr. DILL. Mr. President, the Senator from Nebraska [Mr. NORRIS] to-day, much to my regret, moved to recommit the conference report on the Muscle Shoals joint resolution to the conferees. I had hoped that the conference report might be adopted, and I still hope that the conferees will report the measure back in such form that Congress may adopt the report, in order that some legislation may be enacted at this session of Congress in the interest of the farmers of the country. In view of the fact that the President's veto of the McNary-Haugen bill was not overriden, the Muscle Shoals measure will probably afford the only chance for Congress to help the farmers by legislation at this session.

SUPPORTED M'NARY-HAUGEN BILL AND GRANGE DEBENTURE PLANS FOR FARM RELIEF

Mr. President, I voted for the McNary-Haugen bill this year and have voted for it at every session of Congress when it has been before us. President Coolidge has attacked this bill and it might not prove as beneficial to the farmers as we believe it would, but it was intended to bring some measure of fair treatment to agriculture and we owe the farmers fair treatment. Congress has legislated in the interest of the railroads by permitting railroad rates high enough to guarantee dividends on railroad stock; in the interest of laboring men, by immigration laws; in the interest of bankers, by the Federal reserve act; and in the interest of manufacturers, by exceedingly high tariffs. Why not legislate for the farmers too?

I have taken every opportunity to help them I could find. A few days ago I voted for the debenture plan for farm relief sponsored by the National Grange when it was offered as an amendment to the revenue bill. It would probably prove to be the fairest, the most just, and the most beneficial of all plans yet proposed for giving the farmers a square deal.

SUPPORTED TARIFF AMENDMENTS ON FARM PRODUCTS

I voted for the tariff amendment to the revenue bill, which would have provided substantially higher tariff rates on eggs and poultry, on milk and butter, cattle and sheep, on onions, potatoes, and on cherries. Congress refuses to lower the profiteering tariff rates on the manufactured products which the farmers must buy. There is no defense for the failure to raise the tariff on what the farmers produce, and especially when those products are in competition with similar products from other countries, particularly Canada and the Orient. I believe in "Tariff for none or tariff for all." I supported the amendment to the revenue bill also to provide a drawback system of freight rates to farmers on products shipped abroad.

The Senate defeated all these proposals on the theory that they were improper legislation on a revenue bill. My own opinion was, and still is, that when the industrial, commercial, and agricultural conditions of the country are such that an average of 400 farmers per day are going into bankruptcy in the United States as they have been doing for the past few years, and when farmers everywhere are getting deeper and deeper into debt, the time has come to disregard parliamentary proprieties and to do justice to those who till the soil. This is especially true when upon their prosperity all other prosperity finally depends.

SHOULD USE FEDERAL-AID ROAD MONEY FOR RURAL MAIL-ROUTE ROADS

We should pass legislation also which will guarantee to the farmers that a part of the Federal-aid road money shall be used on rural mail-route roads instead of spending all of it on the main automobile highways. I have been able to secure many extensions to rural mail routes in my own State, and I shall continue to assist the farmers in getting mail routes whenever possible, but I believe it is equally important that the roads should be improved so that the mail can be delivered. Such improved roads will enable the farmer to market his products more quickly and economically, so that such rural road improvements are doubly desirable.

LOWER FREIGHT RATES ON FARM PRODUCTS

As a member of the Interstate Commerce Committee of the Senate, I have helped report legislation directing the Interstate Commerce Commission to lower the freight rates on farm products, even though such lowering of freight rates might necessitate the raising of freight rates on other articles of commerce.

I voted also to abolish the extra 2-cent rate on parcel-post packages, which is in the interest of the farmer. I have made special effort to assist the farmers living on irrigation projects in my own State, particularly those on the Okanogan project and in the Yakima Valley.

MUSCLE SHOALS WILL LOWER COST OF FERTILIZER

The adoption of the conference report on Muscle Shoals will insure to the farmers of the Nation that the Government will experiment in the production of nitrate and fertilizers on a large scale and will actually produce and sell commercial fertilizers with a view to lowering the cost to the farmers of the entire country. This will be a real benefit to the farmers, because it will lower the cost of production.

The manufacture of fertilizer was one of the original purposes for which Muscle Shoals was built. Congress has waited too long already to carry out that purpose. We have a chance now to show our good faith with the people as a whole, because it

was the people's money that built the dam and power plant, and with the farmers, because we have told them for so many years that this plant was to benefit them.

DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, after line 8, to insert:

GEORGE WASHINGTON BICENTENNIAL COMMISSION

To carry out the provisions of the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May —, 1928, fiscal year 1928, $500,000, to be available until expended.

The unexpended balances of the appropriations for the celebration of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, and of the one hundred and fiftieth anniversary of the battles of Lexington and Concord, are reappropriated and made available for the necessary expenses of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Georgia Washington, which, together with amounts heretofore appropriated for the use of said commission and not expended, are hereby reappropriated and made available until expended.

Mr. WARREN. Mr. President, I move to amend the amendment by striking out from line 11 to line 17, inclusive. That item will be cared for by a subsequent amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the amendment reported by the committee it is proposed to strike out:

To carry out the provisions of the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May —, 1928, fiscal year 1928, $500,000, to be available until expended.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GLASS. What amendment is that?

The PRESIDENT pro tempore. The portion of the committee amendment on page 12, from line 11 to line 17, was stricken out because the committee intend to offer an amendment at a later stage in the bill which cares for the subject, if the Chair understands the situation correctly.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FESS. What amendment was stricken out?

The PRESIDENT pro tempore. The amendment on page 12, beginning in line 11 and extending to line 17. At a later stage in the consideration of the bill the committee intends to offer an amendment on page 31, under the heading of Bureau of Public Roads, which will care for the entire subject.

Mr. FESS. I call the attention of the chairman of the committee to the last paragraph on page 12, beginning with line 18; that is not on the subject of roads.

The PRESIDENT pro tempore. No. The amendment on page 12, beginning in line 18, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, after line 3, to insert:

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

To carry out the purposes of the act approved May —, 1928, entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers," toward part of the one-half cost of the memorial and landscaping to be borne by the United States, fiscal years 1928 and 1929, $75,000.

Mr. KING. I wish to make an inquiry concerning that amendment, which makes an appropriation of $75,000 for the Mount Rushmore National Memorial. I want to inquire what it is for.

Mr. PHIPPS. It is for the memorial being erected on Mount Rushmore, in South Dakota, consisting of a number of allegorical and heroic figures. The amount proposed to be appropriated is a contribution by the Federal Government and represents much less than one-half of the entire cost. The matter was gone into by the committee; I do not have the statement concerning it at hand at the moment, but I think the Senator can be satisfied that this is a proper expenditure.

Mr. FLETCHER. Is that the memorial of which Gutzon Borglum is the sculptor?

Mr. PHIPPS. I so understand.

Mr. FLETCHER. I hope he will do it better than he did the work at Stone Mountain.

Mr. PHIPPS. He was not given a fair chance at Stone Mountain.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 13, after line 16, to insert:

PERSONNEL CLASSIFICATION BOARD

For the purpose of enabling the Personnnel Classification Board to meet the expenses of field investigations, including the employment of personal services in the District of Columbia in accordance with the classification act of 1923, and elsewhere, traveling expenses, supplies, and equipment, and such other miscellaneous expenses as may be necessary, fiscal years 1928 and 1929, $75,000.

Mr. KING. I wish to make an inquiry concerning that amendment. What is the necessity for the $75,000 for the Classification Board? We have made very liberal appropriations for that board, and now we are proposing to appropriate $75,000 more.

Moreover, may I ask, What is the good of having a classification board, in view of the fact that we pass bills repeatedly changing salaries without any reference to the classification organization or the work of the classification board? It seems to me that it is a futility to appropriate large sums for the classification board; it is positively absurd, because the classification act—and we passed one a short time ago—was supposed to readjust salaries, so that we would be free from constant importunities for increases and for the stepping policy which in the past has been pursued. Yet we pay no attention to the classification act.

Mr. CURTIS. Mr. President, the reason given by the board for this appropriation is that it is required to enable the board to secure information regarding the compensation of positions in private industry that are comparable with positions in the Federal service. The investigations are necessary to enable the Personnel Classification Board to make recommendations regarding salary schedules for Federal employees. The need for information necessary to make such recommendations was forcibly brought out during the hearings before Congress on the Welch bill. The board feels that this work can not be properly performed without direct provision for funds to defray the expenses of the investigations. No part of the requested appropriation is intended for the compensation of persons now engaged in the regular work of the board.

Mr. KING. I am opposed to the appropriation. The classification board has been in existence for some time; it has had liberal appropriations, and its work, whether satisfactory or unsatisfactory, has been done.

Let me say further that, judging from the action of the Senate and the House of Representatives, apparently the work of the classification board has been wholly unsatisfactory. If they desire to ascertain the compensation paid in private employment, the Labor Department is furnishing daily reports showing the compensation paid in every activity in our industrial and economic system. The Census Bureau is also engaged in ascertaining the salaries and compensation paid in all the activities of private life. This is simply to provide a private junketing trip for this organization at an expense of $75,000.

I have had occasion repeatedly to inquire of the Department of Labor as to the salaries and compensation paid in various vocations, and that department responds very promptly and it has quite accurate information. That department and the Census Bureau can furnish all the information that the Classification Board needs, if it needs any information. I think that this would be a waste of money; it is merely to furnish a junketing trip throughout the country to a number of Federal employees who are now paid too much.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. FLETCHER. Mr. President, may I inquire if there are involved in this amendment some traveling expenses for Members of Congress, either of the House or of the Senate? Is it contemplated that some members of this committee or some other committee are to take trips on this field investigation?

Mr. CURTIS. Not to my knowledge. It was not intended that any members of the committee should do so.

Mr. FLETCHER. We had a somewhat similar provision in one appropriation bill, and certain Members of Congress got a trip to Europe out of it. That was for so-called "field investigations." I do not know whether that is intended here or not, but I should like to be informed about it. I think, with the Senator from Utah [Mr. KING], that it is intended as a junketing proposition for the benefit of these employees, and perhaps some members of some committee of either the House or the Senate.

Mr. CURTIS. It is not so intended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KING. Mr. President, I shall ask for a vote upon this amendment in the Senate.

The PRESIDENT pro tempore. The Senator from Utah reserves a vote upon the amendment when the bill reaches the Senate.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Public buildings and public parks of the National Capital," at the top of page 15, to insert:

For an additional amount for general expenses in connection with the maintenance of public buildings in the District of Columbia, including rent, and salaries for maintenance and operation of the buildings when such maintenance and operation is not furnished by the owner under terms of the lease, for the fiscal year 1929, $68,000: *Provided,* That any funds heretofore or hereafter appropriated for the fiscal years 1928 and 1929 for rents and maintenance of buildings in the District of Columbia for any of the executive departments and independent establishments may be transferred, with the approval of the Public Buildings Commission, to the Director of Public Buildings and Public Parks of the National Capital.

The amendment was agreed to.

The next amendment was, on page 15, after line 22, to insert:

UNITED STATES SHIPPING BOARD

For carrying out the purpose and provisions of "Title III, construction loan fund, section 302, merchant marine act, 1928, approved May —, 1928," the United States Shipping Board is authorized to incur obligations by entering into contracts to make loans from the construction loan fund to the extent of $125,000,000 in addition to the amount now standing to the credit of the construction loan fund: *Provided,* That said obligations to make such loans shall not call for actual disbursements of moneys during the fiscal year ending June 30, 1929, in excess of the amount now standing to the credit of the construction loan fund.

Mr. WARREN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 15, line 23, it is proposed to disagree to the committee amendment and to insert in lieu thereof the following——

The PRESIDENT pro tempore. Without objection, the vote whereby the committee amendment was agreed to will be reconsidered.

The CHIEF CLERK. It is proposed to insert the following:

UNITED STATES SHIPPING BOARD

To enable the United States Shipping Board to carry into effect the provisions of sections 301 and 302 of the merchant marine act, 1928, approved May 22, 1928, the board is hereby authorized to enter into contracts to make loans from the construction loan fund in such amounts which, when added to the amount of outstanding loans and to loans that may be made under authority of law from the amount credited to such fund, shall not exceed in the aggregate $150,000,000: *Provided,* That said contracts to make such loans shall not obligate said board to make actual disbursements of moneys for this purpose during the fiscal year ending June 30, 1929, in excess of the available cash balance standing to the credit of said fund.

Mr. KING. Mr. President, I understood that there was now in this fund something like seventy or eighty million dollars. Is this intended to supplement it to the extent of $150,000,000?

Mr. WARREN. One hundred and fifty million dollars is the limit, and it is restricted so that it can not be loaned beyond what is already in the fund, or will be in it from time to time, to match it. There is in the Treasury probably something like $70,000,000 or $80,000,000 now, if I remember correctly.

Mr. PHIPPS. I think it was nearer $60,000,000. I think it was less than $70,000,000.

Mr. KING. It was stated the other day in the discussion, when the Shipping Board bill was before us, that there was $70,000,000 in the fund.

Mr. BINGHAM. Not quite $70,000,000.

Mr. KING. Sixty-eight millions plus.

Mr. PHIPPS. That is about it.

Mr. WARREN. This item was sent up by the Budget under the bill which we have just passed, the amendment to the merchant marine act. Of course, it was necessary to disagree to the other amendment, because before we had received the Budget estimate we had put in an amendment on the basis of the best knowledge we had. That left it perhaps subject to a challenge on the ground of being out of order. Now, we have heard from the Budget exactly what it recommends.

I will ask that the clerk read the concluding line of the amendment.

Mr. KING. I should like to ask whether the merchant marine bill which passed the Senate several days ago has been signed by the President.

Mr. WARREN. I conclude so, because this request is from the President.

Mr. BINGHAM. It was signed yesterday.

Mr. KING. We have not been advised of it; at least, I have not heard of it.

The CHIEF CLERK. In lieu of the committee amendment on page 15, commencing with line 23 and ending on line 10, page 16, it is proposed to insert the following:

UNITED STATES SHIPPING BOARD

To enable the United States Shipping Board to carry into effect the provisions of sections 301 and 302 of the merchant marine act, 1928, approved May 22, 1928, the board is hereby authorized to enter into contracts to make loans from the construction loan fund in such amounts which, when added to the amount of outstanding loans and to loans that may be made under authority of law from the amount credited to such fund, shall not exceed in the aggregate $150,000,000: *Provided,* That said contracts to make such loans shall not obligate said board to make actual disbursements of moneys for this purpose during the fiscal year ending June 30, 1929, in excess of the available cash balance standing to the credit of said fund.

Mr. BINGHAM. May I say to the Senator from Utah that the merchant marine bill authorized loans to the extent of $250,000,000?

Mr. KING. Yes; I know that.

Mr. BINGHAM. This merely authorizes the Shipping Board to make contracts for $150,000,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "District of Columbia, general expenses," on page 17, after line 3, to insert:

For the purchase of mechanical office equipment, accessories and supplies, filing cabinets, printed forms, loose-leaf binders, employment of personal services, and other necessary incidental expenses, fiscal years 1928 and 1929, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public schools," on page 18, line 11, after the name "Western High School," to strike out "$45,000" and insert "the erection thereon of seats and buildings for locker and dressing rooms, and otherwise fully equipping said field, $100,000"; so as to read:

For the grading, including retaining walls and fencing, of the athletic field for the Western High School, the erection thereon of seats and buildings for locker and dressing rooms, and otherwise fully equipping said field, $100,000, to continue available until June 30, 1929: *Provided,* That the Commissioners of the District of Columbia are hereby authorized to close, vacate, and abandon R Street NW. between the west side of Thirty-eighth Street and the east line of parcel 28/9, and to close, vacate, and abandon S Street NW. between the west side of Thirty-ninth Street and the east line of parcel 29/1, upon the written consent of all the owners of the property abutting on said R Street and S Street between the points named, the property lying within the lines of said streets so closed, vacated, and abandoned to revert to the abutting property owners: *Provided further,* That the Commissioners of the District of Columbia are hereby authorized to close, vacate, and abandon Thirty-ninth Street NW. between the north side of Reservoir Road and the south side of S Street, upon the written consent of all the owners of the property abutting on said Thirty-ninth Street between the points named, the property lying within the lines of said Thirty-ninth Street so closed, vacated, and abandoned to revert to the District of Columbia as part of the site for an athletic field for Western High School.

The amendment was agreed to.

The next amendment was, under the subhead "Public welfare," for care and treatment of indigent patients under con-

tracts to be made by the Board of Public Welfare with certain institutions, on page 23, after line 10, to insert:

Children's Hospital, fiscal year 1926, $2,316.25;
Children's Hospital, fiscal year 1927, $9,355;
Providence Hospital, fiscal year 1926, $604;
Providence Hospital, fiscal year 1927, $490;
Garfield Memorial Hospital, fiscal year 1926, $1,718.50;
Georgetown University Hospital, fiscal year 1926, $741.50;
Georgetown University Hospital, fiscal year 1927, $441.50;
Washington Home for Incurables, fiscal year 1926, $17.16.

The amendment was agreed to.

The next amendment was, on page 25, after line 6, to insert:

Temporary Home for Former Soldiers and Sailors: For maintenance and repairs to building, fiscal year 1928, $800.

The amendment was agreed to.

The next amendment was, under the subhead "Public Buildings and Public Parks," on page 26, after line 5, to insert:

Construction of bathing pools, District of Columbia: For an additional amount for completing the construction of two bathing pools, for which an appropriation of $150,000 was contained in the District of Columbia appropriation act for the fiscal year 1928, $20,000.

Mr. KING. Mr. President, may I inquire of the Senator from Colorado [Mr. PHIPPS], with reference to the item in lines 6 to 10, page 26, whether the appropriation bill for the District of Columbia did not carry this item, or one sufficiently large to meet the expense of constructing these bathing pools?

Mr. PHIPPS. I will say to the Senator that the estimate of cost for the two bathing pools was $150,000, which was appropriated. In carrying out the work it was found that that was insufficient, and it was necessary to add about $10,000 to the cost of each pool; so that we are now appropriating $20,000 in order to enable them to be completed.

Mr. FLETCHER. Will the Senator state where these pools are located?

Mr. PHIPPS. At the two high schools, I believe—Central and Western.

Mr. KING. I think the appropriation we made before is sufficient. It seemed so to me from the testimony; but there is no limit to the expenses that we incur.

Mr. PHIPPS. This was gone into by all the authorities, and approved.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was under the subhead "Judgments," on page 28, line 4, before the word "House," to insert "Senate Document No. 108 and"; and in line 5, after the word "Congress," to strike out "$16,117.28" and insert "$16,633.93," so as to read:

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in Senate Document No. 108 and House Document No. 272, Seventieth Congress, $16,633.93, together with the further sum to pay the interest at not exceeding 4 per cent per annum on such judgments, as provided by law, from the date the same became due until date of payment.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 29, after line 18, to insert:

BUREAU OF PLANT INDUSTRY

Salaries and expenses: For an additional amount for the investigation of diseases of forest and ornamental trees and shrubs, to enable the Secretary of Agriculture to conduct experiments and investigations for the control of the European larch canker, including the same objects of expenditure specified for this purpose in the act making appropriations for the Department of Agriculture for the fiscal year 1928, $35,000, to remain available until June 30, 1929.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to insert:

Horticultural experiment and demonstration work, Southern Great Plains area: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act providing for horticultural experiment and demonstration work in the Southern Great Plains area," approved April 16, 1928, fiscal year 1929, $35,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

FEDERAL HORTICULTURAL BOARD

Establishing and enforcing noncotton zones: To enable the Secretary of Agriculture to carry into effect the provisions of the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928, including necessary expenses for the purchase of equipment and supplies, employment of persons and means in the District of Columbia and elsewhere, rent outside the District of Columbia, purchase, maintenance, repair, and operation of passenger-carrying vehicles as may be necessary for executing the purposes of such joint resolution, fiscal years 1928 and 1929, $5,000,000, of which amount $20,000 may be expended for personal services in the District of Columbia: *Provided*, That the appropriation herein made shall be available only for compensation for the crop of 1928, unless the State in which any noncotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization.

Mr. KING. Mr. President, I should like to inquire about that. The agricultural appropriation bill passed recently carried very large appropriations.

Mr. WARREN. This refers to the pink bollworm matter that was brought directly before the committee. It comes from the Budget. The hearings we had explain how necessary it is to have this.

Mr. KING. Mr. President, I should like the RECORD to show that this bill passed the Senate without very much discussion or consideration. It provides $5,000,000, to be utilized not so much for the extermination of a cotton pest, but to pay persons who it is alleged might farm or grow cotton not to grow it, without any contribution whatever from the State or the local community.

In other words, the Federal Government now not only appropriates tens of millions of dollars for the extermination of pests and insects that are destructive of agricultural products but we go further and pay farmers, horticulturists, and agriculturists not to till the ground, not to plant crops, and they are to be paid whatever the Department of Agriculture—and there is no limitation—may determine their profits would have been; so that the farmer who does not farm can represent to the board that his profits would have been $50 an acre or $100 an acre, and he is to be paid for not farming; and under this appropriation the State makes no contribution whatever.

Mr. FLETCHER. Does the Senator say the State makes no contribution?

Mr. KING. No; not a penny, under the bill which was passed, as I understand, which this is merely to carry out.

Mr. GLASS. Mr. President, the amendment provides that the State shall appropriate the same amount.

Mr. KING. Mr. President, if the Senator from Wyoming had reference to the pink bollworm, the $5,000,000 authorization which was passed a few days ago on behalf of Texas, attention was called then to the fact that under that bill no contribution was to be made by the State, and it was conceded that that was the case; and I understood that this was the appropriation therein authorized.

Mr. GLASS. I understood differently from this amendment to the bill, which says:

Provided, That the appropriation herein made shall be available only for compensation for the crop of 1928, unless the State in which any noncotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization.

Mr. KING. It is for the next year, not for the coming year. It was stated that this $5,000,000 is to be appropriated, and no corresponding appropriation is to be made by the State this year; but thereafter, the next year, if a subsequent appropriation shall be made by Congress, it is to be paid. It was admitted, however, by the Senator from Louisiana [Mr. RANSDELL] that no corresponding payment was to be made now, and the representation was made that perhaps Texas was not in condition now to make the payment, but if we continued the appropriation for a subsequent year payment was to be made. It was stated definitely upon the floor of the Senate that no payment was to be made now.

Mr. WARREN. Mr. President, payment must be made.

Mr. KING. Not for 1928.

Mr. WARREN. For the next year.

Mr. KING. If we continue the appropriation for the following year, but not for this fiscal year. So we are now laying down the proposition that we will pay farmers, for not farming, whatever they establish to this organization in the Agricultural Department their profits would have been; and the State makes no corresponding appropriation.

I submit that it is a very dangerous thing. We will find that we will have applications from every part of the Union to have the Federal Government make appropriations to those who do not plant, without any corresponding appropriation by the States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

BUREAU OF PUBLIC ROADS

Mount Vernon Memorial Highway: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, including not to exceed $12,000 for departmental personal services in the District of Columbia, fiscal year 1929, $2,500,000, of which $500,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce, office of the Secretary," on page 32, after line 6, to insert:

Enforcement of wireless communication laws: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $140,000, to remain available until June 30, 1929.

The amendment was agreed to.

The next amendment was, at the top of page 33, to insert:

AIRCRAFT IN COMMERCE

Aircraft in commerce: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $197,500, to remain available until June 30, 1929, of which amount not to exceed $45,000 may be expended for personal services in the District of Columbia: *Provided*, That the sum herein appropriated shall be available for the purchase of not to exceed 11 airplanes.

Air navigation facilities: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $1,000,000, to remain available until June 30, 1929, of which amount not to exceed $15,360 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Standards," on page 34, line 17, after the word "exceed," to strike out "$4,340" and insert "$26,800," so as to read:

Radio research: For an additional amount covering the same objects and purposes specified under this heading in the act making appropriations for the Department of Commerce for the fiscal year 1928, $30,000, to remain available until June 30, 1929, of which amount not to exceed $26,800 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

COAST AND GEODETIC SURVEY

Pay, commissioned officers: For an additional amount for the pay and allowances of commissioned officers, including the same objects as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year ending June 30, 1928, $10,520.

Pay, commissioned officers: For an additional amount for the pay and allowances of commissioned officers, including the same objects as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year ending June 30, 1929, $47,955.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 36, after line 8, to insert:

Inquiry respecting food fishes: For an additional amount for the same objects as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year ending June 30, 1928, to remain available until June 30, 1929, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 37, after line 12, to insert:

Mineral mining investigations: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $25,000, to remain available until June 30, 1929.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 40, after line 8, to insert:

Survey, classification, and allotment of lands on Shoshone or Wind River Reservation, Wyo.: For necessary surveys, classification of lands, and all other expenses in connection with the allotment of lands on the Shoshone or Wind River Reservation, Wyo., authorized by the act of May 21, 1928, fiscal years 1928 and 1929, $50,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 14, to insert:

Land and improvements, Indian colony, Winnemucca, Nev.: For the purchase of land in the vicinity of Winnemucca, Nev., to be used as an Indian colony, $500; and for moving the cabins of Indians residing in that vicinity to the location above described, for making necessary repairs to said cabins, erecting new cabins, and building roads in the colony, $2,000; in all, fiscal years 1928 and 1929, $2,500, as authorized by the act of May 21, 1928.

The amendment was agreed to.

The next amendment was, on page 40, after line 22, to insert:

Construction of fence, Papago Reservation, Ariz.: For the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz., as authorized in the act of May 21, 1928, fiscal years 1928 and 1929, $15,000.

The amendment was agreed to.

Mr. CURTIS. Mr. President, on page 41, line 11, after the word "title," the words "at a total cost of not exceeding $1,200,000, which is hereby authorized," should be included in brackets and then stricken out. It was a Senate amendment and was left out entirely by mistake.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, line 9, after the word "site," to strike out "or" and insert "and," so as to read:

Water system, Consolidated Ute Agency, Colo.: For the construction of a water system (including purchase of reservoir site and the sinking of one or more wells) and employees' cottages at the Consolidated Ute Indian Agency and School, Colorado, $41,000, to remain available until June 30, 1929.

The amendment was agreed to.

The next amendment was, on page 43, after line 19, to insert:

Improvement, maintenance, and operation, Hogback irrigation project, Navajo Reservation, N. Mex. (reimbursable): For repair of the diversion dam, Hogback project, New Mexico, fiscal years 1928 and 1929, $1,200.

The amendment was agreed to.

The next amendment was, on page 44, line 8, after the word "reimbursable" and the parenthesis, to insert a colon and the following proviso: "*Provided*, That no part of the sum herein appropriated shall be paid to the middle Rio Grande conservancy district until such time as construction work on or in behalf of Indian lands is begun: *Provided further*, That no part of this sum shall be paid for purposes other than construction work for irrigation, drainage, or flood control on or affecting the Pueblo Indian lands," so as to read:

Middle Rio Grande conservancy project, New Mexico: For payment to the middle Rio Grande conservancy district in accordance with the provisions of an act entitled "An act authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes," approved March 13, 1928, fiscal year 1929, $100,000 (reimbursable): *Provided*, That no part of the sum herein appropriated shall be paid to the middle Rio Grande conservancy district until such time as construction work on or in behalf of Indian lands is begun: *Provided further*, That no part of this sum shall be paid for purposes other than construction work for irrigation, drainage, or flood control on or affecting the Pueblo Indian lands.

The amendment was agreed to.

The next amendment was, on page 45, after line 2, to insert:

Haskell Institute, Lawrence, Kans.: For the construction of an adequate septic sewage disposal system, $18,000; for the replacement of buildings, material, and equipment, and for necessary repairs to adjoining buildings and light poles destroyed and damaged by fire on March 27, 1928, $8,000; in all, fiscal years 1928 and 1929, $26,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 9, to insert:

Hospital and equipment and physician's quarters, Menominee Reservation, Wis. (tribal funds): For construction of hospital and equipment, and for physician's quarters, Menominee Reservation, Wis., fiscal years 1928 and 1929, $50,000, payable out of tribal funds of the Menominee Indians.

The amendment was agreed to.

The next amendment was, on page 48, after line 6, to insert:

Bridge and road, Hoopa Valley Reservation, Calif.: For one-half the cost of a bridge and road on the Hoopa Valley Indian Reservation, Calif., as authorized by the act of May 16, 1928, fiscal years 1928 and 1929, $35,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 11, to insert:

Construction of road, Zuni Reservation, N. Mex.: For the construction of a road on the Zuni Indian Reservation, N. Mex., as authorized by the act of May 12, 1928, fiscal years 1928 and 1929, $8,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 15, to insert:

Memorial tablet at Medicine Lodge, Kans.: For the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council at which treaties were made between the United States and the Kiowa, Comanche, Apache, Cheyenne, and Arapahoe Indians as authorized by the act of May 7, 1928, fiscal years 1928 and 1929, $2,500.

The amendment was agreed to.

The next amendment was, on page 48, after line 22, to insert:

Upkeep of Puyallup Indian Cemetery, Washington (tribal funds): For upkeep of the Puyallup Indian Cemetery in the city of Tacoma, Wash., fiscal year 1929, $1,000, payable from interest on the fund set aside for this purpose by the act of March 28, 1928.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Reclamation," on page 50, line 1, after the figures "1929," to insert "for the same purposes, including test borings"; and in line 3, after the name "Carson River," to strike out "examination and survey of lands susceptible of irrigation from waters that may be practicably so impounded" and insert "investigations of dam sites at such storage reservoirs," so as to read:

Newlands project, Nevada: The unexpended balance of the appropriation of $50,000 for the survey and examination of water-storage reservoir sites on the headwaters of the Truckee River, and for other purposes, contained in the act making appropriations for the Department of the Interior for the fiscal year 1928, shall continue available during the fiscal year 1929 for the same purposes, including test borings, and shall also be available for the survey and examination of water-storage reservoir sites on the Carson River, investigations of dam sites at such storage reservoirs, and estimates of costs with recommendations in regard thereto.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

Damage claims: For payment in full settlement of all claims against the Government for flood damages to the owners of certain lands near Hatch and Santa Teresa, N. Mex., fiscal year 1929, $70,000, payable from the reclamation fund in accordance with section 2 of the act of February 25, 1927: *Provided*, That in addition to the above amount there shall be available for the same purpose such portion of the appropriation of $5,000 contained in the deficiency act of December 22, 1927, as may not be required to defray the expense of ascertaining the amount of such damages.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," at the top of page 52, to insert:

For a topographic survey of the boundaries of the proposed Shenandoah National Park in the State of Virginia for expenditure by the Geological Survey under the direction of the Secretary of the Interior, including personal services in the District of Columbia and elsewhere; the computation and adjustment of control data; the office drafting and publication of the resulting maps; the purchase of equipment, not to exceed $700 for the purchase and not to exceed $1,000 for the hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for field use; and for the securing of such aerial photographs as are needed to make the field surveys, fiscal years 1928 and 1929, $65,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice," on page 55, after line 12, to insert:

OFFICE OF THE ATTORNEY GENERAL

Salaries: For salaries, office of the Attorney General, including the same objects specified under this head in the act making appropriations for the Department of Justice and for the Judiciary for the fiscal year 1929, $40,300.

The amendment was agreed to.

The next amendment was, on page 55, after line 17, to insert:

CONTINGENT EXPENSES, DEPARTMENT OF JUSTICE

Traveling and miscellaneous expenses: For traveling and other miscellaneous and emergency expenses, authorized and approved by the Attorney General, to be expended at his discretion, fiscal year 1929, $4,700.

The amendment was agreed to.

The next amendment was, under the heading "Department of Labor, Employment Service," on page 62, after line 17, to insert:

For an additional amount for the Employment Service, Department of Labor, including the same objects specified under this head in the act making appropriations for the Department of Labor for the fiscal year 1929, $20,000.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department, office of the Secretary," on page 62, after line 23, to insert:

Pay, miscellaneous: Not to exceed $20,000 of the amount appropriated for "Pay, miscellaneous," in the naval appropriation act for the fiscal year 1929 shall be available for expenses (including contracts for the services of experts) in connection with research and investigation of safety devices and appliances for submarines.

The amendment was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Yards and Docks," on page 65, line 15, after the figures "1923" and the parenthesis, to insert "fiscal years 1928 and 1929," so as to read:

Ammunition storage facilities, Navy: Toward providing ammunition storage facilities in accordance with the recommendations contained in House Document No. 199, Seventieth Congress (and the Secretary of the Navy is authorized to enter into contract or contracts for such facilities at a cost in the aggregate not to exceed $9,179,500, which amount will include the establishment and development of a naval ammunition depot in the vicinity of Hawthorne, Nev., at a total cost not to exceed $3,500,000, the establishment and development of a naval ammunition depot in the Territory of Hawaii, at a total cost not to exceed $3,540,000, and the replacement of storage facilities at the naval station, Cavite, P. I., subject to and in conformity with the treaty limiting naval armament, ratified August 17, 1923), fiscal years 1928 and 1929, $1,193,998, of which sum $638,998 shall be available for the acquisition of land, and $80,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field to be engaged upon such work and to be in addition to employees otherwise provided for.

The amendment was agreed to.

The next amendment was, at the top of page 67, to insert:

INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels authorized in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, fiscal year 1929, $200,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Department of State," on page 69, after line 19, to insert:

OFFICE OF THE SECRETARY

Damage claims: To pay a claim for damages to or loss of privately owned property adjusted and determined by the Department of State, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in Senate Document No. 124, Seventieth Congress, $77.

Refund of passport fees erroneously charged and paid: For the refund of fees erroneously charged and paid for the issue of passports to persons who are exempted from the payment of such fee by section 1 of the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920, fiscal years 1928 and 1929, $200.

The amendment was agreed to.

The next amendment was, under the subhead "Diplomatic Service," on page 70, after line 17, to insert:

For an additional amount for the payment of traveling expenses of Diplomatic, Consular, and Foreign Service officers incurred in connection with leaves of absence, fiscal years 1928 and 1929, $31,870.

The amendment was agreed to.

The next amendment was, on page 77, after line 22, to insert:

International Exposition at Seville, Spain: For an additional amount for the International Exposition at Seville, Spain, including the same

objects specified under this head in the act making appropriations for the Department of State for the fiscal year 1929, $100,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 2, to insert:

Payment to the Government of France on account of damages sustained by the French steamship *Madeleine:* For payment to the Government of France in full settlement of its claim for reimbursement for damages sustained by the French steamship *Madeleine* in a collision with the U. S. S. *Kerwood* in the harbor of Brest, France, on May 11, 1918, of a sum equivalent to £3,550 2s 5d., as authorized by the act approved May 14, 1928, fiscal years 1928 and 1929, $17,395.59.

The amendment was agreed to.

The next amendment was, on page 78, after line 11, to insert:

American International Institute for the Protection of Childhood: For the annual contribution of the United States of $2,000 per annum to the American International Institute for the Protection of Childhood at Montevideo, Uruguay, as authorized by public resolution No. 31, approved May 3, 1928, fiscal years 1928 and 1929, $4,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 17, to insert:

Relief of Joseph C. Grew and other officers of the Foreign Service: For the payment to Joseph C. Grew, formerly American minister at Copenhagen, Denmark, the sum of $6,150.65, such sum representing the amount embezzled from Government funds in the United States legation at Copenhagen by the cashier of the legation between March 31 and July 1, 1921; to Francis B. Keene, formerly American consul general at Rome, Italy, the sum of $95.21, such sum representing the amount of Government funds stolen from the safe cabinet in the American consulate general at Rome, Italy, on the night of April 28, 1921; to Norton F. Brand, as American consul at Fernie, British Columbia, the sum of $1,397.25, such sum representing the unpaid balance of the United States Government funds deposited by him in the Home Bank of Canada, at Fernie, British Columbia, such bank having suspended payment of deposits on August 16, 1923; to Richard L. Sprague, as American consul at Gibraltar, the sum of $1,897.87, being reimbursement for moneys actually expended by him in the settlement of a judgment of the Supreme Court of Gibraltar, dated April 17, 1926, in favor of Smith Imossi & Co., covering a claim of that company for the relief of American seamen from the steamer *Kanabec* at Gibraltar in 1920, and the sum of $278.95, being reimbursement for moneys personally advanced by him for the relief of said seamen, as authorized and directed by the act approved May 21, 1928, fiscal years 1928 and 1929, $9,819.93.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department, Office of the Secretary," on page 80, line 7, after the word "in," to insert "Senate Document No. 124 and," and at the end of line 9, to strike out "$2,367.21" and insert "$3,209.28," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Treasury Department, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in Senate Document No. 124 and House Document No. 271, Seventieth Congress, $3,209.28.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, repairs, equipment, and general expenses," on page 84, after line 17, to insert:

Outside professional services: To enable the Secretary of the Treasury to further the provisions of the act of May 25, 1926, in providing suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government, fiscal year 1929, $210,000; and authority is hereby granted to employ the services of private architects to prepare, as a basis for estimate, preliminary drawings for such buildings which, while not yet authorized, are contemplated in the general group as projected for location within the boundaries of the land to be acquired under authority of the act approved January 13, 1928: *Provided*, That the total fee for such preliminary drawings shall not exceed that customarily paid for such services.

Mr. KING. Mr. President, I make inquiry of the chairman of the committee whether in a former appropriation bill authority was not given and an appropriation made for architects to aid in the preparation of plans for our public buildings?

Mr. WARREN. Mr. President, this is a direct appropriation of $210,000. The Secretary of the Treasury appeared before the committee and explained that it would be necessary to have this sum so that there might be a harmonizing of one building with another, and a general scheme that we could hardly get from the Treasury architects alone. The Supervising Architect was before us at the same time and also made request that this amount should be appropriated. I think it is a very proper appropriation.

Mr. KING. My recollection was that an adequate appropriation had been made for just such contingencies in a former bill, but if not, I do not object.

The amendment was agreed to.

The next amendment was, on page 103, at the end of line 13, to strike out "$910,000" and insert "$1,115,000," so as to read:

Salt Lake City, Utah, post office, courthouse, etc.: For acquisition of additional land and commencement of extension and remodeling, for the accommodation of the post office, courts, and other Government offices, $400,000, under an estimated total cost of $1,115,000.

The amendment was agreed to.

The next amendment was, on page 108, at the end of line 8, to strike out "$5,000,000" and insert "$9,750,000," so as to read:

ACQUISITION OF TRIANGLE PROPERTIES IN THE DISTRICT OF COLUMBIA UNDER THE ACT APPROVED JANUARY 13, 1928

For the acquisition of property as authorized by the act entitled "An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings," approved January 13, 1928, fiscal year 1929, $9,750,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 9, to insert:

NOGALES, ARIZ., INTERNATIONAL STREET

For grading and paving, with the necessary retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, of the Federal strip known as International Street, as authorized in the act approved May 16, 1928, fiscal years 1928 and 1929, $40,000.

The amendment was agreed to.

The next amendment was, at the top of page 109, to insert:

OFFICE OF THE JUDGE ADVOCATE GENERAL

Settlement of war claims, act of 1928: For every expenditure requisite for and incident to the work of the War Department in connection with the settlement of war claims as authorized by the act entitled, "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary, against the United States and for the ultimate return of all property held by the Alien Property Custodian," approved March 10, 1928, including the authorized traveling expenses of commissioned officers and other employees, rent in the District of Columbia and in foreign countries, the employment of personal services in the District of Columbia and elsewhere, without regard to the civil service laws and regulations or to the classification act of 1923, printing, binding, photographing, stationery, office supplies and equipment, and such other expenses as may be necessary and proper for carrying out the provisions of the act herein referred to, fiscal years 1928 and 1929, $160,000.

The amendment was agreed to.

The next amendment was, under the subhead "Finance Department," on page 110, line 3, after the word "in," to insert "Senate Document No. 124 and"; and at the end of line 5, to strike out "$137.75" and insert "$152.25," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the War Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in Senate Document No. 124 and House Document No. 271, Seventieth Congress, $152.25.

The amendment was agreed to.

The next amendment was, on page 110, after line 12, to insert the subhead "Quartermaster Corps"; in line 19, after the figures "1928" to insert "Fort Benjamin Harrison, Ind., $375,000; and," and in line 22, after the words "in all" to strike out "$732,975" and insert "$1,107,975," so as to read:

QUARTERMASTER CORPS

Construction at military posts: For construction and installation of buildings, utilities, and appurtenances thereto, at Schofield Barracks, Hawaii, $65,000, as authorized by the act approved March 27, 1928; Fort Humphreys, Va., $80,000, as authorized by the act approved March 28, 1928; Fort Benjamin Harrison, Ind., $375,000; and new primary flying school and flying field, San Antonio, Tex., $587,975, as authorized by the act approved February 18, 1928; in all, $1,107,975, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 112, line 5, after the name "Virginia" to insert "Fort Benjamin Harrison, Ind.," so as to read:

And provided further, That the several sums herein appropriated or made available for expenditure at Schofield Barracks, Hawaii, Fort Humphreys, Va., Fort Benjamin Harrison, Ind., and the new primary flying school and flying field, San Antonio, Tex., shall be available for the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, with regard to these public buildings, I favor erecting public buildings where they are needed, and since we have trusted the allocation of the funds to a committee, I presume there is nothing to do but to abide by the determination of that committee. I have been looking at this bill to some extent, and it seems to me as if this committee have to some extent been unfair to certain localities. For instance, in Florida we have three building sites the Government has owned for 10 or 12 years, and the sites are all vacant, people need post offices, and have been applying from time to time to have post offices built on these sites. The sites are off the tax roll, they are eye sores in the community, simply because the Government does not take any care of them, and we can not get any public buildings. That is the situation at Lake City, at Kissimmee, and at Key West. Yet, there are provisions in this bill, numerous provisions, for new sites as well as for new buildings.

Mr. SMOOT. The Senator will remember that the act itself restricted the number of post-office buildings that could be erected in any State, and I think the Senator will find that the appropriations made for Florida comply with the law as to the number.

Mr. FLETCHER. There is not a single new building provided for Florida.

Mr. PHIPPS. I call the Senator's attention to page 105, where he will find a provision for Tampa, Fla., $550,000, for which the first appropriation is made.

Mr. FLETCHER. $100,000.

Mr. PHIPPS. $100,000 to begin with.

Mr. FLETCHER. This $550,000 is the total cost of enlarging that building. It is a building the Government now owns, they own the ground surrounding it, and they are enlarging it by building on their own land, something which ought to have been done years ago.

Mr. PHIPPS. I am inclined to think the Senator will find an item for Florida in a former bill.

Mr. FLETCHER. No; that is the only item for Florida.

Mr. SMOOT. There must have been some in the former bill, because it was all agreed to. The Senator from Virginia remembers that every State was taken care of, and the names listed.

Mr. FLETCHER. That bill did not pass.

Mr. GLASS. Yes; it passed early in this session.

Mr. FLETCHER. Florida was not included in it.

Mr. SWANSON. Will the Senator permit an interruption?

Mr. FLETCHER. I cite some instances: Connecticut, for instance, has an appropriation of $1,400,000 in this bill, and the estimated cost of the buildings is to be $3,200,000. Illinois has an appropriation of $450,000 in this bill, the estimated cost of the buildings there being $14,500,000. Indiana has an appropriation of $375,000, the estimated cost of the buildings being $1,165,000. Maine has an appropriation of $384,000, the estimated cost of the buildings being a good deal more than that; I have not figured it up. Massachusetts has an appropriation of $1,500,000, with an estimated cost of the buildings there of $6,000,000. This bill carries appropriations to the amount of $1,200,000 for buildings for New Jersey, the estimated cost of them being $2,585,000. New York has appropriations in this bill of $2,131,500, with an estimated cost of the buildings of $6,913,000. Ohio has an appropriation of $650,000 in this bill, the estimated cost of the buildings being $1,880,000. Pennsylvania has an appropriation of $350,000, the estimated cost of the buildings being $6,550,000. So it goes on through the bill. Wisconsin has an appropriation of $400,000 in this bill, the estimated cost of the buildings being $2,650,000.

Florida has an appropriation of $100,000 for the extension and completion of a building which the Government already owns, and owns the land upon which the extension is to be built, at a total cost of $550,000. We have presented this need a number of times, the needs of these various communities. I am not complaining. I expect the cities that are provided for need the buildings, but it looks to me as if this commission is not making a proper division of the lump sum.

Mr. WARREN. I will say to the Senator that, from investigation I have made, the Post Office Department and the Treasury Department are working together, and they have recommended those that they feel are the most necessary.

Mr. FLETCHER. I understand that.

Mr. WARREN. The State of Wyoming has nothing in this bill except one small appropriation. But we say nothing, because we expect to be taken care of later.

Mr. FLETCHER. I am living in hope, and I have been living in hope for some time, that something will be done down there. Jacksonville needs a building and Miami needs one.

Mr. WARREN. We went over 10 or 15 years and had nothing done.

Mr. FLETCHER. I appreciate that.

Mr. WARREN. That has thrown us far behind.

Mr. CURTIS. Mr. President, I ask unanimous consent that the hour for taking the recess be extended to not later than 7 o'clock, so that we may finish this bill.

The PRESIDENT pro tempore. Is there objection?

Mr. BRUCE. I would like to hear what is the request.

Mr. HOWELL. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. KING. A number of Senators already have left. I would object myself if some one else had not.

Mr. CURTIS. I would like to have a short executive session, and I think we could pass this bill by half past 6.

Mr. KING. Let me say to the Senator from Kansas that several Senators who are not here want to speak on one particular item in the bill.

The PRESIDENT pro tempore. Objection is made, and the clerk will state the next amendment.

The next amendment was, at the top of page 113, to insert:

For the acquisition of approximately 1 acre of land at Selfridge Field, Mich., for a railroad right of way, as authorized by the act approved May 16, 1928, fiscal years 1928 and 1929, $1,750.

The amendment was agreed to.

The next amendment was, on page 113, after line 4, to insert:

To complete the acquisition of a tract of land known as the Kalena tract, as authorized by the act entitled "An act to authorize an appropriation to complete the purchase of real estate in Hawaii," approved May 16, 1928, fiscal year 1928, $34,700.

The amendment was agreed to.

The next amendment was, under the subhead "Corps of Engineers," on page 114, after line 17, to insert:

In addition to the sum authorized under this head in the War Department appropriation act for the fiscal year 1929, approved March 23, 1928, further expenditure of not to exceed $29,200 from appropriations heretofore made is authorized for employment only in the office of the Chief of Engineers of the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary to carry into effect the various appropriations for rivers and harbors, surveys, and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations.

The amendment was agreed to.

The next amendment was, under the heading "War Department—Nonmilitary activities, Quartermaster Corps," on page 117, after line 7, to insert:

Zachary Taylor National Cemetery: For the establishment of a national cemetery, to be known as the Zachary Taylor National Cemetery in Jefferson County, Ky., authorized by the act approved February 24, 1925, as amended by the act approved May 10, 1928, fiscal years 1928 and 1929, $24,215: *Provided*, That no part of this appropriation shall be expended until title to the land to be donated, as provided for in the act approved May 10, 1928, has been vested in the United States.

The amendment was agreed to.

The next amendment was, on page 118, after line 16, to insert:

Paving of Government road from Lee & Gordon's mill to La Fayette, Ga.: For improving and paving the Government road, known as La Fayette Extension Road, extending from Lee and Gordon's mill to La Fayette, Ga., as authorized by the act approved May 9, 1928, fiscal years 1928 and 1929, $193,500.

The amendment was agreed to.

The next amendment was, on page 118, after line 22, to insert:

Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park to the town of Ringgold, Ga.: For carrying out the provisions of the act entitled "An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga." approved May —, 1928, fiscal years 1928 and 1929, $117,000, to be subject to the terms and conditions as set forth in such act.

The amendment was agreed to.

The next amendment was, on page 120, after line 2, to insert:

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the flood control act, approved May 15, 1928, $14,000,000.

The amendment was agreed to.

The next amendment was, on page 120, after line 6, to insert:

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 7 of flood control act, approved May 15, 1928, $1,000,000.

The amendment was agreed to.

The next amendment was, on page 122, after line 2, to insert:

PANAMA CANAL

Civil Government, Panama Canal and Canal Zone: For revision and codification of the laws of the Canal Zone as authorized by the act approved May 17, 1928, fiscal years 1928 and 1929, $25,000.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States courts," on page 123, line 24, after the word "in," to insert "Senate Document No. 126 and"; on page 124, line 2, after the name "War Department," to strike out "$1,873.88" and insert "$6,326.19," and in line 3, after the words "in all," to strike out "$75,438.22" and insert "$79,890.53," so as to read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (43 Stat. 1112), certified to the Seventieth Congress in Senate Document No. 126 and House Document No. 283, under the following departments, namely: Department of Labor, $2,102.18; Navy Department, $71,462.16; War Department, $6,326.19; in all, $79,890.53, together with such additional sum as may be necessary to pay interest as and where specified in such judgment.

The amendment was agreed to.

The next amendment was, on page 124, line 10, after the word "in," to insert "Senate Document No. 125 and," and in line 13 to strike out "$26,021.69" and insert "$628,329.94," so as to read:

For payment of the judgments rendered against the Government by the United States District Court for the Northern District of California under the provisions of the act approved June 7, 1924 (43 Stat. 595), and certified to the Seventieth Congress in Senate Document No. 125 and House Document No. 284, as follows: Under the Treasury Department, $628,329.94.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 124, line 24, after the word "in," to insert "Senate Document No. 127 and"; on page 125, line 1, after the word "namely" and the colon, to insert "United States Shipping Board, $1,785,598.29"; in line 4, after the figures "$2,190," to insert "Department of Labor, $2,159.25"; in line 5, after the name "Navy Department," to strike out "$138,000.58" and insert "$158,263.97"; in line 7, after the name "War Department," to strike out "$871,867.78" and insert "$1,008,306.58"; and in the same line, after the words "in all," to strike out "$1,050,262.12" and insert "$2,994,721.85," so as to read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventieth Congress, first session, in Senate Document No. 127 and House Document No. 280, under the following departments and establishments, namely: United States Shipping Board, $1,785,598.29; United States Veterans' Bureau, $472.67; Department of Agriculture, $90.72; Department of the Interior, $2,190; Department of Labor, $2,159.25; Navy Department, $158,263.97; Post Office Department, $35,490.02; Treasury Department, $2,150.35; War Department, $1,008,306.58; in all, $2,994,721.85, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments.

The amendment was agreed to.

The next amendment was, on page 137, after line 20, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1925 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 128, Seventieth Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For Interstate Commerce Commission, $1.20.
For medical and hospital services, Veterans' Bureau, $6.30.
For salaries and expenses, Veterans' Bureau, $42.70.
For vocational rehabilitation, Veterans' Bureau, $167.85.

DEPARTMENT OF THE INTERIOR

For education of natives of Alaska, $218.82.

DEPARTMENT OF JUSTICE

For salaries, fees, and expenses of marshals, United States courts, $27.66.
For salaries and expenses of district attorneys, United States courts, $833.33.
For miscellaneous expenses, United States courts, 50 cents.

NAVY DEPARTMENT

For pay, miscellaneous, $149.88.
For transportation, Bureau of Navigation, $44.25.
For naval training station, California, Bureau of Navigation, $978.88.
For engineering, Bureau of Engineering, $35.
For pay of the Navy, $1,467.37.
For Geological Survey (Interior transfer to Navy, act May 21, 1920), $84.

DEPARTMENT OF STATE

For contingent expenses, United States consulates, $22.84.

TREASURY DEPARTMENT

For enforcement of narcotic and national prohibition acts, $58.59.
For Coast Guard, $17.79.
For pay of personnel and maintenance of hospitals, Public Health Service, $636.50.
For general expenses of public buildings, $5.88.
For mechanical equipment for public buildings, $27.25.
For repairs and preservation of public buildings, $11.88.
For furniture and repairs of same for public buildings, $1.65.
For operating supplies for public buildings, $16.81.

WAR DEPARTMENT

For registration and selection for military service, $82.50.
For pay, etc., of the Army (estates of deceased soldiers, Rev. Stat. 4818), $26,124.57.
For pay, etc., of the Army (longevity act, January 29, 1927), $41,884.23.
For pay, etc., of the Army, $5,654.40.
For mileage to officers and contract surgeons, $15.
For increase of compensation, Military Establishment, $2,955.70.
For pay of the Army, $230.30.
For increase of compensation, War Department, $142.50.
For Army transportation, $7.13.
For clothing and equipage, $24.27.
For general appropriations, Quartermaster Corps, $25,753.28.
For sewerage system, Fort Monroe, Va., $140.57.
For arming, equipping, and training the National Guard, $96.
For Organized Reserves, $73.14.
For Reserve Officers' Training Corps, $1.11.
For headstones for graves of soldiers, $1.75.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For balances due foreign countries, $86.52.
For indemnities, domestic mail, $160.14.
For indemnities, international mail, $20.53.
For indemnities, international registered mail, $209.85.
For Rural Delivery Service, $461.61.
Total, audited claims, section 3, $108,982.03, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 141, line 13, to change the section number from 3 to 4.

The amendment was agreed to.

The next amendment was, on page 141, line 19, to change the section number from 4 to 5.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments. The reading of the bill was concluded.

Mr. BRATTON. Mr. President, I send an amendment to the desk which I ask to have read.

The PRESIDENT pro tempore. The clerk will read.

The CHIEF CLERK. On page 3, after line 5, insert:

To enable the Secretary of the Senate to pay to Natalia S. Jones, widow of Hon. Andrieus A. Jones, from the appropriation for mileage of Senators, fiscal year 1928, $839.20 for mileage of the said Hon. Andrieus A. Jones, late a Senator from the State of New Mexico.

EXECUTIVE SESSION AND RECESS

Mr. CURTIS. Mr. President, it is apparent that we can not finish this bill by 6 o'clock, at which time we are to take a recess, and a short executive session is desired. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.), under the order previously entered, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

SOUTH CAROLINA LAND BANK

Mr. BLEASE. Mr. President, since I made my speech on last Monday with reference to the land-bank investigation in South Carolina, at which time I stated I had not received a reply to my telegram sent to the district attorney with reference to the matter, I have received a reply in which he denies having made the statement which was reported to me and by me attributed to him. I desire that this statement may appear in the RECORD in order that I may do the district attorney no injustice.

ADDITIONAL REPORT OF A COMMITTEE

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 53) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture, reported it without amendment and submitted a report (No. 1274) thereon.

THE CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement the calendar will be called for the consideration of bills to which there is no objection, and the clerk will call the first bill on the calendar.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as first in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. FESS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, was announced as next in order.

Mr. BAYARD. Let the bill go over.

Mr. SHORTRIDGE. Mr. President, I want to make inquiry of the Senator who objected whether any appeal on my part would avail?

Mr. BAYARD. I objected.

Mr. SHORTRIDGE. No appeal on my part would persuade the Senator to withdraw his objection?

Mr. BRUCE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

CLASSIFICATION OF MATERIAL FOR MILITARY AND NAVAL USE

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. FLETCHER. Over.

Mr. REED of Pennsylvania. Mr. President, I ask the Senator to notice that the bill has been amended so as to put the discretion only in the President and not in the Secretary.

The PRESIDENT pro tempore. Is the objection maintained on the part of the Senator from Florida?

Mr. FLETCHER. I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments which had heretofore been considered and agreed to so as to make the bill read:

Be it enacted, etc., That the President is empowered, in his discretion, to class as secret or confidential any material, apparatus, or equipment for military or naval use which is of such nature that the interests of the public service would be injured by publicly divulging information concerning them, and may authorize purchases and award contracts for the development, manufacture, or procurement thereof without public advertisement for bids or notice to the trade: *Provided*, That such purchases and contracts shall not be made or awarded except under circumstances where it shall be impracticable to develop, manufacture, or procure such material, apparatus, or equipment in Government establishments: *Provided further*, That when such material, apparatus, or equipment has been classed as secret or confidential the head of any Government department, establishment, or agency shall take proper measures to maintain the secret or confidential nature thereof and of the contracts and pertinent papers relating thereto: *And provided further*, That the decision of the President as to what material, apparatus, or equipment shall be classed as secret or confidential, and as to whether or not it is practicable to develop, manufacture, or procure such material, apparatus, or equipment in Government establishments shall be final and conclusive.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes."

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat mill, rye mill, and corn mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. METCALF. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order, and that it had been adversely reported.

Mr. BORAH. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. SHORTRIDGE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. ASHURST. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. DENEEN. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL LAND OFFICES, MONTANA, OREGON, IDAHO, AND SOUTH DAKOTA

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments which were agreed to on March 3 last.

Mr. WATERMAN. Mr. President, I offer an interrelated amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Colorado offers the following amendment: On page 3, after line 17, insert a new section as follows:

SEC. 9. That all that portion of the State of Colorado included within the present boundaries of Eagle, Delta, Garfield, Gunnison, Mesa, Moffat, Montrose, Ouray, Pitkin, Rio Blanco, and San Miguel Counties is hereby constituted a new land district and that the land office for said district shall be located at Glenwood Springs, in the said county of Garfield.

On page 3, line 18, following the abbreviation "SEC." strike out the numeral "9" and insert the numeral "10."

On page 4, line 1, following the abbreviation "SEC." strike out the numeral "10" and insert the numeral "11."

On page 4, line 5, following the word "Idaho" insert the word "Colorado."

Mr. ROBINSON of Arkansas. Mr. President, may I inquire if this amendment was considered by the committee reporting the bill?

The PRESIDENT pro tempore. The Chair understands it to be an individual amendment offered by the Senator from Colorado.

Mr. ROBINSON of Arkansas. I am inquiring of the Senator from Colorado whether the amendment was considered by the committee.

Mr. WATERMAN. It is an amendment which was printed and has been on the table for some time.

Mr. WALSH of Montana. Mr. President, I may state that the amendment was not filed until after the bill had been reported. I have conferred with other members of the committee with reference to the amendment, and the committee, I am sure, generally approve of the amendment offered by the Senator from Colorado.

Mr. KING. Mr. President, I ask the attention of the Senator from Colorado. How many land offices are there in Colorado now?

Mr. WATERMAN. There are two now, but those two are on the eastern side of the mountains. The western slope, on the western continental divide, has no land-office district. Seventy-four per cent of the public lands in the State of Colorado lie in that portion of the State, on the western continental divide. Some of those people have to go as far as 400 miles in order to get to the land office at Denver or Pueblo.

Mr. KING. Why did not the Senator move to amend the bill so as to close one of the offices east of the divide? Apparently one is all they need on the eastern side of the slope.

Mr. WATERMAN. I am interested in the western slope.

The PRESIDENT pro tempore. The Chair suggests that the matter is under control of the Secretary of the Interior.

Mr. KING. I ask the Senator, in view of the fact that the Secretary of the Interior comes from Colorado and is attributed to Colorado and made a recommendation closing a number of those offices, whether the Secretary favors the amendment?

Mr. WATERMAN. I can not answer that question. He abolished an office on the western slope and left two on the eastern slope. The western slope has the greater part of the public domain.

Mr. KING. I am not complaining.

Mr. WATERMAN. It is for the convenience of the people on the western slope that I ask that the amendment be adopted.

Mr. KING. I was curious to know why the Secretary of the Interior, from the State of Colorado and presumably familiar with conditions in the State, should abolish one office on the western slope and leave two on the eastern slope.

Mr. WATERMAN. I can not answer the Senator's question.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Colorado.

The amendment was agreed to.

Mr. BRATTON. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The senior Senator from New Mexico [Mr. BRATTON] offers, in behalf of his colleague the junior Senator from New Mexico [Mr. CUTTING], the following amendment:

On page 3, after line —, insert the following new section:

SEC. 8. That an additional land district is hereby created in the State of New Mexico to embrace lands described as follows:

"Beginning at the southeast corner of the State of New Mexico and running thence north on the east line of said State to the base line of the public-land survey in said State; thence west on said line to the range line between ranges 8 and 9 east; thence south on said range line to the first standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the second standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the third standard parallel south; thence east on said line to the range line between ranges 8 and 9 east; thence south on said line to the south line of the State of New Mexico; thence east on said line to the point of beginning, and that Roswell, within said district, is hereby designated as the site for the land office thereof."

On page 4, line 5, after "Idaho," insert "New Mexico."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill establishing additional land offices in the States of Montana, Oregon, Idaho, South Dakota, Colorado, and New Mexico."

BILLS PASSED OVER

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

REGULAR ARMY AND NAVY PENSIONS

The bill (S. 2505) granting increase of pension under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty, was considered as in Committee of the

Whole. The bill had been reported from the Committee on Pensions with amendments which were considered on May 16 and agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMISTICE DAY

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. REED of Pennsylvania. Over.

Mr. KING. I move that the joint resolution be indefinitely postponed.

Mr. BORAH. Mr. President, I do not think that ought to take place after a Senator has interposed an objection.

Mr. KING. I have no objection to passing it over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

BILLS PASSED OVER

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer was announced as next in order.

Mr. KING. At the request of the senior Senator from Mississippi [Mr. HARRISON] I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PRACTICE OF THE HEALING ART

The bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia was announced as next in order.

The bill had been reported from the Committee on the District of Columbia with amendments.

The PRESIDENT pro tempore. The amendments having been previously agreed to, the question is: Shall the bill pass?

Mr. LA FOLLETTE. Mr. President, may I inquire what disposition was made of the amendment proposed by the senior Senator from Maryland [Mr. BRUCE]?

The PRESIDENT pro tempore. All amendments were agreed to, the Chair understands.

Mr. BRUCE. I proposed two amendments.

Mr. COPELAND. There was a misunderstanding on my part regarding the amendment offered by the Senator. I could not myself agree to the amendment.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

Mr. COPELAND. I am not offering an objection.

The PRESIDENT pro tempore. The Senator from New Mexico offered an objection.

Mr. BRATTON. In view of the disagreement between the two Senators, which will necessarily lead to debate, I think the bill should go over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice, and later we may return to it.

Mr. BRUCE. I wish it distinctly understood I am not objecting to the bill and asking that it go over, because I think it is a very important bill.

Mr. PHIPPS. Mr. President, may I suggest that the Senators might settle their differences in conference? They do not seem to be very far apart. It is time the bill passed and was sent to the House. I think the two Senators can straighten out their differences in a private conference.

Mr. BRUCE. There seemed to be no serious differences.

Mr. BRATTON. I will withdraw my objection if the differences are settled.

Mr. CAPPER. Mr. President, I object to the consideration of the bill with the amendment of the Senator from Maryland on it.

The PRESIDENT pro tempore. Objection is made and the bill will be passed over.

BILLS PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order. The bill had been reported from the Committee on Claims adversely.

Mr. BRATTON. Over.

Mr. LA FOLLETTE. Mr. President, in the absence of the author of the bill I ask that it be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res 117) authorizing an investigation and survey for a Nicaraguan Canal was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

RESERVE DIVISION, WAR DEPARTMENT

The bill (S. 3458) to create a reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. BROOKHART. Over.

Mr. REED of Pennsylvania. Mr. President, will not the Senator withhold his objection for a moment? The only objection to the bill has come from the National Guard Association. By an agreement which has already been put in the CONGRESSIONAL RECORD, the National Guard Association and the Association of Reserve Offices have agreed upon certain amendments to the bill and have agreed that with those amendments the bill might pass. I hope it will be possible for us to pass it to-night because it is of great advantage to the Reserve Officers' Association and to the reserve officers of the Army.

Mr. BROOKHART. Mr. President, I put in the RECORD last night a statement of the grounds of my objection. It goes further than any of the matters which the Senator mentions. It is an important establishment and an important policy which the National Guard Association would like to consider further. I do not think the bill ought to pass.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. BROOKHART. Yes.

Mr. REED of Pennsylvania. The resolution which the Senator put in the RECORD was dated May 17 of this year. The agreement signed by the president of the National Guard Association was made subsequent to that date, on May 19. In view of that and in view of the fact that the association, which has protested against the bill is now satisfied with it, I hope that the Senator will permit it to pass.

Mr. BROOKHART. I am familiar with that situation.

Mr. FLETCHER. Mr. President, what the Senator from Pennsylvania has said is quite true. The adjutant general of Florida, I know, protested against the bill. He came to Washington and was here a few days ago, and they got together on the bill. He notified me that he had no further objection to it. I think that is true of all the National Guard associations.

Mr. BROOKHART. I have some different information. I am aware of the fact, too, which the Senator mentions.

Mr. REED of Pennsylvania. Will the Senator permit me to place in the RECORD at this point a letter from the secretary of the Reserve Officers' Association?

Mr. BROOKHART. I have no objection to that.

Mr. REED of Pennsylvania. I ask permission to have printed in the RECORD at this point the letter to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

RESERVE OFFICERS' ASSOCIATION OF THE UNITED STATES,
Washington, D. C., May 23, 1928.

Senator DAVID A. REED,
Chairman Senate Military Affairs Committee,
United States Senate, Washington, D. C.

DEAR SENATOR: On Saturday, May 19, Gen. G. A. Fraser, adjutant general of North Dakota and president of the National Guard Associa-

tion of the United States, at the direction of the national executive committee of the National Guard Association, entered into an agreement with Gen. Roy Hoffman, president of the Reserve Officers' Association of the United States, by which certain features of Senate bill 3458, introduced by you, were eliminated. As a result of such an agreement the National Guard Association, through its president, General Fraser, joined with this association in asking the passage of the bill referred to.

On Saturday, May 19, General Fraser and General Hoffman notified you, by a joint letter, of the agreement, as herein set forth, which letter appears in full on page 9145 of the CONGRESSIONAL RECORD of Saturday, May 19.

On page 9465 of the CONGRESSIONAL RECORD of Tuesday, May 22, appears a resolution adopted by the National Guard Association executive committee two days prior to the agreement referred to, namely, May 17, which sets forth at length what was then the guard's objection to the bill, thus causing the National Guard Association to appear as still opposing the bill, when in truth and fact, as stated above, it is supporting the bill in its present form, which was rewritten in compliance with the desires of the National Guard Association and its president, General Fraser.

A continuation of the present harmonious relations between the two citizen components of the Army of the United States is most earnestly desired by both associations and is essential to the efficiency of the Army as a whole. It is, therefore, earnestly hoped you will cause the Members of the Senate clearly to understand that Senate bill 3458, as amended by the agreement of the associations mentioned, which amendment was introduced by you May 19, and appearing on page 9145 of the CONGRESSIONAL RECORD of that date, meets with the unqualified approval of the National Guard Association.

Sincerely yours,

ORVEL JOHNSON, *National Secretary.*

The PRESIDENT pro tempore. On objection the bill will go over.

BILLS PASSED OVER

The bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

DETAIL OF PUBLIC ROADS ENGINEERS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin-American Republics in highway matters, was announced as next in order.

Mr. HARRIS. I ask that the bill go over.

Mr. KING. I ask that that bill go over, and I ask unanimous consent to have inserted in the RECORD a letter from the American Institute of Consulting Engineers opposing the measure. I am not indorsing their position or expressing any opinion as to the merits of their contentions. I believe that their views should be brought to the attention of the Senate, and, accordingly, have asked that the letter referred to be printed in the RECORD.

The PRESIDENT pro tempore. Without objection the bill will go over, and the letter referred to by the Senator from Utah will be printed in the RECORD.

The letter is as follows:

AMERICAN INSTITUTE OF CONSULTING ENGINEERS (INC.),
New York, May 15, 1928.

Senator WILLIAM H. KING,
United States Senate, Washington, D. C.

SIR: Please permit me to refer again to bill S. 1718, which permits the Bureau of Public Roads to act as consulting engineer to Latin-American Governments for a nominal fee, thus putting them in competition with engineers in private practice, who depend upon their fees for their entire remuneration.

If foreign governments prefer to have advice on highway matters from United States Government engineers, would it not be better to have these engineers perform these services under leave of absence without pay? Do you think it is quite right that an engineer should be paid by both Governments whose interests may not be identical? For instance, the engineer, in order to justify his pay from our own Government, might consider that he should recommend a form of pavement which would require the maximum purchase of American machinery and materials. On the other hand, if he were paid entirely by the foreign government he would naturally recommend a form of pavement which could be made up of local materials with a minimum requirement of foreign machinery and materials.

This bill establishes a bad precedent, for if highway engineers can advise foreign governments for a nominal fee, why should not officers of the Corps of Engineers advise on harbor and river improvements; engineers of the Bureau of Mines advise on mining propositions; and engineers of the Interstate Commerce Commission advise on railway surveys and traffic?

I feel sure that your final decision will not be made without carefully considering both sides of the question.

Very truly yours,

PHILIP W. HENRY, *Secretary.*

Mr. ODDIE subsequently said: Mr. President, I ask that we return to Order of Business 825, Senate bill 1718. I was out of the Chamber when that bill came up, and the Senator from Utah [Mr. KING] objected.

Mr. HARRIS. I objected to that.

Mr. ODDIE. I ask permission to insert in the RECORD, after the document that the Senator from Utah inserted in the RECORD——

Mr. ROBINSON of Arkansas. Objection is heard.

The PRESIDENT pro tempore. Objection is made.

Mr. ODDIE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator from Nevada will state it.

Mr. ODDIE. A statement was put in the RECORD by the Senator from Utah regarding this legislation that I introduced which contains statements that I do not think can be borne out by the facts. I ask that the report of the committee be placed in the RECORD following that statement.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON of Arkansas. That does not state any question of personal privilege.

Mr. ODDIE. The statement I have made in this report has been questioned by the statement put in the RECORD by the junior Senator from Utah [Mr. KING]. I will say, further, that the statement from the secretary of the Civil Engineers' Association, which the Senator from Utah inserted, is ill-becoming an association composed of such fine men as the civil engineers of our country. I do not believe that that association knew about the statement made by its secretary, and I feel that in justice to this great question of public roads in the United States this report should go in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada, thinking that a question of veracity exists, undoubtedly that is a question of personal privilege, and, without objection, the report will be printed in the RECORD.

The report (No. 797) submitted by Mr. ODDIE on April 13, 1928, is as follows:

Report to accompany S. 1718

The Committee on Post Offices and Post Roads, having had under consideration the bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin-American Republics in highway matters, report the same favorably and recommend its passage.

This bill would authorize the President of the United States, upon application from the foreign governments concerned and whenever in his discretion the public interest renders such a course advisable, to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo in highway matters.

The present law provides that the President may detail officers of the United States Army, Navy, and Marine Corps to assist the Latin-American Republics in military and naval matters. This bill is drawn with the exact wording and authorization as that with respect to officers of the Army and Navy. (See Senate hearings before Committee on Post Officers and Post Roads, March 30 and 31, 1928, pp. 4–9.)

The President in his message to Congress on December 6, 1927, called the attention of the Congress to the situation and to the advisability of authorizing him to have the same power with reference to engineers in highway matters as he possesses with respect to the officers of the Army and Navy. The President's message relating to this matter contains the following:

"While the advantage of having good roads is very large, the desire for improved highways is not limited to our own country. It should and does include all the Western Hemisphere. The principal points in Canada are already accessible. We ought to lend our encouragement in any way we can for more good roads to all the principal points in

this hemisphere south of the Rio Grande. It has been our practice to supply these countries with military and naval advisers, when they have requested it, to assist them in national defense. The arts of peace are even more important to them and to us. Authority should be given by law to provide them, at their request, with engineering advisers for the construction of roads and bridges."

A favorable report from the Department of Agriculture and from the Director of the Budget are contained in the following letters:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 27, 1928.

Hon. GEORGE H. MOSES,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

DEAR SENATOR: Further reference is made to letter of January 4 from the clerk to your committee transmitting a copy of S. 1718 for the information of the department and such suggestions concerning the subject matter of the bill as the department might wish to make.

This bill would authorize the President to detail engineers of the Bureau of Public Roads of this department to assist the Governments of Latin-American Republics in highway matters. It is believed that the purpose of the bill is very commendable. All of the Latin-American Republics have engineers highly trained in the technique of road building but few of them have had the opportunity of obtaining practical experience in carrying on any considerable program of highway construction and maintenance. Timely and valuable assistance, therefore, may be rendered these countries by the United States by furnishing advice and assistance to help their own engineers and highway officials supplement their theory of highway building with information as to the practical operations involved in properly designing highways and bridges and in the economic handling of materials and equipment in their construction. Such assistance can be rendered only by men who have had large experience in actually handling the details of the necessary operations. It is believed that the assignment of engineers in accordance with the provisions of the bill would make available to the Latin-American countries the experience acquired by our own engineers during the last 15 to 20 years from intensive road building which has been in progress in this country. It is further believed that the detail of experienced engineers in the manner proposed by the bill would serve to stimulate and cement a more friendly relationship and a better understanding with our sister Republics of the North American Continent. Furthermore, it is not believed that any additional appropriation would be necessary to enable the department to make the necessary detail of engineers for the first year at least, unless a larger demand than is anticipated for such details should be made, provided the department should be authorized to use for that purpose the administrative funds available under the Federal highway act.

The department therefore would recommend favorable action on the bill.

Sincerely,

W. M. JARDINE, *Secretary.*

Submitted to the Bureau of the Budget pursuant to Circular No. 49 of that bureau and returned to the Department of Agriculture under date of January 25, 1928, with the advice that the legislation proposed in S. 1718 is is not in conflict with the financial program of the President:

DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., February 25, 1928.

Memorandum re S. 1718, a bill by Senator ODDIE to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American Republics in highway matters:

(1) A report recommending favorable action on this bill was forwarded by the department to the chairman of the Committee on Post Offices and Post Roads of the Senate on January 27, 1928. The report of the department carried the indorsement of the Bureau of the Budget.

(2) The bill is in line with the recommendation of the President.

(3) Chapter 334, acts of the Sixty-ninth Congress, first session, authorizes the President to detail officers and enlisted men of the United States, Army, Navy, and Marine Corps to assist the Governments of Latin-American Republics in military and naval matters. This bill was approved May 19, 1926, copy attached.

(4) The proposed measure, S. 1718, would only authorize the President to detail engineers to assist the Governments of other Republics of the Western Hemisphere in highway matters, in the manner now provided for detailing officers and enlisted men to assist in military and naval matters.

(5) The Department of Agriculture has received in the past, requests for assistance in highway matters with which it has not been able to comply, or even make satisfactory recommendations. It would be of no assistance to any other government to detail engineers, except those of the highest qualifications and broadest experience in the handling of highway administration, and the men best fitted are those ranking high in the organizations of the Federal and State Governments. Because of the large program of highway work now under way in the United States, there is such a demand for engineers of the highest training and experience that they are not, except under unusual circumstances, available for employment by the foreign governments. It would be possible, however, to detach such engineers from active duty for a limited period for assignment to the official personnel of other governments, were these men to understand that upon their return they would resume their positions and would not have lost an opportunity for advancement because of this foreign service.

(6) No enduring system of roads, or any other system of public improvements, can be built and developed by the engineers of another country. The other Republics of the Western Hemisphere have engineers of high technical training, but they have not as yet had the opportunity to gain experience with the unusual development of mechanical power and mechanical equipment applied to highway building in the degree that it is being used in this country. They have not had the same opportunity for experience in the development of an organization to administer a wide system of highways necessary to cover big areas. The fundamental necessity of constant and efficient maintenance is one of the principles which was most difficult to learn and to put into effect in this country. It is one of the most valuable principles that can be transplanted by the right type of engineers to our sister Republics.

(7) This Nation can not keep itself apart from highway development in the other countries of Mexico, Central and South America. Its nationals are now actively engaged in a variety of ways in matters intimately connected with the development and utilization of highways. Many of these relationships are mutually desirable. The situation, however, is not free from many undesirable aspects tending to destroy confidence and promote in place of friendship between the United States and these other countries a lack of confidence, and even much ill will. Nor is this ill will unjustified by some of the situations which have developed. But, on the other hand, lack of understanding is a more fertile cause of lack of friendship than any other.

(8) In 1925 the delegation on the part of the United States to the First Pan American Road Congress, held at Buenos Aires, had conferences with the presidents and highway officials of the principal governments of Central and South America. Without exception their attitude was one of eagerness to extend and develop improved highways throughout the individual countries. Their attitude was highly typical of the attitude of officials similarly placed in this country before the present tremendous program of highway building began. With such an attitude prevalent throughout these countries, the United States now has the opportunity to undertake a highly constructive purpose which has the possibility of cementing friendships through service, of helping to promote peace through easier policing of the countries by reason of adequate highways, and of assisting in the improvement of economic and social conditions by reason of more adequate transportation.

(9) The greatest assistance the United States can extend to the other republics is in helping to improve transportation conditions. While the proposed measure is only one of the means to this end, it will be a highly effective one over a term of years.

Respectfully submitted.

THOS. H. MACDONALD,
Chief of Bureau.

(The bill referred to in the foregoing quotation is as follows:)

[Public—No. 247—69th Cong.]

(S. 1480)

"An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin-American Republics in military and naval matters

"Be it enacted, etc., That the President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States.

"Approved May 19, 1926."

In addition to the indorsement of the Secretary of Agriculture and the Bureau of the Budget of the proposed legislation, the following letters have been received from Hon. Thomas H. MacDonald, Chief of

the United States Bureau of Public Roads; Dr. L. S. Rowe, Director-General of the Pan American Union; and Mr. Pyke Johnson, of the National Automobile Chamber of Commerce, in behalf of this bill. The bill also has the full indorsement of other organizations in this country interested in international road matters.

DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., March 31, 1928.

Hon. TASKER ODDIE,
United States Senate.

DEAR SENATOR ODDIE: The proposed bill providing for sending engineers to Latin-American countries is necessary to supplement other proposed legislative action, to make possible carrying into effect resolutions adopted by the recent Pan American Congress, and to place the United States in a position to render assistance in highway matters which it has not been able to do in the past.

It is not proposed to send engineers from this country for any long detail to other countries and the salary provision is necessary under the circumstances. Highway engineers have their opportunity in the United States, not in foreign countries, now. To send the type of men who are necessary (and only a few would be required) the Government must be in a position to send its own employees under orders. The most desirable engineers, in general, will not be available otherwise. These men will have to maintain, if married, establishments in both countries, or else be put to the very considerable expense of moving at short intervals.

The provision for payment of salaries is exactly the same as now prevails in the legislation providing for detail of Army engineers to foreign countries, except that Army, Navy, and Marine Corps officers in general are much higher paid than are engineers in the employ of the Government, but in no case is the provision an unreasonable one.

It is believed that this legislation is in line with the President's recommendation that we in the United States do everything possible to assist the other nations of this continent in highway development.

The Department of Agriculture indorses this legislation but does not desire it without the salary provision in the measure.

Very truly yours,

THOS. H. MACDONALD, *Chief of Bureau.*

THE DIRECTOR GENERAL PAN AMERICAN UNION,
Washington, D. C., March 3, 1928.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I understand that the measure providing for the appointment of highway engineers for service in those Latin-American countries that may request the assistance of such engineers, will shortly come before the committee.

I hope that this measure will receive the favorable consideration of the committee and that it will also receive the approval of Congress. The Pan American movement rests on the basis of mutual helpfulness and cooperation between the Republics of the American Continent and on the principle of having the benefit of the experience of each placed at the disposal of all the Republics. I feel that the adoption of this measure will constitute a real service to the cause of Pan Americanism, inasmuch as it will place at the disposition of all the other Republics the experience of the highway engineers of the United States.

I beg to remain, my dear Senator,

Most sincerely yours,

L. S. ROWE.

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
Washington, D. C., March 2, 1928.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: I am directed by Mr. Roy D. Chapin, president of the National Automobile Chamber of Commerce, to inform you that at the last meeting of the board of directors of that organization a strong resolution was passed indorsing the principle contained in your bill to authorize the President of the United States to send engineering advisers to the countries of Latin America.

In the discussion which preceded the adoption of this resolution, the point was made that nothing could be done by the United States which would be of more value to sound highway development in the countries of the Pan American Union than to place at their disposal the experience and information which this country has acquired during the past quarter of a century in highway work.

Our people believe that the consulting advice which could be given through the United States Bureau of Public Roads will be of immeasurable value in all phases of highway development, and they are hopeful that early action can be had upon the measure because of the very definite results which they expect it to bring, both in good will and from an economic point of view.

A further indorsement of your measure on behalf of the automotive industry is contained in the appearance made by Mr. A. J. Brosseau, chairman of the highway committee, at the recent hearings of the Committee on Roads in the House. At that time, too, the American Association of State Highway Officials and the American Road Builders Association gave this proposal their cordial support, as I am sure you will find every responsible group interested in international highway relations will do.

I am, sir, sincerely,

PYKE JOHNSON.

Mr. ROBINSON of Arkansas. The Senator from Nevada never attempted to state any question of personal privilege. There is no objection to his having anything inserted in the RECORD that relates to the subject matter, but it is absurd to say that he raised a question of personal privilege.

MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

The PRESIDENT pro tempore. An amendment to the bill offered by the Senator from Idaho [Mr. BORAH] has been agreed to.

Mr. BORAH. The amendment referred to by the Chair was adopted at the last session when the calendar was under consideration.

The PRESIDENT pro tempore. That is correct.

Mr. ROBINSON of Arkansas. I should like to know the purpose and effect of the bill.

Mr. BORAH. Some Senator on the other side, I think, objected to its consideration.

Mr. ROBINSON of Arkansas. I do not object to its consideration.

Mr. BORAH. Do I understand that there was objection made to the consideration of the bill?

Mr. COPELAND. Mr. President, as the Senator from Idaho knows, I am forced to object to the consideration of the bill.

The PRESIDENT pro tempore. The bill will go over.

Mr. COPELAND. Mr. President, wait just one moment, please. Unless the Senator from Idaho is willing to eliminate section 13, I must object to the bill. Here is the trouble about the bill: There are many persons interested in the bill who have never had an opportunity to express their views, and I myself think it would be better to let the bill go over, if I may say so to the Senator from Idaho, until those persons can have their day in court.

Mr. BORAH. Mr. President, I desire to say in answer to the Senator from New York that this bill was introduced in its original form last December. It had extended consideration at the hands of the Agricultural Committee. After it came from the hands of the Agricultural Committee, the representatives of the different interests which are affected by the bill came to an agreement, and they offered 10 or 12 amendments. I accepted all the amendments which they offered, and incorporated them in a substitute for the bill, which, I understood, was satisfactory to the entire interests concerned. That substitute has been adopted. Now, in my opinion, the bill has been made to conform to the interests of those for whom the Senator from New York is speaking.

Mr. COPELAND. Unfortunately, my constituents do not think so. I think the bill is meritorious in many ways, but those interested in my State have not as yet reached the point where they are willing to agree to it; and they think they should have an opportunity to present their cause to the committee.

Mr. BORAH. Mr. President, after the negotiations which have been had, and the full understanding which has been reached on the part of those people, if they are now unwilling to stand by the agreement which was made they will have a full opportunity to be heard, and upon an entirely different bill.

The PRESIDENT pro tempore. The Chair understands the Senator from New York maintains his objection, and the bill will be passed over.

BRIDGE ACROSS SAN FRANCISCO BAY

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State was announced as next in order.

Mr. ODDIE. Over.

Mr. BINGHAM. I should like to ask the chairman of the subcommittee whether the subcommittee on bridges passed upon this bill.

Mr. DALE. Mr. President, this particular bill was not submitted to the subcommittee; the hearing on it was held before the full committee.

Mr. BINGHAM. Is the bill framed in accordance with the usual practice regarding bridge bills?

Mr. DALE. I can not answer the Senator as to that.

Mr. BINGHAM. Does it give the War Department the right to protect the navigability of the stream?

Mr. DALE. I understand it does.

Mr. LA FOLLETTE. Regular order, Mr. President!

The PRESIDENT pro tempore. The regular order being demanded and objection being made, the bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. SACKETT. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the U. S. Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

EMPLOYMENT OF MINORS WITHIN THE DISTRICT

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6685) to regulate the employment of minors within the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was on page 4, section 5, line 12, after the word "amusement," to insert "or as a messenger in the distribution or delivery of goods or messages for any person, firm, or corporation engaged in the business of transmitting or delivering messages"; so as to make the section read:

SEC. 5. No minor under 18 years of age shall be employed, permitted, or suffered to work (1) at operating any freight or passenger elevator, or (2) in any quarry, tunnel, or excavation, or (3) in any tobacco warehouse or cigar or other factory or place where tobacco is manufactured or prepared. No girl under the age of 18 years shall be employed, permitted, or suffered to work in any retail cigar or tobacco store, or in any hotel or apartment house, or as an usher, attendant, or ticket seller in any theater or place of amusement, or as a messenger in the distribution or delivery of goods or messages for any person, firm, or corporation engaged in the business of transmitting or delivering messages.

The amendment was agreed to.

The next amendment was on page 4, section 6, line 16, after the numeral "6," to strike out the words "No female under 21 years of age shall be employed, permitted, or suffered to work as a messenger for any telegraph or messenger company or service in the distribution or delivery of goods or messages of any kind"; in line 22, after the word "messenger," to strike out the words "for any telegraph or messenger company or service in the distribution or delivery of goods or messages," and to insert "for any person, firm, or corporation engaged in the business of transmitting or delivering messages"; and in line 26, after the word "day," to insert the words "nor shall any female between the ages of 18 and 21 be so employed before the hour of 6 o'clock in the morning, or after the hour of 7 o'clock in the evening of any day," so as to make the section read:

SEC. 6. No female under 21 years of age shall be employed, permitted, or suffered to work as a messenger for any telegraph or messenger company or service in the distribution or delivery of goods or messages at any time. No male between the ages of 18 and 21 shall be employed, permitted, or suffered to work as a messenger for any telegraph or messenger company or service in the distribution or delivery of goods or messages for any person, firm, or corporation engaged in the business of transmitting or delivering messages before 5 o'clock in the morning or after 12 o'clock midnight of any day, nor shall any female between the ages of 18 and 21 be so employed before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening of any day.

The amendment was agreed to.

Mr. CAPPER. Mr. President, I desire to submit two minor amendments to the bill, which I ask to have adopted.

The PRESIDENT pro tempore. The first amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. On page 3, line 9, it is proposed to strike out the words "or during the proscribed hours."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. On page 4, line 10, after the words "hotel or," it is proposed to insert the words "for any."

The amendment was agreed to.

Mr. KING. May I ask the Senator if the amendments just offered by him were considered by the committee?

Mr. CAPPER. They were, and there was no objection on the part of anyone. The amendments were suggested by the Senator from Delaware [Mr. BAYARD], the committee considered them and found that they were acceptable in every respect. There could not possibly be any objection to them.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF PRACTICE OF HEALING IN THE DISTRICT

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Order Business No. 768, being the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia. I make the request in order that I may move an amendment to the amendment offered by the Senator from Maryland.

The PRESIDING OFFICER. Is there objection to returning to Senate bill 3936?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia.

Mr. COPELAND. I ask unanimous consent to reconsider the vote whereby the amendment proposed by the Senator from Maryland was agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. COPELAND. I move to amend the amendment of the Senator from Maryland by striking out on page 2, line 2, after the word "years," the remainder of the paragraph, consisting of four lines.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. DILL. Let us have the amendment read.

Mr. BRUCE. Let us have the original amendment read as it stands now.

The PRESIDING OFFICER. The original amendment will be stated.

The CHIEF CLERK. The amendment submitted by the Senator from Maryland reads as follows:

On page 25 following line 11 insert the following amendment:

Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission, within 90 days after the approval of this act, a written application for a license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally incorporated school or college of chiropractic, and had been actively engaged in the practice of chiropractic for the past 10 years, or had previously obtained a diploma from some legally incorporated school or college of chiropractic recognized by the International Congress of Chiropractic Examining Boards.

Mr. COPELAND. My amendment proposed to strike out the last four lines.

Mr. DILL. How will the amendment then read?

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "years," it is proposed to strike out down to and including the word "Boards," in line 5, reading as follows:

Or had previously obtained a diploma from some legally incorporated school of chiropractic recognized by the International Congress of Chiropractic Examining Boards.

Mr. DILL. Mr. President, I do not see the necessity of the amendment to the amendment. I think it puts an unjust burden on the chiropractor.

Mr. COPELAND. No; it puts all those who are in the District of Columbia in; they will have the right to practice.

Mr. DILL. What about those who may come into the District hereafter?

Mr. COPELAND. They will have to meet the requirements of the medical board, just as a doctor does.

Mr. DILL. What if they have not been engaged in the practice for 10 years?

Mr. COPELAND. This takes care of all those who are now in the District and have been in practice for 10 years, but anyone who is a graduate of a chiropractic school who comes here at any time in the future, by taking the examination, may enter the practice of chiropractic.

Mr. DILL. What about those here who have not practiced for 10 years?

Mr. FLETCHER. They will have to be examined.

Mr. DILL. I object to the amendment, and I object to the further consideration of the bill.

Mr. COPELAND. Before the bill goes over, let me make a change in language only: In line 17, on page 37, I move that the letter "(a)" be placed after the word "apply."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 37, line 17, it is proposed to have the letter "(a)" placed after the word "apply."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to, and the bill will be passed over.

EFFICIENCY OF THE MILITARY ESTABLISHMENT

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as in order.

Mr. REED of Pennsylvania. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM H. CHAMBLISS

The bill (S. 2274) for the relief of William H. Chambliss, was announced as next in order.

Mr. KING. Mr. President, let me say to those who are interested in that bill that I received a letter yesterday from the Secretary of State and I received a letter last Saturday from the Shipping Board and if those letters state the facts—and I have no reason to doubt their accuracy—then it is obvious that this bill should not be passed, and I object to it.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. EDGE. Mr. President, will the Senator permit me a few minutes to present another viewpoint of the question?

Mr. KING. I will say to the Senator that I was inclined to support this bill until I made an investigation of the facts and secured from the Shipping Board and the State Department reports concerning the causes which led to the separation of Mr. Chambliss from service with the Shipping Board. Until I am convinced of the lack of verity of these reports I am unwilling to support the bill. I have been advised within the past two or three days by officials in the State Department and Shipping Board that they adhere to the positions heretofore taken by them.

Mr. EDGE. Does the Senator know that only within the last week the President of the United States commissioned this captain as a reserve officer in recognition of the fact that the Shipping Board had unjustly put him on the blacklist for six or seven years?

Mr. KING. I am familiar with the action of the President, but submit that the Senator has not quite accurately stated all the facts.

The PRESIDENT pro tempore. The Chair understands the Senator from Utah maintains his objection, and the bill will go over.

Mr. EDGE. As there seems to be some question of veracity, I hope I may be allowed to add there is no doubt about the President having commissioned him as a reserve lieutenant, is there?

Mr. KING. I understand that in a pro forma way the President has recently restored him to the naval reserves, but he has not been given a position by the Shipping Board, and this organization still maintains that the charges against him—and I do not want to repeat them—were sustained and that its action was proper. If the Senator cares to see the reports which I have received from the Shipping Board and the State Department, I shall be glad to show them to him. The President, I submit, has not determined that the discharge of Mr. Chambliss was unwarranted.

Mr. EDGE. The Senator will admit, will he not, that they absolutely reversed their position and restored his master's certificate as a captain in the merchant marine, although they kept him out of any salary for five or six years?

Mr. KING. I do not admit that the State Department or Shipping Board have reversed their position, but, upon the contrary, they adhere to it.

Mr. FLETCHER. Mr. President, is the Senator from Utah aware of the fact that Admiral Benson has written a communication in which he says he was in error about this case for a long while, and completely exonerating Mr. Chambliss?

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

The PRESIDENT pro tempore. Let that bill go over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENSION OF CORRUPT PRACTICES ACT

The bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes, was announced as next in order.

Mr. SACKETT. I ask that the bill go over.

Mr. McKELLAR. Mr. President, may I ask who it was who objected to the bill?

The PRESIDENT pro tempore. The bill was objected to by the Senator from Kentucky.

Mr. SACKETT. I asked that the bill go over.

Mr. McKELLAR. Would the Senator care to hear just exactly what the bill seeks to accomplish? I do not think the Senator would object to it if he understood the bill. Will the Senator withdraw his objection long enough for me to make a statement about it?

Mr. SACKETT. Very well.

Mr. McKELLAR. This bill was introduced for the purpose of reenacting the primary law that was passed some years ago to make it accord with the opinion of the Supreme Court in the Newberry case.

It will be remembered that in that case one of the judges especially, and two or three indirectly, stated that if the law then under consideration had been passed subsequently to the adoption of the seventeenth amendment it would present an entirely different question; so this bill was introduced for the purpose of correcting that situation.

The Judiciary Committee went over the bill very carefully a number of times, both the subcommittee and the full committee, and made many amendments, and these amendments were submitted to many who were interested of the larger States, as well as of the smaller States. Then after all those amendments were made another bill was introduced containing all those amendments, and that is why the bill is reported without amendment.

In the interest of fair and honest elections, I hope this bill may pass and go over to the House, and let them act on it if it is possible.

I hope the Senator will withdraw his objection.

Mr. ROBINSON of Arkansas. Mr. President, the bill recognizes the distinction between States in the matter of population?

Mr. McKELLAR. Yes.

Mr. ROBINSON of Arkansas. It does not attempt to fix an arbitrary limitation?

Mr. McKELLAR. Not at all. The committee called in the various Senators representing the various larger States in order to get a satisfactory provision, and I think it was made satisfactory to each and to every one.

Mr. SACKETT. What is the basis of it?

Mr. BINGHAM. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

Mr. McKELLAR. It is quite a long bill.

Mr. SACKETT. I think we ought to know what it is.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order is demanded, and the bill will be passed over.

BILLS PASSED OVER

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Mr. President, that matter was brought up the other evening, and I took the view, as other Senators did, some of whom objected, that it is too early for Hawaii and for the Territory of Alaska to select their great men and place their statues in Statuary Hall. I think they had better wait until they become States, or, at least, until they are satisfied that the greatest men born there or reared there or developed there are ready for designation.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

Mr. WHEELER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EQUALIZATION OF PAY OF REGULAR ARMY OFFICERS

The bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army was announced as next in order.

Mr. KING. Let that go over.

Mr. SHEPPARD. Mr. President——

Mr. KING. I will hear the Senator.

Mr. SHEPPARD. May I say to the Senator from Utah that the Army pay act of 1922, which provided periodical pay increases for Army officers omitted, through an oversight, certain officers—majors, colonels, and captains, principally—who came into the Army in 1920 and who had served in the World War. They came in at such an age that if they are not given the benefit of period pay, a recognition which the act of 1922 intended them to have in common with all other officers, they will, most of them, be retired in their present rank without a pay increment of any kind. The bill corrects an evident oversight in the pay act of 1922 and ends a most unjust discrimination.

Mr. STECK. Mr. President, there has been called to my attention a class of officers who came in in 1920 and who were not commissioned as captains, but afterwards their commissions were dated back to July 1, 1920. It seems to me this bill should be amended so as to take care of those officers.

Mr. SHEPPARD. The Senator from Iowa has an amendment which will cover those officers, and I shall be glad to accept it.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. KING. Mr. President, may I ask the chairman of the Committee on Military Affairs, the Senator from Pennsylvania [Mr. REED], whether this bill meets the approval of the committee and the approval of the War Department?

Mr. REED of Pennsylvania. Mr. President, the bill was very carefully studied by the committee, and the situation, in a word, is just this:

When these officers came in, they were men of mature age who came in after a very intensive experience in the World War. The Army bill of 1920, the national defense act, gave them a constructive service for the purpose of promotion; but in drawing the pay act of 1922 it was neglected to give them the advantage of the same constructive service. So it follows that a major, for example, will serve throughout 10 years of service without getting the advantage of what are called "fogies" in calculating his pay, but the moment he gets a promotion he gets the advantage of all that from constructive service. It is an inconsistency that was never intended by the pay act.

Mr. KING. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the first section of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service" (42 Stat. 625), be, and the same is hereby, amended by inserting after the semicolon following the word "service" and before the word "and" in the twelfth line of the third paragraph of said section the following: "and to lieutenant colonels of the Army who were appointed to the Regular Army under the provisions of said section 24 in such grade of lieutenant colonel, and who have completed 10 years' service; and also to lieutenant colonels of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in the grade of major and who have completed 19 years' service; and also to lieutenant colonels of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in the grade of captain and who have completed 29 years' service"; and by inserting after the colon following the word "service" in the thirteenth line of the fourth paragraph of said section the following: "and to majors of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in such grade of major and who have completed 9 years' service; and also to majors of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in the grade of captain and who have completed 19 years' service"; and by inserting after comma following the word "service" in the eleventh line of the fifth paragraph of said section the following: "and to captains of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in such grade of captain and who have completed 10 years' service."

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. BROOKHART] offers an amendment, which will be stated.

The CHIEF CLERK. On page 3, line 1, after the word "captain," it is proposed to insert:

Or whose present rank as captain dates from July 1, 1920, or earlier.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3241) for the relief of Seymour Buckley was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, was announced as next in order.

Mr. KING. Let an explanation be made of that bill.

The PRESIDENT pro tempore. The Senator reporting the bill is not present.

Mr. BRATTON. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

USE OF MAILS IN CONNECTION WITH FRAUDULENT DEVICES AND LOTTERY PARAPHERNALIA

The bill (S. 2751) to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia, was considered as in Committee of the Whole.

The PRESIDENT pro tempore. This bill was considered on May 3, and an amendment by the Senator from Texas was pending, which will be stated.

The Chief Clerk proceeded to read the amendment, which was to strike out all after the enacting clause and insert the following:

That section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. Code), be amended so as to read as follows:

"SEC. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or concerning any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or concerning any unfair, dishonest, or cheating gambling article, device, or thing; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance; and no article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or matter relating thereto; and no unfair, dishonest, or cheat-

ing gambling article, device, or thing; and no check, draft, bill, money, postal note, or money order for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, or containing any advertisement of any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or containing any advertisement of any unfair, dishonest, or cheating gambling article, device, or thing, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provisions of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

Mr. SHEPPARD. The amendment was read the other night, having been offered by me at that time. It perfects the bill, and I ask that it be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the time time, and passed.

BILLS PASSED OVER

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Let that go over.

Mr. COPELAND. Mr. President, was objection made to this bill?

The PRESIDENT pro tempore. Objection was made by the senior Senator from Colorado.

Mr. COPELAND. Are there not any words that I can use to induce the senior Senator from Colorado to change his mind?

Mr. PHIPPS. I do not think it could be done under the five-minute limit, which is in force to-night. I shall be very glad to discuss the matter with the Senator.

Mr. COPELAND. I am very sorry. I think the bill should be passed.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

Mr. DILL. Mr. President, I think this is a bill that ought to be passed. It looks to the future for a great highway across the continent. While it will be a long time before it is built, it seems to me that it has a great deal of merit. I wish the Senator could withdraw his objection.

Mr. WALSH of Montana. I simply consider the bill as so comprehensive in its scope that it ought to be discussed, at least.

Mr. DILL. I realize that. It is very desirable legislation, however.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. BROOKHART. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk and field clerk, Quartermaster Corps, of the United States Army when honorably discharged, was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. BLAINE (and other Senators). Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLIE R. PATE

The bill (H. R. 4652) for the relief of Charlie R. Pate was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND OFFICE AT ROSWELL, N. MEX.

The bill (S. 3136) creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That an additional land district is hereby created in the State of New Mexico to embrace lands described as follows:

"Beginning at the southeast corner of the State of New Mexico and running thence north on the east line of said State to the base line of the public-land survey in said State; thence west on said line to the range line between ranges 8 and 9 east; thence south on said range line to the first standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the second standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the third standard parallel south; thence east on said line to the range line between ranges 8 and 9 east; thence south on said line to the south line of the State of New Mexico; thence east on said line to the point of beginning, and that Roswell, within said district, is hereby designated as the site for the land office thereof."

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Las Cruces and Santa Fe land offices which relate to or form a part of the record of the lands embraced in the land district hereby created to be transferred to the same, and said district created as aforesaid shall be known as the Roswell land district.

SEC. 3. That the President is authorized to appoint, by and with the consent of the Senate, a person to act as register of the aforesaid Roswell land district; and such clerical force as may be necessary shall be assigned to the said Roswell land office by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 584) for the relief of Frederick D. Swank was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5894) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn., was announced as next in order

Mr. HOWELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF ACT PROVIDING CIVIL GOVERNMENT FOR PORTO RICO

The bill (H. R. 8559) to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, that is the bill which imposes a tariff on coffee imported into Porto Rico. It seems to me this bill ought to be considered, like other tariff measures, in the Committee on Finance. Therefore, I will ask if we may not have it recommitted to the Committee on Finance for consideration; and I make that motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. BINGHAM. Mr. President, may I say to the Senator from Pennsylvania that the original organic act for the civil government of Porto Rico, which was reported out of the Committee on Territories and Insular Possessions, contained a 5 per cent duty on coffee imported into Porto Rico, and this bill increases it to 10 per cent; but I have no objection to its going to the Committee on Finance.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is referred to the Committee on Finance.

BILL AND JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. BROOKHART. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

THE AIR CORPS

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think this bill should be considered and acted upon by the Senate. I desire, however, to bring to the attention of the Senate the fact that the original bill as it passed the body at the other end of the Capitol, H. R. 12814, aimed to correct what is alleged to have been the injustice that has long been recognized as existing among the Air Corps officers. The House Committee on Military Affairs made a prolonged study of the personnel of the Air Corps. They reported this bill. A similar bill was introduced in the Senate. The House of Representatives on May 7, I think, passed this bill unanimously. The Senate Committee on Military Affairs struck out the entire House bill, and inserted other provisions only remotely related to the subject matter of the original House bill.

I point out the fact that the House bill had the approval of the Secretary of War, the Assistant Secretary in Charge of Aviation, the Chief of Staff, the Chief of the Air Corps, and I think it has also the practically unanimous indorsement of fliers throughout the country. Colonel Lindbergh appeared before both the Senate committee and the House committee and made a general statement in support of the purposes of the bill. He did not attempt to analyze the details of the bill, but was in hearty accord with the intention to create a separate promotion list.

I wish to inquire of the Senator from Pennsylvania whether he can not see his way clear to retain the House provision?

Mr. REED of Pennsylvania. Mr. President, there is very much in the idea of the House committee and the original bill that is meritorious, and we tried to preserve that in the Senate substitute; but we were all convinced that we could do no worse service to the Air Corps than to give it a separate promotion list, distinct from the promotion list of the rest of the Army.

We have tried to retain, and have retained, in the Senate substitute, the items of compulsory promotion after a certain number of years of service, and we have also, as the Senator will see in section 3, given to the Air Corps the necessary number of higher ranking officers by temporary promotions which will fill the gaps of which Colonel Lindbergh spoke. He appeared also before the Senate Committee, and with his main thought we were all of us in sympathy, but we all decided that it would be doing a poor service to the Air Corps to single it out as the peculiar beneficiary of special promotion legislation.

I might say to the Senator that the substitute bill which is reported for the Furlow bill met with the unanimous approval of the members of the Committee on Military Affairs. We differ in our views about details, but on this substitute we are unanimously in accord.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. KING. I am compelled to state to the Senator—and I do it with much regret—that the junior Senator from Alabama [Mr. BLACK] was detained, and he asked me to object to this bill. I forgot it, and I am just reminded by Colonel Halsey of my promise that if the bill came up I would interpose an objection.

The PRESIDENT pro tempore. Objection being interposed, the bill will go over.

Mr. REED of Pennsylvania. Mr. President, if the Senator will permit me, before we go to the next bill——

Mr. KING. I withhold my objection.

Mr. REED of Pennsylvania. The Senator from Alabama is in hearty accord with the provisions of the substitute bill, but he wishes to offer an amendment to it, adding to its provisions, not changing them, but adding to them, and in his absence I have nothing to do but to acquiesce.

Mr. KING. I hope the Senator will pardon me for interposing the objection.

Mr. FLETCHER. Mr. President, the Senator may state also that this substitute meets with the approval of the Air Corps.

Mr. ROBINSON of Arkansas. That is not the information which has come to me.

Mr. BLAINE. Regular order!

The PRESIDENT pro tempore. The clerk will report the next bill on the calendar. The Senator from Arkansas can continue to hold the floor, however.

Mr. ROBINSON of Arkansas. I wish to conclude my statement. Of course, if the Senator from Wisconsin insists, I shall wait until the next bill is called before I conclude my statement, but I apprehend he will not take that course.

My information is that the Air Corps would prefer the substitute to no legislation, but that they have never abandoned their advocacy of what is known as the furlough bill. They favor that, and they would like to see it passed. If I am incorrect about that, the Senator from Pennsylvania can say so.

Mr. REED of Pennsylvania. I think the Senator from Arkansas has stated the facts exactly, but the committee tries to look at it from the standpoint of the Army as a whole, and we are convinced that it would not be for the interests of the Air Corps to adopt the furlough bill without a change.

The PRESIDENT pro tempore. The next bill will be announced.

EXTENSION OF FOURTEENTH STREET

The bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOINT COMMISSION ON INSULAR REORGANIZATION

Mr. BINGHAM. Mr. President, I ask unanimous consent that we return to calendar 1131, Senate Joint Resolution 9, to establish a joint commission on insular reorganization. I understand that the Senator from Wisconsin [Mr. LA FOLLETTE], who asked that it go over, withdraws his objection.

The PRESIDENT pro tempore. Is there objection to returning to Senate Joint Resolution 9?

Mr. KING. Mr. President, before I consent to that, I would like to ask the Senator whether it does not contemplate the retention by the United States of control over the Philippine Islands for an indefinite period.

Mr. BINGHAM. No, Mr. President; this is merely for the creation of a joint commission of Congress to study and ascertain whether some way may not be found whereby our insular possessions may cease to be under three departments of the Government. Certain of the islands, namely, Guam, American Samoa, and the Virgin Islands, are under the Navy; certain others, namely, the Hawaiian Islands and the Aleutian Islands, are under the Interior Department; and Porto Rico and the Philippines are under the War Department.

This measure is for the creation of a commission to study and report to Congress not later than December 16, 1929, whether or not it may be feasible to create a department or bureau or central office where all insular matters may be considered.

Mr. ROBINSON of Arkansas. I think the bill has a meritorious purpose, and I am impressed that it is worthy of consideration.

Mr. KING. If that is the only purpose, I have no objection, but I do know that there is a determination upon the part of many in the United States to retain forever control of the Philippine Islands, contrary to the pledge we have made to give them independence. If this is a step in that direction—that is, to retain control and jurisdiction over the Philippine Islands—I shall be very much opposed to it.

Mr. DILL. Mr. President, may I ask the Senator from Connecticut whether this does not contemplate a bureau of foreign affairs similar to the ministries of foreign affairs of European countries?

Mr. BINGHAM. All that is contemplated is a commission of five Senators and five Members of the House to study the situation and report to the next session of Congress.

Mr. DILL. I have read the bill, but it seems to me that is exactly what it is looking to, namely, the establishment of a bureau of the foreign dominions of the United States. I do not see any necessity of it, myself. I think the bill had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

POCAHONTAS FUEL CO. (INC.)

The bill (H. R. 4926) for the relief of the Pocahontas Fuel Co. (Inc.), was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY M. KING

The bill (S. 4376) for the relief of Harry M. King was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CARL C. BACK

The bill (H. R. 1616) for the relief of Carl C. Back was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

Mr. EDGE. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

FEDERAL LAND AND INTERMEDIATE CREDIT BANK, COLUMBIA, S. C.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal land and intermediate credit bank at Columbia, S. C., was announced as next in order.

Mr. BLEASE. Mr. President, it would take more than five minutes to put in the RECORD what I think ought to be placed in the RECORD relating to the matter, and I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

TAX ASSESSMENTS UPON HON. JAMES COUZENS

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

SALARIES OF POSTMASTERS

The bill (S. 1679) amending the act of February 28, 1925, reclassifying the salaries of postmasters was announced as next in order.

Mr. KING. Let that go over.

Mr. PHIPPS. Will the Senator withhold his objection for a moment?

Mr. KING. Certainly.

Mr. PHIPPS. The bill has been amended, as the Senator will note, so that the amounts proposed to adjust the salaries in the principal post offices of the United States are now in this bill less than the amounts the Senate voted a year ago.

Mr. EDGE. Mr. President, may I interrupt the Senator?

Mr. PHIPPS. Certainly.

Mr. EDGE. For the information of the Senate, I may say that that bill passed the Senate at the last session, sponsored by the Senator from New York, Mr. Wadsworth, and it was developed during the discussion that this particular class of postmasters were the only class in the Postal Service whose salaries had not been raised by the readjustment act which had been passed raising second, third, and fourth class postmasters. This refers alone to first-class postmasters. It passed the Senate under unanimous consent a year ago with the salaries on a higher plane.

Mr. KING. Mr. President, that argument would not appeal to me at all. The fact is that we are paying Federal employees far more than people get in private life. The appropriations this year to salaries of Federal employees, only a part of the Federal employees, those who have had the benefit of retirement, will amount to $850,000,000, approximately one-fourth of all the revenue that we obtain.

Mr. EDGE. Mr. President, the Senator says the argument does not appeal to him; but does not the argument appeal to him that it means adjusting salaries on a businesslike basis? That is exactly what this bill proposes to do.

Mr. PHIPPS. Mr. President, I desire to call attention to the fact that the highest salary provided for covers the office in the city of New York, where the salary is now $8,000, which certainly should be adjusted. This bill proposes to make it $10,000. During the last Congress the Senate voted that the salary should be $12,000, and the others are in proportion. These raises are, most of them, $500 a year. The total amount involved is about $47,000. I have the data before me here, but I did not desire to take up much of the time of the Senate on it. The bill was unanimously reported by the Committee on Post Offices and Post Roads after serious consideration and after cutting down the amounts that had been previously agreed to.

Mr. KING. May I ask the Senator whether there was any difficulty in finding aspirants for these various positions?

Mr. PHIPPS. I have not had any difficulty in my experience any more than the Senator has probably had.

Mr. KING. I was asking if there was any difficulty.

Mr. PHIPPS. I submit very respectfully that a man who is loaded down with the responsibilities and duties of an office such as that of postmaster in the city of New York certainly should be recompensed to the extent of $10,000 a year. I think that is a minimum salary for that position.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

DISTRICT COURT OF THE CANAL ZONE

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. ROBINSON of Arkansas. Let the Senator reporting the bill make an explanation of it. It seems to be of considerable importance.

Mr. WATERMAN. Mr. President——

Mr. EDGE. Mr. President, I would like to have the bill go over. I have a protest from the War Department, under whose jurisdiction these courts have been and are now. They have not been even heard by the committee, and they have asked me for at least an opportunity to be heard.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA

The bill (S. 4127) to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. CAPPER. Mr. President, I hope the Senator will withhold his objection, until I make a short statement. The Assistant Attorney General, Mr. Marshall, representing the Government, and the corporation counsel of the District of Columbia, Mr. Bride, came before the Committee on the Judiciary, which has this bill before it, and made the strongest kind of a showing in favor of the appointment of another judge for the District of Columbia. The Supreme Court of the District of Columbia now has the same number of judges that it had 49 years ago, in which time the population of the city has more than trebled. It now takes an average of a year and a half to bring a civil case to trial. The court is at present absolutely unable to handle the business of the district.

Mr. BRATTON. Mr. President, let me ask the Senator how many judges there are on the Supreme Court of the District of Columbia.

Mr. CAPPER. There are six judges, as there were in 1879.

Mr. BRATTON. How does that number compare with the number in other cities of substantially the same population as that of the city of Washington?

Mr. CAPPER. It is a smaller number than is required in any other city in the United States of similar population.

Mr. BRATTON. I withdraw the objection.

Mr. ROBINSON of Arkansas. Mr. President, does the court sit in divisions?

Mr. FLETCHER. I think the bill had better go over.

Mr. WALSH of Montana. Mr. President, in answer to the Senator from Arkansas, I may state that each judge sits alone. Six judges are at work all the time.

Mr. ROBINSON of Arkansas. So that the addition of another judge would facilitate the handling of the business of the court?

Mr. WALSH of Montana. Oh, yes.

Mr. ROBINSON of Arkansas. That is what I was anxious to find out.

Mr. WALSH of Montana. An additional judge is particularly needed at this time, because it is contemplated that a very large amount of work will be entailed in consequence of the construction program in the District of Columbia. Condemnation proceedings of a very extensive character will be necessary.

Mr. ROBINSON of Arkansas. I think it is very sound policy to provide an adequate number of judges to dispense justice in any jurisdiction.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Objection has been made, and the bill will be passed over.

JOHNS-MANVILLE CORPORATION

The bill (S. 1547) for the relief of Johns-Manville Corporation was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$6,465.37" and to insert in lieu thereof "$6,316.31," and in line 7, after the word "labor" and the comma, to insert the words "services, and material," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Johns-Manville Corporation the sum of $6,316.31 for increased cost of labor, services, and material on contract No. 3839–B for roofing at naval ordnance plant, South Charleston, W. Va.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL MEMORIAL ASSOCIATION (INC.)

The joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America, was announced as next in order.

Mr. KING. Let the joint resolution be read.

Mr. BRATTON. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PIER AT STONINGTON, ME.

The bill (H. R. 11950) to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ARMISTICE DAY

Mr. MAYFIELD. Mr. President, I ask unanimous consent to recur to Calendar 715, the joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday. It was passed over, on objection. The joint resolution simply declares——

The PRESIDING OFFICER. Is there objection to recurring to Calendar 715, as requested by the Senator from Texas?

Mr. KING. Does it create another holiday?

Mr. MAYFIELD. It simply declares that the 11th day of November, known as Armistice Day, shall be made——

Mr. BRUCE. Over.

The PRESIDING OFFICER. Objection having been made, the joint resolution goes over and the clerk will report the next bill on the calendar.

APPOINTMENT OF COURT STENOGRAPHERS

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. KING. Over.

Mr. SHEPPARD. Mr. President, may I ask the Senator——

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. KING. No.

The PRESIDING OFFICER. The bill will be passed over.

RIO GRANDE FEDERAL IRRIGATION PROJECT, NEW MEXICO-TEXAS

The bill (S. 4167) extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas, was announced as next in order.

Mr. PHIPPS. Mr. President, the House has passed the bill (H. R. 11471), Calendar 1303, which is a duplicate of the Senate bill, Calendar 1216. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection to the substitution of the House bill for the Senate bill? The Chair hears none and lays before the Senate the House bill.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 11471) extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to enter into amended contract with the Elephant Butte irrigation district, of New Mexico, and El Paso County water improvement district No. 1, of Texas, whereby, after the payment of the first four annual installments, as now provided for in existing contracts, upon the construction charge under the Rio Grande Federal irrigation project, New Mexico-Texas, the remaining unpaid construction charge per irrigable acre shall be payable annually in installments of $3.60.

SEC. 2. These annual payments shall continue until the total construction charge against said districts is paid.

SEC. 3. The existing contracts between the United States and Elephant Butte irrigation district, of New Mexico, and between the United States and El Paso County water improvement district No. 1 shall remain unaltered except as herein otherwise directed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4167 will be indefinitely postponed.

INTERNATIONAL PETROLEUM EXPOSITION, TULSA, OKLA.

The joint resolution (H. J. Res. 292) authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928, was announced as next in order.

Mr. FLETCHER. Mr. President, what is the need of this exposition?

Mr. THOMAS. Mr. President, the joint resolution merely authorizes the President to invite the various States and foreign countries to participate in the International Petroleum Exposition which is to be held at Tulsa, Okla., next October.

Mr. FLETCHER. Does it involve any expense on the part of the Government?

Mr. THOMAS. No expense whatever.

Mr. FLETCHER. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the President of the United States is authorized to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed International Petroleum Exposition, to be held at Tulsa, Okla., beginning October 20, 1928, for the purpose of exhibiting samples of fabricated and raw products of all countries used in the petroleum industry and bringing together buyers and sellers for promotion of trade and commerce in such products.

SEC. 2. All articles that shall be imported from foreign countries for the sole purpose of exhibition at the International Petroleum Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YUMA AUXILIARY PROJECT, ARIZONA

The bill (S. 1142) amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma auxiliary project, Arizona, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the lands in the Mesa division, Yuma auxiliary project, constructed and operated pursuant to the act of January 25, 1917 (39 Stat. L. 868), and acts amendatory thereof and supplementary thereto, shall hereafter be subject to sale in tracts of 10 to 160 acres at a price to be fixed by the Secretary of the Interior and the estimated cost of constructing and providing the necessary works for the irrigation of said lands.

SEC. 2. That the purchase price of land and water right hereafter sold shall be paid to the United States in 40 equal annual installments, the first of which shall be due and payable at the date of purchase and the remaining installments annually thereafter until paid. No interest shall be payable on the amount represented by the first 10 installments, but interest at the rate of 4 per cent per annum shall be payable annually on the indebtedness represented by installments 12 to 40, inclusive, after the end of the tenth year from the date of sale. All installments unpaid when due shall bear interest at the rate of 6 per cent per annum from the date of default until paid. Contracts of six months or more in default on any installments or interest payment shall be subject to cancellation and the forfeiture of all payments made thereon: *Provided*, That the Secretary of the Interior is authorized at any time within one year from the date this act becomes effective to amend any existing uncompleted contracts for the purchase of land and water rights purchased pursuant to the act of February 21, 1925 (43 Stat. L. 962), so that the aggregate amount of the principal and interest remaining unpaid under such contract may be paid in 40 equal annual installments in accordance with the conditions of this act, beginning with the date of the amendatory contract.

SEC. 3. All acts and parts of acts in conflict with the provisions hereof are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project, was announced as next in order.

Mr. WHEELER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. WHEELER. Over.

The PRESIDING OFFICER. The bill will be passed over.

YOSEMITE NATIONAL PARK BOUNDARY

The bill (H. R. 12038) to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes, was considered as in Committee of the Whole.

Mr. NORBECK. Mr. President, the report of the Secretary calls attention to an error in the bill. Therefore, I want to offer an amendment to correct the error. The third word on page 2, line 23 should be "northwest" instead of "northeast."

The PRESIDING OFFICER. The Chair will inform the Senator from South Dakota that the bill on the calendar, page 2, line 23, reads as follows: "Township 3 south, range 21 east, and northwest quarter."

Mr. NORBECK. The correction has evidently been made. I withdraw the amendment.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of protecting park deer along the western boundary of the Yosemite National Park, the Secretary of the Interior be, and he is hereby, authorized to acquire as part of said park, by exchange as hereinafter provided, title in fee for and on behalf of the United States of America to all that land in sections 21 and 28 in township 3 south, range 20 east, Mount Diablo meridian, lying between the abandoned railroad grade running from a point in the Wawona Road near Chinquapin to the top of the abandoned incline hoist in the northeast quarter of the southwest quarter of section 21, and the east and west center line of section 21, and in sections 22, 23, 24, 25, 26, and 27 lying between said abandoned railroad grade and the existing park boundary, containing 1,350 acres, more or less, now held in private ownership, which lands upon acquisition shall be, and are hereby, added to the park; and in exchange therefor the said Secretary be, and he is hereby, authorized to issue patent to the owner of said lands for the Government lands described as follows: That part of the north half of northeast quarter lying south of abandoned railroad grade hereinbefore mentioned, north half of southwest quarter of northeast quarter, southwest quarter of southwest quarter of northeast quarter, southwest quarter, west half of northeast quarter of southeast quarter, and southwest quarter of southeast quarter of section 25, township 3 south, range 20 east; north half of section 36, township 3 south, range 20 east, southwest quarter northeast quarter, south half northeast quarter northwest quarter, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southeast quarter, and west half southwest quarter southeast quarter section 32, township 3 south, range 21 east; and northwest quarter section 5, township 4 south, range 21 east; containing 1,010 acres, more or less, which lands upon issuance of patent shall be, and are hereby, eliminated from said park.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1314) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah, was announced as next in order.

Mr. PHIPPS. Mr. President, I notice in the language of section 3, page 2, that "for the purpose of acquiring title to the lands and improvements thereon, the sum of $54,160 is hereby appropriated." I suggest an amendment to make it read "authorized to be appropriated."

Mr. ROBINSON of Arkansas. Over.

The PRESIDING OFFICER. On objection the bill will be passed over.

TOWN OF SPRINGDALE, UTAH

The bill (H. R. 12706) for the relief of the town of Springdale, Utah, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, under such reasonable regulations as he may prescribe, to grant permission to the town of Springdale, Utah, to divert through such piping facilities as may be necessary, for domestic and other uses within the limits of said town of Springdale, Utah, water from certain springs in the Zion National Park, Utah, situated at the head of what is known as Oak Creek, which crosses the main highway about one-half mile below the park boundary, and located in approximately section 20, township 41 south, range 10 west, Salt Lake meridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMODORE J. M. MOORE

The bill (S. 3632) for the relief of Commodore J. M. Moore, United States Coast Guard, retired, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Spanish War service of Second Lieut. James M. Moore, United States Revenue Cutter Service (now commodore, retired, U. S. Coast Guard), attached to the U. S. revenue cutter *Woodbury*, operating as a part of the Navy during the war with Spain, be considered for all purposes as continuing during the period the *Woodbury* operated as a part of the Navy in 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCY B. KNOX

The bill (H. R. 1406) granting six months' pay to Lucy B. Knox, was announced as next in order.

Mr. HOWELL. Over.

Mr. BRUCE. Mr. President, I do not see why anyone should want to object to the bill. Was objection made?

The PRESIDING OFFICER. The Chair will inform the Senator from Maryland that the junior Senator from Nebraska [Mr. HOWELL] objected to the bill.

Mr. BRUCE. I wish the Senator would withdraw his objection?

The PRESIDING OFFICER. Does the Senator from Nebraska withdraw his objection?

Mr. HOWELL. Mr. President, it was my understanding that certain information would be furnished respecting the bill. I have not been informed as to what its nature is.

Mr. BRUCE. This is simply a bill giving this lady six months' pay to which her husband would have been entitled if he had lived six months longer. The husband died on the 6th of February, 1920. The report states:

The purpose of this bill is to authorize payment to Lucy B Knox of six months' pay at the rate received by her husband, the late Lieut. Commander Forney Moore Knox, United States Navy, at the time of his death. The records show that this officer died at Annapolis, Md., on February 16, 1920, as the result of pneumonia.

The act approved May 13, 1908, which was repealed by the act of October 6, 1917, provided for the payment to the beneficiary of an officer or enlisted man of the Navy or Marine Corps, who died as the result of wounds or disease contracted in the line of duty, of an amount equal to six months' pay at the rate received by her late husband at the time of his death. This provision of law was reenacted under the act of June 4, 1920 (41 Stat. 824–825; U. S. C., title 34, sec. 943), but at the time of Lieutenant Commander Knox's death there was no law in effect that authorized the payment of the gratuity in question to his widow.

Had Lieutenant Commander Knox's death occurred on or after June 4, 1920, his widow would have been entitled to six months' pay at the rate received by her late husband at the time of his death. However, the date of this officer's death precludes payment of the gratuity to his widow under the law, and it seems pertinent here to remark that there are many other deserving claims of a similar nature.

A number of such bills have been passed. The committee has given full consideration to it. The husband died before the law went into effect, and under the circumstances the committees of the House and Senate felt that she should receive the six months' pay.

Mr. HOWELL. I will ask the Senator from Maryland how many dependents there were in the family.

Mr. BRUCE. The lady had three young children.

Mr. HOWELL. I withdraw my objection.

There being no objection; the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay to Lucy B. Knox, widow of the late Lieut. Commander Forney Moore Knox, United States Navy, an amount

equal to six months' pay at the rate said Forney Moore Knox was receiving at the date of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. CARROLL

The bill (H. R. 2477) for the relief of Joseph S. Carroll was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

VINCENTIA V. IRWIN

The bill (H. R. 2494) granting six months' pay to Vincentia V. Irwin was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay to Vincentia V. Irwin, widow of the late Ensign Glendon Ward Irwin, United States Navy, an amount equal to six months' pay at the rate said Glendon Ward Irwin was receiving at the date of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 13563) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 19, to strike out:

The name of Harriet C. Lounsbery, chief nurse, war with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

The name of Charles E. Grayson, late of Company F, Second Regiment Texas Volunteer Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 7, after the words "rate of," to strike out "$20" and insert "$30," so as to read:

The name of Anna H. Valer, late Army nurse, Medical Department, Regular Establishment, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to strike out:

The name of Charles V. Harris, late of the Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving, so long as he is not an inmate of a national soldiers' home or hospital.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the words "rate of," to strike out "$24" and insert "$20," so as to read:

The name of Frederick Reinsch, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to strike out:

The name of Mabel Jane Maher Boosey, late contract nurse, Medical Department, United States Army, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 14, to strike out:

The name of Adam Roth, late of Company D, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 13, before the words "per month," to strike out "$6" and insert "$4," so as to read:

The name of Ada P. Barnhart, widow of Herbert W. Barnhart, late of Company D, Fifteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $4 per month additional on account of each minor child of the soldier until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 11, line 6, before the words "per month," to strike out "$100" and insert "$75," so as to read:

The name of Ada M. Young, widow of Col. Charles Young, late of the Ninth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to strike out:

The name of Alban D. Philson, late of the United States Navy, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to strike out:

The name of Lowell A. Chamberlin, late of Company B, First Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 19, after the words "rate of" to strike out "$30" and insert "$20"; so as to read:

The name of Thomas A. Heard, late of Company H, Third Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 20, to insert:

The name of Margaret F. Gallaher, widow of John H. Gallaher, late of Battery M, Third Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The name of Edward T. Conway, late of Company C, First Battalion United States Engineers, and Company E, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Thomas A. McIntire, alias Thomas Ingalls, late of Company A, Sixteenth Regiment, and Company G, Second Regiment, United States Volunteer Infantry, and pay him a pension at the rate of $8 per month.

The name of August Rieke, late of Captain Timothy Sheehan's company, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Leon P. Chesley, late of One hundred and twenty-first Company, United States Coast Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Evans, dependent mother of Charles E. Evans, late of Company I, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Elizabeth B. Pettus, widow of Maj. Harry L. Pettus, late acting quartermaster, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thomas F. Strafford, late of Company F, Eighth Regiment Massachusetts Volunteer Infantry, and Company K, Forty-second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ada G. Wilkinson, widow of Walter P. Wilkinson, late of Company F, Third Regiment New Mexico Volunteer Militia, and pay her a pension at the rate of $20 per month.

The name of Essie Horton, widow of Patrick S. Horton, late second lieutenant, Troop C, Tennessee National Guard Cavalry, and pay her a pension at the rate of $12 per month.

The name of Annie J. Davis, dependent mother of Guy F. Davis, late of Company H, First Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Juanita B. Petty, widow of Fred C. Petty, alias William W. Petty, late of Company D, Twenty-fifth Regiment United States Infantry, and Company D, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Theodore G. Thomas, alias Theodore Smith, late of Battery A, Second Regiment United States Artillery, and pay him a pension at the rate of $50 per month for services in a campaign against hostile Indians in California in 1871, provided that he is not an inmate of a soldiers' home.

The name of Lizzie Kersten, widow of John A. F. Kersten, late of Battery F, Fourth United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Don I. Littell, late of Company L, Twenty-second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $17 per month.

The name of Catherine Ryan, dependent mother of William J. Ryan, late of Company K, Eleventh Regiment United States Cavalry, and pay her a pension at the rate of $20 per month.

The name of James Stuart, late of Capt. Jefferson Niles's company, Montana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH S. CARROLL

Mr. BRUCE. Mr. President, I ask unanimous consent to recur to Calendar 1226, the bill (H. R. 2477) for the relief of Joseph S. Carroll.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That in consideration of his long and faithful service in various positions at the United States Naval Academy, where he is now employed as utility man for the midshipmen's mess, and of his enlisted service in the regular Navy on various midshipmen's cruises, extending, in all, over a continuous period of 50 years, the Secretary of the Navy is hereby authorized to enlist Joseph S. Carroll as a chief commissary steward in the United States Navy and to immediately thereafter transfer him to the retired list of the Navy with the retired pay of that rating: *Provided*, That the said Joseph S. Carroll shall not be entitled to any back pay or allowances prior to the date upon which he may be transferred to the retired list, as herein authorized: *Provided further*, That the enlistment of the said Joseph S. Carroll, as herein authorized, may be effected without regard to age or physical qualifications.

Mr. BRUCE. Mr. President, this is a peculiarly meritorious case. It is that of an old colored man who was in service at the Naval Academy for a great many years, as the reading of the bill indicates. The report shows the following facts regarding his service:

Waiter, midshipmen's mess, June 5, 1875, to 1890. Paid by midshipmen.

Building attendant, 1890 to 1903. (Paid by Government; with additional duties in midshipmen's mess and as steward on each practice cruise.)

Assistant head waiter, midshipmen's mess, 1903 to 1906. (Paid by midshipmen.)

Assistant head waiter, midshipmen's mess, 1906 to 1918. (Paid by Government.)

Utility man, midshipmen's mess, 1918 to date. (Paid by Government.)

2. Carroll's service at the Naval Academy and on midshipmen's practice cruises has been continuous from June 5, 1875, to date.

3. In view of the long service rendered by Carroll as assistant head waiter and the faithful service performed by him in other positions at the Naval Academy, it is recommended that if possible a special ruling be obtained by which he can be placed on the retired list.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY M. KING

Mr. STEPHENS. Mr. President, I was detained from the Senate for a few moments and during that time Calendar No. 1161, the bill (S. 4376) for the relief of Harry M. King, was passed over on objection. I ask unanimous consent to recur to the bill and that it may be considered at this time.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill and it was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, directed to hear and determine the claim of Harry M. King, who claims to have suffered physical injuries received by him in line of duty while working for the Government at Muscle Shoals, Ala., during the year 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE BILLS

The bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., was announced as next in order.

Mr. McKELLAR. Over.

Mr. CURTIS. Mr. President, there are 14 bridge bills, reported without amendment, next on the calendar. I ask that they may be considered and passed en bloc.

Mr. ROBINSON of Arkansas. Mr. President, I think that is a bad practice. I think the numbers ought to be called.

Mr. McKELLAR. I ask that Calendar No. 1229, Senate bill 4438, may go over.

The PRESIDENT pro tempore. The bill will be passed over. The bills referred to by the Senator from Kansas will be stated by their calendar numbers.

The CHIEF CLERK. Calendar Nos. 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1239, 1240, 1241, 1279, 1301, 1302.

The PRESIDENT pro tempore. Is there objection to the consideration en bloc of the bridge bills without amendment?

Mr. BLEASE. Mr. President, what is the idea of passing over the bill of the Senator from Indiana [Mr. WATSON], Calendar No. 1229?

The PRESIDENT pro tempore. Calendar 1229 was objected to by the senior Senator from Tennessee [Mr. McKELLAR]. The other bills mentioned by calendar number are reported without amendment, and after they had been disposed of several bridge bills reported with amendments will be considered.

Mr. BLEASE. I object to the balance of them, then. If the bill of the Senator from Indiana is to be passed over, then I object to the rest of them.

Mr. ROBINSON of Arkansas. Mr. President, I really think it is a bad precedent to attempt to pass bills en bloc. I suggest that the clerk call the bills in their regular order.

The PRESIDENT pro tempore. Inasmuch as objection may be interposed at any time regarding Calendar 1230, Senate bill 4439, does the Senator from Tennessee maintain his objection to Calendar 1229?

Mr. McKELLAR. I do.

The PRESIDENT pro tempore. The bill will be passed over and the next bill on the calendar will be stated.

The bill (S. 4439) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind., was announced as next in order.

Mr. BLEASE. Over. I object to all these bridge bills. The Senator from Indiana [Mr. WATSON] is absent, and if some Senator is going to object to his bill, why should we pass anybody else's bill? Why not let all of them go over?

Mr. McKELLAR. Mr. President, I am perfectly willing to give my reasons for objection to Calendar 1229, Senate bill 4438. Congress has already authorized a bridge at the same place. It has been contracted for to be built, and after it was contracted for to be built and operations begun, application was made to build another bridge right at the same point. Under those circumstances I was asked to take it up with the Senator from Indiana [Mr. WATSON]. He is not here and for that reason I asked that the bill go over. It is a perfectly normal and natural request, and I do not see why anyone should take offense.

Mr. STEPHENS. Mr. President, I should like to say just a word. These bridge bills are referred to the Committee on Commerce, and by that committee are referred to the Senator from Vermont [Mr. DALE], the Senator from Texas [Mr. SHEPPARD], and the Senator from North Dakota [Mr. NYE] as a subcommittee. Those bills are all carefully considered by that subcommittee, and are then reported to the full committee. Not a bridge bill comes before this body that has not been very carefully considered by the Committee on Commerce. We have certain rules in regard to such measures. I realize very well that the average Senator does not have an opportunity, because of his engagements and his active work on other committees and the many topics that come before the Senate, to consider these bills. I, therefore, hope that these bridge bills may be passed, because I can say to the Senate that we have given them very careful consideration. I ask my friend, the senior Senator from Tennessee [Mr. McKELLAR], to withdraw his objection and to let this bill pass.

Mr. McKELLAR. Mr. President, I can not withdraw the objection to this bill until I have had an opportunity to consult with the Senator from Indiana [Mr. WATSON] about it.

Mr. STEPHENS. But the Senator from Indiana favors the bill.

Mr. McKELLAR. He may do so.

Mr. STEPHENS. I repeat, the Committee on Commerce has given each one of these bills very careful consideration.

Mr. McKELLAR. I am sorry, but I will have to object.

Mr. LA FOLLETTE. Regular order, Mr. President.

The PRESIDENT pro tempore. The regular order is demanded. Does the Senator from South Carolina maintain his objection to the consideration of Senate bill No. 4439?

Mr. BLEASE. I withdraw the objection.

OHIO RIVER BRIDGE NEAR EVANSVILLE, IND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4439) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind., which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at a point suitable to the interests of navigation between a point in or near the city of Evansville, Ind., and a point opposite in Henderson County, State of Kentucky, to be constructed by the State of Indiana, acting by and through its highway commission, authorized by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from the date of approval hereof, and the act of March 2, 1927, is hereby revived and reenacted for such purpose.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEXAS, KENTUCKY, LOUISIANA, WEST VIRGINIA, PENNSYLVANIA, ILLINOIS, AND IOWA BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near Tornillo, Tex.;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La.;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; and

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa.

RIO GRANDE RIVER BRIDGE NEAR WESLACO, TEX.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12877) authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex., which had been reported from the Committee on Commerce with an amendment on page 2, section 3, at the end of line 25, to strike out the numerals "1926" and to insert the numerals "1906," so as to make the section read:

SEC. 3. The said Los Olmos International Bridge Co., its succesors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

SALARIES OF POSTMASTERS AND EMPLOYEES OF POSTAL SERVICE

The bill (S. 2294) to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

MARY M. TILGHMAN

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 47) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps, which was read as follows:

Resolved, etc., That the service rendered by Sergt. Frederick Coleman, deceased, United States Marine Corps, from September 5, 1870, to the date of his death, April 29, 1900, shall be considered under the law providing for longevity pay as continuous service in the United States Marine Corps, and that the Secretary of the Navy be, and he is hereby, authorized and directed to construe the records of the said Sergt. Frederick Coleman in the United States Marine Corps as conforming with this authorization, to the end that Mary M. Tilghman, former widow of the said Frederick Coleman, deceased, shall be entitled to receive the pay, benefits, and emoluments conferred by law or regulations for continuous service in the United States Marine Corps of her late husband.

Mr. KING. Mr. President, will the Senator from Maine [Mr. HALE] tell us the purpose of the joint resolution?

Mr. HALE. Mr. President, the bill seeks to give continuity of service to the late Sergt. Frederick Coleman, United States Marine Corps, thereby granting to his former widow, Mary M. Tilghman, the money emolument conferred by law for continuous service in the Marine Corps, which will amount to $577.20, assuming that longevity pay in accordance with the laws in force during the time of Mr. Coleman's service in the Marine Corps is considered due and is to be paid.

Sergeant Coleman served 30 years in the Marine Corps, under six enlistments, and died in the service while serving under his sixth enlistment. Between his third and fourth enlistments a period of 19 days in excess of the 30-day limit allowed for reenlistment and for continuous-service purposes elapsed, so that his entire 30 years' service can not be regarded, under the law, as continuous service, which carries certain benefits of longevity pay, and the bill seeks to grant such longevity pay benefits by holding his 30 years' service to have been continuous.

Under the present law he would have been all right, as the present law extends the period for reenlistment in order to compute continuous service from one month to three months. So the committee thought that under the circumstances it was fair to consider his service as continuous.

Mr. KING. Mr. President, in my opinion retroactive legislation of this kind is not desirable.

Mr. HALE. But this man had very long service in the Marine Corps, and I hope the Senator will not object.

Mr. KING. I am not going to object; but I am apprehensive that many others may seek to secure the enactment of special bills which will be retroactively effective.

Mr. HALE. This is a peculiar case.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESCORT AT FUNERALS OF DECEASED OFFICERS, ETC.

The bill (H. R. 12694) authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to furnish an escort not to exceed one person to the place of burial for the bodies of officers, enlisted men, or nurses who have lost their lives in the naval service. Such expenses as are incurred for this purpose shall be paid from the proper appropriation: *Provided*, That section 1587 of the Revised Statutes of the United States is hereby repealed.

Mr. REED of Pennsylvania. Mr. President, I should have objected to this bill except for that fact that the War Department already has the right to do what this bill gives to the Navy Department the right to do. I think it is only proper that this bill should be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RALPH OLE WRIGHT AND VARINA BELLE WRIGHT

The bill (H. R. 5910) for the relief of Ralph Ole Wright and Varina Belle Wright, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph Ole Wright and Varina Belle Wright, the parents of Ralph Atkinson Wright, deceased, who, while serving as a seaman, second class, at the United States Naval Training Station, at Great Lakes, Ill., while in the performance of his duty at the radio station at Great Lakes, Ill., without any fault of his own, on June 15, 1922, met his death from electric shock by coming in contact with the high-tension switches on the switchboard in basement of building No. 63, at the United States Naval Training Station, Great Lakes, Ill., in use as a transmitting and receiving radio station, the sum of $2,500, said sum to be in lieu of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSERVATION OF RAINFALL

The bill (S. 3484) for the conservation of rainfall in the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to develop effective methods for the control of rainfall, for the prevention of erosion of farm, pasture, and wood lands, and for the conservation of the soil fertility of fields, pastures, and watersheds; to minimize the deposition of silt in reservoirs and the overwash of inert sands and gravels upon farm lands; to reduce the discharge of water and silt into streams from fields, pastures, and watersheds; and, in general, to aid in developing the best means of controlling, conserving, and utilizing the rain water that falls upon the land, the Secretary of Agriculture be, and he is hereby, authorized and directed to make such studies and investigations as he may deem necessary to carry out these purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS DISCHARGED BECAUSE OF AGE MISREPRESENTATION

The bill (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LAND AT FORT BROWN MILITARY RESERVATION, TEX.

The bill (S. 4315) authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to sell, or cause to be sold, to the Gateway Bridge Co., a corporation organized under the laws of Delaware, at the appraised value as determined by the Secretary of War, approximately 3,304.8 square feet of ground of the Fort Brown Military Reservation, Brownsville, Tex., particularly described as follows, to wit: Beginning at an unmarked point in the north line of the Fort Brown Military Reservation, said point bearing south 66° 12′ west 22.2 feet from a 10 inch by 10 inch concrete Government monument set at intersection of north line of Levee Street with north reservation line; thence north 66° 12′ east 149.94 feet along the said north reservation line to its point of intersection with the south line of a 20-foot alley between Levee and Elizabeth Streets; thence south 43° 51′ east 21.3 feet along the south line of said alley produced to its point of intersection with a line 10 feet distant from and parallel to the quartermaster's brick wall; thence south 66° 12′ west 180.54 feet along said line 10 feet from and parallel to the quartermaster's brick wall to its point of intersection with the northeast line of the present triangular leased parcel of the Gateway Bridge Co. from the Fort Brown Reservation; thence north 25° 34′ east along said lease line 30.7 feet to the place of beginning; containing in all, 3,304.8 square feet of ground, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and to prevent the erection and maintenance of an unsightly structure or structures upon the said area.

SEC. 2. The net proceeds derived from the sale of such land shall be covered into the Treasury to the credit of the military post construction fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL MANGAN

The bill (H. R. 1931) for the relief of Daniel Mangan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Daniel Mangan, late of Troop L, First Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 5th day of July, 1863: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY AND ALLOWANCES OF COMMISSIONED AND ENLISTED PERSONNEL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended, which was read, as follows:

Be it enacted, etc., That section 17 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended, is hereby further amended by inserting after the words "provided in this act," and before the next proviso, line 3 of said section, the following: "which pay shall include increases for all active duty performed since retirement in the computation of their longevity pay and pay periods."

And after the phrase, "receive full pay and allowances," at the end of the last line of said section, by changing the period to a comma, and inserting thereafter the following: "and when on active-duty status, shall have the same pay and allowance rights while on leave of absence or sick as officers on the active list, and if death occurs when on active-duty status, while on leave of absence or sick, their dependents shall not thereby be deprived of the benefits provided in act approved December 17, 1919, as amended, and in the act of June 4, 1920: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act."

Mr. KING. Mr. President, I should like an explanation of the bill from the chairman of the Committee on Military Affairs.

Mr. REED of Pennsylvania. Mr. President, the circumstance that leads to the necessity for this bill is that in calculating the pay periods of officers on active service the total number of years of service is included, but when a retired officer is ordered back to active service, under a peculiar wrinkle of the law, those years that he serves when he is recalled are not included in counting the pay period under which he receives compensation. Nobody ever thought that that would be the result of the wording of the law. It amounts to very little in money, but it is of considerable importance to the few officers who are affected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 802) to correct the military record of Curtis P. Wise was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

JOHN F. WALKER

The bill (S. 2462) for the relief of John F. Walker was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. SHORTRIDGE. Mr. President, that bill was very carefully considered by the committee. The suggested amendment might cause some Senator to object, but the amendment really does not affect the bill in substance. This man was a brave soldier. He erred, but he sought to reenlist. The department favors the passage of the bill, and I think it just. If the Senator who objected had the time to look at the letter addressed to the committee, I venture to think he would agree with the department and with the committee that this bill should be passed. This may be the last opportunity to consider this bill, and I hope the Senator will withdraw his objection.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. KING. I do.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. REED of Pennsylvania subsequently said: Mr. President, I ask unanimous consent to return for a moment to Order of Business No. 1253, being Senate bill 2462. I doubt whether all the facts have been understood.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none and lays the bill before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2462) for the relief of John F. Walker, which had been reported from the Committee on Military Affairs with an amendment, at the top of page 2, to strike out section 2, as follows:

SEC. 2. The Secretary of War is authorized and directed to issue to John F. Walker a discharge certificate showing that he is held and considered to have been honorably discharged as of such date.

So as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, their widows, children, and dependent relatives, John F. Walker shall be held and considered to have been honorably discharged as a private, first class, Hospital Corps, United States Army, on December 26, 1903; but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, the soldier who is the proposed beneficiary of this bill is now receiving a pension under special act of Congress. The only effect of this bill will be to remove from his record the charge of desertion that stands against him. He performed actual service for five years, including the whole period of the Spanish-American War and the Boxer rebellion in China. The passage of the bill will in no way increase his money allowance, but will merely remove from his record the stain that he feels of being charged with being a deserter.

Mr. KING. Was he a deserter?

Mr. REED of Pennsylvania. He was a deserter on his second enlistment, yes; although he obtained what is called a deserter's release which exonerated him from arrest or trial or imprisonment.

Mr. KING. I should like to ask the Senator if there was any valid excuse for his desertion?

Mr. REED of Pennsylvania. I know of none, but it is merely——

Mr. KING. Is this a bill to encourage desertion from the Army after a man has taken the oath to render loyal service to his country?

Mr. REED of Pennsylvania. It happened 27 years ago. He did render faithful service through a war, and the committee felt that his desertion in peace time, particularly in view of the fact that this bill can give him no money benefit, ought not to be held against him. None of us can afford to cast a stone at another for such a peccadillo.

Mr. FESS. Mr. President, I am curious to know how this soldier can be on the pension list if he was a deserter.

Mr. REED of Pennsylvania. He was placed on the pension roll by a special act of Congress which was passed in spite of his desertion.

Mr. FESS. Then, the desertion charge ought to be removed.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John F. Walker."

KENNEDY F. FOSTER

The bill (H. R. 4654) for the relief of Kennedy F. Foster, was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

ESTABLISHMENT OF ADDITIONAL LAND OFFICES

Mr. STEIWER. Mr. President, I ask unanimous consent to reconsider the votes by which Order of Business 655, being the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota, was ordered to a third reading, read the third time, and passed, may be reconsidered. I make that motion in order that I may offer two amendments to the bill. I will say that the amendments are acceptable, I believe, to the author of the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the votes by which Senate bill 1794 was ordered to a third reading, read the third time, and passed are reconsidered. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. STEIWER. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 19, after the name "Umatilla," it is proposed to add the names "Malheur, Harney."

Mr. ROBINSON of Arkansas. Mr. President, I do not think this is a proper proceeding. We amended this bill once and passed it. I shall object to any further consideration of the bill.

Mr. STEIWER. May I ask the Senator to withhold his objection for just a minute?

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. What is the status of the bill now?

The PRESIDENT pro tempore. By unanimous consent the Senate returned to the consideration of the bill. Objection having been interposed by the Senator from Arkansas, the bill will be passed over.

Mr. WALSH of Montana. I do not think it was the purpose of the Senator from Oregon to have the bill passed over.

Mr. STEIWER. Mr. President, the bill as prepared by its author provides for a land-office district in the State of Oregon. It is not proposed by this amendment to add any additional land-office districts; it is proposed merely to add two counties to the district already created by the bill.

Mr. ROBINSON of Arkansas. I have no objection to that amendment and no objection to the consideration of the bill for the purpose of considering the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. STEIWER. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 21, after the word "located," it is proposed to strike out the remainder of the section and to insert in lieu thereof "by the Secretary of the Interior at some point within said land district promptly upon the approval of this act."

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

CLARENCE G. STONESTREET

The bill (H. R. 9002) for the relief of Clarence G. Stonestreet was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The bill (H. R. 12953) to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAMP SHERMAN, OHIO

The bill (H. R. 10649) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HERVEY

The bill (H. R. 7268) for the relief of John Hervey was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MORIN

The bill (H. R. 2272) for the relief of William Morin was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT W. MILLER

The bill (S. 2519) for the relief of Robert W. Miller was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Robert W. Miller, late first lieutenant of Cavalry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into and determine all the facts touching on the nature of his disabilities and his separation from the service, and to find and report the disabilities which in its judgment have produced his disability, if any, and whether such disability, if it exists, is an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Robert W. Miller a first lieutenant of Cavalry and either place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army, or to retain him on the active list of the Army in his original place immediately following Bryan L. Davis, Field Artillery, on the promotion list: *Provided*, That the said Robert W. Miller shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

THOMAS PURDELL

The bill (H. R. 4954) for the relief of Thomas Purdell was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILE GENIREUX

The bill (H. R. 2472) for the relief of Emile Genireux was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4107) for the relief of James Aloysius Manley was announced as next in order.

The PRESIDENT pro tempore. This bill will go over.

FRATERNAL BENEFICIAL ASSOCIATIONS IN THE DISTRICT

The bill (H. R. 10869) amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 14, after the word "America," to insert "nor the supreme council of the Knights of Columbus or any subordinate council thereof," so as to make the bill read:

Be it enacted, etc., That section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia, be amended to read:

"SEC. 764. This law not to apply to associations for profit: Nothing in this subchapter shall be construed to apply to any corporation, society, order, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and it shall only apply to fraternal beneficial associations as defined by section 749, and nothing in this subchapter contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficial societies, orders, or associations which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand or subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, nor the national council or any subordinate council of the Junior Order United American Mechanics, nor the national council or any subordinate council of the Daughters of America, nor the supreme council of the Knights of Columbus or any subordinate council thereof, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount $100."

Mr. ROBINSON of Arkansas. I think this bill should be explained, Mr. President, I ask the Senator from Wisconsin to explain the amendment that is proposed.

Mr. BLAINE. Mr. President, this is a House bill which gives certain privileges to fraternal benefit associations, exempting them from the general insurance law, and exempting orders such as the Independent Order of Odd Fellows, the Free and Accepted Masons, and the Knights of Pythias; and then the House added to those exemptions the national council or any subordinate council of the Junior Order United American Mechanics, and the national council or any subordinate council of the Daughters of America; and we added the Knights of Columbus.

Mr. ROBINSON of Arkansas. Is the report unanimous?

Mr. BLAINE. Yes.

Mr. ROBINSON of Arkansas. I have no objection to the present consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

OWNERS OF SCHOONER "WILLIAM MELBOURNE"

The bill (H. R. 3971) for the relief of the owners of the schooner *William Melbourne* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK E. SHULTS

The bill (H. R. 9380) for the relief of Frank E. Shults was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF SURG. MERVIN W. GLOVER, UNITED STATES PUBLIC HEALTH SERVICE, DECEASED

The bill (H. R. 12063) for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the widow of Mervin W. Glover, deceased, the sum of $4,725, being the amount of salary for one year.

Mr. KING. Mr. President, I should like to ask whether, under the law, it is the custom to make provision of this kind?

Mr. COPELAND. That has been done in a number of instances in connection with officers of the United States Public Health Service who were injured in the service.

This man was engaged in the pursuit of his duty when he was struck on the head by a cargo boat hook, and died as the result of the injury. He left a wife and two small children. He was for a long time in the service of the Public Health Service. As I say, in deaths among officers of the Public Health Service, which were directly due to injuries received in line of duty, the Congress has passed claims bills allowing from one to two years' pay and allowances to the widows and orphans of the officers.

Mr. KING. If a captain or a major were to die or be killed, would his family receive compensation?

Mr. COPELAND. I do not understand the Senator's question.

Mr. KING. The officers of the Public Health Service are somewhat analogous to those in the Army. They have their titles. I am inquiring whether in the military and naval service the same privilege is accorded to the family of the deceased?

Mr. COPELAND. The Senator from Pennsylvania [Mr. REED] can answer that question.

Mr. KING. I do not think that is the rule at all. If we allow this compensation, it seems to me that every employee of the Government would expect to receive it.

Mr. COPELAND. They come under the pension law, I may say to the Senator from Utah.

Mr. REED of Pennsylvania. Mr. President, I am not familiar with this bill. It seems to award a year's salary as compensation for an accidental death.

Mr. COPELAND. The question asked by the Senator from Utah was whether or not, if a military officer were killed under such circumstances, his family would be taken care of. Of course they would, under the pension law. That is, there would be a pension provided.

Mr. REED of Pennsylvania. No, Mr. President; there is no system of compensation for the families of officers of the Army who are killed in the performance of their duty. Whatever they may receive is payable to them under the pension law, as a matter of grace from Congress.

Mr. COPELAND. Under the pension law, yes; but here is a service where there is no pension law.

Mr. KING. Mr. President, let me ask the Senator a question. Take the employees in the Treasury Department, or in any of the executive departments of the Government. We have now nearly 700,000 employees.

Mr. COPELAND. They would be taken care of under the compensation laws.

Mr. KING. Would they?

Mr. COPELAND. They would.

Mr. REED of Pennsylvania. There is no compensation law for officers of the Army.

Mr. COPELAND. No; but the Senator is now speaking about another type of employee in one of the departments here. If he were killed, he would be taken care of under the compensation law.

Mr. HOWELL. Mr. President, this accident occurred in 1914 and the man did not die until 1923. The accident resulted in a blow on the head, which in turn resulted in a tumor on the brain.

Mr. KING. It is, of course, a case that is very appealing. The only question in my mind is whether or not we ought to provide for every employee in every department of the Government and for their families when death comes to them.

Mr. REED of Pennsylvania. There is no provision to-day for officers of the Army or Navy who are killed under the same circumstances.

Mr. KING. Would there be provision for those in the Diplomatic and Consular Service, for instance?

Mr. REED of Pennsylvania. Not so far as I know.

Mr. PHIPPS. Mr. President, in that service there is precedent, because we have customarily awarded at least six months' salary to the widow of the deceased, and have always provided the expenses attendant upon the funeral and bringing the body back to the United States for interment.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. KING. I have not objected, but it is a dangerous precedent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. MOSS

The bill (S. 2989) for the relief of John B. Moss was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$5,000" and insert "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Moss, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 as full compensation for death of his minor son, Neal Moss, on April 1, 1926, caused by the explosion of shell which he found in the ground at Camp Blackjack.

Mr. REED of Pennsylvania. Mr. President, will the Senator explain that bill, please?

Mr. HARRIS. Mr. President, the Government during the war rented this man's farm as a target range. In the contract they agreed to return it to the owner in as good condition as it was before. About two years ago this farmer and his two sons were at work on the farm and a shell that had been left there by the Army exploded and tore this boy to pieces, tore his legs off, so that he was hardly recognizable. The War Department sent a board there to investigate the matter, and they found that the facts were just as I have stated.

I ask that we reject the amendment of the committee and leave the $5,000, just as the bill originally provided.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. REED of Pennsylvania. Mr. President, all over the United States in 1917 and 1918 target ranges were established, and projectiles were fired; and a certain proportion of those shells fired by our artillery failed to explode. That is true of every type of gun in every army. The United States was not negligent in this matter. It rented this farm for part of a target range. It fired a large number of shells, and some of them failed to explode. If we are going to pay everybody who monkeyed with those unexploded shells, we shall be starting in upon a long series of payments.

I should not object to the bill if it were not for the large sum of money asked. It seems to me that $2,500 is very liberal under the circumstances.

The PRESIDENT pro tempore. Does the Senator ask that the bill go over?

Mr. REED of Pennsylvania. No.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee. [Putting the question.] The Chair is in doubt.

Mr. ROBINSON of Arkansas. The Senate does not understand the effect of the amendment.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. The committee proposes, on line 6, to strike out "$5,000" and insert in lieu thereof "$2,500."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. BROWN

The bill (H. R. 7708) for the relief of John M. Brown was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BATON ROUGE NATIONAL CEMETERY

The bill (H. R. 8742) to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES BUREAU OF FISHERIES

The bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, after line 12, to insert:

(6) The enlargement of the fish-cultural station at Saratoga, Wyo., at a cost not to exceed $35,000.

So as to make the bill read:

Be it enacted, etc., That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, $50,000; Idaho, $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), $50,000; Montana, $35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed $100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed $50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia, at a cost not to exceed $60,000.

(5) The purchase and repair of the Rogue River substation in the State of Oregon, at a cost not to exceed $35,000.

(6) The enlargement of the fish-cultural station at Saratoga, Wyo., at a cost not to exceed $35,000.

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, $50,000; Indiana, $50,000; Louisiana, $50,000; Tennessee (in the central part of the State), $50,000; Pennsylvania, $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), $25,000; South Carolina,

or the enlargement of Orangeburg station in said State, $35,000; Texas (in the western part of the State), $35,000; Colorado, $20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost of not to exceed $20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed $25,000.

SEC. 3. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1930, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Florida, at a cost not to exceed $100,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Maine, $35,000; Virginia (in the eastern part of the State), $75,000; North Carolina (in the eastern part of the State), $35,000; Mississippi, $35,000; Minnesota (in the Rainey Lake or Lake of the Woods region), $35,000; New York, $35,000.

(3) The establishment of a marine fish-cultural station in the State of Texas (on the Gulf coast of the eastern part of the State) at a cost of not to exceed $100,000.

SEC. 4. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1931, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of New Jersey at a cost not to exceed the amount of $75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Illinois, $35,000; Nevada, $35,000.

SEC. 5. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1932, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Ohio at a cost not to exceed $75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Kansas, $35,000; North Dakota, $35,000; Arkansas, $35,000.

(3) The purchase and repair of the Little White Salmon station in the State of Washington at a cost not to exceed $25,000.

(4) The establishment of a fish-cultural station in the State of Georgia for the propagation and hatching of shad and such species of fresh-water fish as may be feasible, desirable, and suitable for food purposes, at a cost not to exceed $35,000.

SEC. 6. There is hereby authorized to be appropriated such amounts as may be necessary not to exceed $35,000 for the establishment of an experimental and bass and trout station in the Pisgah National Forest or in the Great Smoky National Park in the State of North Carolina upon the acquisition of said park by the United States.

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of sections 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

SEC. 8. There are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts during the fiscal years specified:

(1) For the purpose of providing adequate maintenance costs and personnel for the Division of Fish Culture, Bureau of Fisheries: Fiscal year beginning July 1, 1928, $100,000; fiscal year beginning July 1, 1929, $200,000; fiscal year beginning July 1, 1930, $300,000; fiscal year beginning July 1, 1931, $400,000; fiscal year beginning July 1, 1932, $500,000. Of each amount authorized by this paragraph to be appropriated, 70 per cent shall be for miscellaneous expenses, Division of Fish Culture, and 30 per cent for salaries at the seat of government and elsewhere.

(2) To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond cultural and other operations of the division of inquiry, Bureau of Fisheries, respecting food fishes: Fiscal year beginning July 1, 1928, $50,000; fiscal year beginning July 1, 1929, $100,000; fiscal year beginning July 1, 1930, $150,000; fiscal year beginning July 1, 1931, $200,000; fiscal year beginning July 1, 1932, $250,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of inquiry, and 40 per cent for salaries at the seat of government and elsewhere.

(3) To provide for the proper husbandry of our fisheries, improvements in methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products, and other operations of the division of fishery industries, Bureau of Fisheries: Fiscal year beginning July 1, 1928, $35,000; fiscal year beginning July 1, 1929, $70,000; fiscal year beginning July 1, 1930, $105,000; fiscal year beginning July 1, 1931, $140,000; fiscal year beginning July 1, 1932, $175,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of fishery industries, and 40 per cent for salaries at the seat of government and elsewhere.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

OHIO RIVER BRIDGE, RIPLEY, OHIO

The bill (S. 4450) authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 17, after the word "charge," to strike out "toll" and insert "tolls"; so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes the Ripley Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Ripley, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Ripley Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Ripley Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, the State of Kentucky, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or

by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Ripley Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Ohio and Kentucky a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within 3 years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Ripley Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Ripley Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WABASH RIVER BRIDGE

The bill (S. 4451) to amend the act entitled "An act granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River," approved May 1, 1928, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the word "act" where it occurs the second time, to strike out "granting the consent of Congress to" and insert "authorizing"; and on the same page, line 7, after the words "Wabash River," to insert "at or near McGregors Ferry in White County, Ill."; so as to make the bill read:

Be it enacted, etc., That section 1 of the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928, is amended by striking out the words "at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind.," and inserting in lieu thereof "at or near New Harmony in Posey County, Ind., and a point in White County, Ill."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the act entitled 'An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.,' approved May 1, 1928."

SANTA ROSA SOUND BRIDGE

The bill (S. 4456) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across the Santa Rosa Sound in the State of Florida, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "Santa," to strike out "Rose" and insert "Rosa"; and in line 9, after the words "in accordance with the," to insert "provisions of the," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound, at a point suitable to the interests of navigation, at or near Deer Point in Santa Rosa County or at or near Sharp Point on Santa Rosa Island, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida."

PERDIDO BAY BRIDGE, FLORIDA

The bill (S. 4457) authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 1, after the word "near," to strike out "Innerarity," and insert "Inerarity," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes the Northwest Florida Corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Perdido Bay, at a point suitable to the interests of navigation, at or near Inerarity Point, in Escambia County, Fla., to the mainland of Baldwin County, Ala., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Northwest Florida Corporation, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Northwest Florida Corporation, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, the State of Alabama, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual

cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Northwest Florida Corporation, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Florida and Alabama, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department or either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Northwest Florida Corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Northwest Florida Corporation, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or persons.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Inerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala."

MISSISSIPPI RIVER BRIDGE, AITKIN, MINN.

The bill (H. R. 13069) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TETON NATIONAL PARK

The bill (S. 4385), to establish the Teton National Park in the State of South Dakota, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That when 90 per cent of the privately owned lands within the areas hereinafter described shall have been acquired and transferred to the United States for park purposes, without expense to the Federal Treasury, such areas shall be, and are hereby, dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Teton National Park: *Provided*, That the State of South Dakota shall have first constructed the highways hereinafter described.

SEC. 2. That the areas to be included in said Teton National Park are situated in the State of South Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner of section 13, township 3 south, range 18 east, Black Hills meridian, thence west 4 miles, thence north 1 mile, thence west 8 miles, to the southwest corner of section 6, same township and range, thence north 2 miles, thence west 2 miles, thence north 1 mile, thence west 1 mile, thence north 2 miles, to the northeast corner of section 16, township 2 south, range 16 east, Black Hills meridian; thence west 7 miles, thence south 1 mile, thence west 3 miles, to the northwest corner of section 24, township 2 south, range 14 east, Black Hills meridian; thence south 3 miles, thence east 1 mile, to the southeast corner of section 36, same township and range; thence south 3¾ miles, thence east 2 miles, thence north ¾ mile, to the southwest corner of section 16, township 3 south, range 15 east, Black Hills meridian; thence east 2 miles, thence north 3 miles, thence east 6½ miles, thence south 2 miles, thence east ½ mile, to the northwest corner of section 13, township 3 south, range 16 east, Black Hills meridian; thence south 1 mile, thence east 1 mile, thence south ½ mile, thence east 1 mile, thence south ½ mile, to the southwest corner of section 20, township 3 south, range 17 east, Black Hills meridian; thence east 4 miles, thence south 1 mile to the northwest corner of section 36, same township and range; thence east 6 miles to the northwest corner of section 36, township 3 south, range 18 east, Black Hills meridian; thence south 1 mile, thence east 1 mile, thence north 1 mile, thence east ½ mile, thence north 3 miles, thence west ½ mile, to the point of beginning, and also the following-described tract of land:

Beginning at the northeast corner of section 8, township 4 south, range 13 east, Black Hills meridian, thence west 1 mile, thence south 4 miles, to the southwest corner of section 29; thence east 2¼ miles, thence north 2 miles, thence west ¾ mile, thence north 1½ miles, to the center of section 9; thence west ½ mile, thence north ½ mile, to the point of beginning.

That all of the publicly owned lands within the areas described are hereby dedicated and set aside for the purposes aforesaid, and the Secretary of the Interior, in his discretion, is hereby authorized to exchange alienated lands within said areas for unappropriated and unreserved public lands of approximately equal value in the State of South Dakota outside of said areas.

SEC. 3. That the establishment of said park is conditioned upon the State of South Dakota first constructing the following highways in accordance with specifications to be determined and provided by the Bureau of Public Roads in the Department of Agriculture: A highway commencing at the north boundary of the park in township 3 south, range 18 east, Black Hills meridian, and extending down through Cedar Pass to Interior, thence northwesterly up Big Foot Pass, thence along the top of the rim within the park boundary to a point 9 miles south of Wall, there to join with a second highway to be constructed by said State from Wall through Scenic to a point within the park 10 miles south of Scenic, having a total length of approximately 40 miles.

SEC. 4. That the administration, protection, and promotion of said Teton National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," as amended by the act of June 2, 1920 (41 U. S. Stat. L. 732).

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of geological and zoological science.

SEC. 6. That this act shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 1 hereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLICING MILITARY ROADS

The bill (S. 4461) to provide for the policing of military roads leading out of the District of Columbia, was announced as next in order.

Mr. COPELAND. Mr. President, this is a bill proposing to police military roads leading out of the District of Columbia?

Mr. REED of Pennsylvania. That is right.

Mr. COPELAND. Does it provide that the military may fire at innocent citizens in automobiles, as happened to one Jacob D. Hanson at Niagara Falls?

Mr. BRUCE. Let the bill go over. We do not want any Federal officers coming over our roads in Maryland near Washington for any purpose.

Mr. REED of Pennsylvania. Mr. President, the principal need for this bill is in the State of Virginia. There are 46 miles of military highways in Arlington County, Va., which are owned by the United States and over which neither the constables nor the local police authorities of Virginia have any authority. In consequence of that fact, there happen every 24 hours on those roads——

Mr. BRUCE. Mr. President, I will say to the Senator that if he will amend the bill so as to limit it to Virginia I have no objection; otherwise, I ask that it go over. We do not want any Federal police officers in Maryland.

The PRESIDENT pro tempore. The bill will go over.

Mr. REED of Pennsylvania. I beg the Senator to hear me out.

Mr. BRUCE. Our experience is that it results in nothing but disorder and bloodshed.

Mr. REED of Pennsylvania. I can not hear the Senator.

Mr. BRUCE. Our experience is that the presence of Federal police officers on our roads results in nothing but disorder and bloodshed.

Mr. REED of Pennsylvania. Perhaps the Senator will hear me out as to the conditions in Virginia.

Mr. BRUCE. I just said to the Senator that if he will amend the bill so as to limit it to Virginia, I have nothing to say about it. If they like that sort of thing, they are welcome to it.

Mr. REED of Pennsylvania. Will not the Senator kindly hear me out?

Mr. BLEASE. I think if the Senator from Pennsylvania will have a private talk with the Senator from Maryland and explain the real purpose of the bill, the Senator from Maryland will not object.

Mr. REED of Pennsylvania. I will try to do that, but before the bill goes over——

Mr. BLEASE. I mean a private talk.

Mr. REED of Pennsylvania. I will be glad to give the Senator some of the lurid details in private, but in the meantime I wish the Senate to bear with me for two minutes. At the present time it is possible for the United States to police those roads across the river by the use of soldiers from Fort Myer, but there is nothing more demoralizing to the morale of those troops, nothing for which soldiers are less fitted, than the business of civilian policing. This bill would not permit the Capital Park Police to go on the roads that belong to the States, but would permit them only to go out for a distance of 5 miles on roads now owned by the United States, but which are not now policed by anybody.

Mr. BRUCE. To what roads is the Senator referring? I confess that I am ignorant as to this subject of military roads. What roads are these military roads leading out of the city of Washington into the State of Maryland?

Mr. REED of Pennsylvania. If the Senator wishes an illustration, he can go across the old bridge opposite the foot of Fourteenth Street, and when he reaches the Virginia side follow the road that leads to Fort Myer, and if he will do it this evening he will find better arguments for the passage of this bill than anything I can say.

Mr. BRUCE. The Senator will get me back to Virginia. I originated there, but some people are so unkind as to say that no man who leaves the State of Virginia ever goes back.

Mr. PHIPPS. Having gone over the bill, I find no reference whatever to the State of Maryland, and I am sure it applies only to the State of Virginia.

Mr. BRUCE. As I understand the Senator, there are not any military roads leading out of Washington into the State of Maryland?

Mr. REED of Pennsylvania. I do not know of any.

Mr. BRUCE. I will ask the Senator to limit his bill to the State of Virginia. We want no Federal police in Maryland.

Mr. REED of Pennsylvania. Mr. President, if the Senator wants such conditions in Maryland——

Mr. BRUCE. We take care of law and order in Maryland.

Mr. REED of Pennsylvania. I am glad to accept an amendment. I want to get the bill through.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. BRUCE. I observe that neither of the Senators from Virginia are here. They may not want to have the bill passed. I ask that it may go over.

Mr. REED of Pennsylvania. Mr. President, I am quite sure the Senators from Virginia would not for a moment object to this bill, and I am willing, in order to get it through, to offer an amendment, on page 1——

Mr. BRUCE. I call the Senator's attention——

Mr. REED of Pennsylvania. Will not the Senator listen to my statement? It is impossible to conduct business in the Senate if the Senator breaks into the middle of every sentence. Certainly we sit here and listen to him.

Mr. BRUCE. I do not propose to have the Senator prescribe standards of deportment for me.

The PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired, and the clerk will call the next bill.

DONALD M. DAVIDSON

The bill (S. 3088) for the relief of Donald M. Davidson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Donald M. Davidson, formerly second lieutenant of the Field Artillery, unassigned, of the Army of the United States, before a retiring board to inquire whether at the time of his honorable discharge March 12, 1920, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether such discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Donald M. Davidson a second lieutenant in the Army of the United States and place him immediately thereafter upon the retired list of the Army as a first lieutenant with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That said Donald M. Davidson shall not be entitled to any back pay or allowances.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MUSCLE SHOALS—CONFERENCE REPORT (S. DOC. NO. 142)

Mr. McNARY. I ask unanimous consent to submit the report of the committee of conference on Senate Joint Resolution 46, the Muscle Shoals resolution.

The PRESIDENT pro tempore. Without objection, the report will be received and it will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the joint resolution and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows:

In lieu of the language put in by the House, insert the following:

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the 'Muscle Shoals Corporation of the United States'—hereinafter referred to as the corporation. The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the 'Muscle Shoals act of 1928.'

"SEC. 2. (a) The board of directors of the corporation—hereinafter referred to as the board—shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States, and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"SEC. 4. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business and may dispose of any such personal property held by it.

"(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SEC. 5. The board is hereby authorized and directed—

"(a) To operate existing plants for experimental purposes, to construct, maintain, and operate experimental plants at or near Muscle Shoals for the manufacture of fertilizer or any of the ingredients comprising fertilizer for experimental purposes.

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

"(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

"(d) To cooperate with national, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction;

"(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

"(f) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

"(g) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities.

"(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(i) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

"(k) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

"(l) To produce, distribute, and sell electric power, as herein particularly specified.

"(m) No products of the corporation shall be sold for use outside of the United States, her Territories and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"SEC. 6. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby intrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"SEC. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"SEC. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by the general accounting office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"SEC. 9. The board is hereby empowered and authorized to sell the surplus power not used in its operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years and in the sale of such current by the board it shall give preference to States, counties, or municipalities, purchasing said current for distribution to citizens and customers.

"SEC. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

"SEC. 12. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporation, after deducting the cost of operation, maintenance, depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

"SEC. 13. The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"SEC. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for the fixation of nitrogen for agricultural purposes in time of peace.

"SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

"SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public-utility commissions, and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River, and in the Clinch River.

"SEC. 17. The corporation as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access to pending applications for

patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient thereof, and any patentee whose patent rights may have been thus in any way copied, used, or employed, by the exercise of this authority by the corporation, shall have as the exclusive remedy a cause of action to be instituted and prosecuted on the equity side of the appropriate district court of the United States for the recovery of reasonable compensation.

"The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"SEC. 18. The Government of the United States hereby reserves the right, in case of war, or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract, for the purchase of electric power or fixed nitrogen or its ingredients, is thereby violated after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

"SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, on (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed $2,000,000 shall be made available with which to begin construction of Cove Creek Dam during the calendar year 1929.

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved."

And the House agree to the same.

CHAS. L. MCNARY,
G. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

DISPOSITION OF CONDEMNED ORDNANCE

The bill (H. R. 6049) to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELBERT L. COX

The bill (H. R. 10702) for the relief of Elbert L. Cox was considered as in Committee of the Whole.

Mr. KING. Let some explanation be made of the bill.

Mr. REED of Pennsylvania. The Senator who reported the bill is not here. I remember the case, however. This officer was a second lieutenant in France who was given authority——

Mr. KING. Is this the cigarette case?

Mr. REED of Pennsylvania. Over a group of men who were unloading cigarettes.

Mr. KING. I am familiar with it. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE ADAMS

The bill (H. R. 1072) for the relief of George Adams, was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection, it will be indefinitely postponed.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 668) amending section 1 of the interstate commerce act, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. ROBINSON of Arkansas. Mr. President, this bill ought to be considered. It has been passed by the Senate twice, and favorably reported during two other sessions of Congress. Every time it has been voted on by the Senate, it has passed almost unanimously. The conditions which now exist make a stronger case for the bill than has ever existed before. I hope the Senate will take action on the bill.

Mr. BRUCE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM J. COCKE

The bill (S. 1958) for the relief of William J. Cocke was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$46,431.32" and to insert in lieu thereof "$4,624"; and on page 2, line 1, change the period after the word "Carolina" to a comma, and insert the following: "less indebtedness of said Cocke to the United States in the amounts of $304.96 for printing costs in the case of William J. Cocke against United States (62 C. C., p. 108), for recovery under above contracts, in which the petition of said Cocke was dismissed, and $274.26 on account of failure to make payment for garbage delivered to him at Camp Bragg, Fayetteville, N. C., under contract of May 15, 1919, or a total indebtedness on such accounts of $579.22. Said sum, less indebtedness to the United States, shall be accepted in full and final release of all claims of William J. Cocke against the United States growing out of the above contracts," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Cocke, of the State of North Carolina, the sum of $4,624, for losses growing out of contracts with the War Department, one dated July 1, 1918, for the purchase of garbage from Camp Green, situate at or near the city of Charlotte, State of North Carolina; and the other September 23, 1918, for Camp Wadsworth, situate at or near the city of Spartanburg, State of South Carolina, less indebtedness of said Cocke to the United States in the amounts of $304.96 for printing costs in the case of William J. Cocke against the United States, 62 Court of Claims, page 108, for recovery under above contracts, in which the petition of said Cocke was dismissed, and $274.26 on account of failure to make payment for garbage delivered to him at Camp Bragg, Fayetteville, N. C., under contract of May 15, 1919, or a total indebtedness on such accounts of $579.22. Said sum, less indebtedness to the United States, shall be accepted in full and final release of all claims of William J. Cocke against the United States growing out of the above contracts.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT OF CUSTOMS APPEALS

The bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 3, after line 18, to insert the following:

SEC. 4. That section 4914 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4914. That court, on petition, shall hear and determine such appeal on the evidence produced before the commissioner at such early and convenient time as the court may appoint: and the court may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear, and such adjudication, if

it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant complying with the requirements of law."

And on page 4, line 7, to change the number of the section from 4 to 5, so as to make the bill read:

Be it enacted, etc., That the title of the United States Court of Customs Appeals, created by the act approved August 5, 1909, is hereby changed to the United States Court of Customs and Patent Appeals.

SEC. 2. (a) The jurisdiction now vested in the Court of Appeals of the District of Columbia in respect of Appeals from the Patent Office in patent and trade-mark cases is vested in the United States Court of Customs and Patent Appeals.

(b) Sections 4911 (44 Stat. 1336), 4912 (sec. 60, title 35, U. S. C.), and 4915 (sec. 63, title 35, U. S. C.) of the Revised Statutes, as amended, and section 9 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905 (U. S. C., title 15, sec. 89), are amended by striking out the words "Court of Appeals of the District of Columbia" wherever they occur therein and inserting in lieu thereof the words "United States Court of Customs and Patent Appeals" in each instance.

(c) Where before the effective date of this act an appeal from the decision of the Patent Office has been filed with the Court of Appeals of the District of Columbia—

(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect of the case shall be had in the same manner and with the same effect as if this act had not been enacted.

(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the United States Court of Customs and Patent Appeals, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal had been filed in said court.

(d) Nothing contained in this act shall be construed as affecting in any way the jurisdiction of the Court of Appeals of the District of Columbia in equity cases.

SEC. 3. The opinion of the Court of Customs and Patent Appeals in every case on appeal from the decision of the Patent Office shall be rendered in writing, and shall be filed in such case as part of the record thereof, and a certified copy of said opinion shall be sent to the Commissioner of Patents and shall be entered of record in the Patent Office.

SEC. 4. That section 4914 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4914. That court, on petition, shall hear and determine such appeal on the evidence produced before the commissioner at such early and convenient time as the court may appoint; and the court may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear, and such adjudication, if it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant complying with the requirements of law."

SEC. 5. This act shall take effect 30 days after its enactment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLARA PERCY

The bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That within one year from the enactment of this act a petition may be filed with the Court of Claims by or on behalf of Clara Percy for a hearing upon a claim for damages suffered by the said Clara Percy on account of the death of her husband, Elmer Charles Percy, who was struck and fatally injured by a United States Government truck in Balboa, Canal Zone. Jurisdiction is hereby conferred upon such court to hear and determine such claim and to render a judgment or decree thereon in a sum not to exceed $10,000: *Provided*, That said cause shall be tried and judgment rendered upon the same principles and under the same measures of liability as in like cases between private parties and with the same rights of appeal: *Provided further*, That notice of the suit shall be given to the Attorney General of the United States, and upon such notice it shall be the duty of the Attorney General to appear and defend for the United States.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered by the court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYEES' COMPENSATION

The bill (S. 3433) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 12, to strike out "5" and insert "3," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, be amended as follows:

"That any person employed as a nurse or orderly in a tubercular ward of a hospital, home, or institution, operated by the United States Government, who before entrance into such employment was subjected to a medical examination and such examination did not reveal any active or inactive tubercular germs, shall be conclusively presumed to have entered such employment free from tuberculosis, and tubercular germs subsequently discovered upon examination, while so employed, shall be presumed to have been contracted in the course of such employment, and compensation shall be paid and hospitalization shall be authorized therefor by the United States Employees' Compensation Commission according to the provisions of this act.

"Where a person has resigned or has been discharged from such employment and three years thereafter, upon examination, is found to have tubercular germs, such person shall be presumed to have contracted the disease while employed as a nurse or orderly, and compensation shall be paid and hospitalization authorized by the United States Employees' Compensation Commission according to the provisions of this act."

The amendment was agreed to.

Mr. REED of Pennsylvania. I ask that we may have an explanation of the bill. There is no report accompanying it.

Mr. BLAINE. I ask that the bill may go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

SALARIES OF JUDGES

The bill (H. R. 11463) to fix the salaries of certain judges of the Territories and insular possessions of the United States was announced as next in order.

Mr. KING. I ask that that go over.

Mr. BINGHAM. Mr. President, will not the Senator withhold his objection for a moment?

Mr. KING. I have some amendments, and it would lead to considerable discussion. I think the Senator will not make any time by having it considered now.

The PRESIDENT pro tempore. The bill will be passed over.

FLOOD CONTROL ON THE MISSOURI RIVER, NEBR.

The joint resolution (S. J. Res. 80) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara, in the State of Nebraska, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with amendments, on page 1, line 5, after "$250,000," to insert the words "or so much thereof as may be necessary"; and on line 10 to add a proviso as follows: "*Provided*, That the local interests shall contribute one-third of the cost of the said work," so as to make the joint resolution read:

Resolved, etc., That there is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska; said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of the said work.

The amendments were agreed to.

Mr. REED of Pennsylvania. I ask that the joint resolution may go over.

Mr. NORRIS. I ask the Senator to withhold his objection a moment.

Mr. REED of Pennsylvania. I withhold my objection.

Mr. NORRIS. This joint resolution presents an emergency proposition. It is conceded that unless something is done for the protection of the banks of the Missouri River, on the line between Dakota and Nebraska, the town of Niobrara, one of the oldest towns in the State, will be destroyed. Everybody is favorable to it—the engineers, the committee unanimously, and everybody—but there was no authority to take any action. It is provided that the citizens shall pay one-third of the expense of doing this work. If it is not done, it means the destruction of a town; it may be at the next high water. The danger is imminent, and I hope the Senator will not make any objection to the joint resolution. This is probably the only opportunity we shall have to pass it, and if it goes over until December it may be that the whole town will be wiped out.

Mr. REED of Pennsylvania. I have read the report and I have no further objection.

Mr. STEPHENS. Mr. President, will the Senator yield a moment?

Mr. NORRIS. I yield.

Mr. STEPHENS. I was on the subcommittee that considered this matter, and the matter was thoroughly considered by the full committee. This measure met the approval both of the subcommittee and the full committee. I think it ought to be passed.

Mr. NORRIS. I thank the Senator.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

FLOOD CONTROL ON THE MISSOURI RIVER, S. DAK.

The joint resolution (S. J. Res. 91) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton, in the State of South Dakota, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with amendments, on page 1, line 5, after "$250,000" to insert the words "or so much thereof as may be necessary," and to add a proviso at the end of the joint resolution as follows: "*Provided*, That the local interests shall contribute one-third of the cost of the said work," so as to make the joint resolution read:

Resolved, etc., That there is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton in the State of South Dakota; said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of the said work.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

COMPENSATION TO WORLD WAR VETERANS

The bill (S. 3258) to amend section 300 of the World War veterans' act, 1924, as amended, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the second paragraph of section 300 of the World War veterans' act, 1924, approved June 7, 1924, as amended, is amended to read as follows:

"The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law, or to any or all of them, or to a trust company or bank authorized to do a general trust business under the laws of the State in which it is incorporated or under the national banking laws, if such trust company or bank has been designated by the insured as trustee for any or all of the foregoing beneficiaries, and also during total and permanent disability to the injured person."

Mr. BRATTON. Mr. President, I offer an amendment to the pending bill.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. At the conclusion of the bill add a new section, as follows:

That the third paragraph of subdivision (7) of section 202 of the World War veterans' act, 1924, as amended by the act approved July 2, 1926, is amended by striking out the period at the end thereof and inserting a colon and the following: "*Provided further*, That the rating of any person once awarded compensation under this provision shall not thereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and any such person whose rating has heretofore been so modified shall be restored his rating of tuberculous disease of a compensable degree, completely arrested, and payments thereunder shall be resumed from the date of the approval of this amendatory act."

Mr. REED of Pennsylvania. Mr. President, the effect of this amendment would be to give a permanent life-time pension to any veteran of the World War who ever showed symptoms of tuberculosis prior to January 2, 1925, and subsequently had those symptoms arrested. We all know that tuberculosis can be cured. We all know that many a veteran showed symptoms of tuberculosis prior to the date stated, and is to-day just as well as we are. This is an amendment which would have the effect of giving such a soldier a permanent life-time pension of $50 per month.

The original bill to which the amendment is offered is entirely meritorious, and was unanimously reported by the Finance Committee yesterday. It enables any soldier to designate a trustee for the beneficiaries. I should be very sorry to see the amendment adopted, but I would be equally sorry to see the original bill fail.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. KING. I will ask that the bill go over if any amendment is offered.

Mr. SHORTRIDGE. I hope the Senator will withhold that objection.

The PRESIDENT pro tempore. Does the Senator ask that the bill go over?

Mr. KING. If there are any amendments offered. I have no objection to the original bill.

Mr. BRATTON. Will the Senator withhold his objection until I explain the purpose of the amendments?

Mr. KING. Mr. President, the Finance Committee is considering measures now for compensation, and so on, for soldiers, and it seems to me that this is not an appropriate place to consider the whole question.

Mr. SHORTRIDGE. Might not the matter be disposed of in this way? Objection is made to the proposed amendment, but there is no objection made to the bill as reported.

Mr. BRATTON. Mr. President, if the Senator will withhold his objection——

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. KING. Does the Senator from New Mexico insist upon his amendment?

Mr. BRATTON. I do not want to prejudice the bill of the Senator from California. I am going to be brief with my observations. I think the amendment is altogether meritorious, and I can not conceive of any valid objection against it. But in view of the fact that we are proceeding upon the Calendar for Unobjected Bills, if the Senator from Utah maintain his objection and makes it impossible for me to have the amendment adopted, I shall withdraw it rather than prejudice the bill of the Senator from California. But I should like to have the Senator from Utah withhold his objection, and likewise the Senator from Pennsylvania, if they will be good enough to do that, until I can explain the amendment.

Mr. KING. I have no objection to the Senator explaining his amendment.

Mr. BRATTON. On July 2, 1926, an amendment to the World War veterans' act was approved dealing with ex-service men who have a tuberculous disease. After dealing with the several ratings applicable to ex-service men falling in certain classes, this provision was added:

That any ex-service person shown to have a tuberculous disease of a compensable degree who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation at not less than $50 per month.

The amendment that I offer is to the effect that any ex-service man shown to have had a tuberculous disease of a compensable degree—meaning that the bureau must have made that determination and must have made that diagnosis, and likewise that the bureau has decided subsequently that the tuberculous disease, once of a compensable degree, has reached a stage of complete arrest—is automatically given a sick status with compensation of $50 a month.

It was the intention of the bill then, and was so stated upon the floor, that an ex-service man falling in that class should have assurance that his compensation should continue at that figure, unchanged upward or downward. The Senator from Arizona [Mr. ASHURST], who proposed the amendment and who championed it on the floor of the Senate, stated emphatically that that was his understanding. I supplemented what he said, representing one of the Southwestern States where a

great many men live who have tuberculosis or have had tuberculosis at some time in the past and who have reached the stage of arrest. But, notwithstanding what was said at the time the bill was passed, the bureau, in administering the law, arrogated unto itself the right to say that notwithstanding, according to its own records, a man did have tuberculosis of a compensable degree at some time in the past, and notwithstanding he has been paid at $50 per month, that now, upon a review of the record, it is decided that he never did have tuberculosis of a compensable degree and consequently his $50 is taken away from him in direct conflict with the plain language of the act, and particularly with the discussion that occurred on the floor of the Senate at the time the bill passed.

The amendment which I now propose——

The PRESIDENT pro tempore. The time of the Senator from New Mexico has expired.

Mr. SHORTRIDGE. Mr. President, I would not be willing to have a meritorious bill passed over, temporarily at any rate, because of the proposed amendment which has provoked the argument. May I suggest to the Senator from New Mexico that the relief which he seeks by the proposed amendment be secured by an independent bill?

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Pardon me just an instant. It could be offered and speedily considered by the committee, and perhaps passed through the Senate before we adjourn. I now yield to the Senator from New Mexico.

Mr. BRATTON. That is exactly what I did on the 27th of April. It has been before the committee, of which the Senator from California is a member, since that time. I called it to the attention of the chairman of the committee about 10 days ago and asked him when we might expect the bill to be considered.

He gave me assurance then that as soon as the revenue bill was disposed of my bill would receive prompt consideration. Certain bills were reported from the Committee on Finance yesterday. I am told by a member of the subcommittee having jurisdiction of legislation of this kind that the bill was not even presented to the committee. Obviously, unless the bill is attached as an amendment to the pending bill, it will not pass during this session of the Congress.

Mr. SHORTRIDGE. I would not express it in that way. If I attended the session of the committee, I do not recall that the bill was taken up.

Mr. BRATTON. That is what I complain about.

Mr. SHORTRIDGE. But may I suggest to the Senator that there is no rule which would prevent him consulting the committee to-morrow, and the committee might be polled and his bill could be reported. That is done frequently. I do not think the Senator's bill will suffer by withdrawing his proposed amendment and permitting this bill to go through to-night.

Mr. BRATTON. I will assure the Senator again that I am not going to have his bill prejudiced by insisting upon the amendment.

The PRESIDENT pro tempore. The Senator from New Mexico withdraws his amendment.

Mr. ASHURST. Mr. President, I join with the Senator from New Mexico in urging that at some appropriate time the amendment which he proposes should be enacted into law. The Senator has so clearly, so correctly, and so concisely stated the purpose of his amendment that nothing I could say would add to the force of his argument. I rather think that he has acted wisely, however, in withdrawing it rather than imperil the passage of the bill.

All that the Senator from New Mexico stated is true. The amendment to which he referred and which I caused to be adopted in 1926 has been misconstrued, to use the most liberal language, by the Veterans' Bureau.

I ask at this juncture to have printed in the RECORD a letter upon this subject by me to the Veterans' Bureau and the reply of the bureau.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters are as follows:

MAY 2, 1928.

Hon. FRANK T. HINES,
Director United States Veterans' Bureau, Washington, D. C.

DEAR GENERAL HINES: When H. R. 12175 was pending in the Senate of the Sixty-ninth Congress I offered the following amendment, which amendment was adopted by the Senate and which became a part of Public, No. 448, and for the lack of a better description has come to be known as the Ashurst amendment, to wit:

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date."

Will you please inform me as to the number of ex-service men now receiving compensation under the provisions of my amendment; and also please further advise me as to the gross sum of money (compensation) which to date has been paid to ex-service men under and by virtue of this Ashurst amendment?

Sincerely yours,

HENRY F. ASHURST.

WASHINGTON, *May 4, 1928.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: This will acknowledge receipt of your letter of May 2, 1928, requesting information as to the number of beneficiaries, and the cost, under the provision allowing the $50 statutory award.

You are advised that 39,634 veterans are receiving this statutory award at the present time. To date this legislation has caused an expenditure of approximately $28,800,000.

Very truly yours,

FRANK T. HINES, *Director.*

Mr. BRATTON. Mr. President, will the Senator yield to me?

Mr. ASHURST. I yield.

Mr. BRATTON. It is not my purpose to affect the amendment of the Senator from Arizona except to make the law so plain that even the bureau can not misconstrue it.

Mr. ASHURST. I thank the Senator.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLICING OF MILITARY ROADS LEADING OUT OF THE DISTRICT

Mr. BRUCE. Mr. President, if I may be permitted a moment or two, I should like to say that neither of the Senators from Virginia have any objection to the passage of the bill (S. 4461) to provide for the policing of military roads leading out of the District of Columbia. Therefore, if the Senate will amend the bill so as to make it inapplicable to Maryland I shall have no objection to it.

Mr. REED of Pennsylvania. I thank the Senator and ask that the bill be now considered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4461) to provide for the policing of military roads leading out of the District of Columbia.

Mr. REED of Pennsylvania. I offer an amendment

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

Mr. REED of Pennsylvania. I move, on page 1, line 8, after the word "roads" to insert the words "in the State of Virginia."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF WORLD WAR VETERANS

Mr. ASHURST. Mr. President, I beg pardon of the Senator from Pennsylvania, but I wish to address to him a question at this time. Some few evenings ago I offered an amendment to the tax bill, which was a rescript of House bill 13039, the World War veterans' bill as it passed the House. I am quite disturbed by a sentence I heard fall from the lips of the Senator from New Mexico [Mr. BRATTON] to the effect that the Committee on Finance has not even considered, much less reported, House bill 13039. Am I correct?

Mr. REED of Pennsylvania. I can explain that.

Mr. BRATTON. Let me say to the Senator that I referred to the bill which I offered as an amendment to the bill of the Senator from California.

Mr. ASHURST. Will the Senator from Pennsylvania kindly advise us as to when we may expect a report on House bill 13039?

Mr. REED of Pennsylvania. The Finance Committee met yesterday afternoon and ordered a favorable report upon that bill, with certain amendments, and also upon the bill amending the adjusted compensation act without amendment. One of them, I think, was reported to-day by the Senator from Utah [Mr. SMOOT]. The other one is in my office, and I hope to be able to report it as soon as the Senate shall meet to-morrow.

Mr. ASHURST. I am content. That is the clear and manly statement I would expect from the Senator.

COMPENSATION OF CUSTOMS EMPLOYEES

The bill (S. 4075) to adjust the compensation of certain employees in the Customs Service, was announced as next in order.

Mr. EDGE. Mr. President, this bill is identical with House bill 13143, being Order of Business 1304, which has passed the House, and, as I have indicated, is on the calendar. I ask unanimous consent that the House bill may be substituted for the Senate bill now before the Senate.

The PRESIDENT pro tempore. Without objection, the substitution will be made.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13143) to adjust the compensation of certain employees in the Customs Service, which was read, as follows:

Be it enacted, etc., That the following annual rates of compensation are hereby established for the employees in the Customs Service hereinafter specified:

(a) Laborers, $1,500.

(b) Verifers, openers, and packers, $1,680, $1,740, $1,800, $1,860, $1,920, $1,980 and $2,040.

(c) Clerks entrance salary, $1,700; clerks having one year's satisfactory service, $1,800; clerks having two years' satisfactory service, $1,900; clerks having three years' satisfactory service, $2,000; clerks having four years' satisfactory service, $2,100; thereafter promotion of clerks to higher rates of compensation shall be in accordance with existing law.

(d) Customs guards, $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, $2,300 and $2,400.

(e) Inspectors, $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, $3,200, and $3,300.

(f) Station inspectors, $3,000, $3,100, $3,200, 3,300, $3,400, $3,500, and $3,600.

SEC. 2. All new appointments of employees specified in section 1 shall be made at the minimum rate of the appropriate salary range.

SEC. 3. Nothing in this act shall be construed to prevent the promotion of any employee at any time to a vacant position in a higher grade, and when so promoted such employee shall receive the compensation fixed in accordance with law for such position; and nothing herein contained shall be construed to reduce the rate of compensation of any employee in the Custom Service.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to pay the rates of compensation herein established.

SEC. 5. (a) Sections 1 and 2 of this act shall take effect on July 1, 1928.

(b) The remainder of this act shall take effect on the date of its enactment.

Mr. KING. Mr. President, I call the Senator's attention to the report of Mr. Mellon, the Secretary of the Treasury, in which he says:

The proposed legislation is in conflict with the financial program of the President.

It does not have the approval of the Secretary of the Treasury.

Mr. EDGE. Mr. President, if the Senator will permit me just a few minutes I think I can—I hope so, at least—satisfy him as to the justness of this bill. It is the result of a thorough investigation by a subcommittee of the Ways and Means Committee of the House. It provides a minimum salary on entrance into the Customs Service of $1,500 a year, taking the place of the present entrance salary of $1,320 a year.

I think it should require very little argument to convince the Senate that $1,500 a year in such a very important service as is the Customs Service of the United States is about as low an entrance salary as this Government should pay. This proposed readjustment of customs salaries merely places the compensation of customs employees in the lower grades throughout the United States absolutely on a parity with the present salaries paid to post-office employees.

The bill was reported from the Ways and Means Committee of the House by unanimous vote; it passed the House of Representatives likewise by unanimous vote; it is on the Calendar to-day from the Finance Committee of the Senate, having been reported by unanimous vote, and, in view of the lateness of the session, I hope the Senator from Utah will permit the customs employees, especially in the lower grades, at least to be placed on a parity with the employees in the postal service of the United States. I assure the Senator that is all this bill provides.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Order of Business 1296, being Senate bill 4075, will be indefinitely postponed.

PROPERTY DEVISED TO UNITED STATES BY WESLEY JORDAN

The joint resolution (H. J. Res. 77) concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the acceptance of the devise and bequest made by Wesley Jordan in his last will and testament to the Government of the United States of America and recorded in volume 34, page 386, of the will records of Fairfield County, Ohio, be declined by the Government of the United States of America, and that the estate of the said Wesley Jordan be, and is, forever discharged from any obligation to the United States of America growing out of said last will and testament of said Wesley Jordan, deceased.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPORTATION OF CARILLONS OF BELLS

The bill (S. 2355) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J., was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, the bill the title of which has just been stated and the two following bills—that is, Orders of Business Nos. 1298, 1299, and 1300, being Senate bills 2355, 2907, and 793, were authorized by the Finance Committee to be reported by me favorably if the fact appeared that there was no industry in the United States capable of manufacturing such carillons. On investigation we are told that there is an establishment in Troy, N. Y., that is capable of doing it. Pending the investigation of that statement, in good faith to the Finance Committee, I ask that the three bills to which I have referred may go over.

The PRESIDENT pro tempore. Without objection, the bills will be passed over.

Mr. FLETCHER. Mr. President, may I state just briefly that I have introduced a similar bill to admit free of duty a carillon of bells which Mr. Edward Bok, of Philadelphia, Pa., and, I am proud to say, a resident for some months during the year of Florida, proposes to import for the purpose of constructing a carillon tower and bells at Mountain Lake, Fla. It is a pure donation, a public-spirited undertaking by him. Under the law he has to pay $40,000 duty on those bells because he has to get them abroad. He can not get them in the United States.

I am quite certain that the Senator will find that the bells that are needed by Mr. Bok, whether or not that applies to the people mentioned in these bills, will have to be imported, and that they are not made in the United States, and can not be made here. They have to have a peculiar tone, which the manufacturers of bells in this country are unable to produce, though they do make a number of bells here; I have not any question of that.

It may be that these particular bells can be manufactured here; but these carillon bells which Mr. Bok proposes to import can not be made here. He has investigated that subject.

He assures me that that is the fact. I have introduced a bill to allow Mr. Bok to import these bells free of duty. It is purely an altruistic movement on his part; but I can not get any report upon my bill. I think we ought to be treated alike. The Finance Committee ignores that bill, and reports out three other bills.

Mr. REED of Pennsylvania. I asked the clerk yesterday to give me all of the bills on this subject that have been introduced. If he has omitted the Senator's bill, I will look to it to-morrow. All I can say is that I hope that Mr. Bok's carillon will be sweeter than the tone of his letters on the subject of the World Court.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Pennsylvania where are the bells involved in the three bills on the calendar? Have they been shipped? Are they on their way?

Mr. REED of Pennsylvania. Yes, Mr. President. One set of them has not yet been imported, but is about to be, to Princeton University. One set has been imported to Grace Church, in Plainfield, N. J. Another set, I understand, has been imported to a church in Providence, R. I. I think I have stated the history of them correctly.

Mr. BARKLEY. Mr. President——

Mr. PHIPPS. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

SAVANNAH RIVER BRIDGE, SYLVANIA, GA.

The bill (S. 4474) authorizing the South Carolina and the Georgia Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes the State Highway Departments of the respective States of Georgia and South Carolina, jointly and severally, or either of them, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation, at or near Burtons Ferry, near Sylvania, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State Highway Departments of the respective States of Georgia and South Carolina, jointly and severally, or either of them, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such States.

SEC. 3. The said State Highway Departments of the respective States of Georgia and South Carolina, jointly and severally, or either of them, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 10 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALTAMAHA RIVER BRIDGE, TOWNS BLUFF FERRY, GA.

The bill (S. 4487) authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Uvalda Booster Club, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Altamaha River, at a point suitable to the interests of navigation, at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Georgia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches, and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such a bridge shall at any time be taken over or acquired by the State of Georgia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Uvalda Booster Club, its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Georgia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Georgia shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Uvalda Booster Club, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Uvalda Booster Club, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT ON SITE OF BATTLE BETWEEN SIOUX AND PAWNEE INDIANS

The bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments, on page 1, line 3, after the words "authorized to," to strike out "accept the donation of such land as may be deemed appropriate, not exceeding 40 acres," and insert "erect a suitable monument and historical tablets"; in line 6, after the word "on," to insert the words "or near"; in line 9, after the word "soil," to strike out "and to erect thereon a suitable monument and historical tablets" and insert "the title to the land deemed appropriate for the site shall be vested in the State of Nebraska, and care of the site and monument shall be without expense to the Federal Government"; and on page 2, line 9, after the words "United States," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to erect a suitable monument and historical tablets on or

near the site of the battle between the Sioux and Pawnee Indians near the Republican River in Hitchcock County, Nebr., the last battle between Indian tribes on American soil. The title to the land deemed appropriated for the site shall be vested in the State of Nebraska, and care of the site and monument shall be without expense to the Federal Government.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That the said monument shall be the work of an artist who is a citizen of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EROSION OF SHORE LANDS

The bill (S. 3637) to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Coast and Geodetic Survey of the Department of Commerce is authorized and directed to cooperate with appropriate agencies in the various States in studies to devise more effective means of preventing erosions of the shores by waves and currents; and for this purpose, under the limitations of existing law, to purchase instruments and supplies, to employ personnel for duty in the District of Columbia and in the field, to pay subsistence to employees engaged on field duty, to perform travel incident to the field work and as may be necessary to cooperation with the various States and to enter upon such other undertakings and incur such other expenditures as may be necessary: *Provided*, That no part of any sum hereafter appropriated for carrying out the provisions of this act shall be expended for field work in any State which does not contribute to the project such funds, supplies, and/or services as the Secretary of Commerce may consider appropriate.

Mr. COPELAND. Mr. President, reserving the right to object, I should like to ask the Senator from Pennsylvania, the chairman of the Committee on Military Affairs, what has become of the bill permitting the American Legion of the State of New York to borrow certain surplus property from the War Department?

Mr. REED of Pennsylvania. Mr. President, that bill was laid upon the table by unanimous vote of the Military Affairs Committee, in pursuance of a policy to decline to lend War Department equipment to State encampments of the American Legion, or of the Veterans of Foreign Wars, or of the Confederate Veterans, or of the Grand Army of the Republic, or of the United Spanish War Veterans, or of the other various veterans' societies. We have reported out favorably all such bills to authorize loans for national encampments of those organizations; but it is perfectly obvious that the supplies of the War Department would not be sufficient to furnish camp equipment to all of the State organizations of veterans of various groups who desire to borrow it.

Mr. COPELAND. By what authority, may I ask the Senator from Pennsylvania, did the committee decide to establish such a policy?

Mr. REED of Pennsylvania. By the authority that is vested in the committee to pass upon these bills according to its best discretion.

Mr. COPELAND. I think it is a very wrong thing to deny a great organization like the American Legion of the State of New York or any other State which is proceeding to use materials——

The PRESIDENT pro tempore. The time of the Senator from New York has expired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AERONAUTICAL CONFERENCE, WASHINGTON, D. C.

The joint resolution (S. J. Res. 161) authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the President be, and he is hereby, authorized and requested to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics to be held in Washington, D. C., December 12, 13, and 14, 1928.

SEC. 2. That the sum of $24,700, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such meeting, including salaries in the District of Columbia or elsewhere, rent in the District of Columbia, printing and binding, transportation subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), contract stenographic reporting services, official cards, and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of proper courtesies.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENGINEERS AND ECONOMISTS FOR RECLAMATION WORK

Mr. PHIPPS. From the Committee on Irrigation and Reclamation I ask unanimous consent to report a bill.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. PHIPPS. I report without amendment the bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work.

The bill would simply authorize the Reclamation Service to employ needed expert engineers and geologists at a rate a little higher than is authorized by the present law, the number being limited and the amount per annum that anyone could receive being limited.

Mr. ROBINSON of Arkansas. I did not object to the report being received, but I object to present consideration.

Mr. ODDIE. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill will go to the calendar.

ISSUANCE OF IMMIGRATION VISAS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas, which was to strike out all after the enacting clause and insert a substitute.

Mr. REED of Pennsylvania. I move that the Senate disagree to the amendment of the House, ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JOHNSON, Mr. REED of Pennsylvania, and Mr. KING conferees on the part of the Senate.

Mr. REED of Pennsylvania. I am authorized by the senior Senator from California [Mr. JOHNSON] to say that he does not desire to serve on the conference committee and requests that the Senator from New Hampshire [Mr. KEYES] be named in his place.

The PRESIDENT pro tempore. Without objection, the senior Senator from California will be excused from service upon the conference committee on the part of the Senate and the junior Senator from New Hampshire [Mr. KEYES] will be appointed in his stead.

GOLD STAR MOTHERS' TRIP TO EUROPE

Mr. COPELAND. Mr. President, I would like to ask the Senator from Pennsylvania [Mr. REED] if the Committee on Military Affairs have decided that the gold star mothers can not go abroad?

Mr. REED of Pennsylvania. May I say to the Senator from New York that the matter was referred to a subcommittee of which the Senator from Connecticut [Mr. BINGHAM] is chairman. They have held very patient and exhaustive hearings. They have had applications from every variety of relative of every variety of dead and injured and disabled veterans to take a trip to Europe.

The committee are patiently trying to work out something that they think the country will approve. The House passed the bill apparently without a great deal of consideration. The committee is trying to work out a satisfactory measure.

Mr. COPELAND. The Senator from New York does not understand the expression "without consideration." Does the Senator mean without any consideration?

Mr. CURTIS. Mr. President, I demand the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Senator from Vermont [Mr. DALE] is recognized.

CONSIDERATION OF BRIDGE BILLS

Mr. DALE. On behalf of the Committee on Commerce I report just four more bridge bills. The Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr.

STEPHENS], and the Senator from Ohio [Mr. FESS] are very anxious to get these bills through to-night.

Mr. McKELLAR. I hope the bills on being reported will be put on their passage.

The PRESIDENT pro tempore. Without objection, the reports will be received.

Mr. DALE. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13141) authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn., and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DALE. From the same committee I report back favorably, with an amendment to the title, the bill (H. R. 13203) granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burnside, Pulaski County, Ky., and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burnside, Pulaski County, Ky."

Mr. DALE. From the same committee I report back favorably without amendment the bill (H. R. 12894) to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DALE. From the same committee I report back the bill (H. R. 13380) authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark., and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR EARLE B. MAYFIELD

Mr. THOMAS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of the junior Senator from Texas, EARLE B. MAYFIELD, in support of his candidacy for reelection to this body.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR EARLE B. MAYFIELD ANNOUNCES FOR REELECTION—CITES RECORD OF LAWMAKING IN STATEMENT

To the Democrats of Texas:

Through the grace of the Democratic Party of Texas I became United States Senator on March 4, 1923. My present term of office will expire March 3, 1929. I am a candidate for the Democratic nomination of United States Senator, subject to the action of the approaching Democratic primaries in July and August.

I have always held to the theory that a representative of the people should welcome the opportunity of giving an account of his stewardship. As a candidate seeking the Democratic nomination for United States Senator I am willing to stand or fall by the record I have made during the short time I have represented the people of Texas in the United States Senate. In considering my record the people are requested to remember that during the first two years of my term as Senator practically all of my time was consumed in resisting the contest of my election, and I was thus prevented from serving the people of Texas as I could have served had not that unfair and unholy contest been filed.

REPRESENTS ALL CLASSES

When I accepted the Democratic nomination for the office of United States Senator at the Democratic State convention held in the city of San Antonio in September, 1922, I said that I would go to Washington to represent all of the people of Texas, without respect to religious faith or creed. I have scrupulously lived up to that promise. The doors of my office have swung wide open to Protestants and Catholics, Gentiles and Jews, and my services have been given freely to all alike. My greatest ambition has been to render a worth-while service to the State of Texas, and my greatest desire has been to merit the confidence and esteem of the good men and women who honored me with their suffrage. It has been the rule of the Democratic Party of our State, since the days of Sam Houston, to give the incumbent in office a second term, where he has even fairly discharged the duties of his office. I am not seeking the suffrage of the Democrats of Texas upon that basis alone, but I submit that a review of my record will furnish no excuse why I should be made an exception to this time-honored custom of our party.

ALWAYS ON JOB

During my term as Senator, I have not been absent from Washington a single day while the Senate has been in session. I have not been out of my office or the Senate Chamber a single day while the Congress has been in session, except on account of personal sickness or that of some member of my family. I have remained at my post of duty and have undertaken to attend to the business of the people of Texas in a business-like way. Mail coming to my office has been answered promptly and departmental matters have been given my undivided attention. When the Congress has adjourned I have returned to Texas, keeping my office in Washington open during vacation, and at the same time maintaining an office at Austin, in order to give prompt attention to the business of my constituents.

REMAINS AT POST

At a later date I will return home to give a more extended account of my stewardship as your Senator, but I can not get my consent at this time to leave my post of duty when such important measures as farm relief, tax reduction, and flood control are pending in the Congress.

For 15 years our State has been torn asunder by bitter, personal, abusive, mud-slinging campaigns. I will not be a party to the continuation of that character of politics. My campaign will be placed upon a high plane, worthy of the great office of United States Senator. I will discuss measures and not men, principles and not persons, issues and not individuals. With St. Paul I can say, "The power which God has given me I will use to construct and not to tear down." If I can not be reelected United States Senator upon my own merits, surely I do not want to be elected upon the demerits of others, if such they have.

Important legislation is generally formulated in the committees. I am a member of the following committees of the Senate: Agriculture and Forestry, Interstate Commerce, Banking and Currency, Public Buildings and Grounds, Claims, and Interoceanic Canals. At this time Texas is particularly interested in the questions of agriculture, transportation, and finance. Being a member of the committees of the Senate that formulate legislation affecting agriculture, the railroads, and the banks of our State, I submit I am in a position to render greater service to our people than were I not a member of these important committees. As a member of the Committee on Public Buildings and Grounds, I am in a position to render special service to the various cities and towns of our State that need post-office buildings. My membership on the Committee on Claims enables me to give special attention to the claims of our people against the Federal Government. The rule of seniority obtains in the Senate, and I will retain my membership upon the above committees as long as I am a Member of the Senate. A new man would, in all probability, not be appointed to any of these committees.

LAWS HE SPONSORED

I am author of the law that permits the Interstate Commerce Commission to authorize emergency freight rates into drought or flood stricken areas. With this law in effect, the people of a drought or flood stricken area will never suffer on account of high freight rates, as did the farmers suffer in the drought-stricken areas of central Texas in 1925.

I am author of the law that confers power upon the Secretary of War to prescribe just and reasonable tolls for transit over bridges constructed across the Red River, that constitutes the boundary line between Texas and Oklahoma. Under this legislation the tolls over these bridges can be reduced to a just and reasonable basis.

I am author of the law that directs the Secretary of Agriculture to make a general survey of the "carry-over cotton" in the United States, by grade and staple length, separating the low grade, dog-tail, unspinnable cotton from the high grade, commercial, spinnable cotton. When this bill was introduced in the Senate in December, 1926, the price of cotton had reached the lowest point since 1921 and was selling around 10 cents per pound. By the time the bill had been enacted into law the price of cotton had advanced 3 cents per pound, or $15 per bale. Mr. Theodore Price, editor of Commerce and Finance, of New York City, one of the greatest authorities on cotton in the world, is reported as having stated that the reaction to the downward trend in the cotton market in the early months of 1927 was due to this measure. The measure had the support of all the cotton organizations and associations of the South.

WOULD BOOST CONSUMPTION

Believing that one of the best ways to deal with the surplus of any commodity is to bring about an increased consumption of that commodity, I secured the adoption of an amendment to the agricultural appropriation bill in the last Congress, that directed the Secretary of Agriculture to make a scientific investigation into the potential uses of cotton, with a view of bringing about an increased consumption of that commodity. The investigation conducted by Dr. B. Youngblood, formerly of the agricultural and mechanical college of our State, shows that bagging made of low-grade cotton is in every respect preferable to jute bagging. Expert authorities of the Department of Agriculture tell us we would create markets for 2,000,000 bales of cotton, by wrapping the cotton crop of the South with bagging made of low-grade cotton, and by shipping our rice, sugar, salt, corn, bran, oats, cement, potatoes, meats, and such commodities in sacks made of low-grade cotton, instead of burlap sacks made of jute, and by substituting the use of cotton manufactured fabrics. The creation of such markets, says Doctor Youngblood, would bring about an increase of 4 cents per pound in the price of cotton, or $20 a bale, above that which our farmers would receive were the new markets for this additional amount of cotton not created.

REPORTS CUT DOWN

I am coauthor of the law that limits the Department of Agriculture to the issuance of monthly cotton-crop reports instead of semimonthly reports. It is agreed by all that this law has had a sane, constructive effect on the cotton market and has been productive of beneficial results throughout the South.

I am coauthor of the law that amended the interstate commerce act in seven different ways, all of which gave real substantial relief to the shippers of our country and were advocated by every shippers' association in the United States.

I am author of the law that authorized the Secretary of Agriculture to permit the readmission of cattle from Mexico into the State of Texas, under certain regulations. This legislation prevented the confiscation of several thousand head of cattle owned by our Texas cattlemen.

OTHER LEGISLATIVE ACTS

I am author of Senate Resolution No. 40, which directs the Secretary of Agriculture to advise the Senate of the cause of the wide fluctuations in the price of wheat after February 20, 1927. This resolution was strongly supported by the Texas Wheat Growers' Association.

I am author of Senate resolution 152, which provides for the investigation of the affairs of the Federal Reserve Bank of Dallas. The presentation of this resolution was requested by the West Texas Chamber of Commerce and supported by a large number of member banks of the Federal Reserve Bank of Dallas. I am anxious to know why the cotton farmers of Texas, who have excellent security, can not borrow money for less than 5 per cent interest, and only then for a short period of time, and yet our Texas bankers are compelled to ship millions of dollars of our surplus funds to New York City, where it is loaned to New York Stock Exchange speculators at 1¾ per cent interest.

AGAINST SPECULATION

I have given my enthusiastic support to measures introduced in the Senate the purpose of which has been to prohibit gambling in the prices of farm products through futures exchanges. Our cotton farmers will never secure the real worth of their cotton as long as the price is dominated by gamblers on cotton-future exchanges.

I have now pending in the Senate a measure which provides that the United States Government shall bear all expenses incurred in the eradication and control of diseases of livestock and of agricultural pests introduced into the United States from any foreign country. These invasions always affect the common prosperity, constitute a national menace, and threaten the general welfare. Upon the Federal Government alone must rest the responsibility for all such invasions, because the Federal Government has absolute control of quarantine stations and regulations. It should therefore be the policy of the Federal Government to bear the entire expense of eradicating such diseases and pests.

COTTON OIL BILL UP

I have now pending on the Senate Calendar S. 1414, the purpose of which is to place the New York produce exchange and other futures exchanges dealing in cotton-oil option contracts under the jurisdiction of the Secretary of Agriculture. This bill, if enacted into law, would save the cotton farmers and the cotton-oil manufacturers of the South several million dollars every year, because it would free the cotton-oil market from manipulations.

I secured the passage of a measure through this session of the Senate that prohibits predictions with respect to cotton prices, in any report or bulletin issued by the Department of Agriculture or the Department of Commerce. When Secretary Jardine issued a statement last fall, that the future prices of cotton would be lower, he dealt the cotton farmers of the South the severest blow they have received in the last quarter of a century. On December 8 last the Department of Agriculture estimated the 1927 cotton crop at 12,769,000 bales, which was 5,180,000 bales less than the cotton crop of 1926 at the same date. In view of the short crop, the price of cotton should have immediately advanced $5 to $10 a bale, but instead it declined $2 a bale. Why? Because Secretary Jardine drove the supporting influences out of the cotton market and practically destroyed the market for cotton when, without authority at law, he predicted that the future trend of cotton prices would be lower. When this measure is enacted into law never again will our cotton farmers be dealt such a blow as Secretary Jardine gave them last September.

FARM TRAFFIC AID

I supported the Hoch-Smith resolution, which recognized the existing depression in agriculture and directed the Interstate Commerce Commission to make "the lowest possible lawful rates on agriculture, compatible with the maintenance of adequate transportation service."

I have supported all measures providing for future development of agricultural extension work and for the complete development of vocational education in the several States.

Earnestly desiring to secure cheap fertilizer for the farmers of the South, I gave my active support to Senate Joint Resolution No. 46, sponsored by Senator NORRIS, dealing with the disposition of Muscle Shoals. This resolution provides for Government operation of the power plants and also the nitrate fertilizer plants, with the surplus power to be sold and profits utilized for Government manufacture of fertilizer. If the terms of this resolution are faithfully carried out, it will not be long until the farmers of the South will have cheap fertilizer and will no longer be at the mercy of the Fertilizer Trust.

FAVORS PENSIONS

I supported actively the legislation that granted increased pensions to certain soldiers and sailors of the war with Spain and the Philippine insurrection.

I introduced in the Senate at this session of the Congress Joint Resolution No. 25, which declares the 11th day of November, celebrated and known as "Armistice Day," as a legal public holiday. This resolution has the indorsement of many of the American Legion posts.

After becoming United States Senator on March 4, 1923, my first official act was to call upon General Hines, Director of the United States Veterans' Bureau, for the purpose of urging him to favor the proposition of the Federal Government purchasing the American Legion hospital at Kerrville, Tex. I am glad to be able to say that this conference culminated in the taking over of the Kerrville Hospital by the United States Government. From that time down to the present hour I have welcomed the opportunity of serving our World War veterans. It has been my pleasure to give 100 per cent support to the legislative program as sponsored by the American Legion.

FOR TIGHT ALIEN REIN

I have not wavered in my support of measures the purpose of which has been to tighten up our immigration laws. I believe in keeping America absolutely Anglo-Saxon. I supported the amendment to our immigration laws providing for the exclusion of the Japanese and also voted for an amendment which, if adopted, would have prohibited all immigration for a period of five years. I believe preference should be given to immigrants who have been raised on a farm and who will agree to work on the farms in the United States. I supported the amendment to our immigration laws which, though not increasing the quota, gave preference to members of separated families.

I believe with all my heart in the provision written into the Clayton antitrust law by my illustrious predecessor that "the labor of a human being is not a commodity or article of commerce." My record upon labor measures during my first term as United States Senator has been just the same as it was when I was a member of the Texas State Senate and a member of our railroad commission. In a letter to me dated March 16, 1928, transmitting my labor record, as taken from the CONGRESSIONAL RECORD and compiled in the office of the National Legislative and Information Bureau at Washington, Arthur J. Lovell, vice president of the Brotherhood of Locomotive Firemen and Enginemen and national legislative representative, said: "You will observe your record has been 100 per cent, so far as we are concerned."

FOR DRY STATUTES

I have supported every measure coming before the Senate during my term of office, the purpose of which was to strengthen our prohibition laws and uphold the Federal Constitution. An editorial in the Home and State (March, 1927), speaking of my prohibition record, said: "From Dr. F. Scott McBride, general superintendent of the Anti-Saloon League of America, we quote as follows: 'I have been very much pleased at the aggressive attitude taken by Senator MAYFIELD from your State, in relation to our prohibition legislation. Of course, our great leader, Senator SHEPPARD, is always active and always willing to help. We are greatly indebted to Texas for the aggressive attitude of your Senators.'"

I received a letter from Hon. Wayne B. Wheeler, general counsel and legislative superintendent of the Anti-Saloon League of America, dated March 4, 1927, in which he said:

"At the close of another session let me thank you again on behalf of the various church denominations, which we represent, for the splendid support you have given legislation necessary to enforce the eighteenth amendment, also for your support of the cloture rule, without which the reorganization-civil service bill could never have been passed. The great body of voters in your State who believe in the eighteenth amendment and its enforcement will appreciate your loyal support of this cause."

FOR BETTER MAILS

I have given my enthusiastic support to all legislation affecting the interest of city, town, and rural letter carriers and also the railway mail carriers. I have also given my hearty support to all legislation which proposes to restore the postal rates on newspapers to the 1920 basis.

Since I have been Senator I have supported revenue measures which reduced Federal taxes $859,000,000, and I am giving my enthusiastic support to the tax measure now pending in the Senate, which will reduce taxes something like $275,000,000. I voted against amendments that would have placed a tax on drafts and checks given by the people and also voted against the amendment that would have taxed telephone and telegraph messages. I have voted all along to repeal the wartime nuisance taxes, including the tax on admissions and the automobile tax.

I have voted for all motions and resolutions offered in connection with the investigation of the leases of the naval oil reserves (Teapot Dome and Elk Hills) and for the annulment of the lease to the Mammoth Oil Co., a subsidiary of the Sinclair Oil Co.

AGAINST WARREN

I voted for the resolution to investigate the administration of the Department of Justice as administered by Harry M. Daugherty, Attorney General, which not only brought about Daugherty's resignation as Attorney General but also the resignation of William J. Burns, head of the bureau of investigation under Daugherty, and the resignation, prosecution, and conviction of A. E. Sarpain, warden of the Atlanta Penitentiary. I voted for the motion to consider in the open Senate the nomination of Charles B. Warren to succeed Daugherty as Attorney General and subsequently voted against the confirmation of Warren. I voted for the resolution requesting President Coolidge to demand the resignation of Mr. Denby, Secretary of the Navy, on account of his connection with the leasing of the naval reserves.

I supported actively Senate bill 1095, the purpose of which is to drive from the United States Capitol the unscrupulous, dishonest lobbyist who is falsely representing that he can improperly influence Senators and Congressmen.

FOR DEBT PAYMENTS

I voted against all foreign debts settlement measures because the settlements have practically amounted to cancellations, and I am unalterably opposed to the cancellation of the debts due the United States by foreign countries.

I supported Senate Resolutions 195, 227, 258, and 324 that created a special committee—the Reed committee—to investigate senatorial campaign contributions and expenditures.

I have given my enthusiastic support to every measure coming before the Senate which had for its purpose the development, maintenance, and improvement of the military posts of Texas.

I supported Senator ROBINSON'S [Arkansas] resolution declaring it to be the sense of the Senate that the controversies between the United States and Mexico should be submitted to arbitration. I believe in the self-determination of all nations, whether large or small, and therefore am unalterably opposed to any country interfering with the internal and domestic affairs of another.

FOR HOUSTON CHANNEL

I have never neglected an opportunity to urge the necessity of needed appropriations for the Houston Ship Channel, and additional appropriations for all the various ports of Texas. I appeared before the Rivers and Harbors Committee of the House and made an argument for the completion of the intracoastal canal, showing the great relief that the construction of this project would bring to the people of Texas in the way of reduced freight rates.

I have given my enthusiastic support to legislation providing Federal aid for the improvement of our public highways and for the study and investigation of improved methods of road construction which directly benefits all the people, irrespective of occupation. I have strenuously resisted the efforts of Senators representing Northern States, that had already completed their road-construction program, to do away with Federal aid for the improvement of public highways.

BACKS MERCHANT MARINE

I supported actively Senate bill 744, the purpose of which is to expand the American merchant marine and to maintain it under Government control. This measure contains a provision which will prevent the development of a monopoly in shipping by prohibiting the sale of a ship to private interests except by the unanimous vote of the Shipping Board. I have always advocated a merchant marine sufficient to carry American commerce, thereby providing for our farmers a fixed and certain market for their products.

I have given my enthusiastic support to every measure coming before the Senate during my term of office relating to irrigation and reclamation projects.

As a member of the Committee on Claims of the Senate I have given prompt attention to the claims of all citizens of Texas against the Federal Government. It was my pleasure to report to the Senate the bill that gave relief to the widows and orphans of the men killed and wounded in the Houston riot, precipitated by negro soldiers stationed in that city during the war.

FARM PROBLEM VITAL

The restoration of the rights of the States to regulate purely intrastate commerce and the placing of agriculture upon a permanent, remunerative basis are the biggest economic questions before the American people to-day and will, therefore, constitute the paramount issues in my campaign for the Democratic nomination of United States Senator. The policy of permitting the Interstate Commerce Commission to regulate commerce wholly within a State brings into issue the entire subject of the relative functions of the State and the Nation in our scheme of government as applied to our industrial affairs and focuses attention on the wisdom of our dual form of government. If my candidacy for reelection to the Senate means anything it means a continuation of the fight which I have been making for the constitutional rights of the State of Texas. It's the people's battle that I am waging to determine whether their rights to regulate the railroads wholly within their State shall be permanently denied. To do this means to give 11 men in Washington absolute control not only over commerce between the States, but also over commerce wholly within the States, and surely such a policy is contrary to the spirit and genius of our institutions and destructive of our dual form of government.

TOO MUCH INTERFERENCE

The Esch-Cummins law not only clothes the Interstate Commerce Commission with power to make freight rates applicable to commerce moving wholly within the State of Texas, but the act nullifies practically every statute in our State regulating railroads. It destroyed the Hogg stock and bond law, under which the Texas railroad commission regulated the amount of securities a railroad could issue. It destroyed the statute providing 3 cents per mile as the maximum charge for passenger fares in Texas. It destroyed the statute providing that when once a railroad had been constructed in Texas it could not be abandoned until the consent of the legislature had been secured.

It destroyed that provision of our State constitution which forbids the consolidation of parallel and competing railroads. It destroyed that provision of our State constitution which gave any railroad corporation or association the right to construct and operate a railroad between any points within the State of Texas. However urgent the need of a railroad between two or more communities in our State, not one foot of railroad can be constructed under the Esch-Cummins law until the consent of the Interstate Commerce Commission at Washington has been secured.

PRODUCT OF RAILROADS

The Esch-Cummins Act is the product of the railroads. They succeeded in writing into it everything they desired at the time it passed the Congress, but for the last three years they have been clamoring for additional legislation that would permit the gigantic consolidation of all of the railroads of the United States into 15 or 20 groups.

Under the proposed railroad consolidation measures State charters would be replaced by Federal charters, and this would finally force all railroad litigation into the Federal courts. Moreover, under the proposed legislation the railroads could repudiate their contractual and statutory obligations to the various communities in the several States from which they have received large sums of money and valuable land donations in consideration that they would maintain their shops and general offices in certain communities. The transportation issue is, therefore, of paramount importance and can not be minimized.

ABUSE STATE RIGHTS

Substantial relief can not be secured for our people until the Esch-Cummins Act has been so amended as to restore to the States exclusive power to authorize new railroad construction within their respective boundaries, and until the rate-making section of the act has been repealed, and the Congress has defined the powers of the Interstate Commerce Commission, so that it can not destroy the rate-making functions of the States as it did in the Shreveport rate case. I secured the passage of a measure twice through the Senate giving railroads the right to extend their lines into the undeveloped sections of Texas without being compelled to secure the permission of the Interstate Commerce Commission, but the measure was sandbagged in the Committee of Interstate Commerce of the House of Representatives.

This was the first decentralizing power measure that has passed the Senate in the last 50 years. At the time I first passed this measure through the Senate there were pending before the Interstate Commerce Commission applications for permission to construct 981.11 miles of new

railroad in Texas, representing an expenditure of something like $50,000,000, and if my measure had not been given knockout drops in the Interstate Commerce Committee of the House, railroads would now be under construction into many sections of our State that are totally without transportation facilities.

WOULD RESTORE POWER

I now have pending in the Senate a measure which, if enacted into law, would restore to the States the rate-making powers they possessed before the enactment of the Esch-Cummins law and before the decision in the Shreveport rate case. During the Sixty-ninth Congress I offered this bill in the form of an amendment to the McNary farm relief bill, but it was defeated by 8 votes, which was the smallest vote by which any of the amendments to this bill were defeated. If the people of Texas will honor me with a second term in the United States Senate, and the politicians will cease their warfare upon me for only a limited time, I am willing to give bond that I will secure the enactment of both of these measures into law, and our people will then be given the relief to which they are justly entitled and the States will have restored to them the rights they reserved when they came into the Union.

FARMER BADLY TREATED

Of no less importance to the stability of the Nation is the placing of agriculture upon a permanent, remunerative basis. In order to make secure the future of our Government action by the Congress along two general lines is necessary. In one direction we must modify our national policies, which operate to the disadvantage of the farmers. We should recast the provisions of the tariff with a definite view to improve the relative position of agriculture and livestock, in comparison with other groups. There should be no discrimination between raw materials and finished products in the raising of revenue.

A competitive tariff would give our farmers and livestock men a tariff on their raw products sufficiently high to equalize the difference in the cost of production of raw products in foreign countries that employ pauper labor. The farmers' share of the national freight bill is disproportionately heavy and should be reduced at the earliest possible moment. Manipulation of the prices of farm products through future exchanges should be prohibited at once. But when these and other reforms have been accomplished, the great task is still to be done. That task is to provide a method by which our farmers will be able to handle their crop surpluses for their own benefit, rather than to continue a system under which the surpluses enrich others at their expense.

UNITED STATES ONLY COTTON SURPLUS

The only country that produces a surplus of cotton is the United States, and whenever there is world surplus it is produced by our country. The surplus therefore determines the price. If we could withdraw from the market the temporary surplus of cotton raised in the United States and hold that surplus until it is needed, we would then regulate the supply with the demand and thereby stabilize the price of cotton upon the basis of the supply not exceeding the demand. It is therefore apparent that the one thing needed in the South to-day is the establishment of the machinery by which we can retire a temporary surplus of cotton from the market and hold that surplus until it is needed. This is the aim and purpose of the McNary farm measure, for which I voted three times in the Senate.

The Federal Government has spent multiplied millions of dollars in encouraging our farmers to a greater production. From its Treasury has flowed untold millions for reclaiming swamp lands, for irrigating arid lands, for destroying agricultural pests and insects, all of which have resulted in an increased production, and yet the Government has left our farmers without the machinery by which at least a moderate surplus can be carried forward until it is needed.

ABOUT EQUAL

Investigations have shown that there is no such thing as maintaining a surplus of cotton over a period of five years. One year there is a surplus, but the next year it is wiped out by droughts, floods, or by the boll weevil and the bollworm. So it has been demonstrated that in a period of five years supply and demand are equalized. While occasionally we produce more cotton in one year than the world can consume in one year, yet we have never produced over a period of five years more cotton than the world needed and could consume during that time. The "carry-over" from year to year is not a true surplus; it is merely that part of the crop not temporarily needed but which will be needed to supply a deficiency in the years of smaller production.

If the McNary measure had been in effect in September, 1926, the cotton farmers of the South would have been saved not less than $600,000,000, and the truth of the statement is easily established. When the farmers began marketing their cotton in the early part of September, 1926, the price of middling cotton was around 20 cents per pound. About that time it was reported that there would be a surplus of 3,000,000 bales of cotton, and down went the price to 10 cents per pound within 30 to 60 days.

SURPLUS THEORETICAL

If the McNary farm measure had been in effect at that time, the Federal farm board would have come to the rescue of the cotton farmers of the South and retired about 2,000,000 bales of the purported surplus from the market and our farmers would undoubtedly have received 20 cents a pound for their cotton. Why? Because that was the price of cotton about June 1, 1927, and we had not produced one single bale of cotton in addition to the 1926 crop.

While the cotton crop of 1926 was in the hands of the farmers it was a purported surplus that sent the price down to 10 cents per pound, but as soon as the farmers had sold their cotton and it had become the property of others, the surplus disappeared and the price steadily advanced until it reached 20 cents per pound by June 1, 1927.

The South produces a world necessity and should be the richest spot on the face of the globe, and yet our farms are plastered with mortgages and our people are impoverished and discouraged. Why? Because our farmers have not received governmental aid and protection.

ALL OTHERS PROSPEROUS

The railroads are prosperous, the public utilities are prosperous, manufacturing is prosperous, and so is organized labor. Why? Because they have been given governmental aid, supervision, and protection. If it is a sound public policy for the Government to protect the railroads that haul the farmers' cotton and the manufacturers that spin and weave it, I submit that it is a sounder public policy to protect the farmers that produce the cotton for the protected railroads to haul and which the protected manufacturers weave and spin.

It seems to me that if our Government can afford to make outright gifts of $30,000,000 for the relief of people in foreign nations and a straight-out subsidy of $529,000,000 to the railroads, and then is generous enough to loan over two and one-half billion dollars to foreign nations after the war was over, it certainly can afford to loan our farmers $400,000,000 by which they can free themselves from industrial slavery. When I return home to campaign the State I will be glad to give my view more fully on these two most important questions.

RECALLS CONTEST

The good people of Texas have not forgotten that I was practically robbed of the first two years of my term in the Senate by the filing of the contest of my election. A subcommittee of the Committee on Privileges and Elections of the Senate, composed of three Republicans and two Democrats, for a period of 23 months, conducted the investigation of my election to the Senate and reported unanimously to the full committee that the charges against me had not been sustained. The full Committee on Privileges and Elections, composed of seven Republicans and six Democrats, reported unanimously to the Senate that I was entitled to my seat, and the United States Senate, composed of 53 Republicans and 43 Democrats, unanimously adopted the report of the full committee.

Never in the history of contested-election cases in the United States Senate was there such a unanimity of opinion; but, nevertheless, the contest literally robbed me of the first two years of my term in the Senate. I am now asking the Democrats of Texas to give me a full term in the Senate, where, unmolested or harassed by unscrupulous politicians, I can dedicate my entire efforts to the unselfish service of my native State. All I ask is a fair chance.

WIFE SHADOWED

The Democrats of Texas are fair-minded people and will mete out exact justice to everyone. I know my appeal will not be denied. From the time I received the Democratic nomination for United States Senator in 1922 until the United States Senate in February, 1925, unanimously decided the contest of my election in my favor, I was hounded and pursued by my enemies without shadow or turning. At every opportunity they thrust their poisonous spears into my side. During the long-drawn-out contest I practically slept on a bed of thorns. Detectives even followed Mrs. Mayfield as, in company with the wives of other Senators, she returned the social calls of her friends, and they followed me day and night. My mind went whirling around like a potter's wheel, and I often wonder how in the world I escaped the asylum. I could not possibly have borne all that came to me during those years had it not been for that help that comes from above? yielded to man through prayer.

NO MALICE IN HEART

It may be that I was permitted to pass through that Gethsemane in order that I might be prepared to more truly appreciate the sufferings that come to so many of our people. My troubles, however, were not without their recompense, because I learned from actual experience that God never sends us a cross to bear that He does not provide a Cyrenian to help us carry it.

There are scars, but no malice in my heart. With an abiding confidence in the justice of the people and with their interests to lead me "as a cloud by day and a pillar of fire by night," upon the record herein reviewed I shall prosecute my candidacy for the Democratic nomination for United States Senator, subject to action of the approaching Democratic primaries.

SALARIES OF TERRITORIAL JUDGES

Mr. BINGHAM. Mr. President, some time ago the Senator from Utah [Mr. KING] objected to Calendar 1292, the bill (H. R. 11463) to fix the salaries of certain judges of the Terri-

tories and insular possessions of the United States. A House bill increasing the salaries of certain judges in Porto Rico, at the expense of Porto Rico, was passed some time ago. A delegation has been to see me several times urging that the bill be passed. The bill is now in the hands of the Judiciary Committee. I ask unanimous consent that the Judiciary Committee may be discharged from the further consideration of the bill and that the bill may be laid before the Senate for immediate consideration.

Mr. KING. I have no objection, except that I shall vote against the bill.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire if the Judiciary Committee considered the bill and reported on it?

Mr. BINGHAM. The bill for which I am now asking consideration is a part of the bill (H. R. 11463) which the Judiciary Committee has already reported. The Senator from Utah objected to the consideration of the entire bill, but does not object to the consideration of that particular part of it which is a separate bill.

Mr. BLAINE. Mr. President, may I inquire what insular possession it affects?

Mr. BINGHAM. Porto Rico.

Mr. BLAINE. The Committee on the Judiciary has considered the salaries of several of the judges of the several insular possessions. I think it would be unfair to consider the salary of the judges of only one of the possessions under the circumstances. I believe we ought to consider them all at the same time, under the same bill, as reported by the Judiciary Committee.

The PRESIDENT pro tempore. Objection is made.

RECESS

The PRESIDENT pro tempore. The hour of 10.30 o'clock having arrived, under the unanimous-consent agreement previously entered into, the Senate will stand in recess until 11 o'clock a. m. to-morrow.

Thereupon the Senate (at 10.30 p. m.), in accordance with the order previously entered, took a recess until to-morrow, Thursday, May 24, 1928, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 23 (legislative day of May 3), 1928

UNITED STATES DISTRICT JUDGE

William B. Lymer, of Hawaii, to be United States district judge, district of Hawaii, vice John T. De Bolt, term expired.

UNITED STATES ATTORNEY

Ross R. Mowry, of Iowa, to be United States attorney, southern district of Iowa. A reappointment, his term having expired.

POSTMASTERS

CALIFORNIA

Marion W. Bessom to be postmaster at Lawndale, Calif., in place of M. W. Bessom. Incumbent's commission expires June 5, 1928.

Clyde W. Holbrook to be postmaster at Venice, Calif., in place of C. W. Holbrook. Incumbent's commission expires June 5, 1928.

COLORADO

Oscar L. Morris to be postmaster at La Salle, Colo., in place of O. L. Morris. Incumbent's commission expires May 26, 1928.

CONNECTICUT

Margaret C. Kelly to be postmaster at Noroton, Conn., in place of M. C. Kelly. Incumbent's commission expired December 19, 1927.

GEORGIA

Ella M. Withrow to be postmaster at Odum, Ga. Office became presidential April 1, 1921.

IDAHO

Leslie A. Baskett to be postmaster at Nez Perce, Idaho, in place of C. B. Billups, removed.

INDIANA

Pearl B. McCord to be postmaster at Winslow, Ind., in place of Leroy Dearing. Incumbent's commission expired February 8, 1928.

KANSAS

Nettie P. Anderson to be postmaster at Hudson, Kans., in place of G. E. Smith, removed.

Walter M. Wheatcroft to be postmaster at Utica, Kans., in place of W. E. Traylor, removed.

KENTUCKY

James I. Harlan to be postmaster at Barlow, Ky., in place of J. I. Harlan. Incumbent's commission expires June 6, 1928.

MASSACHUSETTS

John A. Bell to be postmaster at Leicester, Mass., in place of J. A. Bell. Incumbent's commission expired May 20, 1928.

Aloysius B. Kennedy to be postmaster at Rochdale, Mass., in place of A. B. Kennedy. Incumbent's commission expired December 18, 1927.

MINNESOTA

Charles L. Coy to be postmaster at Alexandria, Minn., in place of R. K. Brough. Incumbent's commission expired December 4, 1926.

MISSOURI

Charles H. Duncan to be postmaster at Tarkio, Mo., in place of C. H. Duncan. Incumbent's commission expired January 14, 1928.

NEW HAMPSHIRE

John H. Garvin, jr., to be postmaster at Sanbornville, N. H., in place of J. H. Garvin, jr. Incumbent's commission expires June 6, 1928.

NEW YORK

Mabel L. Morse to be postmaster at Portland, N. Y., in place of G. W. Fuller. Incumbent's commission expired January 8, 1928.

OKLAHOMA

Lee Hilton to be postmaster at Barnsdall, Okla., in place of Lee Hilton. Incumbent's commission expires June 4, 1928.

OREGON

William D. Hardesty to be postmaster at Freewater, Oreg., in place of W. D. Hardesty. Incumbent's commission expires June 6, 1928.

PENNSYLVANIA

Clyde S. McNeely to be postmaster at Dauphin, Pa., in place of C. S. McNeely. Incumbent's commission expired February 15, 1928.

Glenn V. Rice to be postmaster at Eldred, Pa., in place of G. V. Rice. Incumbent's commission expired January 16, 1928.

John H. Lyter to be postmaster at Elizabethville, Pa., in place of J. H. Lyter. Incumbent's commission expires June 6, 1928.

Thomas W. Watkins to be postmaster at Frackville, Pa., in place of T. W. Watkins. Incumbent's commission expired March 21, 1928.

Homer D. Sarge to be postmaster at Pine Grove, Pa., in place of H. D. Sarge. Incumbent's commission expires June 6, 1928.

William W. Thorn to be postmaster at St. Clair, Pa., in place of W. W. Thorn. Incumbent's commission expired February 29, 1928.

Homer B. Asheld to be postmaster at Tunkhannock, Pa., in place of May Hoadley. Incumbent's commission expired January 22, 1928.

Leon E. Mayer to be postmaster at Boyertown, Pa., in place of L. F. Gilbert, deceased.

TENNESSEE

Jesse W. Alexander to be postmaster at Carthage, Tenn., in place of F. S. Pickering. Incumbent's commission expired February 8, 1927.

TEXAS

Azro C. Oyler to be postmaster at Edinburg, Tex., in place of E. S. Dougherty. Incumbent's commission expired March 3, 1927.

Helen Newton to be postmaster at Morgan, Tex., in place of Helen Newton. Incumbent's commission expired December 19, 1927.

WASHINGTON

William F. Cantrell to be postmaster at Toppenish, Wash., in place of J. A. White, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23 (legislative day of May 3), 1928

DIRECTOR OF WAR FINANCE CORPORATION

George R. Cooksey.

JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

Robert E. Mattingly to be judge of the municipal court, District of Columbia.

UNITED STATES CIRCUIT JUDGES

Xenophon Hicks to be United States circuit judge, sixth circuit.

John H. Cotteral to be United States circuit judge, eighth circuit.

UNITED STATES ATTORNEY

Lewis L. Drill to be United States attorney, district of Minnesota.

REAPPOINTMENTS IN THE ARMY

OFFICERS' RESERVE CORPS

Thomas Edward Hambleton to be brigadier general, Adjutant General's Department Reserve.

Edward Orton, jr., to be brigadier general, Auxiliary Reserve.

PROMOTIONS IN THE NAVY

To be commander

Alger H. Dresel.

To be lieutenant commander

Joseph W. Gregory.
Robert Stanley Robertson, jr.

To be lieutenant (junior grade)

Robert H. Keliher.

To be surgeon

Thomas H. Taber.

To be chief pay clerks

Ole R. Vikre.
Jared R. Huggett.
Robert I. Baxter.
Thomas A. Grigsby.

POSTMASTERS

FLORIDA

Gladys F. Tierney, Hialeah.

IOWA

Frank C. McClaskey, Toledo.

KANSAS

Charles T. Murray, Isabel.
Charles J. Roy, Wilsey.

KENTUCKY

Edna W. Morin, Alexandria.
John P. Lawton, Central City.
John M. Burkholder, Crofton.
Edgar Renshaw, Hopkinsville.
Trilby A. Russell, Kevil.
Gertrude Berry, La Center.
Ruby M. Wood, Salt Lick.

MAINE

Henry W. Perry, Fort Fairfield.
Stella L. Hill, Northeast Harbor.

MISSISSIPPI

Mary R. Nettles, Duncan.
William L. Jansen, Okolona.

MISSOURI

George R. Steiner, Belle.
John B. Wilson, Maysville.

NEBRASKA

George W. Nicholas, De Witt.
Thomas Werner, Humphrey.

NEW HAMPSHIRE

Everett F. Tozier, Salmon Falls.

OHIO

Earl W. Starkey, Flushing.
Henrietta Bennett, Tippecanoe City.

PENNSYLVANIA

William C. Drager, Boiling Springs.
Ruth S. Waters, Dallas.
Samuel M. Carnell, Dott.
Ray K. Garmen, Lemoyne.
Maurice G. Coffey, Mill Hall.
Teresa G. Burke, Renova.
Laura C. Ehler, Shippenville.
Martin T. Weaver, Strasburg.
Jerold J. O'Connell, Valley Forge.

TEXAS

Charles A. Quails, Post.
Ben M. Vick, Valentine.

UTAH

William S. Anderson, Moroni.
Hans P. Ipson, Panguitch.

WISCONSIN

Gertrude C. Grinde, Dallas.
Frederic D. Keithley, Land O'Lakes.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 23, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father of mercies, Thou art the true source and rule for our essential and practical lives. For all that Thou hast wrought of comfort, of peace, and warmth of heart we thank Thee. Forgive our feverish anxieties, our inconstant wills that render duty a sluggish burden. Bless us with minds calmed and fortified by moments of withdrawal which permit God to speak to our souls. Let us fold away old sorrows, old doubts, and old conflicts; let them leave a slight memory while we share the more blessed things of life. Touch the divine which is imprisoned in every breast and bring to life its trembling note, and may we hear the song that was meant to be. Shield our country against all wrong and injustice, and may it always be a defender of the helpless, an example for the oppressed, and a Christian light for all the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1145) entitled "An act to authorize an appropriation for roads on Indian reservations."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) entitled "An act to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered."

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11134) entitled "An act to authorize appropriations for construction at military posts, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12381) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors."

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the joint resolution (S. J. Res. 23) entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779."

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2372. An act to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended;

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota;

S. 4465. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;

S. 4503. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. Con. Res. 21. Concurrent resolution recalling S. 3752 for correction.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 10014. An act for the relief of A. F. Gallagher;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota; and

H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama.

The message also announced that the Senate had resolved that the report of the committee of conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the joint resolution (S. J. Res. 46) entitled "Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes," be recommitted to the committee of conference.

INDEBTEDNESS OF AUSTRIA TO THE UNITED STATES

Mr. SNELL, from the Committee on Rules, presented the following resolution for printing under the rule:

House Resolution 221

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 247, to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

RETIREMENT OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE

Mr. SNELL, from the Committee on Rules, presented the following resolution for printing under the rule:

House Resolution 222

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1727, to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BANKHEAD. Mr. Speaker, I would like to state that a great many Members of the House have inquired of me, as a member of the Rules Committee, what has been done with the Dale bill. The rule which has just been presented simply provides for the consideration of the House amendments to the Dale bill, which is the civil service retirement bill, so the same subject matter is involved.

Mr. SNELL. The gentleman's statement is correct.

MY PROHIBITION RECORD

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on my prohibition record in Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, at the outset of this extension of remarks I want to say a few words about the responsibility which I think should govern a candidate for public office in stating facts to the people. It is my view that when a candidate for public office publishes literature in his campaign or makes speeches to the people he should use the utmost care to state his facts correctly. It is all right for him to make any kind of an argument that he wants to make. For if he states the facts correctly the people will be able to properly appraise his argument. But if he knowingly states his facts falsely or states them in a way to mislead his hearers, the people are deceived and he is not entitled to their confidence. He is not a truthful man. The most important qualification for any public official is to be a truthful and an honest man.

The purpose of this extension of remarks is to give the correct facts about my prohibition record. I am anxious that my constituents, whether they be for prohibition or against it, shall know exactly where I stand. I respect the opinions of others and I ask the same consideration for myself. In a statement published in the CONGRESSIONAL RECORD April 28, 1928, I included the following letter from the late Wayne B. Wheeler written me on June 7, 1924:

Hon. EUGENE BLACK, M. C.,
Washington, D. C.

DEAR MR. BLACK: At the close of another session of Congress I want to thank you for the splendid cooperation and help you have given in maintaining prohibition and its enforcement through national legislation. Our opponents are planning to defeat Congressmen with dry records in the hope that it will prevent their successors from following their example. The people of your district stand for law enforcement, and I feel sure they will not allow you to suffer because of the splendid record you have made.

Yours cordially,

W. B. WHEELER.

In discussing this letter, which I printed, my opponent for renomination, in a printed circular which he is widely distributing in the congressional district which I have the honor to represent, makes the following statement, which I quote exactly as it was printed:

Mr. BLACK has made the wet Democrats believe that he was against the Volstead Act and was very liberal in his prohibition views, but now he is trying to make the dry Democrats believe that he is ultradry and has been acting in accord with the late Wayne B. Wheeler, president of the Anti-Saloon League, and cites evidence that Mr. Wheeler commended him one time, June 7, 1924. The letter quoted by him was written just two days after Mr. BLACK had voted for a bill in accordance with Mr. Wheeler's wishes. After that, however, and before Mr. Wheeler died, Mr. BLACK cast two important ballots contrary to Mr. Wheeler's wishes and against the cause he represented. Mr. Wheeler's lips being sealed with death can not defend himself when a letter is presented that would meet with his displeasure, and would cause a prompt explanation if he were living.

The above charge is ridiculously untrue, as I shall presently show. What ballots did I so cast? When were they cast? The statement does not say. I challenge anyone, I care not who he is, to point to any such ballots that I cast either before or after Mr. Wheeler's death. I have cast no such ballots. I was last elected to Congress in November, 1926, and on November 8, 1926, I received the following letter from Mr. Wheeler:

DEAR MR. BLACK: Congratulations on your election. Your splendid record is ample justification for the confidence which the people have in you. It is heartening to the friends of the eighteenth amendment to know that for the eighth time under national prohibition the people have by overwhelming majorities in national primaries and elections sustained Senators and Congressmen who stand for the maintenance and enforcement of prohibition.

Anticipating the pleasure of seeing you at the Capital in the near future, I am

Yours very cordially,

W. B. WHEELER.

This letter was written only a few months prior to Mr. Wheeler's death, September 5, 1927. After Mr. Wheeler's death Dr. F. Scott McBride took up his work and became the general superintendent of the Anti-Saloon League of America. On April 5, 1928, less than two months ago, Doctor McBride wrote me the following letter:

DEAR MR. BLACK: I have looked over your record as Congressman from the first district in relation to prohibition measures.

You have served the district since 1915 and have voted consistently for all prohibition measures. While you were unintentionally absent on one occasion when the national prohibition act was voted upon, yet you were present and voted for the measures concerning it and voted for it on its final passage over the President's veto on October 27, 1919, which was the real test as to that measure. This gives you a splendid record on prohibition measures.

I am glad to report to you this record, and I congratulate you on this splendid service on behalf of this cause.

Very sincerely yours,

F. SCOTT MCBRIDE,
General Superintendent.

I had no thought of publishing these letters from Mr. Wheeler and Doctor McBride until my opponent attacked my prohibition record and made statements about it which are wholly untrue.

If a Member of Congress like myself who voted to submit the prohibition amendment and then voted for the Volstead Act to enforce it, and has resisted every effort to weaken prohibition enforcement, has not the record of a prohibitionist, then I do not know what it takes to make that kind of a record. The people are entitled to know the facts, and that is the purpose, and only purpose, of this statement in the CONGRESSIONAL RECORD.

Having submitted these facts, I now leave the matter to the judgment of the people.

THE VETO

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for one-half minute and to revise and extend my remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for one-half minute and to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, the President in an interview published in this morning's papers declares that the McNary-Haugen bill is unconstitutional and announces that he—

is willing to approve a bill for relief of farmers framed in accordance with suggestions embodied in his annual messages to Congress.

In other words, he proposes to usurp the duties of the legislative branch of the Government in writing the bill and the prerogatives of the judicial branch of the Government in determining its constitutionality. He demands the right to indict the law, to construe the law, and to execute the law. In all the history of medieval autocracies no absolute monarch claiming to rule by divine right ever asked more than that.

The framers of the Constitution wisely provided that there should be three branches of Government—the legislative, the executive, and the judicial. The duties of each are clearly defined and the encroachment of any one of the three on the prerogatives of the other two is jealously guarded against by the provisions of that immortal document. And yet in this authorized interview appearing this morning in every daily paper in the land the executive branch of the Government seriously proposes to impose its interpretation of the constitutionality of the pending bill in preference to submitting it to the Supreme Court, and to dictate to the legislative branch of the Government a new bill to take its place. Why a Congress to enact laws or a Supreme Court to interpret them if the President is to assume the functions and duties of both?

In his threat to veto the farm bill the President proposes to exercise a power possessed by no ruler in Europe to-day.

While the King of England is theoretically authorized to veto acts passed by the British Parliament, that power has not been exercised in the last 220 years and has long been obsolete. The President of France may return a bill to the Chamber of Deputies for reconsideration, but is without the power of veto. Likewise, the President of the German Republic, while he may submit to the people an act of the Reichstag, is also denied the power of veto. And the power of veto as here proposed to be exercised by the President is at variance with the intentions of the convention which drafted the Constitution. Jefferson, who had as large a part as anyone in the formation of the Government, agreed with Washington that the principal advantage of the bicameral system of government was that it constitutes a safeguard against undigested legislation—that the Senate is the saucer in which to cool the hot coffee from the House.

For the same reason he approved the Executive's power of veto as a check upon hasty and ill-considered legislation, to be invoked when the Congress, swept by some sudden gust of passion or excitement, rushed through measures without due consideration and deliberation; or, if occasion demanded, a recourse through which opportunity might be afforded for the people to pass upon debated measures as represented by candidates at the biennial elections.

Certainly no one will contend that the bill sent to the President has been casually or hastily considered. With the possible exception of the tariff, no legislation before the Congress and the people since the Civil War has received such exhaustive and detailed consideration. It has been a dominant national issue for the last eight years and for the second time in the last two years has been passed by both Houses by substantial majorities. If this were the first time it had been submitted to the President for approval he might have reason to feel warranted in exercising the right of veto in order to sound public sentiment on the question. But there can now be no doubt on that point. Two years have elapsed since his first veto. During that time the issue has been submitted to the people through the candidacy of Members of Congress who have voted on the bill or whose attitude on it was clearly set forth in preelection platforms. Practically every Member of the House of Representatives who voted to send the bill to the President in 1926 was before his constituents for reelection the following November and the House returned from that election passed the bill by even a larger vote than that of its predecessor. In fact the last election was to all intents and purposes a plebiscite on the McNary-Haugen bill and the voters in the various congressional districts by reelection emphatically approved the action of their Representatives in supporting the bill and in effect instructed them to continue that support. Will the President deliberately override these instructions?

The Government of the United States is essentially a government by the people. All action by governmental agency is predicated upon the consent of the governed and all authority is administered in accordance with the will of the people. Farm relief was an issue in the campaign of 1924 and again in 1926 and each time was indorsed for enactment by unequivocal party platform declarations and by the election of Members of Congress pledged to its support. How often must the voters indorse this bill at the polls; and how often must their representatives in Congress pass it before the President acknowledges the mandates of the people?

If the President persists in his intention to veto the bill, in whose name does he propose to veto it? Not in the name or the interest of the farmers of the country. The official representatives of the farm organizations appearing before the committees of the House and Senate have indorsed this bill with greater unanimity than that shown by any other industry in advocating national legislation. Not in the name of the people at large. Their representatives have twice passed the bill in both Houses of Congress. An inspection of the last roll call discloses with startling force the strength of this indorsement. The following States voted unanimously for the bill, regardless of party alignment: Wisconsin, Indiana, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Colorado, and Montana. The Nevada and the New Mexico Representatives also supported it. All but one in Oregon and all but one in Washington supported it. In Michigan all but 2 of the 12 Congressmen supported it. All but 1 of the 10 Congressmen from Minnesota supported it. Eight of 10 Congressmen from Tennessee favored the bill. Twelve of the 16 Congressmen from Missouri registered their support. Eight of 10 in Kentucky were for the bill. Even in Illinois 18 of the 25 Congressmen participating favored the measure. And sufficient Members from the remaining States supported the bill to give it an increased vote over that of 1926 in both House and Senate.

In fact, the ever-increasing support of the bill in each succeeding Congress is the most convincing demonstration of its merit that could be offered. From its inception it has been relentlessly opposed by the great industrial, commercial, and banking interests, by every metropolitan newspaper, by the United States Chamber of Commerce, by the National Grain Dealers' Association, by the packers, by the dominant interests of Wall Street, by the State agricultural colleges receiving Federal aid through the Department of Agriculture, by the President of the United States, by the Secretary of Agriculture, the Secretary of the Treasury and the Secretary of Commerce, by the steering committee and the party leaders of the House, and by one of the best paid and most efficient lobbies ever assembled in Washington. The congressional committees have been subjected to incredible pressure to prevent its being reported out. No possible argument that could be made against the bill has been overlooked and no influence which could be brought to bear against it has been neglected.

And yet in the face of this formidable opposition the bill has gained steadily in public favor and in congressional support. In 1922 the opposition was so strong that its friends were un-

able to even reach a vote in the House. In 1924, after a desperate fight, it lost by a margin of 70 votes.

In 1925 it lost by only 45 votes. In 1927 its support forged ahead for the first time and the bill was passed by a majority of 36 votes. And by 1928 so rapid had been the growth of favoring sentiment that nearly 50 votes had been gained and the bill was passed by 83 votes. In the Senate the gain was even more pronounced and the bill received more than two-thirds of the votes cast. There can be but one explanation of this steady and consistent increase in the support of the bill against such seemingly insurmountable obstacles, and that is its intrinsic merit.

> Truth crushed to earth shall rise again,
> But Error, wounded, dies amid his worshippers.

If the bill were wrong in theory or method or if the people were not genuinely in favor of it, its first defeat would have been fatal and certainly the President's veto would have ended all hope of further consideration. The very fact that it has thrived on such implacable opposition is in itself a convincing argument in its favor.

In this connection the charge has been repeatedly made, both in the press and on the floor, that the McNary-Haugen bill was originated for political purposes—that those who supported it were merely playing politics. Nothing could be further from the truth. In order to support the bill Members had to break deliberately with the administration. They had to repudiate definitely the party leaders on both sides of the aisle. They had to abandon all hope of support and favor from the metropolitan newspapers, and had to brave the determined opposition of great forces which wield political power in every State of the Union. Every man who suppported the measure took his political life in his hands and, especially in the early days when the bill had few friends and seemed a hopeless cause, it took courage of the highest order to come out and take a stand for it against the powerful foes which have fought it without ceasing every day of the six years since it was introduced in the House.

But, granting for the sake of argument, now that the bill has become popular, that its support is of a political nature as charged, the contention that it is political is a confession that the people want it. Manifestly it would not be politic to oppose what the people want or to support what they oppose. Hence the charge that the advocates of the bill are animated by political considerations is an acknowledgment that it is indorsed by a majority of the electors who will elect the next Congress. Our system of government is framed for the express purpose of expressing the will of a majority of the qualified voters. If they want this bill and have continued to express that desire with increasing emphasis in the last three congressional elections, why should they not have it? Who is so wise—even though he may have happened to be elected President of the United States—as to feel warranted in holding himself and his judgment superior to the legally expressed will of the people? We settled that question in this country more than a hundred and fifty years ago and if persistently denied the right to govern themselves, the people will again settle the same question in the same way in November, 1928.

Every consideration has been shown the President and his advisers in the formulation of this bill. Every effort short of actual abandonment of the basic principle involved has been made to meet his views and comply with his wishes as expressed in his last veto. Out of the 12 objections set out in that message 11 have been removed in writing the present bill. Surely the President can come one-twelfth of the way toward a compromise if we go eleven-twelfths of the way to meet him. In an endeavor to please the President we have cut out of this bill every item objected to in his last message except the equalization fee. To surrender that is to cut the heart out of the bill. Nothing effective would remain, and this is precisely the reason industry demands the elimination of the equalization fee. If the fee is retained, the plan is practicable. It will work. It will place agriculture on a basis of economic equality with other industry and will insure its prosperity and success as promised in the national platforms of both parties.

The President insists, however, that the equalization fee is unconstitutional, and in his interview this morning agrees to sign the bill if the fee is eliminated. If he is correct in the charge that the fee is unconstitutional, then it will be a simple matter to submit the question to the Supreme Court, where it properly belongs, and if the President is right in his contention, the Supreme Court will rule it out and every objection urged by the President against the bill will have been agreed to.

If, on the other hand, the Supreme Court finds that the fee is constitutional, it will show the President's apprehension to have been unfounded and will give him just the bill he wants. In either event the principal argument against the bill will have been disposed of to the satisfaction of all concerned. What more could the President ask?

Only the Supreme Court is authorized to decide whether the fee is constitutional. When the President and the Supreme Court differ on such questions, the opinion of the Court is the law and the opinion of the President has no standing whatever. Why should he deny the farmers of the Nation the right to have their case judged by the Supreme Court when he has repeatedly and freely granted that right to disputed legislation proposed by every other interest in the land?

In conclusion we should not lose sight of the fact that this is the last opportunity to help the farmer. We are already in the closing hours of the session. Congress must adjourn promptly in order to give the national conventions an opportunity to meet and put out more molasses to catch more flies, for both parties will undoubtedly adopt platforms with long planks expressing undying affection for the farmer and assuring him that if he will just elect them to office they will lead him to a land flowing with milk and honey?

If the President vetoes this bill on the eve of adjournment, there will be no further opportunity for farm legislation by this Congress. Under these circumstances will the President by vetoing this bill close the last door open to farm relief for the next two years? And if so, at whose behest and in whose interest will he veto it?

IMMIGRATION PROBLEMS

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on immigration problems.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOX. Mr. Speaker, during the present session of this Congress and during former Congresses, being a member of the House Committee on Immigration and Naturalization and, therefore, charged with the duty of giving special attention to the subjects with which that committee deals, and because of the immediate and very great importance of these problems, I have given them much study and have spoken several times during this session on several phases of this great subject, during which I have emphasized the restriction of Mexican immigration.

I have been urging the restriction of immigration since I entered Congress in 1919, and had much to do with writing and passing the act of 1921, placing a quota limitation of 3 per cent, based on the census of 1910, which cut European immigration to less than one-half its former volume. Knowing that that act was temporary and that it admitted entirely too many immigrants from Europe and all the world, I continued my efforts and had pending a bill reducing immigration to 2 per cent of the natives of each country from which we receive immigrants in the United States, according to the census of 1890. Provisions contained in that bill became the backbone of the immigration act of 1924. It had been pending two or three years before Chairman JOHNSON or the committee proposed a bill containing these provisions; but when the bill was reported it was named for the chairman of the committee, which is customary.

It will be seen that I contributed in good measure to the writing and passage of the act of 1921, first heavily reducing Old World immigration, and the act of 1924 further reducing that immigration and stopping Japanese immigration.

My bill, from which the fundamental features of the act of 1924 were taken, provided for the application of the quota restrictions of the immigration law to Mexico, but I was unable to get it included then, although, of course, I supported that act and helped to pass it because it did place heavy restrictions on European immigration, virtually stopped Asiatic immigration, and put new checks on Mexican immigration which, if enforced, would keep out the greater part of that immigration now.

On more than one occasion I spoke at considerable length before the House committee then considering my bill (H. R. 6465) for the restriction of Mexican immigration. An address on the same subject was delivered by me on January 19, 1928, at Continental Memorial Hall, in the city of Washington, before an audience composed of representatives of patriotic societies from all over the country, then holding a conference at the National Capital to promote the enactment of laws restricting immigration. All the speeches and statements made by me on these several occasions were actually delivered, none of them being at the time merely written remarks. All were printed in the CONGRESSIONAL RECORD or in the committee hearings. As I am required to pay the expense of reprinting such speeches and statements, the cost of printing in a separate pamphlet all that I have said on this subject would be prohibitive. More-

over, they would be too voluminous to be generally read. I therefore present for printing parts of the CONGRESSIONAL RECORD and the reports of committee hearings embodying a small part of the matter presented by me in these speeches and statements.

This arrangement of portions of the CONGRESSIONAL RECORD and the record of committee hearings made during the present session of Congress, dealing with immigration problems and my own connection therewith, follows the general outline of my address to the immigration conference held in Washington on January 19, 1928, as printed in the CONGRESSIONAL RECORD:

Mr. Chairman, ladies, and gentlemen, I forecast that during the present session of Congress immigration discussion and legislation will probably center around four important questions:

(1) Shall our deportation laws be strengthened, extended, and better enforced?

(2) Shall the endless chain of relationship existing between immigrants and their kindred abroad be permitted to start dragging out of Europe thousands of those whom the laws now exclude?

(3) Shall we retain in the law the national-origins provisions, written into the act of 1924, making it more accurately and adequately serve the Nation's purpose to keep itself American, or shall they be suspended or repealed at the dictation of certain hyphenated minorities of our population?

(4) Shall the quota provisions of the immigration law be made applicable to Mexico, South America, and adjacent islands?

To this last question I shall devote my brief remarks.

The people of the United States have so definitely determined that immigration shall be rigidly held in check that many who would oppose this settled policy dare not openly attack it. The opposition declares itself in sympathy with the policy and then seeks to break down essential parts of the law and opposes any consistent completion of it making it serve the Nation's purpose to maintain its distinguishing character and institutions. Declaring that they do not believe that paupers and serfs and peons, the ignorant, the diseased, and the criminal of the world should pour by tens and hundreds of thousands into the United States as the decades pass, they nevertheless oppose the stopping of that very class from coming out of Mexico and the West Indies into the country at the rate of 75,000, more or less, per year.

Every reason which prompts restriction applies to Mexican peon immigration.

Every reason which calls for the exclusion of the most wretched, ignorant, dirty, diseased, and degraded people of Europe or Asia demands that the illiterate, unclean, peonized masses moving this way from Mexico be stopped at the border. Few will seriously propose the repeal of the immigration laws during the present Congress, but the efforts of those who understand and support the spirit and purpose of these laws to complete them and make them more effective by the application of their quota provisions to Mexico and the West Indies, will be insidiously and strenuously opposed.

After I had made this last statement, and while the committee was considering my bill H. R. 6465 during the present session, more than 100 of the strongest railroad systems of the United States, representing many thousands of miles of railroad covering every part of the country, appeared in opposition to the bill. Beet-sugar manufacturing companies, mining companies, land-development promoters, and many kindred concerns came before the committee to oppose the bill. These classes of importers and employers of labor have opposed every proposition to restrict immigration throughout the country's history. In 1913 they urged that the enactment of the literacy test then proposed and now a part of the law would ruin them and the country. I quote from evidence taken on the hearing:

Mr. PATTEN. The arguments used and suggested by opponents of a Mexican quota are that there is an inadequate supply of cotton croppers and day laborers, and a Mexican quota will labor starve certain industries. That same argument was used against the Burnett or illiteracy test bill and later against the Johnson quota law, as well as previously against Chinese, East Indian, and Japanese exclusion.

Mr. BOX. Who said it then?

Mr. PATTEN. The same people who are saying it now.

Mr. BOX. Did the railroads also say it?

Mr. PATTEN. They did. I have here [indicating] a copy of a letter sent to Congressmen and published in the CONGRESSIONAL RECORD in 1913. It was written by Mr. William R. Smith, then State solicitor of the Atchison, Topeka & Santa Fe Railway Co., one of whose officials, I think the successor of the author of this letter, has personally appeared before your committee this year in opposition to a Mexican quota. In this letter Mr. Smith, solicitor, Atchison, Topeka & Santa Fe Railway Co., declared the Santa Fe could not maintain its way and operate safely if the Burnett illiteracy bill became a law. As a matter of fact, the safest and most prosperous years of Santa Fe operation have been since the Burnett illiteracy test enactment.

The congressional and committee records contain abundant record of such opposition to former legislation from these sources.

Their favorite turn is to persuade members of the Cabinet and other advisers of the President that some dire evil will result from the checking of immigration. Usually they have induced the President to use all the influence of his great office against the restriction of immigration. Often they have persuaded him to veto such bills. In 1879 President Hayes vetoed the first Chinese exclusion act. (2 I. C. R. 580.) In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years. (2 I. C. R. 581.)

On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates. (2 I. C. R. 573.) President Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates. (CONGRESSIONAL RECORD, special sess, 59th Cong., p. 101.) In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto.

If the misguided gentlemen who thus influenced the action of these Presidents and others had had their way and the people had not asserted themselves through the action of their Representatives in Congress, all of our larger cities and much of our country would now have a population and political rings much like those of Chicago, Philadelphia, New York, Pittsburgh, and others I could name. Such elements are strong and bad enough now to distress a country-loving citizen.

The admission of a large and increasing number of Mexican peons to engage in all kinds of work is at variance with the American purpose to protect the wages of its working people and maintain their standard of living. Mexican labor is not free; it is not well paid; its standard of living is low. The yearly admission of several scores of thousands from just across the Mexican border tends constantly to lower the wages and conditions of men and women of America who labor with their hands in industry, in transportation, and in agriculture. One who has been in Mexico or in Mexican sections of cities and towns of southwestern United States enough to make general observation needs no evidence or argument to convince him of the truth of the statement that Mexican peon labor is poorly paid and lives miserably in the midst of want, dirt, and disease. In support of this I quote from the committee hearings:

Mr. Box. Mr. T. H. Williams, head of the firm of T. H. Williams & Co., merchants, said to be large merchants, of Austin, Tex., writes me under date of March 5, 1928, saying:

"As a business man of long experience (more than 40 years), and chamber of commerce connection for many years, I desire to express myself as vigorously as I may. I very deeply resent the propaganda conveying the idea that the best business interests and higher class business men desire a liberal immigration of Mexicans. I deeply deplore the statement that the chambers of commerce are combating the Box bill, as I believe but a small minority do so.

"I wish to say as a business man and from long observation that they ruin the country in more ways than one. Mexican cheap labor of every character has already driven out practically all negro labor in southwestern Texas; hundreds of business establishments are employing Mexican girls and boys at such a low wage that even a self-respecting Mexican can not suitably live, and have, or course, displaced our American cheaper class labor almost entirely. Even a most casual inspection will demonstrate this to be true, more especially in San Antonio and all southwestern Texas cities and communities.

"Again, their standards of living are so low that no merchant of standing wishes their patronage, as they can not afford to carry the low quality of merchandise asked for. Another sinister feature is that they steal more than they buy in the better stores.

"It is a criminal offense to give them the places belonging to our own American girls and boys. Everyone now knows that there is a most terrible amount of unemployment now prevailing, and our own people are suffering from lack of work.

"Think of the vast majority of your constituency, who love our State and who live under the above-outlined conditions, and who are heartily in favor of the Box bill. * * *"

Mr. E. Clements Horst, head of the firm of E. Clements Horst Co., exporters, of San Francisco, Calif., having offices at San Francisco, New York, and London, wrote me a letter on March 27, 1928, from which I quote:

"I am extensively engaged in farming in California and Oregon. I farm about 8,000 acres, all in peaches, pears, prunes, olives, grapes, hops, and other intensive crops that require my employment of many thousands of laborers during the harvest and canning season. My operations include the packing and canning of the fruits, etc., grown by my company as well as those of other farmers. * * *

"There are plenty of shortsighted American farmers who believe that importations of any kind of cheap labor will help their condition.

"Mexican laborers can, of course, be herded like cattle; they put up with any sort of camp and living conditions; that importation of that

sort of labor reduces living conditions for ranch labor below the standard that any American workers can or ought to be expected to work."

Ralph H. Smith, associate entomologist, University of California, in a letter to me dated March 1, 1928, says in part:

"* * * Every day in the year there are thousands of men in southern California going hungry and Mexicans doing the work these men should do. Only can one understand the fullness of the Mexican menace by living in this region and seeing the deplorable conditions these degraded people are imposing on our schools and our social and public life. They breed like rats and live like rats. * * *"

Clement Knoll wrote me a letter from Detroit, Mich., on February 27, 1928, from which I quote:

"That they can not get self-respecting men, with families to support, to work under conditions that prevail is the truth. That they can not get them under decent prevailing conditions is a falsehood. * * *

"Give me or any other man a decent wage and fair conditions, and we will not balk at working at any kind of labor. * * *

"With all this unemployment in this country it is not fair to us to cause an influx of more jobseekers. * * *."

A. A. Wright, president of the Wright Loan & Securities Co., which has a good capital and appears to be a substantial business concern, of Houston, Tex., writes me from that place under date of February 29, 1928, a letter from which I quote:

"As my concerns are members of the 'American plan' or 'open shop,' our sentiments regarding Mexican immigration can not be attributed to overfriendliness toward organized labor. The unemployment situation here is becoming quite acute, and in the opinion of the writer will grow more so and extend over a protracted period, and we think that the Mexican immigration—or at least most of the Mexicans are very much the least desirable that come into our Nation. Their standard of living is so low that they can sell their services at such price as to disastrously affect our native laborers. * * *"

I quote from a telegram sent by C. O. Griffin, of Lindsay, Calif., February 29, 1928:

"Mexican labor receives lowest wages paid this section. Living conditions this class intolerable. * * *"

I quote from a letter written March 5, 1928, to me from San Antonio, Tex., by R. T. Glenn:

"A Mexican laborer can live and does live on about 15 cents per day table expenses. This is common knowledge here. As for housing, from one to three families live in one shack. * * *"

H. H. Maris, who signs as president of the Humanitarian Heart Mission, writes me from Denver, Colo., March 1, 1928, a letter from which I quote:

"The sugar beet company imports the very poorest and ignorant Mexicans with large families; brings them to Denver, working them in the beet fields until snow flies. They then congregate in Denver with $15 to $20 to keep a large family, and no possible means of support by labor in sight, through the winter season. The police and city kangaroo courts vag most of the men, keeping them in jail for the winter, leaving their poor mothers and their children to starve through these desolate months. Children absolutely barefooted in the snow. I have seen 29 men and women in one room with an old, dirty bed mattress laying on the floor of the room, all of the 29 adults using the mattress for a pillow, the small children and babies in the center of the mattress and the adults laying on the floor with only newspaper under them. * * *"

Dealing with the living conditions of Mexican peons, P. G. Nelson, of San Antonio, Tex., wrote me March 3, 1928, saying:

"Take the horrid habitations, bull pens, so-called, along S. Laredo, S. Santa Rosa, S. Concho, S. San Saba, S. Pecos, S. Leona, and S. Medina, also along S. Flores between Flores and M. K. & T. Railroad tracks south of Katy depot, and you will find barefooted and ragged children, dirty men and women, living in the filth, mud, and dirt, in the most deplorable and dilapidated shacks. * * * They live among dogs, goats, chickens, horses, and burros, and you can go there all day long almost and never hear a word of English spoken. * * *"

In industry and transportation they displace great numbers of Americans who are left without employment and drift into poverty, even vagrancy, being unable to maintain families or to help sustain American communities. Volumes of data could be presented by way of support and illustration of this proposition.

Again I quote from my statement before the committee:

Mr. Box. I read now from a letter by a prominent physician, whom I know very well. He is a prosperous and active physician. He is one of my constituents. Writing under date of or about February 4, 1928, he said:

"I read with much interest your reply to the ——— Chamber of Commerce as to the Mexican immigration quota in the Dallas News of February 4, and I wish to congratulate you.

"I have been watching with that degree of interest that I feel any good citizen would the matter of controlling Mexican immigration into the United States and particularly our own dear land of Texas. When you began calling the attention to restriction of such immigration I was inclined to disagree with you in this matter. So for the past few months I have been trying to inform myself as to whether or not such restriction would be to the interest of the State and Government. I have been entirely convinced that your position is undeniably correct. * * *

"* * * I met our mutual friend, ——— ———, on the street this morning and he told me that he was just back from some point in Oklahoma where he had been at work as foreman of construction of a pipe line, and that more than 100 citizens of the county in which he worked had been discharged and replaced by the dirtiest group of Mexican peons that he had ever seen in his life, and that he resigned his position as foreman rather than work this class of labor. He said that he had orders to discharge the men who were working for him and that they were respectable citizens of this particular county, and that the men told him they were doing this work, almost all of them, because they needed money to pay their taxes. * * *"

Mr. Box. I quote from a letter written at Del Rio, Tex., which is very near the Rio Grande, dated November 25, 1927:

"DEAR SIR: Find list of signers inclosed in support of the Box immigration bill.

"The chambers of commerce of southwest Texas have gone on record as opposing your immigration legislation, but they do not represent the real sentiment of the people, just the merchants and large landowners.

"Southwest Texas is already Mexicanized and the wave is gradually and somewhat rapidly spreading north and east.

"I sincerely hope that you may succeed at this session of Congress in having your measure enacted into law.

"Very truly,

"M. R. NELSON,
"Head of History Department, Del Rio High School."

The proprietor of a country hotel in west Texas, who does not want his name used, wrote me February 24, 1928, a letter from which I quote:

"The * * * pipe line and construction is laying off all the white men and putting on Mexican labor, even going so far as to hunt up Mexican labor when there is an abundance of white labor here. * * *"

G. M. Cloud wrote me from Austin, Tex., February 24, 1928, a letter from which I quote:

"A number of others working on a natural-gas pipe line had lost their jobs through no fault of theirs and were supplanted by Mexicans who would work for less money. This same fellow told me that Mexican renters had nearly all the farms in that vicinity. * * *"

I quote from a letter written by Mr. R. S. Martin, of Corpus Christi, Tex., February 16, 1928:

"I have seen several men come to this place seeking work; said they had read big advertisements from the chambers of commerce, and when they applied for work were turned down and while there at the job would see Mexicans taken on and placed at work. * * *"

I quote from a telegram by J. Malcolm Brown, sent from Fort Worth, Tex., March 7, 1928:

"* * * Find Mexicans displacing native labor on railroad section work, railroad shops, oil fields, coal mines, public-road work, packing houses, printing offices, restaurants, laundries, garment factories, and in many other occupations. At least 30,000 Mexicans unemployed in Texas, with twice that many natives unemployed. * * * Fort Worth Typographical Union, No. 198, voted that the above message be sent you."

The Golden Rule Mining Co., by E. M. Jackson, wrote me from Dragoon, Ariz., February 29, 1928, a letter from which I quote:

"You will find that there are thousands of our American boys out of work who would be glad to get some of the positions that are being filled by Mexicans. * * * One of the reasons for this state of affairs is that a Mexican will work for so much less than an American. * * *"

I quote from the letter of Hardeman Roberts, of Devine, Tex.:

"These farmers in other parts are mostly home owners and taxpayers trying to educate their children, and are gradually being forced to quit the farm or sell out and rent. * * * If this keeps up, you can easily see the finish in 20 years. * * *

I recently saw two orphan boys, working to get money to go to college, let out with all the rest of the Americans and Mexicans put on in their places. * * *"

I quote from a letter written by a young man in Los Angeles, Calif., on March 3, 1928:

"Introducing myself as one of the thousands of the younger generation of wage earners who wishes to give his personal viewpoint of the Mexican labor situation as it is in Los Angeles and elsewhere where I have been looking for work, I have been as far as Douglas, Ariz., and have been unable to get employment of any kind this winter, mostly on account of Mexican and cheap labor. My brother and many acquaintances have had the same disagreeable experience.

"Please consider me, not as a child laborer, but as the younger American worker. * * *

"In the community where I reside the Mexicans are increasing in alarming numbers. They are given preference over the white people in

public and amusement places, as well as business. Of course, preference must be given to the majority. The Mexicans seem to be the majority.

"I remain truly yours,

"ROBERT J. OWEN."

It is said that farmers need them. On the contrary, American farmers, including those of Texas and the Southwest, as a class do not need them or want them. I state the rule as of country-wide application, without denying that a small percentage of farmers want them, and that in some restricted regions this percentage is considerable. I doubt if a majority of the bona fide farmers of any State want or need them. I have given much attention to the question and am convinced that as a state-wide or nation-wide proposition they are not only not needed and not wanted, but the admission of great numbers of them to engage in agricultural work would be seriously hurtful to the interests of farmers, farm workers, and country communities. They take the places of white Americans in communities and often thereby destroy schools, churches, and all good community life.

This proposition is supported by evidence before the committee, from which I quote:

Mr. BOX. I received a letter lately, dated February 5, 1928, written by a constituent of my friend Black, in which he says:

"The Mexicans are beginning to be felt in northeast Texas by moving on large tenant farms, crowding out white tenants. Landlords who live in near-by towns prefer them, for they can be driven almost like slaves, will live in barns, sheds, or tents, and are exceedingly insanitary, illiterate, treacherous, and undesirable as citizens. White children object to their presence in schools. Practically they pay no taxes."

Another Texas farmer writes:

"In a few years more with this horde of Mexicans, Texas alone will produce 10,000,000 bales of cotton."

Here is a man writing from Marfa, Tex.:

"I was born 33 miles southwest of San Antonio and reared among the Mexicans, and can speak and write the Spanish language. I am a contractor and builder, and work all classes of labor. When I was a boy I was raised on a farm and we had a good home and did our work and made money, but the Mexican renters came and soon the country was all rented to shack renters, and our schools were full of Mexicans and farm improvements went to ruin and soon all the people left in the country were a few who had no children to send to school."

He further says:

"There are thousands along the border who are with you more than you think, but they are too timid to do as I am doing."

Mr. BOX. I now present a statement by a man who says he has been in the banking, ranching, and farming business in west Texas. He makes some reference to the attitude of Members of Congress, and I have deleted everything that refers to any Member of Congress or his position, except myself. Therefore, there will be some omissions. However, I ask that all else be read.

(Mr. Box's secretary read as follows:)

SAN ANGELO, TEX., *February 16, 1928.*

Congressman BOX,
Washington, D. C.

DEAR MR. BOX: For some time I have wanted to write you and commend you for the stand you take to regulate the Mexicans the same as any other foreigner coming to this country. * * *

* * * The ones benefiting most from the Mexican people coming to the country are the men living in town who own farms running from 300 acres to 5,000 acres. As this man can raise cotton with Mexican share croppers by furnishing them a small hut or tent to live in, with a team costing not over $75 and this man can, of course, raise cotton for 10 cents and make money, or rendering his 300 acres to 5,000 acres at $10–$15, while his neighbor, the small man who owns 150 acres, renders his at $25–$50 per acre and sending his children 10 miles to school or town because there being no school near him, caused by Mexicans occupying all the farms around him. Mr. Baskin, of Milan County, Tex., a merchant, who owns 8,000 acres of farm, accumulated by him the last few years by the fact that the American owners of small farms could not hold their farms and raise their children under existing conditions. These farms are now almost exclusively occupied by Mexican share croppers. Just across the Brazos from this country, between Mumford and Marlin, I notice the Mexicans are crowding out our good old American negroes, whom we have to put up with, and I am sure that you have observed the same conditions reaching even as far as your home, Marshal. In 1906 I bought land in Dimmit County and at that time the Mexican share croppers were beginning to get good hold as far up as Pearsall, they having the preference then as tenants as they were satisfied with jacal that would be built for $25 for them to live in and the cheapest kind of mules for a team. Since then I have seen them cover the country all the way to the Red River and even into the beet fields of Colorado, and I am told that they have covered the entire United States, working for the railroad and other public works, until there now are over 1,000,000 Mexicans in our country.

Now, I want you to understand that I really like Mexicans myself, but think that if California had a right to stop the Chinese and Japanese from coming to their State that every Southern State has a hundred times more reasons for stopping the Mexicans from coming to our State than California had from stopping the Chinese or Japanese.

There was a time when it seemed that the boll weevil would bankrupt the South, but this has been overcome by the farmers being able to poison the boll weevil and other insects, but they have not found any way of holding down the overproduction of cotton caused by the Mexican menace which enables any man in the South plains country to put in from 800 to 5,000 acres in cotton simply by using tractors and cheap Mexican labor or share croppers. An old friend of mine, P. C. McCoy, used to live on his farm in San Saba County, planting 40 to 50 acres in cotton and working it with his family. Last year I found him at Lubbock, Tex., living in town, but having 860 acres in cotton raised by Mexican share croppers. He is about the smallest farmer in his neighborhood. While I was out in Tahoca County I met farmers owning as much as 5,000 acres in cotton, living in town and relying upon the semiannual Mexican to handle these crops, of course competing with our good Americans who were planting 50 to 80 acres, cultivating it themselves, paying taxes on their land at about $100 per acre, and educating their American children.

* * * * * * *

I am 50 years of age and have been doing business for 35 years farming, ranching, banking, and lending money to farmers and stockmen, without prejudice or bias, and I think I am able to see things as they are. I hope you will succeed in having your bill passed, which, I understand, is to regulate the Mexican people the same as any other foreigner coming to this country.

Yours truly,

J. E. ODIORNE, *San Angelo, Tex.*

I quote further from my statement before the committee in support of the proposition that the farmers do not need them:

Mr. BOX. The next expression I have is from Prof. Max Handman, sociologist of the University of Texas, Austin, Tex. Professor Handman is an expert on Mexican educational work and similar subjects. He is often called to other Texas cities to deal with the educational, social, and racial problems which these people present. During 1926 Professor Handman delivered an address at Cleveland, Ohio, before the National Conference of Social Work, from which I shall quote in a little while. He does not here declare upon any particular legislation, and I do not quote him as supporting this bill. I read his words to show you the problem. He says:

"This increase in numbers of the Mexican farmer has had some very disastrous consequences upon the effort of the American community to keep up its school system. This is partly because of the gradual moving away of the white farmer with his tradition of schooling and self-help in matters of schooling, and partly because of the concentration of land which will accumulate taxes on him who has accumulated land. The rural schools in many Texas communities have thus been disrupted. * * *"

American farmers are now burdened with a surplus of staple farm products which they can not sell profitably at home or abroad. That surplus weighs down the prices of the entire crop in both the domestic and foreign markets until it threatens agriculture with financial ruin. Individual farmers, farm organizations, their Representatives in Congress, students of farm economics, bankers, and business men of the farming sections, all are striving to find a means of getting rid of this surplus of farm products, with its dead weight upon the price of farmers' crops. Congress is continually being urged to make appropriations to help carry the farmers' surplus, to levy taxes on farm products, to restrain overproduction, and otherwise to provide a method of getting rid of this oversupply of the farmers' leading crops. The President in his messages to Congress has repeatedly discussed this surplus and dealt with proposed remedies for it.

The importers of such Mexican laborers as go to farms at all want them to increase farm production, not by the labor of American farmers for the sustenance of families and the support of American farm life but by serf labor working mainly for absentee landlords on millions of acres of semiarid lands. Many of these lands have heretofore been profitably used for grazing cattle, sheep, and goats. Many of them are held by speculative owners.

A great part of these areas can not be cultivated until the Government has spent vast sums in reclaiming them. Their development when needed as homes for our people and in support of American communities is highly desirable. Their occupation and cultivation by serfs should not be encouraged. These lands and this mass of peon labor are to be exploited in the enlargement of America's surplus farm production, possibly to the increased profit of these speculative owners, but certainly to the great injury of America's present agricultural popula-

tion, consisting of farmers, living and supporting themselves by their own labor and that of their families on the farms of America.

As pointed out in my statement, such things as the Boulder Dam project will bring into cultivation new areas supposed to produce hundreds of thousands or millions of bales of cotton and heavily of other farm crops. My information from California is that nearly all the farm work in that region is done by peon labor; that there are great areas out there which have not heretofore been cultivated. Two things are required to develop and thereafter utilize them—a big appropriation by the Federal Government and a big importation of peon labor.

While we are counseling about surpluses and disagreeing about measures for the protection of agriculture from the consequence of these great surpluses, shall we run out there and spend more millions making the surpluses larger while we spend more millions here to reduce and handle these surpluses?

The dreaded surplus, which already makes an abundant crop worse for farmers as a whole than a scant one, is to be made more dreadful by the importation of foreign labor working for lower wages and under harder conditions. The surplus which I have mentioned often hurts worse than a pest of locusts on the wheat crop or of boll weevil in the cotton fields.

While farmers, business interests in agricultural sections, Congress, and the President are deep in the consideration of the great problem presented by the farm surplus, and when presidential campaigns may turn on the condition and its consequences, labor importers are scheming and propagandizing for the purpose of bringing in armies of alien peons, claiming that they are needed on the farms, where they would only make the farm-surplus problem worse. If the Government tries to relieve this distress of the farmer caused by surplus production, shall it at the same time be de-Americanizing farms and farming communities and making the surplus and price situation worse by importing masses of serf laborers? Some think that agricultural prices can be sustained by a high tariff. Why have a tariff wall to keep out the products of pauper labor abroad and at the same time be bringing in armies of peons to increase the oversupply inside the tariff wall to the ruin of our own farmers?

Another purpose of the immigration laws is the protection of American racial stock from further degradation or change through mongrelization. The Mexican peon is a mixture of Mediterranean-blooded Spanish peasant with low-grade Indians who did not fight to extinction but submitted and multiplied as serfs. Into that was fused much negro slave blood. This blend of low-grade Spaniard, peonized Indian, and negro slave mixes with negroes, mulattoes, and other mongrels, and some sorry whites, already here. The prevention of such mongrelization and the degradation it causes is one of the purposes of our laws which the admission of these people will tend to defeat.

Every incoming race causes blood mixture, but if this were not true, a mixture of blocs of peoples of different races has a bad effect upon citizenship, creating more race conflicts and weakening national character. This is worse when the newcomers have different and lower social and political ideals.

Again I quote from my statement before the committee:

THE ALIEN MEXICAN PEON IS NOT GOOD MATERIAL FOR THE MAKING OF AN AMERICAN CITIZEN

Mr. Box. Gentlemen have insisted that the Mexican population is desirable, or at least is not objectionable from the standpoint of citizenship, and that Mexicans do not vote. They support this mainly by a statement that Texas has devised laws which will and do prevent them from voting. This is not exclusively or chiefly a Texas question. If Texas has been compelled to protect her elections against such undesirable mass voting, it is reasonable to conclude that all of the many other States to which these aliens are going will have to take special measures to protect themselves from the corruption of their electorate against this kind of people. But I am sorry to have to advise you that even in Texas the passage of the poll-tax laws 12 or 15 years ago, or about that time, and other protective measures during the succeeding 8 or 10 years, did not stop the Mexicans from voting in great numbers.

Again referring to Mexicans in elections, from scores of sections in California, in Colorado, in Arizona, in New Mexico, and in Texas, come numerous complaints that many of these Mexicans vote in elections; that they are voted in "herds like sheep," and many other sickening things as to their status, action, and general undesirability as citizens.

As indicating their general character in this respect, I restate a lot of facts presented by me in a former hearing before this committee. I dislike to uncover the shame of any State before the people of the country and the world, but men are trying to perpetuate these conditions and pursuing a course which will make the system more enormous and scandalous. Only for the purpose of trying to avoid the further growth of the evil, I present some of these facts in the hope that the country will protect itself against the menace from this source.

"A professional man and property owner, who resides in a city of considerable size near the Mexican border, where this element is large, wrote me discussing these hearings under date of January 7, 1926, saying, among other things:

"'Mr. Wardheeler, Mr. Buy-up-the-election, Messrs. Pack-the-ballot-box and Steal-the-election are going to Washington with orders to get your scalp.'"

In a speech made on the floor of the House on July 26, 1919, Congressman HUDSPETH said, among other things:

"For 16 years I served as a State senator and representative and passed on numerous Mexican questions that confronted the legislature. I drafted the bill to organize the Rangers' Home Guard, to protect the border against Mexican cattle thieves—1,000 Texas Rangers. * * * And I ask you, gentlemen, is it fair or right that a city of the importance and prosperity of El Paso should be blighted by irresponsible Mexican bandits or by warring factions in that land of the sweet 'manana'? But of greater import than this, should our free-born American citizens be subjected to continued humiliation at the hands of these same self-styled and self-confessed despisers of Americans? * * * I say to you that it does not take much to start a revolution in Mexico. One Mexican steals a cigarette from another, and it starts a revolution. Revolutions have come and revolutions will go."

Congressman HUDSPETH was referring to the Mexico-born Mexicans, of the kind these importers want to bring into the United States. Are such people a desirable element for American population?

Mr. Box. The Mexicans vote in some sections of Texas in great numbers. On page 206 of the supplement to the senate journal of Texas of the thirty-sixth legislature, 1919, will be found a poll list of voters at one box. I shall omit the names of counties and officials to avoid all offensive features about the locality. I will try to call a few of the names, and the list can be copied.

Jose Esparza, Francisco Bueno, Thomas Betts, Ramon Esparza, T. M. Harven, Remejio Villarial, Julian Sanches, Ysidoro Perez Garza, Lino Leal, Atanasio Martines, Hurwano Guiros, Matias Tirres, Antonio Esparza, Padlo Leal, Gretoria Torres, Tomas Rodriguez, Liamon Guereno, Francisco Esparza, Serapio Pardo, Antonio Rodriguez, Tirso Gomes, Pedro Esparza, Juadalupe Benavides, Wenceslao Guzman, Juan Leal, Foriolo Rodriguez, F. Jesus Cantu, Martin Cavazos, Yida Leslie, H. W. Leslie, Maximo Rodriguez, Apolinas Rodriguez, Ernesto Esparza, Esequiel Cavazos, Hasedonio Rodriguez, J. F. Moody, Rosalio Rodriguez, L. A. Schiecger, Mrs. L. A. Schiecger, Edward Schiecger, A. E. Agee, Aniseto Rodriguez, Elefenso Gallegos, Vincente Rodriguez, T. O. Crockett, B. E. Crockett, John C. Fry, C. C. Wood, Cayetano Garcia, A. T. Hood, V. L. Vandabar, Margarito Guerrero, L. E. Keller, Jesus Tapia, Macarie Martines, S. P. Young, Felistiano Tapia, Simon Garcia, Jesse M. Buck, H. H. Buck, J. E. Keller, Antonio Garcia, Carlos Esparza, Ysidro Garcia, Luis Aguire, Davi Kellos, Desiderio Yanes, Pablo Silvas, Rocindo Aguire, Desiderio Tribinio, R. G. Garza, Juan Ramos, Rafael L. Guerra, Evaristo Canas, Yplito Canales, Nestor Alcala, Jose Yanes, Susano Gonzales, Modesto Gonzales, A. E. Carmichail, Angel Ramos, Cliofas Gomez, Encarnacion Martinis, Antonio G. Cavazos, George A. Fearnow, Mrs. George A. Fearnow.

On page 273 will be found another full list and on pages 274, 275, 448, 586, 587, 588, and the book, which is a large volume, is full of them.

Now, this is an examination conducted by attorneys in an election contest in Texas (reading from supplement of the Senate Journal, p. 158):

"Q. Who is in control of the politics of the county—of the offices?—A. Mr. ——

"Q. How is he in that control?—A. By the Mexican vote.

"Q. Through that Mexican vote does he control the officers in the county?—A. Yes, sir.

"Q. The county judge?—A. Yes, sir.

"Q. Sheriff?—A. Yes, sir.

"Q. Commissioners' court?—A. Yes, sir.

"Q. And the other officers?—A. Yes, sir.

"Q. And the finances of the county?—A. Yes, sir.

"Q. Well, how is that Mexican vote handled? Is it an intelligent Mexican vote or an illiterate Mexican vote?—A. Well, it is mixed. There's some very intelligent Mexicans and there's lots of them are illiterate.

"Q. Does Mr. ——— control the appointment of the people who hold the elections in that county?—A. That's the way I understand it."

Pages 760 and 761 show the testimony of a member of the Texas Legislature, a man who had been for several terms, about conditions down there. I believe I will not give his name:

"A. I was a representative; yes, sir.

"Q. Of what counties?—A. Well, when I came to the legislature in 1911—I was elected in 1910—came in 1911, and I represent ———, ———, ———, and ——— Counties, I think was my district at that time. At a called session of that legislature, the legislature redistricted

the representative districts and changed it until it is now ——— and ——— and ——— Counties.

"Q. What legislatures were you a member of?—A. I was a member of the thirty-second, thirty-third, and thirty-fourth."

I will skip quite a number of questions that throw no light on this controversy. They do throw a little, but would take too much space:

"Q. Was there at that time a discussion of the illiterate Mexican vote along the border in the legislature?—A. There wasn't as great a discussion as there has been this time, but almost as great. There were charges and countercharges of men, different sides, each side charging the other with having paid the poll taxes of the Mexicans. I don't know whether there was anything going on here— "

That is the Senate, you understand—

"but in the House of Representatives they were in a turmoil about it. One man, they were asking for a division of counties down there, making new counties, and the people who wanted a new county in —— County, alleged that one boss man down there, an anti——— man who was there had paid enough poll taxes to control the election of the officers. Now, we had given those people a new county; they had come to us complaining in the thirty-second legislature that they were under Mexican rule—that all the officers down there were Mexicans. The legislature gave them a county, called ——— County, and they were going back there to get together and elect their officers, and all that kind of doings. In the thirty-third legislature those people came back and asked for a division of ——— County— "

That is the new one—

"on the ground that the big boss had gotten their poll taxes and put them in his safe and gotten Mexican officers and controlled everything—everything of that kind—and in view of that there was a great deal of discussion about the illiterate voters."

Here is a letter from the State Democratic chairman of Texas relative to the situation there. I will just give the part of it on this situation. This is on page 838, in speaking of a contest between men for office before the election, the State Democratic chairman wrote:

"In the face of the evident frauds in the primary election in your senatorial district, as disclosed before the committee on credentials at Waco, and the action of the State Democratic convention in declaring ——— to be the rightful nominee for senator, you are without doubt justified in asking the voters of that senatorial district to scratch the name of ——— and write the name of ——— on the ticket before casting the ballot in the November election."

I mention these things as showing the character that was given to the political contest in certain localities. I do not exaggerate gentlemen, when I tell you this entire large volume is full of that kind of stuff, which it took weeks to develop and it would probably take weeks for you to hear it all.

A MEMBER. When was that contest?

Mr. BOX. In 1919.

The CHAIRMAN. Is there any evidence in there as to how they voted or may have voted as to their knowledge of the candidates?

Mr. BOX. That is my next point. They are very ignorant. I read from page 62:

"Q. Now, isn't it a fact that the way you got that ticket that the chairman of the precinct, Mr. ———, had a marked ticket and showed it to you?—A. Marked ticket?

"Q. Yes; and showed it to you, and you remembered the names?—A. Well, he told me the way we ought to vote, you know; but he did not have a marked ticket.

* * * * * * *

"Q. What did he say?—A. Why, he just stated he wanted to vote for these candidates, and I just said it was my opinion to vote for them, too, myself.

* * * * * * *

"Q. Did you make out all of the tickets that you fixed that day the same way; for the same candidates?—A. For the fellows who didn't know how to make out their own tickets; yes.

"Q. Made them all the same way?—A. Because I asked them who they wanted to vote for, and they said, 'We will do it the way you are going to vote, you know.'

"Q. They said, 'We will do it the way you are going to vote'?—A. Yes; and I voted it just the way I did my own.

* * * * * * *

"Q. And you made out about half of the tickets of that box?—A. About half."

On page 641 I will read one or two questions and answers of voters who testified:

"Q. You don't know who you voted for, do you? Could you give the name of anybody you voted for in the primary?—A. No, sir; I did not."

Mr. BOX. I did not get the name of this one. I am going to give the names of a good many, but I just give these to show the character of the vote (reading):

"He handed it to me, and I put it there in the presence of the presiding judge.

"Q. In the November election, you did the same thing, didn't you?—A. Yes, sir."

Now, at pages 643 and 644; this is another Mexican testifying, at page 643:

"Q. When you got there in the November election it was all ready for you then, too, wasn't it?—A. It was; certainly.

* * * * * * *

"Q. Do you know who you voted for in the regular election for governor?—A. I do not, sir.

"Q. Do you know who you voted for, for State senator?—A. Voted for Mr. Democrata.

"Q. For Mr. Democrata?—A. Yes, sir.

"Q. Who was he?—A. I don't know him, sir.

"Q. Have you ever met him?—A. No, sir.

"Q. Where does he live?—A. I do not know where he is now. That's all he knows (this is the interpreter speaking) is Mr. Democrata. That's all he knows about it."

* * * * * * *

"Q. What was he running for?—A. I ignore everything, sir; I don't know anything about it; they never tell us anything.

"Q. They never tell you anything?—A. They tell us to vote; that is all.

"Q. They tell you to vote. And in the November election they had all the tickets ready there, and you just come in and get a ticket and stick it in the box?—A. That is all; yes, sir.

"Q. Did you vote on November 5, 1918, in ——— County?—A. No; I only voted in the primaries."

Page 497, another Mexican:

"Q. Are you an American citizen by birth?—A. No.

* * * * * * *

"Q. Have you ever declared your intention of becoming an American citizen?—A. No.

* * * * * * *

"Q. Did you vote on November 5, 1918, in ——— County?—A. Yes."

Another Mexican, same page:

"Q. Are you an American citizen by birth?—A. No.

* * * * * * *

"Q. Have you ever declared your intention of becoming an American citizen?—A. Never have.

* * * * * * *

"Q. Did you vote on November 5, 1918, in ——— County?—A. Yes."

While I was making a statement of these or similar facts before this committee on February 2, 1920, the late Hon. W. N. Vaile, then a member of this committee, interrupted me and said:

"Mr. VAILE. There are several counties in Colorado where each party has been accused in turn of voting the whole county, practically, and I guess this accusation could be sustained by a large preponderance of the evidence." (Hearings, February 2, 1920, p. 308.)

Mr. J. J. Jewitt, manager of the Riverton Lumber Co., of Riverton, Wyo., writes:

"I have seen enough of these people to come to the conclusion that they make a very poor class of citizens. I sincerely trust that something can be done to prevent hordes of these ignorant people from entering the United States * * *."

Mr. Hardeman Roberts writes from Devine, Tex., and in speaking of those who are opposing this legislation mentions several classes and lists "the politician who is building up an easily controlled voting machine in all the border cities," saying "The Mexicans will soon have the voting strength as they are most all voted either legally or illegally."

Mr. August Fast writes from Denver, Colo., as follows:

"We have never been able to assimilate them, no more than Texas has. * * *"

Ex-Secretary David F. Houston, formerly a member of President Wilson's Cabinet, and for a long time president of the University of Texas, located at the State capital, where he became thoroughly familiar with these people, in a letter of February 24, 1928, approving my position, said:

"I do not understand what certain people in Texas are thinking about when they clamor for the admission of more Mexicans. They are evidently disposed to sell their birthright for a mess of pottage. The arguments that those use who wish the admission of ignorant labor are similar to those used by the people who gave us slavery. I shall have no fear of America if we can have the right sort of people. The right kind of people can run any sort of government; the wrong sort of people can not run any kind of government. It is evident that we are going to need better and better people."

Mr. W. L. Rider, civil engineer, writes me from El Paso, Tex., under date of February 27, 1928:

"There are various political disadvantages in the Mexican situation which permits an inferior foreign element unfamiliar with American traditions to match their votes against intelligent American citizens. This has reference to the peon type, who are excluded from the franchise in Mexico but are permitted to vote over here. * * *"

The commander of an American Legion post in a good Texas town 75 to 100 miles from the Mexican border wrote me under date of February 27, 1928, saying:

"Any man with vision of 10 years ahead can see that unless the present influx of Mexicans is checked they will be in control of this country; that is, economic and political control by reason of being the balance of power. The man who controls the Mexican vote in San Antonio to-day dictates the politics of the Bexar County political machine. The same is true of this town, and I say this without fear of successful contradiction. * * *"

Writes P. G. Nelson, of San Antonio, Tex.:

"If the present influx of Mexicans keeps up for another 10 or 15 years, together with the natural increase, Uncle Sam had better move our southern boundary to * * * or near the Red River line, because the Mexicans will have nearly all of Texas * * * and it will be an utter impossibility for a white man who wants to live as a human and an American should live, to compete with them and even exist, much less live. * * *"

Every normal American feels a special interest in our ex-service men. Employment for decent returns is necessary to a chance for them to make their way in the world.

MANY OF THE NATION'S EX-SERVICE MEN AMONG THOSE BEING DISPLACED BY MEXICAN PEONS

This, too, is supported by statements before the committee, from which I quote:

Mr. Box. The commander of an American Legion post in a substantial Texas town wrote me a letter February 27, 1928, from which I quote:

"As a commander of * * * American Legion post, I recently attempted to place some ex-service men in employment on the farms. They were very pointedly told that they could go to work with and perform the same labor as the Mexicans at $1.25 per day. They had to decline the employment because they could not support a family on that wage. * * *"

N. E. Rafert writes me from Roscoe, Calif., under date of February 21, 1928, complaining of the flooding of the country with Mexican labor and the crowding out of white labor by the Mexican peons, mentioning many pathetic incidents and relating one in which a needy veteran of the World War figured pathetically. After seeing that white men were repeatedly denied employment on a certain job, while Mexicans were being constantly taken on, the writer undertook to intercede for his needy friend on the ground that he was an ex-soldier. I quote his exact words:

"I reminded him of Mr. Chitwood; that he was an ex-soldier, and needed work. The boss said, 'I don't give a damn if he is an ex-soldier; I would rather hire a Mexican.'"

Adlai S. Baker, an attorney of El Paso, Tex., wrote me March 19, 1928, saying, in part:

"An American ex-service man came in and asked the secretary of the * * * to find him a job. She said she could not. The man asserted that he was hungry and broke. She refused to give him or lend him anything. A few minutes after he went out a greasy Mexican woman came in for help. The * * * secretary gave her an order for $5 worth of groceries. * * *"

"I ask you in all candor, who was entitled to the groceries?

"An ex-service man, who remained in the office after the hungry ex-soldier had gone told of the gift to the Mexican.

* * * * * * *

"The writer is an ex-soldier who was disabled in France fighting for this country. I fought and many others fought to keep this country safe for Americans. Now, many of my comrades who gave their all can not get a job because some peon has taken it away. The country is being taken by aliens, not with bayonet and bullet but by a peaceful penetration and settlement. * * *"

Mr. Box. Read the other letter which came in from the soldier while we were at lunch.

(Mr. Box's secretary read as follows:)

ARLINGTON, CALIF., *February 17, 1928.*

Hon. JOHN C. BOX,
Member of Congress, Second Congressional District, Texas,
Washington, D. C.

HONORABLE SIR: Am inclosing an editorial taken from the Daily Press, of Riverside, Calif., February 13, 1928, having reference to the Mexican immigration question.

This also is having serious effect upon thousands of our former military service men, who are asking for the right to work and live. These men had the "guts" 10 years ago to offer their lives for the country when the Nation's honor was at stake. Our country should now protect them and their families against this horde of inflowing non-English, un-American, uneducated, diseased peons.

Very respectfully,

DANIEL R. CAMPBELL.

Mr. Box. The government which does not protect the welfare of its working people, who are always a majority of its men, is derelict. The government which calls millions of its men, most of whom are working people, to its defense and requires of them the sacrifice of their time, their safety, their limbs, and even their lives, to maintain its freedom, standing, and power, and to help preserve its wealth, and thereafter disregards their welfare or the welfare of the laboring majority of them and permits peon aliens to supplant them in its industries, is not only derelict but it shows base ingratitude and stupid disregard for its own permanent welfare. Yet that is what the foregoing shows that the Government of the United States is being caused to do by selfish interests and leaders whose ears these selfish interests have.

Mexico's Government has always been an expression of Mexican impulses and traditions. Rather, it is an exhibition of the lack of better traditions and the want of intelligence and stamina among the mass of its people. One purpose of our immigration laws is to prevent the lowering of the ideals and the average of our citizenship, the creation of race friction and the weakening of the Nation's powers of cohesion, resulting from the interimixing of differing races.

ANOTHER RACE PROBLEM BEING CREATED

Again I quote from the committee hearings:

Mr. Box. In my original statement before this committee on this bill I pointed to several instances of race trouble created by the presence of these Mexican peons. I now call attention to other instances of race and labor trouble combined arising from the importation and use of such labor. I quote from a letter written by Mrs. A. L. Temple, of San Jose, Calif., on March 6, 1928. Mrs. Temple writes that she has worked in fruit picking and packing and lemon washing crews and at similar work from the line of Mexico into Washington State. Speaking of an incident, which she says occurred at Yakima, Wash., last November, Mrs. Temple says:

"After repeated failures to get work the white men chased the Filipinos from the fields, forcing them to board a train and leave permanently. They were justified in doing this. If the stream of blacks [meaning Mexicans] keep coming there will be more of such occurrences. * * *"

In another letter from west Texas it is said:

"This last year the ——— Oil Co., in laying a pipe line from west Texas to the coast, attempted to work all Mexicans here and was only prevented by the people arming themselves and not letting the Mexicans take their place."

This writer adds:

"My people came to this country when it was a part of Mexico and I would hate to see it go back to a majority Mexican population, especially of the peon class."

Hon. S. L. Wilson, superintendent of public schools, of Gregg County, Tex., wrote me a letter under date of March 9, 1928, from which I quote:

"Fight 'em, Mr. Box! One race question is too much; let's settle this other one by keeping them out. That you are correct there isn't a shadow of a doubt. 'What profiteth a man if he gain the whole world and lose his own soul?' Shall we sell Texas for cheap labor? What difference will it make whether they come from this continent or across the waters? Shall we ruin Texas in order to keep South American Republics in a good humor? If it isn't good for the North to let in white folks from across the Atlantic, how in the name of common sense can it be all right to let in hordes of another race across the Rio Grande? * * *"

Quoting again from Professor Handman, I read from his forecast of the race trouble the presence of masses of Mexicans will create:

"He will organize his group politically, and then what? Will he tolerate a school system which gives American children a good school building and nine months of schooling, but gives the Mexican children in the same community five months of schooling and a miserable wooden structure, and which spends on 58 American children $1,669 and on 182 Mexican children $724? I am not afraid of social conflicts, but social conflicts waged on the basis of race or nationality are the most cruel, the most intense, and the most useless. For the sake of a speeding up in the exploitation of our natural resources and the creation of a handful of newly rich and a greater consumption of high-priced automobiles are we creating for ourselves a social problem full of dismal prospects, of race hatreds, of bruised feelings, of social ostracisms, and, perhaps, of lynchings and the race wars of a twentieth century American city?"

Items like these could be quoted indefinitely.

Mr. Edward Gardner Lawrence, an editorial and feature writer and an author of several books, writes me under date of February 6, 1928, from El Paso, Tex., where he was sojourning, as follows:

"I have been in El Paso for six weeks, and the knowledge gained during that period of conditions on the border qualify me to intelligently second your remarks made in a letter to the Lufkin Chamber of Commerce. * * *

"God knows we have one wretched race problem on our hands—may another one not be added."

Mr. Percival J. Cooney, director of Americanization in the high school of El Monte, Calif., writes me under date of February 2, 1928, in part, as follows:

"For 15 years I have been in touch with the Mexican problem in California. I speak Spanish and know the Mexican immigrants intimately.

"Based on this experience, I have come to the conclusion reluctantly that the restriction on Mexican immigration is not only advisable but a positive necessity. If we do not have restriction, in a few years we will face intermarriage and a frightful race problem. In some communities in southern California feeling is already running high on this question. * * *"

I now read from a Texas press report dated February 9, 1926. It says:

MEXICANS ASK RACIAL EQUALITY IN TEXAS

"SAN ANTONIO, TEX., February 9, 1926.—Gov. Miriam A. Ferguson has been petitioned to put a ban on racial discrimination against Mexicans.

"Alejandro P. Carrillo, consul general of Mexico at San Antonio, who was denied service Sunday in a Granger, Tex., café, is the author of a protest growing out of the affair, which he referred to as a 'shameful discrimination.' Carrillo and Mexican conferees of Granger tried to get dinner at a restaurant and were invited to eat in the kitchen.

MIDNIGHT RAIDERS RAID MEXICAN CAMPS—OUTBREAK FOLLOWS WARNING SIGNS POSTED TWO WEEKS AGO—PEACE OFFICERS WILL EXTEND PROTECTION TO WORKERS

"With the darkness of night covering their deeds, 15 or 20 masked night riders last night visited Mexican camps and struck cold, chilling terror into the hearts of men, women, and children.

"This is the second demonstration made against the Mexicans in the past two weeks. On the former occasions signs were posted in their camps notifying them to leave the city at once. However, this notice was not obeyed, and it is thought to have brought forth the deeds of last night.

"Camps visited are situated on the Tiffin Road, on the Hamon Railroad near the Sinclair camp, and south of the Texas & Pacific station."

To keep out the illiterate and the diseased is another essential part of the Nation's immigration policy. The Mexican peons are illiterate and ignorant. Because of their insanitary habits and living conditions and their vices they are especially subject to smallpox, venereal diseases, tuberculosis, and other dangerous contagions. Their admission is inconsistent with this phase of our policy. Supporting this, I quote again from the hearings:

Mr. BOX. Now we come to the question of diseases among these people. A very large percentage of these unfortunate Mexican peons are afflicted with tuberculosis, venereal diseases, and the like.

I take from a recent report of the California Immigration Study Commission the following:

"Dr. S. J. Holmes, of the University of California, at a San Francisco meeting, discussing the Mexican influx, said of the Los Angeles epidemic: 'There were 32 cases of pneumonic plague, with 30 deaths; 7 cases of bubonic plague, with 5 deaths. This was confined, I believe, exclusively to the Mexican quarter.'"

Continuing his discussion of the conditions which breed disease and make it hard to control among these unfortunate people, Doctor Holmes said:

"In the campaign undertaken no less than 145,000 rats were exterminated; 2,473 buildings were demolished, which buildings had an appraised value of $747,000. At least 7,500 buildings were made ratproof, at an approximate expenditure to property owners of $2,777,000."

In a letter of January 24, 1928, the president of the California Immigration Study Commission, says:

"MY DEAR CONGRESSMAN BOX: Vincente Espinosa's case typifies the sanitation danger of unrestricted Mexican immigration. Two Espinosa children contracted smallpox. Their home was quarantined. Vincente had, however, the Mexican passion for gambling. Despite the quarantine, he slipped out to the pool room. Two men contracted the disease from him. Both died. Before dying they passed the disease on to 10 others. Of these, three more died. Vincente was sentenced to 30 days in jail.

"These five deaths illustrate the need of placing Mexico under the quota. * * *"

Quoting from the Texas Argus of January, 1928, page 9, I find the following:

"During the first 11 calendar months of 1927 there were a total of 2,732 deaths in San Antonio from all causes. Of this number, 575 were children under 2 years of age, or slightly more than 21 per cent. Of this number—575 children—there were 443, or 77 per cent, of them Mexicans, leaving only 132 of all other races combined. * * *"

Mr. BOX. Note that according to this report that the Mexican one-third of the population of San Antonio suffered 77 per cent of the child mortality.

I must give you one or two more pieces of evidence disclosing the great number of paupers and public charges which come upon us as a part of the flood which these selfish interests are loading upon our communities. On page 16 and 17 of A Report on the Indigent Migratory Consumptive in Certain Cities of the Southwest, published by the United States Public Health Service in 1923, will be found a discussion of one phase of this question as existing at San Antonio, Tex., some time prior to that, when the Mexican alien population of that city was considerably less than at present. I quote one paragraph from page 17 of the report mentioned:

"Race: More than one-half of all the cases were Mexicans. The migration question is a serious one for the border or near-border cities. Many migrants get in without examination by coming over the border without passing through the immigration stations. Although it is not possible to get statistical facts on the subject, the consensus of opinion among social workers in that region is that tuberculosis is very prevalent among the Mexicans. They, more than the resident Americans, are availing themselves of the facilities offered by the city of San Antonio. It is estimated that there are 35,000 Mexicans in a total population in San Antonio of 161,000, but over one-half of the cases of tuberculosis cared for were Mexicans."

These figures show that at that time the Mexican population, composing less than one-fourth of the total, furnished more than one-half the pauper consumptives.

The total Mexican population, alien and foreign born, of San Antonio was then probably less than 25 per cent of the whole population of the city. It has greatly increased and is now said to be 30 to 33 per cent of the entire population. The city has grown and its alien Mexican population has greatly increased since then.

As bearing upon this same phase of Mexican mass immigration, I quote from a statement made in the Star-News, of Passadena, Calif., on February 10, 1928, by Dr. J. L. Pomeroy, county health officer of Los Angeles County:

"CITES MENACE OF MEXICAN PROBLEM—HEALTH OFFICER OF COUNTY URGES CONTROL PLAN—POINTS TO DANGER FROM DISEASE—COST OF CARING FOR MANY INDIGENTS BURDENSOME

"LOS ANGELES, February 10.—An earnest plea that employers of foreign labor awake to the seriousness of the Mexican problem facing California was made by Dr. J. L. Pomeroy, county health officer.

"'Probably no other organization is as cognizant of the seriousness of the Mexican problem as is the county health department,' said Doctor Pomeroy. 'On it falls the burden of the battle against infectious disease brought in by these people, of the taking care of the sick themselves, and, indirectly, of relief for the indigent.

"'Our tuberculous division alone found 4,000 cases to have been infected before they crossed the border. This is practically true of all the infectious diseases we find in these people. A few years ago the fearfully virulent black smallpox was brought here from Mexico. It cost the county 200 deaths and the vaccinating of more than a million persons to stamp it out.

"'Of 25,000 persons supported by county relief, 80 per cent are Mexicans. The county sanitarium became so crowded with Mexican tuberculosis patients that a ruling had to be made requiring a patient to be a resident in the county a year before being eligible to admittance.

PAYS HUGE SUMS

"'The county is paying staggering sums to take care of Mexico's sick and indigent people,' the county health officer avers."

In a report by the California Commission of Immigration and Housing made to the governor of that State in January, 1926, it is said:

"The Mexicans as a general rule become a public charge under slight provocation and have become a great burden to our communities.

"In Los Angeles, where approximately 7 per cent of the population is Mexican, the outdoor relief division states that 27.44 per cent of its cases are Mexican. The bureau of Catholic charities reports that 53⅔ per cent of its cases are Mexicans, who consume at least 50 per cent of the budget. Twenty-five per cent of the budget of the general hospital is used for Mexicans, who comprise 43 per cent of its cases. The city maternity service reports 62½ per cent of its cases Mexicans, using 73 per cent of its budget. The bureau of municipal nursing and division of child welfare both state that 40 per cent of their clients are Mexican, and in the day home of the Children's Hospital 23 per cent of the children cared for are Mexican, while 12 per cent of the out-patient department cases are Mexican.

"In Pasadena, where 2.8 per cent of the population is Mexican, 6 per cent of the cases of its welfare department are of that nationality.

"The Long Beach welfare department reports that 21 per cent of its cases are Mexican, using 16 per cent of its budget, while only 1 per cent of the population of the city is of that nationality.

"Orange County, in which 10 per cent of the population is Mexican, reports that one-third of the general hospital cases are Mexican, as are also 50 per cent of the cases of the county aid commissioner, using 30 per cent of the budget.

"The county of San Diego reports that half of the patients of the county hospital are Mexican, while in the city of San Diego, where 5 per cent of the population is Mexican, two-thirds of the milk delivered from the free-milk station goes to that nationality.

"In San Bernardino County the welfare department reports 36.2 per cent of its cases Mexican, using 30 per cent of its budget. The county hospital states that 25 per cent of its cases are Mexican, using 35 per cent of its budget.

"The Associated Charities of Santa Barbara, wherein the Mexicans are 13 per cent of the population, reports 23 per cent of its cases Mexican, using 15 per cent of its budget. The general hospital reports 47 per cent of its cases Mexican and the Cottage Hospital Dispensary 75 per cent of its cases of that nationality.

"The Mexican population of Fresno County is estimated at 6 per cent of the total. Here the public-welfare department reports 13.7 per cent of its cases Mexican, using 9 per cent of its budget.

"For the most part the Mexicans are Indians, and very seldom become naturalized. They know little of sanitation, are very low mentally, and are generally unhealthy. Their children, however, who are born here are citizens and have all rights and privileges as such. This second generation has given our school department, juvenile and other courts a tremendous amount of trouble, and no doubt this will continue."

The percentage of Mexican population in these regions has greatly increased since 1926. All my advices indicate that the percentage of diseased paupers has even more rapidly increased. I quote further from the same report, presented by me during the committee hearings:

"To sum up the elements of danger from the unrestricted immigration of Mexicans:

"1. They drain our charities.

"2. They or their children become a large portion of our jail population.

"3. They affect the health of our communities.

"4. They create a problem in our labor camps.

"5. They require special attention in our schools and are of low mentality.

"6. They diminish the percentage of our white population.

"7. They remain foreign."

Mr. Box. One of the leading reasons for refusing to admit a large number of these Mexicans is that so many of them become paupers. One of the big reasons that prompted our immigration laws is the necessity of protecting the country against great numbers of people who become public charges. If one is liable to become a public charge that is sufficient ground to exclude him from the United States.

The protection of American society against the importation of crime and pauperism is yet another object of these laws. Few, if any, other immigrants have brought us so large a proportion of criminals and paupers as have the Mexican peons. This is proven by the hearings from which I quote:

Mr. Box. Turning to the State of California again, the California Immigration Study Commission submits a report, one paragraph of which reads as follows:

"* * * At a Commonwealth club meeting, called to discuss Mexican immigration, State Prison Director Alco stated: 'In San Quentin prison, of 3,358 prisoners, we have 438 Mexicans. Forty per cent * * * are eligible for deportation. Of the entire violations of prison laws and rules, 60 per cent are charged to the Mexican population. Of the 113 prisoners executed since 1893, 13 were Mexicans. California is supposed to have almost as many Mexican prisoners as the entire prison population of Rhode Island or of Nevada.'"

The States are having difficulties with the Mexicans. The following is a clipping from the El Paso Daily Times of January 8, 1926, showing the indictments returned by one grand jury:

NARCOTIC INDICTMENTS

"Those named in indictments returned for violation of the narcotic laws included:

"Saul Hernandez, Gonzales Lopez, Clemente Holguin, Gil Ornelas, Pedro Maldonado, Luis Munoz, Fernando Gonzales, Manual Gonzales, Francisco Salario, William A. Fullmer, N. C. Norris, G. L. Crowder, Francisco Anchondo, Edward I. Hoffman, E. Marquez, Pedro Marquez, William Bentley and Cipriano Arroya.

LIQUOR INDICTMENTS

"Liquor indictments named Isaac Martinez, Jose Maria Rubio, Alejo Najero, Senovio Rodriguez, Jose Martinez, Crispen Tarrango, Manuel Salazar, Rosendo Rizo, John J. Nolan, Jesus J. Alivas, Emiliano Villareal, Guadalupe Garcia, Juan Aguilar, Jesus Torres, Enrique Lazcano, Miguel Guerra, Feliciano Campo, Jose Gonzales, Enrique Gallegos, Martin H. Holguin, Luis Marquez, Teodora Alvarado, Pedro Hernandez, Francisco Valesquez, Felipe Rivera, Guadalupe Hernandez, Jose Hernandez, Ventura Galindo, Harry Stringham, Jesus Salas, Andreas Mora, Pedro Hernandez, C. Provincio, Benito Martinez, Robert Gonzales, Demas Dias, Juaquin Martinez, Victor Moncada, Pablo Baisa, Edward Kelly, Hannigan Mills, Frank H. Payne, Enrique Lazcano, Pedro Estrada, Manuel Corta, Felix Lara, Eustacia Alvarez, Raynundo Barron, Jesus Abeyta, Herculano Ruelas, Jesus Uranga, Victor Villareal, and Nat Lewis.

ALIENS INDICTED

"Violations of immigration and passport laws included Josefa Ruinz, Andre Vega, Francisco Ramirez, Pedro Garcia, Antonio Navarro, Berta Trejo, Francisco Sanchez, Lorenzo Acosta, N. F. Castango, Juan Delgado, Manuel Gracia, Genaro Alonzo, Jesus Navarrete, Catariono Rodarte, Antonio Ronquillo, R. G. Obise, Joaquin Hernandez, Pascuel Reyes, Jose Carbajal, Juana Ramirez, Domencio Facciola, Rocco Fida, Antonio Castagno, Angelo Daviolo, and Michael Kado.

"Gerardo Marquez was charged with conspiracy to violate the immigration laws.

"In a statement made before the House committee on February 9, in which he opposed the passage of the Box bill, but advised the committee that he believed it would be unsafe to loosen the immigration laws to permit more Mexicans to come in, Hon. CLAUDE HUDSPETH, Representative in Congress from the El Paso district, presented the following telegram:

"'Records Federal court, July, 1924, to February, 1925, inclusive, show out of 619 indictments 387 Mexican names, 127 Americans, and 105 European names. Many of these Mexicans probably American citizens for years. Records do not show citizenship. * * *'"

The number of such reports coming from California, Colorado, Arizona, New Mexico, and the whole Southwest, through the press and from public and private charity organizations, is very great and covers the whole period of mass peon immigration from its beginning until now.

The volume of Mexican immigration, the attending circumstances, and the prospects for its continuance and enlargement are such as to make this an important part of one of the Nation's greatest problems. Mexico has nearly 15,000,000 people who are prolific breeders, capable of producing millions of new inhabitants every year.

Their economic condition will continue worse than ours for an indefinite time and cause their laborers to want to migrate to the United States. Under a well-known law of population, the gaps left at home by those who come from year to year will be rapidly refilled by natural increase. Thus Mexico will become an inexhaustible source of this low-grade immigration.

Immigrants who have poured upon our shores from Europe and Old World countries have had to pay the expense of land travel in reaching foreign seaports, after which the heavy expense of ocean transportation had to be paid. Mexico's masses have only to tramp to the border. The expense of their transportation, whether paid by them or others, is trifling compared to the cost of crossing the ocean from Europe or Asia to America. The methods by which labor importers reach them and induce them to come are inexpensive and easy. The building of barriers against the flood flowing in from elsewhere must increase the inpouring from Mexico. Unless it is checked it will continue with increasing volume. The hearings from which I quote sustain this proposition:

Mr. Box. There has been no United States census since 1920, but there have been many estimates of the alien Mexican population now in the United States. Some have placed it as high as 4,000,000. Others place it at 3,000,000. Both of these figures are probably somewhat high.

The Los Angeles Times, which is opposing this legislation, in its issue of September 4, 1927, says:

"Immigration officials estimate that at least 50 per cent of the, at least, 1,500,000 Mexicans [meaning alien Mexicans] in the United States, entered illegally. * * *"

This estimate, made by the department best informed on the subject, is probably conservative in being too low.

In 1920 there were 486,418 alien-born Mexicans in the United States. The difference between these figures and the 1,500,000 represents our gain in alien-born Mexican population within the last eight years, and amounts to more than 1,000,000, and considerably more than 100,000 for each year of the period. The average number of incoming alien Mexicans shown by the report of the Commissioner General of Immigration since 1920 is a little less than 50,000 per year—48,570 annually, to be exact. In other words, our increase in alien-born Mexican population has been greater than the sum total of all the incoming immigrant Mexican aliens shown by the report of the Commissioner General of Immigration.

Whether we take the actual figures of the census covering the period from 1910 to 1920, or the census for 1920 and the present estimated alien-born Mexican population in the United States, we are gaining in our alien-born Mexican population faster, rather than slower, than the reports of the Commissioner General of Immigration show.

In addition to the above, I state to the committee that the alien Mexican population of the United States is increasing at an enormous rate. This increase is manifest in the villages, in the sawmills, on the railroads, in the slums of the cities, in moving trainloads of them, and in swarming Mexican populations extending from the border of Mexico to the Canadian line and far eastward.

The white laborers and citizens of Hawthorne, Los Angeles County, Calif., send me a resolution passed at a public meeting in which they say:

"* * * When the crop season is over these Mexicans, or a great majority of them, drift into the towns, thereby taking the common-

labor work from poor white laborers by doing such work at greatly reduced prices for their labor than the poor white man can afford to work for. As evidence of this fact more of these Mexicans are now at work in the cities of this State while there are no less than 100,000 idle white men in the city of Los Angeles alone."

J. C. Brodie, of Superior, Ariz., writes:

"I have lived in Arizona 30 years. During that time the Mexican population, due to unrestricted immigration, has increased three times faster than the white population, * * * while white districts in our camps, towns, and cities have been abandoned by the whites and taken possession of by the Mexicans. * * *"

Mrs. C. I. Dunham, of Pomona, Calif., writes:

"It seems that in just a short while all the white working people will have to leave our wonderful southern California and give it up to the lowest class of Mexicans. * * *"

R. C. Joslyn, of Phoenix, Ariz., writes:

"Instead of returning to Mexico, thousands of Mexicans have remained, and a greater portion of the imported horde is remaining each year, thus swelling the ranks of those who have been imported in preceding years."

James Mack, of El Paso, Tex., writes:

"A permanent race migration is in progress. * * *"

The Arizona State Labor Journal of January 18, 1928, among other things, said:

"* * * The permanent Mexican population of Los Angeles, San Diego, El Centro, Yuma, Phoenix, Tucson, Pueblo, El Paso, San Antonio, Houston, Dallas—in fact, every city and town in all the States on the Mexican border—is growing by leaps and bounds. Every citizen in the Southwest knows this to be true. * * *"

From San Jose, Calif., Mrs. A. L. Temple writes:

"It is claimed that Mexican laborers nearly all return to Mexico when the season's work is done. This is not true, and most of those claiming it know it is not true, and those who believe it to be true can assuredly find how false the statement is if they desire to do so."

From Wistner, Okla., H. L. Hunnicutt writes:

"Are they going to run us out of our own country and take it away from us entirely? It has all but come to that now."

H. Eugene Tenney, a traveling lecturer who has recently been visiting in the Southwest and observing conditions, writes me from El Paso, Tex., saying, among other things:

"Nearly all come to stay, notwithstanding the erroneous statements to the contrary."

Mrs. Linnie Lee Blades writes me from Sugar Land, Tex., which is 300 or 400 miles from the Mexican border, relating the following incident:

"I overheard this conversation not long ago. A stranger stepped off an evening train one Saturday evening and hailed a fellow with this: 'Say, Buddie, what you call this—Mexico? Why, I have been all over Mexico, and I never saw more Mexicans at a place this size!' The man replied: 'Yes, Mister; this is Mexico; they've moved 'er across the Rio Grande!'"

Hon. L. H. Harrison, probation officer of Fort Collins, Colo., wrote me on March 8, saying, among other things:

"The flood of immigration into the United States from the Republic of Mexico * * * is growing at an alarming rate and threatens dire injury to wholesome American community life. * * *"

County Judge A. B. Crane, of Raymondville, Tex., in the Mexican border country, under date of March 10, 1928, writes me saying, among other things:

"These Mexicans never go back to Mexico. They go on north and soon learn to say that they are native-born Mexicans and that they are citizens. * * *"

R. L. Williams, of Brownwood, in western Texas, writes:

"I resided in old Mexico following my profession of mining engineer for 15 years. Speak and read Spanish fluently. * * * On account of the political turmoil in Mexico practically the entire labor class will move to United States in next five years. Wouldn't surprise me to see 5,000,000 here by 1930. * * *"

* * * * * * *

Arthur Campbell writes from Denver, Colo., March 4, 1928, saying, in part:

"If you don't put the bars up now, this will be a black man's country inside of 50 years. I know what I am talking about from two years' experience working in the Colorado coal mines. * * *"

W. S. Parker, writing from Houston, Tex., under date of March 14, 1928, to a Texas Representative in Congress, said, in part:

"For the past 18 months I have covered most of the territory in Texas in a car and it is astounding to discover the number of native-born white men footing it around the State looking for work. I give lots of these fellows lifts in my car and have plenty of opportunity to size them up. The Mexicans are far too numerous for their line of work and they are tramping in an effort to obtain employment. Sometimes I see as many as 20 in a bunch camped along streams in abject poverty.

"These Mexicans are not confining their service to agriculture and stock raising. They are in Houston, Beaumont, Port Arthur, Galveston, and in the smaller towns by the thousands, living in rag shacks, penniless. They are now forming a great portion of our criminal element. They are bootlegging and hijacking and indulging in petty thieving to a large extent on account of meager employment. They are in such condition that they will work for less than half what it requires for a decent American citizen to exist upon, and they are entering the channels of labor in every line, displacing thousands of honest citizens of this country.

"The sawmill country is infested with them and they are holding down wages around these mills to an average of $1.50 per day. The * * * mills are like Mexican villages, and around these plants you can see a long line of Texas boys striving to obtain employment even at those prices, but they can't obtain it because the Mexican spends all his money in the commissaries and can be cuffed around by a foreman to a greater extent than a negro. They are even driving the negro away from these industrial plants into our cities * * *."

Hon. George W. P. Hunt, present Governor of Arizona, writing me about this subject on March 13, 1928, says in part:

"I am convinced that there are at present in the State of Arizona more Mexican workmen than we can possibly assimilate for many years.

"The Highway Department of the State of Arizona has on file more than 3,000 applications for employment by citizens of our State. I believe that a large proporiton of these citizens of Arizona who are without jobs have been supplanted in their former employment by Mexican immigrants.

"I am very confident that there now exists in Arizona a large surplus of both citizen and alien labor, and that no necessity for further supplies of labor at this time exists in this State. I believe the existing surplus is sufficient to care for our labor needs for a long time ahead * * *."

Mr. F. J. Stuart writes me from Dallas, Tex., under date of March 21, 1928, saying in part:

"I have been advertising or business manager of daily papers in El Paso, San Antonio, Houston, and Fort Worth. I have lived in Texas for 35 years. I have traveled all over the State for years. I know every section of Texas.

"The State is flooded with Mexicans, who have driven white men and negroes from their jobs, lowering wages, and brought ruin to untold numbers. * * *

"Mexicans swarm across the Rio Grande like vermin escaping from a bonfire. I do not believe that a respectable fraction of them cross legally * * *."

Members of the committee can, by consulting with gentlemen who have no financial interests in the question and who have watched this movement of population, verify the statement that we have a great Mexican migration to the northward which is increasing and seriously menacing the welfare of laboring people, working in transportation, in industry, as farm laborers, farm tenants, and small farmers, and imperiling social and health conditions and the public welfare.

The most dangerous mass immigration now menacing us is that from Mexico.

Our efforts to deal wisely and adequately with Mexican peon immigration from the standpoint of public and patriotic interest are opposed by the same selfish interests which have hindered all the Nation's efforts in dealing with our immigration, namely, the short-sighted, present profit-seeking interests of those who want cheap labor. If it were not for this opposition, the grave question which I am suggesting would be settled soon, and the settlement made would be with a patriotic view to the public welfare now and hereafter.

If we ask Mexico, Haiti, Cuba, and South America to consent to the application of this necessary restriction, they will, of course, refuse, and the evil stream will continue to pour its pollution into the mass of our population.

Efforts to obtain the consent of foreign countries to our immigration policy have been an unbroken failure throughout the history of our dealing with the problem. More than one presidential administration tried to settle the Chinese immigration question by the Burlingame treaty, in which it was recited that the right of races to migrate was inherent and inalienable. This was to apply as between the hundreds of Chinese millions and America. The United States Congress had to cut the Nation's way out of that ruinous entanglement.

Italy did not consent to our present law, but wanted to handle the subject by treaty to which her consent would be necessary, but the Constitution had vested this power in Congress, and Congress exercised it, accomplishing the Nation's purpose and helping to save its future. Other instances could be cited; one more will be enough. Japan had interests and a will concerning Japanese immigration in conflict with the interests and will of the United States. Every effort was made to avoid having America declare its will by congressional action as our Constitution contemplates. So long as we dickered with that question, consulting any but our constitutional rule, it remained un-

settled and troublesome. It would have been with us yet had Congress waited for the consent of a foreign power or left that question to be settled in any but the constitutional way; but the will of America was accomplished in the manner provided by the fathers. The world did not crumble, its peace was not disturbed, but our friends of former times remain our friends, respecting us and being by us respected. Any other course would have continued the question and the irritation it caused.

These and other national experiences in dealing with the immigration problem should be recalled by the public when men say that in this instance we must consult the wishes of the people south of the Rio Grande or farther south.

Ladies and gentlemen, practically all of the reasons which have moved the United States to adopt and adhere to the policy of restricting immigration from Europe and Asia argue for the restriction of peon immigration from Mexico and the countries to the south and east. The difficulties which folly and greed have heretofore thrown in the Nation's path are being thrown in its way now. Let us hope that the people of these times and the membership of this Congress will be as wise and courageous as those who have preceded us.

Quotations from statements of other Representatives in Congress before the committee in support of the Box bill:

HON. EUGENE BLACK, REPRESENTATIVE FROM TEXAS

Mr. BLACK. My name is EUGENE BLACK and I represent the first congressional district of the State of Texas. I wish to record my support of the Box bill, which is to place under quota restrictions certain countries in the Western Hemisphere, which at the present time are exempted from the quota restrictions by subdivision (c), section (4) of the immigration act of 1924.

* * * * * * *

The Texas papers carried an account of my reply to the West Texas Chamber of Commerce, and since then I have received a good many letters commending my stand. One of these is from a school superintendent of a town in west Texas, and, among other things, he says:

"Permit me to congratulate you upon your stand in favor of Mr. Box's plan for restricting Mexican immigration and against the selfish, nearsighted, provincial policy of the West Texas Chamber of Commerce as expressed in Secretary Wade's communication to you.

"I assure you that the attitude of the West Texas Chamber of Commerce is not representative of the opinion of a majority of the people of west Texas. It is founded, in my opinion, upon the overwilling desire of a few to 'boost,' as they think, this section at any cost. Personally, I think the cost is too high.

"I have had many opportunities to observe the deleterious effects of Mexican immigration upon the schools, community, and farm life of west Texas. I have lived in west Texas since 1906 and have seen the vast increase in Mexican population in that time. I have seen whole communities become Mexicanized, great plantations once farmed by whites, now tilled by exclusively Mexican labor. The white cotton farmer is forced off the farm. The schools are severely injured, the community life reverts to that of Mexico."

I do not think this school superintendent overstates the seriousness of the situation. I think he voices what is in the minds of many thousands of people in Texas.

* * * * * * *

Mr. SCHNEIDER. Have you any idea of what percentage of the immigrants from Mexico and the countries of continental America and adjacent islands are of the white race?

Mr. BLACK. No; I did not come armed with statistics in regard to that. However, I can get that for you. I have a large amount of data in my files, but my colleague, Judge Box, has made as exhaustive a study of this immigration subject as any man in Congress, and I know that he is prepared to go into every phase of the matter, and I felt it would be an imposition on the committee for me to come prepared to discuss the statistical features of it, knowing that Judge Box intended to cover every phase of it.

HON. MORGAN G. SANDERS, REPRESENTATIVE FROM TEXAS

Judge Box. I will now ask Mr. SANDERS, of the third congressional district of the State of Texas, to make a statement in regard to this bill.

* * * * * * *

Mr. SANDERS. Thank you. I desire to say, at the outset, that when I was first elected to Congress I advocated prohibiting all immigration. I still feel that way about the matter of immigration.

I am supporting Judge Box's bill whole-heartedly.

* * * * * * *

I know I voice the sentiment of the majority of the citizens, not only in my district but in the great State of Texas, when I say they indorse the Box bill. The only opposition to it that I know anything about comes from that class, small in numbers, who are farming by proxy—that is, who do not till the soil themselves, but have their land cultivated by cheap Mexican labor.

* * * * * * *

I want to give you an extract from a letter which I have received from Mr. J. L. McKinley, a farmer at Big Sandy, Tex., which shows you how the farmers are feeling generally on this proposition.

"I wish you would render all the assistance you can to the Hon. JOHN C. BOX in trying to control the hordes of daily germ-carrying Mexicans from flooding our State with cheap labor. They are hurting the cause of all the common people to such an extent that it will breed something bad if not stopped. I have been here a long time and must say that I have never seen the like before. Thousands of people can't get work and other thousands who are lucky enough to get work find wages so low that they can't make both ends meet and it is all caused by these hordes of Mexicans. They are used by the trainloads on all big construction works and our common labor is crowded out. We don't need them on the farms. We are raising too much cotton now. They ruin the schools; they carry germs; they add nothing to society. All they want is a hovel in which to stay. Must we common people be brought to their level. We can not do so. Please do what you can to help us."

* * * * * * *

HENDERSON CHAMBER OF COMMERCE,
Henderson, Rusk County, Tex., February 10, 1928.

Hon. MORGAN G. SANDERS, M. C.,
Washington, D. C.

DEAR MR. SANDERS: I am requested to advise you that the Henderson Chamber of Commerce has passed a resolution indorsing the bill of your colleague the Hon. JOHN C. BOX on immigration, having particular reference to the provision to prohibit the importation of the large quantities of Mexicans to Texas.

We are of the opinion that these are brought in to cultivate large acreage on cheap labor, in competition to the tenant farmer, who, we believe, it is the Government's duty to protect and encourage.

Large acres of the western plains through the importation of the Mexicans are being cultivated in cotton on a large scale, which is disastrous to the entire South, as the one particular question with us is to reduce rather than increase the present cotton acreage.

We are advising you that you may know our attitude in the matter.

With kindest personal regards, I am yours truly,

E. M. PRESTON, *Managing Director.*

HON. MILES C. ALLGOOD, REPRESENTATIVE FROM ALABAMA

Mr. RUTHERFORD. The white people are now willing to work upon their farms, and they do more work than when the negroes predominated in those communities.

Mr. ALLGOOD. That is right

The CHAIRMAN. If the colored people leave those communities, the white people have to do the work there, if there is any work done?

Mr. ALLGOOD. Obviously.

Mr. BOX. And as a result the community has a greater degree of prosperity?

Mr. ALLGOOD. Yes. We are fairly prosperous down there. Our people are marrying, rearing families, and establishing homes. We have no rich people there. In these counties I represent there is not a single millionaire.

The CHAIRMAN. Is not this about the picture—you feel that your State and the whole South is coming up from conditions that were thrown upon it, and that as it comes up and raises cotton as a crop, if cotton is raised by labor not continuously employed in the southwestern part of the United States, and that cotton raised in the southwestern part of the United States comes in competition with your cotton, which is raised by people who stay in your communities all the year round, you will be at a decided disadvantage and the whole machinery will be thrown out of balance?

Mr. ALLGOOD. That is the story. Furthermore, in the Southwest that land does not require fertilizer to produce cotton. Our land does require fertilizing.

Mr. BOX. Can your small farmers live and compete with Mexican peon labor which cultivates the vast level areas of the Southwest, where the land does not have to be fertilized?

Mr. ALLGOOD. Not in accordance with the standard of living that an American should have. The American could go down to the standard of the peon. However, who wants to see us go to that standard?

CONFERENCE REPORT—PENSIONS

Mr. KNUTSON. Mr. Speaker, I submit a conference report on H. R. 12381, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors, for printing under the rule.

BILLS FOR THE RELIEF OF FRANK A. GRAB, ALEXANDER GINGRAS, AND MARY M'CORMICK

Mr. VINSON of Georgia. Mr. Speaker, I am directed by the Naval Affairs Committee to ask unanimous consent to take from the Speaker's table H. R. 1951, granting six months' pay to

Frank A. Grab; H. R. 11978, granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service; and H. R. 5897, for the relief of Mary McCormick, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the first bill suggested by the gentleman from Georgia, with the Senate amendment.

The Clerk read the title of the bill, as follows:

A bill (H. R. 1951) granting six months' pay to Frank A. Grab.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The SPEAKER. The Clerk will report the next bill, with the Senate amendment.

The Clerk read as follows:

A bill (H. R. 11978) granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The SPEAKER. The Clerk will report the next bill, with the Senate amendment.

The Clerk read as follows:

A bill (H. R. 5897) for the relief of Mary McCormick.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I shall not object; but does not this amendment simply make the bill meaningless?

Mr. VINSON of Georgia. I will state to the gentleman from New York that they must prove their dependence.

Mr. LAGUARDIA. And if they were dependent upon this boy he would not be in the Navy at $21 per month?

Mr. VINSON of Georgia. That is correct.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

THOMAS HUGGINS

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 2657, for the relief of Thomas Huggins, and agree to the Senate amendment. I do this by authority of the Committee on Claims.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table H. R. 2657, with a Senate amendment, and agree to the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

ST. JOSEPH'S ROMAN CATHOLIC CHURCH, EAST BATON ROUGE, LA.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands, I call up from the Speaker's table the bill (S. 3620) granting certain land to the congregation of St. Joseph's Roman Catholic Church, in the parish of East Baton Rouge, La., and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La., all the proprietary right, title, and interest of the United States to and in that certain tract of land in the United States Reservation or Garrison Grounds in the city of Baton Rouge, La., formerly used as a graveyard or burial ground by the congregation of St. Joseph's Church of said city in the parish of East Baton Rouge, which is not included in any of the lots or streets of said city, but lies on North Street and between Uncle Sam Street and the lot of the private property of H. E. Hausey, measuring 214.5 American measure, on line of said Hausey, running north by a depth of 497 feet, more or less, running east to the west line of Uncle Sam Street between parallel lines, and containing approximately 2.45 acres, as described in the act entitled "An act to provide for the disposal of a portion of the United States Military Reservation at Baton Rouge, La.," approved September 30, 1890; and the Secretary of the Interior, after such survey as he may deem necessary, shall, as a further evidence of title, direct the issuance of a patent in accordance with the provisions of this act.

SEC. 2. That the provision "unless hereafter required by the Secretary of War for the use of the United States for military purposes" be, and it is hereby, stricken from the act of September 30, 1890 (26 Stat. 503), and any implied conditions of reversion of title to the Government of the United States contained in said act be, and the same are hereby, repealed, it being the purpose and intent of this act to grant to the congregation of St. Joseph's Roman Catholic Church of Baton Rouge, La., free from restriction, reservation, or condition, full and complete title in and to the lands described in section 1 hereof.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

REGULATING POSTAL RATES

Mr. GRIEST. Mr. Speaker, I call up the conference report on the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 12030, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) entitled "An act to amend Title II of the act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, 23; and number 8 with amendments so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4 to read as follows:

"'(4) *Provided*, That in the case of duplications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; where the number of individual addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates.'"

And the Senate agree to the same.

The committee of conference have not agreed on amendments 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

GEO. H. MOSES,
L. C. PHIPPS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 12030) entitled "An act to amend Title II of the act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and embodied in the accompanying conference report, namely:

The differences between the House conferees and those of the Senate are on amendments 1 to 20, inclusive, which include rates on second-class mail matter and fourth class, the Senate insisting on a reduction in second-class matter below the so-called 1921 rates provided for in the House bill; the Senate conferees also insisting on the elimination in all zones of the so-called "service charge." Outside of second and fourth class rates the conferees are in agreement.

The House bill, to which the House conferees adhered, effects a reduction in revenue of $3,860,000 on second-class matter and $2,200,000 on fourth-class matter. The Senate bill, to which the Senate conferees adhered, effects a reduction in revenue of $7,610,000 on second-class matter and $14,640,000 on fourth-class matter.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

Mr. GRIEST. Mr. Speaker, the situation here seems to be somewhat unusual and I will make a brief statement preliminary to moving for an agreement to the request of the Senate for a further conference.

At the last meeting of the conferees the House conferees understood that the Senate conferees were going back to the Senate for further instructions, which they did; and no doubt in accordance with proper procedure they presented a partial report to the Senate, and in order to keep the records of the House in proper shape it then became necessary for that partial report to be presented here also. This report was rejected by the Senate on Saturday last and a request made to the House for further conference.

The only amendment of importance agreed upon was on third-class mail. The other important amendments, on second-class mail and fourth-class mail, were not touched upon in the report, having been disagreed to in conference.

The parliamentary situation now seems to require that the partial report which was filed here shall be voted down and that the conferees be instructed to agree to the further conference asked for by the Senate. I therefore move that the report be voted down.

The SPEAKER. The question is on agreeing to the conference report.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield for a question?

Mr. GRIEST. Yes.

Mr. KINCHELOE. As I understand, one of the main things in disagreement between the conferees for the House and the Senate was with respect to the postal rates on second-class mail matter.

Mr. GRIEST. That was not the only one.

Mr. KINCHELOE. That was one of the main ones.

Mr. GRIEST. That was one of the three main ones. The three main things in disagreement were third-class mail rates, second-class mail rates, and fourth class.

Mr. KINCHELOE. The House adopted the 1921 rates and the Senate is insisting on the 1920 rates.

Mr. GRIEST. That is correct.

Mr. ASWELL. Will the gentleman yield?

Mr. GRIEST. Yes.

Mr. ASWELL. Was there a proposal made by the Senate conferees to agree on the 1920 rates in the first four zones?

Mr. GRIEST. That is the Senate bill.

Mr. ASWELL. Did they not try to compromise with our House conferees?

Mr. GRIEST. I believe they did.

Mr. ASWELL. It was so stated by Senator MOSES.

Mr. GRIEST. Yes.

Mr. ASWELL. What was the objection to accepting that very reasonable and proper compromise?

Mr. GRIEST. We did not come to an issue on that question. We simply passed that over.

Mr. ASWELL. Would it not be in order to move to instruct the conferees to agree to that, the Moses compromise?

Mr. GRIEST. I think not. We have to agree or disagree to the conference report.

Mr. BYRNS. I notice a statement made by one of the Senators on the proposition with reference to second-class mail, that the conferees on the part of the Senate proposed a compromise to the conferees on the part of the House which would strike a mean between the two figures which the Senator quoted, and would result in a reduction in revenue of $6,600,000. The statement was made that the House bill reduces the rate to a point where the postal revenues will suffer an estimated loss of $3,860,000. The Senate bill, it was stated, would reduce the revenue to $7,610,000. The Senator to whom I am alluding, as shown by the RECORD, made the statement that the Senate conferees proposed to the House conferees a compromise between the House bill and the Senate bill on rates on second-class mail matter which would reduce the revenues $6,600,000.

Mr. GRIEST. I do not recall the exact amount, but there was a compromise spoken of.

Mr. BYRNS. Of course, this matter has just come up and some of us at least have had no opportunity to even think of preparing an amendment, but it does seem to me on an important matter like this, especially with reference to rates on second-class mail matter, when the Senate conferees come with a proposition of compromise, willing to surrender their position and to go halfway in accepting the provisions of the House, there ought to be some disposition to compromise the matter.

Mr. SNELL. Is it not the fact that there is much more at stake than the one item which the gentleman has presented?

Mr. GRIEST. Yes; the gentleman seems to think that only second-class rates are involved.

Mr. BYRNS. My understanding is that was the main question of difference at issue between the conferees.

Mr. GRIEST. Oh, no; not at all.

Mr. BYRNS. And that an agreement could probably have been reached on the other matters in disagreement.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. GRIEST. Yes.

Mr. CRAMTON. As I understand the situation, inasmuch as the Senate has already recommitted the report, the gentleman asks the House to vote down this report and send the bill back to conference.

Mr. GRIEST. Yes.

Mr. CRAMTON. And the action which the gentleman now asks the House to take would be merely a preliminary proceeding to get the matter back into conference?

Mr. GRIEST. That is all.

Mr. CRAMTON. And would not be taken as a final expression of the House on any of the matters involved?

Mr. GRIEST. Not at all.

Mr. TILSON. The conferees will be free to confer as they were before if we vote down the partial conference report.

Mr. GRIEST. Yes.

Mr. BYRNS. If that is the case, I see no objection.

Mr. DENISON. Will the gentleman from Pennsylvania state to the House if he can about what the two bills we passed over the President's veto yesterday would add to the expense of the Post Office Department?

Mr. GRIEST. That has no relationship to this bill pending to-day, but I would say about $8,000,000.

Mr. RAMSEYER. It is more than that; it is between nine and ten million dollars—or to be exact, $9,721,097—if the other House passes the bills over the veto.

Mr. DENISON. In view of that fact we have by those two bills increased the expenditures of the Post Office Department $10,000,000, and it seems to me the compromise proposed by the Senate on the rate question is not much of a compromise, and I hope that the House conferees will not agree to it.

Mr. ARNOLD. Will the gentleman yield?

Mr. GRIEST. Yes.

Mr. ARNOLD. Does there seem to be any prospect for working out a conference report whereby the provisions of the House bill will be taken on the second-class mail?

Mr. GRIEST. It is going to be very difficult to work out a compromise on the whole bill, because we have to consider fourth-class mail and third-class, as well as first-class mail, but we are trying to agree. There are many other meritorious things in the bill not in dispute that are very important that we ought to reach a conclusion if possible.

Mr. ARNOLD. I was wondering why the conferees came back without an agreement?

Mr. GRIEST. Simply because of the parliamentary move to enable the Senate conferees to get a further expression from the Senate. We did not anticipate that it would come back to the House but discovered later that it should come here also in order to make a complete record.

Mr. ARNOLD. Then there is some prospect of the Senate receding?

Mr. GRIEST. There is a prospect; yes.

Mr. ASWELL. Will the gentleman yield?

Mr. GRIEST. I will.

Mr. ASWELL. Was it not proposed in conference that the Senate would yield on all other points if you would give them the 1920 second-class rates on the first four zones?

Mr. GRIEST. It was not; I was in conference all the time, and there was no such proposition made.

Mr. ASWELL. Has it not been made outside?

Mr. GRIEST. That I do not know.

Mr. ASWELL. It has been said to me that the Senate would yield on all other points. I believe the House conferees know this to be true.

Mr. GRIEST. I will ask the gentleman from Iowa [Mr. RAMSEYER] if I am not correct?

Mr. RAMSEYER. The gentleman from Pennsylvania is correct in his statement. The conferees agreed on the third-class rate, for instance; they agreed on the amendment as to library books; they agreed on the amendment in regard to the lighter stuff of second-class mail, where there are 32 or more pieces to the pound, and then they agreed on the disposition of the amendment for a parcel-post director; but on the amendments touching other second-class mail and fourth-class mail the Senate conferees wanted instructions.

The situation over in the Senate is this: The Senate by its action on Saturday rejected the entire report. They did not approve of the action of the conferees on the third-class matter or on the lighter stuff in the second-class mail or that relative to parcel-post director, and so everything is in the same situation it was when we went to conference before. As stated by the gentleman from Pennsylvania, the only thing that we can possibly do is to go back into conference, and the way to get into conference is to vote down the report and let the Speaker appoint conferees.

Mr. ASWELL. I would like to ask the gentleman if he heard any suggestion that the Senate would yield on all points except the second-class mail in the first four zones?

Mr. RAMSEYER. Oh, you can hear all kinds of statements from the outside.

Mr. ASWELL. Does not the gentleman believe that that can be reached, and would the gentleman agree to that Moses compromise if it can be reached?

Mr. RAMSEYER. The gentleman is asking a difficult question. We have got to pay some consideration to the revenue for the Post Office Department. We have got to pay some attention to the revenue of the Treasury. Every deficit in the Post Office Department comes out of the Treasury. The estimated deficit in the Post Office Department for this year will be $32,000,000. The added deficit on account of reduced rates in this House bill will be $13,000,000, which will make $45,000,000. The action of the House on yesterday will add $10,000,000 more, and that will make $55,000,000. If we accept the Senate bill it will add $25,000,000 more to the Post Office deficit, which would make a total of $80,000,000 deficit.

Mr. ASWELL. What other department, except the Patent Office, pays its own way?

Mr. RAMSEYER. The Post Office Department is an example of the Government in business, and it ought to be conducted on a business basis. I have contended for years here that it ought to be self-sustaining. It has been the policy of every Postmaster General in the history of the country to make the Post Office Department as nearly as possible self-sustaining.

Mr. ASWELL. Has it been self-sustaining lately?

Mr. RAMSEYER. Yes, at times; but more often there has been a deficit.

Mr. ASWELL. Does not the gentleman from Iowa recognize that if the 1920 rates were adopted on second-class matter the hundreds of thousands of pounds of mail that are now being handled by express companies and by trucks would come back to the Post Office and the department would not lose half as much as the gentleman says it would.

Mr. RAMSEYER. The gentleman from Iowa does not realize that, and that claim has not been urged by any representative of the newspapers.

Mr. ASWELL. I do not represent the newspapers, but I think it is true. I represent the American people.

Mr. RAMSEYER. Oh, I do not mean congressional Representatives.

Mr. ASWELL. It has been demonstrated over and over again before the gentleman's committee that that is true. If the gentleman is not convinced, I can show him.

Mr. RAMSEYER. Oh, no. I have heard all of the testimony. I have heard all of the claims of the representatives of the newspaper associations, and when I say that I do not mean Representatives in Congress. I use the term "representative" instead of the term "lobbyist." There has not been a claim like that put forward by any of those representatives. The strongest claim that has ever been made by responsible representatives of newspaper publishers is that it might add $1,000,000 to the revenue, which would still leave you four or five million dollars added deficit on second-class mail.

Mr. LAGUARDIA. The gentleman does not want to leave the impression that private operation would conduct the Post Office more efficiently and more economically, and transfer at the same time a letter from New York to San Francisco for 2 cents.

Mr. RAMSEYER. No. I said that this is an example of Government in business, and I want it conducted in a business way.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BYRNS. Do I understand that if this motion of the gentleman from Pennsylvania [Mr. GRIEST] prevails the House conferees will be in the position of the fullest and freest sort of conference, and the gentleman, as a conferee, will approach this matter in a spirit of compromise if one can be reached between the House and the Senate?

Mr. RAMSEYER. Certainly.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was rejected.

Mr. GRIEST. Mr. Speaker, I move to disagree to the Senate amendments and agree to a further conference asked by the Senate.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. GRIEST, Mr. RAMSEYER, and Mr. BELL.

HARDWOOD-TREE INDUSTRY IN GEORGIA

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address by Gov. L. G. Hardman, of Georgia, on the opportunity and use of the hardwood-tree industry in Georgia.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address by Gov. L. G. Hardman, of Georgia, on the opportunity and use of the hardwood-tree industry in Georgia:

Most of us when we think of trees think in general terms; a felled tree is a source of lumber, and a living tree provides either shade or fruit for human consumption. It seldom occurs to us that the uses of trees, growing or cut, are widely varied and dependent on the kind of tree. Failing to comprehend the values of forest trees while they are alive, we may think of forest conservation as a sort of self-sacrificing act whereby we forego immediate profit in order that the next generation may have sufficient lumber for the manufacture of necessary articles.

A brief examination of the uses of trees will show that this attitude is a mistake. The value of the fruit of our forest trees as stock food is one that is too frequently overlooked. In Georgia we have numerous fruit-bearing hardwood trees. Too many of us destroy these trees that produce berries, acorns, chestnuts, chinquapins, muscadines, etc., and then after the land is cleared we plant crops of corn and peanuts to supply for hogs and cattle the nutrition they might have had from the tree fruits.

More than 20 years ago I planted honey locust, black locust, persimmon, mulberry, and black walnut trees to furnish feed for stock, and at the same time to grow timber for industrial uses. Some of the trees I havce found very serviceable as feed, because their fruits ripen at seasons when there is no grazing crop.

Examination of specific values of some of the hardwood trees of Georgia may be of interest.

The wild persimmon grows practically without attention on waste lands, and within 15 or 20 years produces a splendid timber crop. According to weights that I have estimated and measured, an average tree bears 720 pounds of fruit annually. Ten thousand trees, which would not cover more than 100 acres, would thus furnish 720,000 pounds of valuable feed for cattle, hogs, sheep, and colts. As the fruit contains 5 to 25 per cent of sugar, depending on the variety grown, its nutritive value is high. The pulp and seed are ground before feeding. If the persimmon is harvested before it ripens it has a high content of tannin, or tannic acid, which is valuable in the process of tanning leather.

The possibility of producing sugar commercially from the fruit is an alluring problem for experiment. If the sugar content is 20 per cent, we might have, besides our cattle feed, 14,000 pounds of sugar from 100 acres. If this sugar should prove to be of commercial utility a helpful industry might be added to the South, the magnitude of which may be seen when we compare the sugar content of the persimmon with that of the beet. When Napoleon in 1801 suggested making sugar from beets about 6 per cent was the estimated yield of beet sugar. An apparent objection that the persimmon seed would be difficult to remove might be overcome by the cultivation of a variety which has been found in Banks, Habersham, and Jackson Counties, Ga., and which is seedless. The timber of the persimmon tree is a most satisfactory fuel; a cord of the air-dried wood yields the same amount of heat as a ton of bituminous coal of good grade. Industrially, the wood is indispensable in the manufacture of shuttles used in textile mills; besides the home consumption, more than half of the shuttle blocks manufactured in America are used in foreign countries. Persimmon wood is used exten-

sively in the manufacture of golf clubs, and more than 100,000 rough persimmon blocks are used annually in making shoe lasts.

The dogwood, like the persimmon, is a hardwood tree of superior properties in hardness, toughness, fineness of texture, and smoothness when subjected to wear. Its timber uses are the same as those of the persimmon. The tree is easily and quickly grown on almost any type of land in Georgia. In the fall the tree bears beautiful red berries, good food for birds as well as cattle; when these berries mature they drop to the ground. The dogwood has an artistic as well as a utilitarian value; the beauty of 10,000 dogwoods blossoming on a 100-acre tract would be almost indescribable.

Although the sourwood was regarded by old-time lumbermen of the South as a sort of weed of the forest, it is now being exploited because of the decreasing supply of more valuable woods. Its size, however, necessarily restricts its use as timber to the making of small articles, such as golf clubs, tool handles, mallets, and bearings for machinery. The sourwood tree is oblong in shape, with spreading limbs and delicate white flowers, which bloom in June and July.

The tree occasionally attains a height of more than 50 feet, and has a tall, straight, slim trunk nearly 20 inches in diameter. Usually, however, the diameter does not exceed 10 inches. The flowers, on panicles or stems, somewhat like the lily of the valley, are 7 to 8 inches long. Presently the bloom drops, leaving a graceful seed pod. The beauty of both flower, leaf, and pod makes the tree commercially valuable for decorating purposes. But the chief value is it's honey-producing quality. The flowers are the source of the most beautiful honey and one of the most delicious flavors known. Mr. T. V. Cantrell, of Cleveland, Ga., who is one of the largest honey producers in the States, writes:

"I have known one yard of 50 hives of bees in Union County, Ga., to store 2,000 pounds of sourwood honey in one season—about 40 pounds per hive. I believe that other bees in the locality, including wild bees in the forest, must have taken at least that much additional honey. This would bring the estimated production to 4,000 pounds within the radius of this yard."

The tree derives its name from the fact that its leaves contain an acidic substance which, when the leaves are chewed, temporarily relieves thirst. As the acid imparts a characteristic sour taste, the descriptive name was applied.

The honey locust, a somewhat less valuable variety of hardwood, is useful in making pins, posts, railroad ties, and wagon wheels. Locust fence posts endure for years. When dry the wood is also one of the best of fuels. Both the thorny and thornless varieties of honey locust grow in Georgia. The thorny variety bears enormous crops, with the locust 6 to 12 inches long and having meat on the thick side, with many seed. Cattle find this locust very palatable. On suitable soil a 25-year-old tree should produce from 20 to 40 bushels of fruit. One hundred acres of trees would yield 500,000 pounds of cattle feed. Not only is the fruit excellent stock feed but it may also be made into a refreshing drink with a delicious flavor. Like the sourwood, the honey locust produces honey, though less valuable than the former.

Posts made from the black locust endure for from 50 to 75 years. Hence the black locust is most valuable for posts for telephone lines and for all uses where the wood is constantly exposed to the weather or is placed in the earth. The ease with which it is transplanted or reseeded makes it valuable in restoring the fertility of waste lands. Mr. R. S. Maddox, state forester of Tennessee, has for years encouraged its use in the reclamation of land. Trees which he planted in 1914 have grown into post sizes and have been cut. In 1927 he planted 150,000 seedlings.

As far south as Columbia, Ga., black walnut is cut and shipped for commercial use. This tree is one of the most valuable in America; planting of the trees on the unused farm land in Georgia would prove an excellent investment. Some idea of its worth in the furniture industry may be gained from the statement of one manufacturer—that one cord of high-grade walnut timber, made into the highest grade of furniture, might be valued as high as $500,000. No other American timber is so highly prized for this use. Moreover, while growing, the tree is a thing of beauty, with its conical shape and low-hanging branches. Naturally a large tree, it would grow to magnificent proportions if given time and a favorable site. Though we rarely see a walnut tree more than 30 inches in diameter, breast high, logs as large as 77 inches at the small end have been cut, and heights of 125 to 150 feet are on record. The black walnut tree is a prolific bearer of a useful fruit. There is a growing demand for the kernels of the nuts, which are used chiefly in candy making, and which are gaining popularity in breads, cakes, and salads. Prices to the grower are commonly from $1 to $2 a bushel, but have recently ranged up to $4. The Georgia black walnut is of excellent quality, superior to the Ohio product. The hull of the walnut contains a dye, the properties of which have not been definitely determined, though dye was used extensively for dyeing jeans and woolen materials in the South during the Civil War. Research may disclose in the walnut hull a great value for dye manufacturers.

The mulberry, the white oak, and the post oak are other Georgia hardwoods that might be considered. Mulberry wood is very satisfactory for fence posts. A Florida farmer wrote in the Tampa Daily Times that he knew of mulberry fence posts that had lasted for more than 80 years. As the wood is not easily burned, it is excellent for use in fences along railroads. Mulberry is also used by coopers in making tubs, kegs, vats, and firkins. The growing trees are useful as windbreaks for orchards, for besides furnishing protection from the wind they provide food for birds which might otherwise destroy more valuable fruit; and for hogs and cattle it is valuable food.

The value of the white oak acorn in feeding hogs and producing pork is almost equal to that of potatoes and peanuts; its effect in producing soft pork is similar to that of peanuts. In White County, Ga., I have a tract of 2,000 acres in which I have preserved all trees that grow fruit, berries, or any food. On this farm is a dairy. When the acorns and mast begin to ripen and drop in autumn the hogs are so well satisfied with the products of the forest that they will hardly come for the skimmed milk that is fed them.

Any flowering tree has an added value in that it aids the growth and propagation of birds, and birds are necessary to successful farming, because they kill insects that otherwise would devastate the fields. Some birds feed upon the flower of the tree, and all birds fatten upon the many insects that are attracted to the flowers for sustenance. And so, by protecting and cultivating the trees that have been mentioned, we produce timber, fruit, and birds.

The Federal Government, by research and experimental work on the 700 acres in Georgia, dedicated as a laboratory under the direction of the Government, may give aid possibly far more valuable than that of lending money to the farmers. It is far better to educate the farmer to utilize his own resources and stimulate him to intellectual expansion concerning his own affairs than to lead him to be dependent upon the Government to furnish him money that he can never return. The farmer, like every other citizen, must finally depend upon the development of his own brain power and energy to sustain him and make him a stronger man, a better citizen, and a more active element in the State.

I am offering to the United States Government 700 acres of land, to be accepted either in north Georgia, south Georgia, or middle Georgia, on which are to be placed 70,000 hardwood trees, planting 100 acres in persimmon, 100 acres in dogwood, 100 acres in walnut, 100 acres in black locust, 100 acres in honey locust, 100 acres in sourwood, and 100 acres in mulberry, making 70,000 trees for research and demonstration to the farmers of the South and the Nation.

This will bring a very profitable crop for food for cows, hogs, sheep, wild game, and birds, and at the same time a wonderful timber crop. Ten per cent of the 6,000,000 acres of land in Georgia, which is now unused, if utilized, would provide 600,000 acres in trees; and 10,000 trees to 100 acres would give 600,000,000 trees, which would, by reforestation and reclamation, produce an immense amount of food for stock, animals, and birds, and be practically no cost to the farmer. The value of the timber in 25 years could hardly be estimated.

A recent analysis by the United States Department of Chemistry shows that the persimmon produces 33 per cent of sugar. So the amount of sugar alone produced by these 600,000,000 trees we can hardly imagine.

In 20 years, valuing the 600,000,000 trees at $1 a tree, would give to the farmers of Georgia $600,000,000, which would be almost equal to a $35,000,000 crop each year for 20 years—and without any, or very little, cost for the production.

We shall ask the present Congress, through a bill to be introduced, to appropriate $60,000 to establish this orchard of hardwood and fruit-producing trees.

MICHAEL ILITZ

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6908) for the relief of Michael Ilitz, with a Senate amendment thereto, and agree to the Senate amendment.

The SPEAKER. Does the gentleman do this by virtue of direction of the committee?

Mr. JAMES. Yes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 6908, with a Senate amendment thereto, and agree to the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

BOULDER DAM

Mr. SMITH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The question was taken; and on a division (demanded by Mr. BROWNING) there were—ayes 140, noes 11.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5773, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield myself one hour. The bill under consideration, known as the Boulder Dam bill, provides for the construction of a dam, not 550 feet high, as has been so frequently stated, but 677 feet high. The height of a dam is measured from its base to its summit, not from the water level to the summit. The bill appropriates $41,500,000 for the purpose of constructing that dam. The bill likewise provides for the construction of a power plant, and, according to the report on which the bill is predicated, the capacity of that power plant will be 1,000,000 horsepower, or three times the size of any existing hydroelectric plant anywhere in the world. The bill provides for an appropriation of $31,500,000 for the construction of that plant. Also the bill provides for the construction of an all-American canal, and according to the report on which the bill is predicated, $31,000,000 are appropriated for the construction of that canal. In total, the cost of the project, according to the report, is $104,000,000. The difference between $104,000,000 and $125,000,000, or $21,000,000, is reserved for interest.

That is the project which this bill authorizes. In addition, and as a separate and distinct part of the legislation, there is a provision for the ratification of a compact allocating waters between seven States and to which seven States are by the terms of the compact woven into the fabric of the compact upon the ratification of but six of the seven States.

The bill further provides for congressional amendments of State water codes. Further than that, it vests in the Secretary of the Interior complete and absolute control over the waters of the Colorado below Boulder Dam.

The compact phase of the measure could be adequately taken care of by a resolution or an act providing for ratification. I point out to Members of the House that there are two very distinct and separable portions of the bill, the first providing for the construction of the project, and the second dealing with allocation of waters as between States.

There have been so many misstatements made with reference to the project and with reference to the bill that I shall not take the time to refute each one by itself. I shall refute them during the course of my argument. Nor do I intend to deal in matters of personalities. I assume that this House is composed of Members who can not be led by appeals to prejudice and appeals to passion. I assume that Members of this House, when they act upon a measure, act according to the merits and to the facts, rather than to fancy. So I shall predicate my argument against the bill upon the incontrovertible and indisputable facts which are relative to the issue. And may I say further that my opposition to this measure is not because I am the Representative of one of the seven States from the Colorado River Basin. Were I from Maine or any other State I would be equally opposed to it; and I shall not, if I can avoid it, predicate my argument upon any sectional controversy. The Boulder Dam bill is larger than the seven States of the Colorado River Basin. I am opposed to it because I am opposed to the principle upon which it is built. I am opposed to it because it is predicated upon unsound economics. I am opposed to it because it has been absolutely inadequately engineered. I am opposed to it because it is a violation of the very principle which has made this Government great. And, finally, I am opposed to it because I am opposed to giving Mexico 5,000,000 acre-feet of water against the future development of our own country.

The fundamental issue involved in this bill is whether or not the Federal Government is going to undertake the burden of running an industrial enterprise. The issue is not public ownership versus private ownership. Members of the House, the city of Los Angeles has filed on two power sites on the Colorado River, and the numbers of their applications before the Federal Power Commission are Nos. 238 and 647. The city of Los Angeles, if it wants to spend its own money and assume the hazards itself, has a perfect right to go on the Colorado River and develop its power project, rather than come to Congress and attempt to persuade the Congress to appropriate the money, assume the hazards, and bear the inestimable losses. So the issue is not one of public ownership as against private ownership. The issue is one of ownership by those who are not to be served, namely, all the people of all the States, versus the people who are to be served, namely, the people of Los Angeles. That is the issue. And the corollary of that issue, and arising out of it there is the old threadbare issue of whether the States are to be maintained in their vigor and vitality, or whether, through the process of infiltration on the part of the Federal Government, they are to be destroyed. The Federal Government is a government of delegated powers. All other powers are reserved to the States or the people. The very minute the Federal Government, under the guise of a fictitious constitutional authority, enters the boundaries of a State, ignores the laws of that State, and engages in an industrial enterprise, then to the extent to which the Federal Government does that it imposes restrictions and limitations upon the sovereignty or quasi sovereignty of that State.

Let us take an extreme case. Let us assume that the Federal Government goes into the State of Minnesota, and under the proceedings in eminent domain and through an attempt to exercise a fictitious constitutional authority it acquires all the property within the State of Minnesota. What political rights are left to the State of Minnesota? It can elect a legislature, but in respect to what can the legislature legislate? It can elect a governor, but in respect to what can the governor govern? So that the fundamental issue in this bill is whether the Federal Government is going to undertake an industrial enterprise and whether in so doing it is going to impose unwarranted and unjustifiable limitations upon the quasi sovereignty of States. That, members of the committee, is the fundamental issue.

There are other issues, but they are of lesser importance, although they in themselves are of inestimable importance. The first is, Are the bill and the project economically sound? I am absolutely certain that they are not. I am absolutely certain that the Federal Government can never be reimbursed for its expenditures. The second question is, Has the project been adequately engineered? The record, as I shall produce it, is conclusive that it has not been adequately engineered. The fourth is, Is Congress going to make a gift of 5,000,000 acre-feet of water to the Republic of Mexico? And, finally, there are the legal questions.

The fundamental question, Mr. Chairman, depends upon exactly what this project is. I have stated that it involved the embarkation of the Federal Government in an industrial enterprise, and now I shall analyze the project and prove that it is that and very little else.

What are the arguments that have been urged in behalf of the bill?

The members of this committee and of this House have heard many eloquent speeches on the subject of flood control. They have been told there are 65,000 people in the Imperial Valley who from day to day are living in the fear that this great river will break through its banks and inundate them and that it will drown the mothers and the fathers and the little children.

Well, members of the committee, there are photographs out here in the hall. I think they were here yesterday. Those photographs show the city of Yuma under water. Those photographs were shown for the purpose of creating a false impression. The flood in Yuma of January, 1916, which is the flood of which these photographs were taken, was not from the Colorado River; the flood in Yuma of 1916 was from the Gila; and there is no proposal in this bill to store the waters of the Gila. As evidence of that I submit herewith a letter from the United States Geological Survey, addressed to Senator CARL HAYDEN, in which it is shown that on January 22, 1916, there was a flood of 200,000 second-feet on the Gila—it is that flood of which these photographs were taken; that on January 31, there was another flood on the Gila or 141,000 second-feet. I just mention this to the members of the committee so they will not be misled by the photographs showing Yuma under water.

Mr. LAGUARDIA. But the Gila is a tributary of the Colorado?

Mr. DOUGLAS of Arizona. But the Boulder Dam is 300 miles up the Colorado from the point of confluence between the two streams.

Let us go into the history of this menace to the Imperial Valley. Before I do that I would like to make it very clear to the members of the committee that I believe there is a menace, on the lower Colorado, and that there is a slight menace to the Imperial Valley, but it is not commensurate with $125,000,000.

In 1905 the people of the Imperial Valley were diverting waters from the Colorado. Their head gate silted up and they could not draw waters out of the stream. So they descended approximately 4 miles down the stream on the Mexican side of the line and there the farmers of the Imperial Valley—and not the waters of the Colorado River—cut a break in the banks of the Colorado approximately 100 yards long. Shortly after the farmers had made the break there was a flash flood on the

Gila, which widened the break, and that was the cause of the only flood the Imperial Valley has ever experienced, and the break in the banks of the Colorado was due to a man-made break and not to a water-made break. I refer the committee in this connection to page 166, House Document 504, of the Sixty-second Congress, and also to the report of the all-American canal, dated June 17, 1919. How many lives were lost during the period in which the Colorado flowed into the Salton Sea for 18 months? Eight; just eight. Six of them were lives which were lost as the result of falling off the levee on which they were working, and two of them were lost in an attempt to cross the stream on a temporary cableway. There was no loss of life during that flood of 18 months due to any inundation. The only loss of life there was due to negligence and carelessness.

And what was the property destruction? Not over $5,000,000, including approximately 27 miles of transcontinental railroad track. What is the logic of appropriating $125,000,000 to protect property or destructible property not in excess of $5,000,000? And, members of the committee, that was in 1905, when there were no railroad tracks on the levees, when there were no rock quarries, and when there was no rolling stock. To-day there is a railroad track on top of every levee; to-day the district is equipped with rolling stock, and to-day the district has a tremendous rock quarry, with approximately 70 cars loaded with rock always available. If the Southern Pacific Railroad was able to close the wide gap made in 1905, to bring the railroad in, to develop the rock quarries, and to bring in the rolling stock, how much better equipped is the Imperial irrigation district to-day to handle a similar problem?

Let us assume the Colorado should break through its banks and should flow into the Salton Sea. There will be no immediate inundation. The waters of the Colorado will have to follow the line of drainage which has already been made, and that line of drainage is approximately 1,000 yards wide and 40 to 80 feet deep. There is no irrigation in that line of drainage, so that the effect of breaking the banks of the Colorado will simply be that the waters of the stream would flow down through this already created drainage line into the Salton Sea, and it would require 15 years to inundate the Imperial Valley. That, members of the committee, is not a statement made by myself but it is made by the United States Geological Survey. The Bureau of Reclamation even goes further and says it will take 40 years to inundate the Imperial Valley.

Now, let us look at it from a business point of view. What is the value of the property to be protected? The board of equalization of California reports that for the years 1925–26 the total value of property in the Imperial County of California—and that is very much larger than the Imperial Valley—is but $36,125,953. Secretary Hoover has stated that the value of property to be protected in the entire Colorado Valley is between $65,000,000 and $75,000,000. Now, I submit, is it sound business to assume the tremendous engineering hazard and the inestimable economic loss, on top of the outright appropriation of $125,000,000, to protect property of that value when the same protection can be given for from $4,000,000 to $22,000,000? In 1911 the Southern Pacific Railroad submitted an offer to the Federal Government to restore the Colorado to its old banks and to maintain it there at a cost of $1,500,000.

Mr. SWING. The word "maintain" should be left out, because that is not included.

Mr. DOUGLAS of Arizona. They offered to maintain it for one year. The Southern Pacific Railroad offered to throw the river into its old channel and to maintain it there for a period of one year, and if it failed to do that, then the Federal Government would not be required to put up one cent. Further than this, if the cost exceeded $1,500,000, then the Southern Pacific Railroad would assume the burden of such excess.

The Reclamation Service has estimated that a 4,000,000 acre-foot dam can be constructed for $22,000,000. The Federal Power Commission and the United States Geological Survey have estimated that a 10,000,000 acre-foot dam can be constructed for not more than $15,000,000, including damages to Needles and the vicinity.

The Bureau of Reclamation has estimated that adequate flood control can be given for from $4,000,000 to $5,000,000.

Now, what is the logic of assuming this tremendous amount of $125,000,000 for the purpose of protecting property which is not one-third the amount of the appropriation when adequate protection can be given for a relatively small amount?

Further than this, members of the committee, if this bill is passed, there will be no immediate flood control given, because I can assure the members of this committee that the State of Arizona will immediately bring suit to enjoin the construction of this dam. It took 11 years, I believe, to solve the case of Colorado against Wyoming. I think it took approximately an equal amount of time for the court to decide the case of Kansas against Colorado. If this bill passes, there will be no immediate flood control for the lower basin.

Mr. Brockman, a director of the Imperial irrigation district, on April 18 of this year stated the real reason for flood control. He said:

> Congressman PHIL SWING and members of the lobby which the irrigation district is maintaining at Washington realize the Imperial Valley is in need of a flood-control project, not because of any immediate flood menace but in order to restore confidence and revive slumping land values.

This is a statement made by a director of the Imperial irrigation district.

Mr. Remele, of the Imperial Valley Credit Association, in referring to a speech made by Senator COPELAND on October 10, 1927, where Senator COPELAND made the statement, "Floods are greatly feared," stated:

> And this is the statement to which I particularly wish to object as a misleading one. The reason that it is misleading is that the word "flood" conveys to most people a concept of a disaster like the recent one in the Mississippi River. Nothing of the kind is possible here. Twenty years ago the entire Colorado River flowed into the Salton Sea for 16 months, but the women and children were never in any danger.

Governor Emerson, of Wyoming, has stated that there is no emergency of sufficient urgency to influence Congress to pass this legislation at this session, and I ask unanimous consent to insert in the RECORD a statement of Governor Emerson.

The CHAIRMAN. Without objection, it is so ordered.

The matter referred to is as follows:

> Governor Emerson stated (p. 206, hearings before Senate Committee on Irrigation and Reclamation, 70th Cong., 1st sess., S. 728 and S. 1274):
>
> "Few realize the real magnitude of the great project that is proposed at Black or Boulder Canyon—a dam twice as high as any dam that has been constructed in the world heretofore; a reservoir seven or eight times the capacity of any reservoir that has been constructed heretofore. The magnitude of this project is so great that we should be sure we are right before we go ahead. There is no such urgency for relief from conditions applying to the physical situation upon the lower river as to warrant any course but to allow all reasonable time and effort for the completion of the seven-State agreement by the approval of all the seven States.
>
> "I feel that it would be a decided mistake to see a project authorized at this session of Congress, as by so doing it is certain that an advantage would be given in negotiations to one of the three States of the lower basin. The carrying on of negotiations looking forward to the complete acceptance of the seven-State compact would thereby, in my opinion, be seriously handicapped.
>
> "I wish to submit that the approval by all seven States of the Colorado River compact, representing an equitable agreement for the use and distribution of the water of the Colorado River system, will be most valuable to each of the seven States. It is essential, it seems to me, not only in consideration of the matter of equity to all of the States, but also as a means of clearing the situation in a practical way for the orderly development of the river."

Mr. DOUGLAS of Arizona. There is one further point I would like to leave with the committee before disposing of this question of flood control and that is simply to ask you this question: In the construction of this high dam, twice as high as any dam heretofore constructed, will you not possibly be creating a menace infinitely greater than the present one?

It has been stated by reputable engineers, among whom is W. G. Clark, that Boulder Canyon is in an earthquake area. Two months ago there was an article in the Literary Digest showing the location of seismic disturbances throughout the world, and there was a large, black dot over Boulder Canyon. Mr. Clark testified he had twice seen evidences of earthquake at Boulder Canyon.

The Reclamation Service itself, in its report on which this bill is predicated, says, on page 71, of volume 5:

> Any dam built on the lower Colorado might possibly be subjected to damage from earthquake, and in this respect it is believed a rock-filled dam for Boulder Canyon would not be as safe a structure as the concrete dam proposed. An earthquake shock of sufficient force to cause a lowering of the crest of a rock-filled dam and not to cause overtopping would result in its destruction.

Members of the committee, I do not say a dam can not be built which will resist the shock of an earthquake. I think it can, and I think all engineers will agree that it can, but the point I want to make is that the Reclamation Service, in the design and estimates of its dams, has decreased the factor of safety as it has increased the height of the dam. All of its low dams are predicated upon a 30-ton pressure dam and its

high dam is predicated upon a 40-ton pressure dam, so they have decreased the factor of safety by at least 25 per cent. A 40-ton pressure dam is not a dam with a generous base.

In order to check my conclusion I wrote to the Federal Power Commission and asked them if I was right, and this is the reply which I received from that commission on April 16:

Your understanding as to the maximum pressures permitted in the design of the Boulder or Black Canyon Dams of various heights, included in the Weymouth report, seems to be correct, and your deduction that as the height of the dam has been increased the factor of safety has been decreased is also correct so far as consideration of maximum pressures on the foundations are concerned.

Mr. WILLIAMSON. Will the gentleman yield for a question at that point?

Mr. DOUGLAS of Arizona. With pleasure.

Mr. WILLIAMSON. What is the factor of safety according to the plans you have in mind?

Mr. DOUGLAS of Arizona. For the high dam or the low dam?

Mr. WILLIAMSON. For the high dam.

Mr. DOUGLAS of Arizona. The factor of safety for the high dam is less than any dam which has heretofore been constructed.

Mr. WILLIAMSON. Less than the Roosevelt Dam?

Mr. DOUGLAS of Arizona. Much less than the Roosevelt Dam.

Mr. LAGUARDIA. That is a matter that can be easily corrected.

Mr. DOUGLAS of Arizona. Easily corrected, sir, by increasing the cost 12 per cent, as the Reclamation Service says.

Mr. ENGLEBRIGHT. Is the type the same for the two dams?

Mr. DOUGLAS of Arizona. Absolutely the same—gravity-section dams.

Now, in addition to that, during the period of construction, there are to be diversion tunnels, temporary rock-fill cofferdams, and excavation of 587,000 cubic yards of sand, gravel, and boulders. The tunnels will divert only 100,000 second-feet—the cofferdams holding the water back so that the water will run through the diversion tunnels. The flood of the Colorado at Boulder Canyon reaches a stage of 200,000 second-feet, and the capacity of this tunnel is only 100,000 cubic feet, so it will take three days of 200,000 second-feet flood to overtop the cofferdams, destroy them, and send a wall of water over 70 feet high roaring down the canyon to inundate and destroy everything before it.

So I simply ask if Congress is to proceed to authorize the construction of this dam, will it not insist that there be additional engineering study before imposing on all of the people on the coastal plains of the Colorado drainage—imposing upon them a menace infinitely greater than the existing one? I am certain—and I think the Members of the House are certain—that this bubble of flood control, this great emergency to protect no lives but to protect property less than the value of the appropriation, is not the real prime motive behind this bill.

With reference to desilting, I need not only point out that Mr. Durand, one of the impartial partial advisors of the Secretary of the Interior, stated that for many years this dam would not desilt, and I need not point out that Governor Scrugham, another impartial partial advisor to the Secretary of the Interior, makes exactly the same statement.

Mr. Chairman, I ask unanimous consent to insert those in my speech.

The CHAIRMAN. Without objection, it is so ordered.

The matter referred to is as follows:

Proponents of the bill have maintained that the waters of the Colorado must be desilted and that the Boulder Canyon Dam will accomplish the object. The Boulder Canyon Dam is situated approximately 200 miles upstream from the point at which imaginative persons have claimed that the city of Los Angeles will divert Colorado River waters for domestic use and 308 miles above the point at which waters are diverted or may be diverted for the irrigation of lands in the Imperial Valley. However much the waters of the Colorado may be desilted as a result of storage at Boulder Canyon those waters will as soon as they are let out of the dam and during the course of their passage of 308 miles over a silty river bottom pick up so much new silt that Boulder Canyon Dam for desilting purposes may just as well never have been constructed.

In this connection, Professor Durand, one of the advisers to the Secretary of the Interior, makes the following statement:

"It should be noted, however, that the building of a large storage reservoir at any point on the river suited to entrap and hold the silt entering the river above the Grand Canyon section will not in itself furnish a complete and immediate solution of the silt problem. It would, however, immediately remove the menace of flood devastation and would enormously reduce the expense in connection with the other aspects of the problem.

"Upon the completion of such a dam and reservoir there would remain in the bed of the river below the dam site large quantities of silt to be picked up and carried along by the previously desilted water discharged from the reservoir." (Hearing on H. R. 5773, January 14, 1928, pt. 4.)

J. C. Scrugham confirms such statement as follows:

"The silt menace will continue for several years after the impounding reservoir is constructed, as the desilted water will again pick up previously accumulated bed silt until the flow below the dam scours a comparatively clean channel. Since no practicable large storage sites exist below the Williams and Gila Rivers, the silt from these sources will continue to discharge into the main river. However, the impounding dams to be constructed on the Gila will minimize the flood and silt dangers from this source, while the difficulties originating in the Williams River are said to be negligible." (J. C. Scrugham's report to Secretary of Interior, 1928, p. 5; hearing on H. R. 5773, pt. 4.)

Desilting the waters of the Colorado can not, therefore, be the object of this bill.

Mr. DOUGLAS of Arizona. I say that the project is not primarily for the purpose of desilting. If that were one of the primary objects, the dam would be constructed on the plain below and not 308 miles up in the canyon section.

Now as to irrigation, which is another reason upon which the proponents urge the bill. This bill provides for a dam which will store 26,000,000 acre-feet of water. On page 3 of the ninth volume of the Weymouth report—and that is the report upon which the bill is predicated—the statement is made that less than 1,000,000 acre-feet of storage is necessary to provide an adequate amount of water for all the irrigation requirements in the lower basin, and that a hundred years from now when the basin is completely developed it will require 15,000,000 acre-feet. On page 117 of the first volume of the Weymouth report it is said that 400,000 acre-feet of water is necessary to provide for irrigation.

It should be pointed out that this bill is not going to irrigate any additional lands in the United States. There is an authorization in it for an additional appropriation of $18,407,000 for the canals to the Coachella Valley and for the works necessary to bring in the side projects surrounding it. This bill will irrigate only the privately owned land in the Imperial Valley. What is the justification of Congress expending this large amount of money to increase the value of land for private owners?

Mr. SMITH. Is the gentleman sure that he is correct about that?

Mr. DOUGLAS of Arizona. I am. The gentleman will find it on page 86, Senate Document 142, "Problems of the Imperial Valley and Vicinity," with relation to additional amount of money which must be appropriated, and he will also find it on Plate 21.

Mr. SMITH. That is contrary to the information that was given the committee.

Mr. DOUGLAS of Arizona. Doctor Mead the other day stated emphatically that it was his understanding that this would not irrigate any additional land.

Mr. JACOBSTEIN. Can the gentleman state any special interests that are behind this bill?

Mr. DOUGLAS of Arizona. The Imperial irrigation district and the city of Los Angeles have already spent $129,000 up to 1924 in an attempt to persuade Congress to pass the bill.

Mr. JACOBSTEIN. Can the gentleman state how soon this land to be irrigated is liable to come into competition with other agricultural land?

Mr. DOUGLAS of Arizona. Whenever the project is completed, if it is ever completed.

Mr. JACOBSTEIN. Is that a serious problem, in the gentleman's mind?

Mr. DOUGLAS of Arizona. I do not think there will be an additional amount of land brought in in the Imperial Valley except 100,000 acres privately owned; but when I come to handle the Mexican question I shall prove to you that over 600,000 acres of land will immediately be brought into cultivation across the line, and that that acreage, with existing acreage, if planted in cotton, will produce 1,000,000 bales of cotton a year, and that they propose to plant it in cotton.

Mr. LAGUARDIA. I do not get the point of the gentleman's statement that this water will benefit only private owners.

Mr. DOUGLAS of Arizona. Because the all-American canal delivers water only to privately owned lands.

Mr. LAGUARDIA. Is not all land under cultivation in this country privately owned?

Mr. DOUGLAS of Arizona. Oh, no.

Mr. LAGUARDIA. The purpose is to turn it over to private ownership.

Mr. DOUGLAS of Arizona. Yes; but, as I have said before, all the Imperial Valley is interested in is to increase the land values of private owners.

Mr. LAGUARDIA. That is true of every reclamation project.

Mr. DOUGLAS of Arizona. Oh, no, it is not; because in almost all reclamation projects there is a quantity of public land which is withdrawn from entry, which can then be entered under the reclamation law. Does the gentleman understand?

Mr. LAGUARDIA. And pay a proportionate share of the cost?

Mr. DOUGLAS of Arizona. Yes. Inasmuch as only 400,000 acre-feet of storage is necessary to supply an adequate water supply, how can you justify, on the ground of irrigation, a dam which will store 26,000,000 acre-feet of water? Surely not for irrigation.

So far as domestic water is concerned I refer you to Mr. McClure's report, the State engineer of California for 1924, in which he says that within 40 or 50 years Los Angeles may have to take some water from the Colorado. I also refer you to Bulletin No. 4 of the State of California, in which they say the additional water supply is for irrigation and not for domestic purposes. I submit that according to every engineer except those of the city of Los Angeles, double the amount of domestic water can be obtained from the present source of water for Los Angeles, and that in so doing through the use of the head sufficient power will be developed to largely compensate for the cost. Just after the St. Francis Dam burst the city engineer of Los Angeles came out with the statement that there was no water shortage, and that the breakage of the dam, the failure of the dam, would not affect the domestic water supply. Finally, let us see what the increase in the demand has been since 1923 when there was a report made to the Los Angeles Chamber of Commerce. In 1923 the consumption of water in the city of Los Angeles was 287 second-feet. In 1927, four years later—almost half the time up to the point at which it was said in 1923 there would be a shortage in 1933—the domestic consumption was 295 second-feet, or an increase of 8 second-feet of water. Members of the committee, the only reason the appeal for domestic water has been made is to try to influence this Congress to adopt a new policy, and, under the guise of domestic water needs, develop a great power project.

I come now to the question of navigation.

Mr. MOORE of Virginia. Before the gentleman goes to that question, where does Los Angeles secure its water supply?

Mr. DOUGLAS of Arizona. From Owens Valley and wells.

Mr. MOORE of Virginia. Entirely independent of the Colorado River?

Mr. DOUGLAS of Arizona. Yes. Los Angeles is 300 miles and more from the Colorado River.

Mr. MORTON D. HULL. Before the gentleman proceeds to the question of navigation, would he feel like referring to the provisions in the bill for the appraisal of lands benefited by the irrigation project?

Mr. DOUGLAS of Arizona. That provision applies to lands which will be irrigated when Congress appropriates another $18,407,000.

Mr. MORTON D. HULL. The language of the bill is not clear to me.

Mr. DOUGLAS of Arizona. The bill authorizes the Secretary of the Interior to construct a canal to the Imperial and Coachello Valleys. The appropriation bill in specific terms is only for the all-American canal to the Imperial Valley. If the Coachello Valley, where there are public lands, and if the areas in the vicinity of the Imperial Valley are to be brought in under cultivation, then the Congress must appropriate another $18,000,000.

Mr. SWING. Mr. Chairman, if the gentleman will permit, I think perhaps the gentleman from Illinois [Mr. MORTON D. HULL] is referring to the limitation on the area that one person can hold after the canal is built, requiring that any large holding must be broken up, and if it is not broken up, it must be turned over to the Secretary of the Interior, who may sell it at an appraised price, so that no one will hold over a maximum of 160 acres.

Mr. DOUGLAS of Arizona. That is in the bill. I thank the gentleman. In this connection I might state also that the Imperial Valley and southern California is deluged with advertisements now "Buy land in Imperial Valley now; speculate on Boulder Dam."

Mr. COLE of Iowa. In case this dam is built, and in the event that it goes out either because of an earthquake or from some other cause, what would be the liability of the United States Government?

Mr. DOUGLAS of Arizona. My dear sir, I can not answer that question because I do not know.

Mr. COLE of Iowa. The Government would be liable for the damage incurred, would it not?

Mr. LAGUARDIA. Yes; if it is liable for measles and smallpox and other acts of nature.

Mr. DOUGLAS of Arizona. I should think that California, having asked for the dam, if she should suffer in consequence of it, would have but little cause for bringing suit for damages against the Federal Government.

Mr. COLE of Iowa. It would not have resulted if the Government had not interfered with nature?

Mr. DOUGLAS of Arizona. I can not answer your question.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Certainly.

Mr. JOHNSON of Texas. Will the gentleman describe the location of this dam? In what State is it?

Mr. DOUGLAS of Arizona. One end of it is in the State of Nevada, and one end of it is in the State of Arizona. In other words, it is approximately 320 miles north of the Mexican line.

Mr. JOHNSON of Texas. How far is it from California?

Mr. DOUGLAS of Arizona. About 70 miles. The river forms the interstate line.

Now, as to the question of navigation—here is a report by Dr. Elwood Mead, Director of Reclamation:

(B) IRRIGATION DEFEATS NAVIGATION

The present Commissioner of the Bureau of Reclamation, Elwood Mead, and W. W. Schlecht and C. E. Grunsky, constituting the All-American Canal Board, report on pages 13 and 14 of their report on the all-American canal of 1920 to the effect that there are great difficulties on the Colorado in connection with navigation; that the construction of the Laguna Dam in 1904 has interposed a barrier to navigation 12 miles above Yuma; that the construction of that dam "is an indication that the United States regards the navigability of the Colorado River as of no importance. The utilization of the river's waters for irrigation far outweighs any possible utilization thereof for navigation."

Maj. R. R. Raymond, of the Corps of Engineers of the United States Army, reported in House Document No. 1141 of the Sixty-third Congress, second session, as to the navigability of the Colorado.

The report of the Commissioner of Reclamation on the all-American canal contains the following with reference to Major Raymond's report:

"He visited the river, however, and says:

"'Below Yuma the river flows through a delta country, which is constantly being built up by the large quantity of silt carried by the river. The channel is unstable and can not be made stable at reasonable cost. At present the principal channel in Mexico passes through Volcano Lake. In addition to the fact that this part of the river lies in a foreign country, it should be noted that there is so little water available in the river below the heading of the Imperial Canal during low stages that navigation throughout the year is impracticable. The amount of water extracted from the river for irrigation will increase rather than decrease.'

"After referring to the fact that the growth of commerce along the river would imply an increase of the demand for irrigation water, Major Raymond concludes that—

"'The improvement of the Colorado River for navigation would defeat its own ends and would be a detriment to the adjacent country, except possibly that flood control would be beneficial.'

"He finds the situation such that he does not even recommend a survey of the river, and says:

"'Attention is invited to the conclusion reached by officers who have examined this river heretofore, which agree with my own. The development of the country by irrigation in recent years makes the improvement even less desirable to-day than it was formerly.'"

Surely the above should be conclusive as to the navigability of the Colorado River.

He said there is no navigation on the Colorado, and he includes in his report a statement by the Army Board of Engineers in which they advise against improving the stream for navigation. There is so much evidence against navigation on the Colorado that it is extraordinary that the proponents of the bill have the temerity to inject it. I am not a mind reader, but I rather suspect that they will introduce a committee amendment, not now in the bill, to improve the Colorado River for navigation for the purpose of creating a subterfuge which Congress could exercise under the guise of a constitutional right.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield again?

Mr. DOUGLAS of Arizona. Yes.

Mr. JOHNSON of Texas. Is there any navigation on the Colorado River?

Mr. DOUGLAS of Arizona. There is not. There is one ferry from Parker across the river. The evidence is so preponderant that it is perfectly ridiculous.

And now let us see when this amendment to improve the navigation was first offered. Approximately three weeks after the hearings on the bill had been closed. If navigation was one of the primary objects of the bill, why did not the bill contain a provision when it was first introduced? For fear that this bill would have been committed to the Committee on Interstate and Foreign Commerce, where it would have been given a real economic investigation.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COLTON. Is it not also the fact that at the meeting at Santa Fe, all the seven States declared that irrigation was the primary purpose?

Mr. DOUGLAS of Arizona. Yes. I will come to that. Now, I will come to the bill itself. Section 1, as it is now, does not contain any provision for the improvement of navigation. But there is to be a committee amendment offered, "For the purpose of controlling the floods and improving navigation." What the House will do with the amendment I do not know. Later in the bill there is to be another committee amendment offered for the improvement of navigation.

Mr. TUCKER. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. TUCKER. I notice that the words "improvement of navigation" in the bill are in italics.

Mr. DOUGLAS of Arizona. That is a committee amendment to be offered.

Mr. TUCKER. What do the italics mean?

Mr. DOUGLAS of Arizona. That is a committee amendment that will be offered.

Mr. BECK of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. BECK of Pennsylvania. Would the construction of this dam and power plant in fact improve the navigation of the river?

Mr. DOUGLAS of Arizona. It has been stated emphatically that the Colorado can not be used for irrigation and navigation. This has been assumed to be an irrigation bill. The two purposes are incompatible. You can not leave water in a stream for navigation and take that same water out of the stream for irrigation.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield there?

Mr. DOUGLAS of Arizona. Yes.

Mr. JOHNSON of Texas. Is the proposed all-American canal to be used for irrigation or navigation?

Mr. DOUGLAS of Arizona. Irrigation, with power plants on it.

Now, section 12 provides for the ratification of the Colorado River compact. Section 12 (b) subjects all the rights of the United States to the terms of the Colorado River compact. The Colorado River compact is made an integral part of this legislation, all its terms and conditions are in this bill, just as much as if they had been recited in the bill.

Now, let us see what section 4 (a) of the compact says. It says:

> The Colorado River has ceased to be navigable for commerce.

So that the effect, members of the committee, of this phrase, "improving navigation" is that the proponents of the bill have attempted to create a constitutional authority which they have in section 12 destroyed. The stream can not be both navigable and nonnavigable. So that it can hardly be claimed that navigation is a primary object of this bill.

And now we come to the question of power. Since required irrigation storage does not exceed 400,000 acre-feet; since, even assuming that California or Los Angeles want 300 second-feet of water on the completion of the dam, and that is only 219,000 acre-feet; since flood control can be given at from 4,000,000 to 8,000,000 acre-feet of storage at the very maximum, why build a dam which will store 26,000,000 acre-feet of water? There can be only one reason, and that is to get the height for head for power; and the power features of the bill are the primary objects of the bill.

I submit that that contention is inescapable and incontrovertible, and can not be answered. The city of Los Angeles itself in resolutions which it has passed has designated Boulder Dam as a power dam. The Federal Power Commission, in a letter written on March 24, 1924, and signed by the present Secretary of the Interior and Secretary Weeks and Secretary Wallace, state that this is a power project, and that the power is not incidental, for the reason that this power is not to be sold for the purpose of irrigating lands. It is to be sold 300 miles from the dam to the city of Los Angeles at a profit.

Finally, let us look at the three words on the first and second pages of the bill, for the purpose of making the project a "financially solvent undertaking." The use of the word "solvent" tells the whole story. The use of the word "solvent" is conclusive evidence that it is a power project, and that power is not incidental; that it is primary; and that the purpose of it is to derive sufficient revenues to repay the Government for the cost. That is a very novel theory upon which the Federal Government, without constitutional authority, can go into the boundaries of a State, refuse to recognize the laws of that State, and enter an industrial enterprise in order to make another of its activities solvent. I submit that if that theory is correct, then, the Federal Government should go up into Brooklyn and establish a button factory for the purpose of making its Army financially solvent. I submit that one is just as sound as the other.

Members of the committee, you can not escape the fact that this is a power project three times larger than any other in existence in the world, and that if it is constructed it means that the Federal Government is going to inject itself into an industrial enterprise, and in so doing it is going to restrict and limit the rights of States. Further than that, in so doing it vests in the Secretary of the Interior complete control over the waters of the Colorado in and below Boulder Dam. In doing that, members of the committee, there will be erected upon the ruins of the rights of States a great tyrannical, socialistic bureaucracy. Democracy will be in its throes of death. [Applause.]

I know there are a great many Members of the House who are in favor of destroying the States; who are in favor of creating and erecting upon their ruins a great tyrannical bureaucracy. I appreciate that. To them I say, examine into the economics of this bill and determine whether it is a sound venture in which to inject this new policy or in which to proceed upon this new policy. If they are consistent and if they want a great bureaucratic form of government imposed upon what has been a democracy then I suggest that they determine for themselves whether this is a sound venture on which to start.

The whole argument dealing with the economics of the bill is a complicated one. I shall point out that the bill contains provisions for appropriations in excess of $125,000,000. I shall point out, in the first place, that although in the $125,000,000 there is not an appropriation for a canal to the Coachella Valley that nevertheless the Secretary of the Interior, in section 1, is authorized to construct the canal, and that to do so there must be additional appropriations of $18,407,000. I shall point out in sections 2–c, 4–b and section 5 of the bill that there are very pecific authorizations for appropriations for operation and maintenance, which are not included in the $125,000,000. So the bill itself contains authorizations for appropriations in excess of $125,000,000. Now, what will the operating deficits amount to, even assuming the Federal Government is to be reimbursed? This Congress will be called upon to appropriate at least $26,000,000 to make up the operating deficits during the period in which 3,600,000 kilowatt-hours of energy or 133,000,000 kilowatt-hours of energy, in excess of the present consumption in all of southern California, is to be absorbed. You can not take that amount of power and suddenly dump it on the market and expect to sell it. It must have a market and the market must develop before it can be absorbed.

There are some engineers who say that this is not true, that surplus power has a dump value; but I submit this to the gentlemen of the committee that power with dump value will have a value of only the fuel cost of developing similar power in the load centers. That is true. Now, then, it costs 1.9 mills in Los Angeles to-day to develop power by steam, and it will cost 1.9556 mills to transmit Boulder Dam power to Los Angeles. In other words, Boulder Dam surplus power or dump power has less than any value in the load center.

Mr. MERRITT. Does that expense of the Boulder Dam power involve interest on the investment or simply the transmission line?

Mr. DOUGLAS of Arizona. That is only the transmission cost, because it has absolutely nothing to do with the cost of power at the switchboard, but just the cost of transmission. If the Boulder Dam surplus power is to be sold in the load center, then it can not be sold at any more than the cost of developing a like amount of power by fuel. Now, then, if it costs more to transmit Boulder Dam power from the switchboard at Boulder Dam, 300 miles from the city of Los Angeles, than the fuel cost of similar power in the load center, then that Boulder Dam surplus power can have no value whatsoever.

Mr. LINTHICUM. How far can they profitably transmit power?

Mr. DOUGLAS of Arizona. They can transmit power great distances, but when you say profitably, that is another question. As the distance of transmission increases the capital investment increases, not in proportion to the distance, but at a very much more rapid rate.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will be delighted to yield, sir.

Mr. ROBSION of Kentucky. I got the impression here that Los Angeles strongly favored this as a power proposition.

Mr. DOUGLAS of Arizona. The gentleman is right. May I answer your question later on, as I am coming to the reason for that?

Mr. ROBSION of Kentucky. Let me ask just one short question. If Los Angeles can develop power for less cost in Los Angeles than the cost of transmission from this dam to Los Angeles, why are they interested?

Mr. DOUGLAS of Arizona. I will explain that to the gentleman. I am very glad he has raised that point.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield myself an additional 30 minutes.

The CHAIRMAN. Without objection, the gentleman from Arizona is recognized for 30 minutes.

There was no objection.

Mr. LINTHICUM. May I modify my question by asking how far power can be transmitted?

Mr. DOUGLAS of Arizona. I think power can be transmitted probably 1,000 miles, but the capital investment would be terrific.

Mr. LINTHICUM. It would not be profitable at that distance?

Mr. DOUGLAS of Arizona. I am sure it would not be profitable unless there was a terrific amount of power being transmitted.

Mr. SNELL. Has there ever been any power transmitted any such distance as that?

Mr. DOUGLAS of Arizona. I know of none that has ever been transmitted any such distance.

Mr. SNELL. And would not the distance contemplated here be about the limit of the distance which it could be transmitted?

Mr. DOUGLAS of Arizona. Yes.

Mr. SNELL. And probably the outside limit.

Mr. DOUGLAS of Arizona. I think there is one place where it is transmitted slightly over 300 miles.

Mr. SNELL. And that is about the limit of any power transmitted in the United States.

Mr. SWING. The gentleman will recall that the city of Yuma, in his own State, is getting power 500 miles away.

Mr. DOUGLAS of Arizona. From additional plants.

Mr. WELLER. Referring to the question of my colleague from New York, does the gentleman mean to indicate that Los Angeles is the only market for this power?

Mr. DOUGLAS of Arizona. Sir, Arizona will take no power, the State of Nevada has said she will take some for the purpose of mining a great lead-zinc deposit, which has never been drilled, which has never been outlined, the tonnage of which no one knows and if anyone is going to sell power to such a mining prospect they are taking a gamble which is absolutely unjustified.

Mr. WELLER. Is that what this amounts to?

Mr. DOUGLAS of Arizona. That is what it amounts to so far as Nevada is concerned.

Mr. WELLER. And Los Angeles is the only present market.

Mr. DOUGLAS of Arizona. Los Angeles is practically the only present market. Nevada may take a slight amount, Arizona may take 1,000 kilowatts or 1,300 horsepower, but what is that compared with 550,000 horsepower? Does that answer your question?

Mr. WELLER. Yes.

Mr. DOUGLAS of Arizona. The rest of Arizona is adequately supplied with power infinitely cheaper than the Colorado River power ever can be.

Mr. MOORE of Virginia. Will the gentleman yield for a question, and I ask this with an open mind. As I understand, the gentleman argues that this is a power project.

Mr. DOUGLAS of Arizona. Yes.

Mr. MOORE of Virginia. And I further understand that the gentleman argues or intimates it is instigated by Los Angeles which desires to use the power?

Mr. DOUGLAS of Arizona. Very largely.

Mr. MOORE of Virginia. And yet I further understand that the gentleman has given us figures showing that the cost of transmission from Boulder Dam added to the cost of the production of the power would place the power in Los Angeles at a much higher figure than it is produced there now by steam plants.

Mr. DOUGLAS of Arizona. That is right, sir. Your question is why does Los Angeles want the power, and I will tell you why, sir, because there has been a perfectly ridiculous figure made at which this power will be sold to Los Angeles, and that figure approximates the present cost in Los Angeles. If the power is sold at that figure then the deficit to the Federal Government at the expiration of 50 years will be $322,000,000. Does that answer your question, sir?

Mr. MOORE of Virginia. But, as I understand, the bill provides that the official of the Government charged with the duty must assure himself in advance that he has contracts that will protect against a deficit.

Mr. DOUGLAS of Arizona. "In his discretion," sir, and the figure which has been given at which the power will be sold and from which there will be sufficient revenues to reimburse the Federal Government in 40 years is so low that at the expiration of 50 years the deficit to the Federal Government will be $322,000,000, and I will come to that later and prove it.

Mr. LAGUARDIA. In all fairness, that is on the assumption that during the 50 years conditions will remain the same and Los Angeles will be the only market for the power.

Mr. DOUGLAS of Arizona. Oh, no. Let me point this out to the gentleman. The power must be sold or contracted for before the project is constructed. So if the power is contracted before the project is constructed, how can you shift any amount of power from Los Angeles to anywhere else after the project has been constructed?

Mr. LAGUARDIA. Assuming there is no other market all the time.

Mr. DOUGLAS of Arizona. But the terms of the bill provide you must contract the power before the project can be constructed, and if all the power is contracted for with Los Angeles before the project is constructed, after the project is constructed, assuming there is a change in conditions, how can power be taken from Los Angeles and transmitted elsewhere?

Mr. LAGUARDIA. But if all the power is contracted for, then there can not be any such loss as the gentleman anticipates; and if it is not contracted for, they can not build the project.

Mr. DOUGLAS of Arizona. My dear sir, may I point this out to you: The contracts are not to be made for immediate delivery of power. The contracts call for delivery of power, and those contracts will call for increasing deliveries over a period of 9 to 10 years—and this is Los Angeles's assumption, not mine—after the project has been completed. Does that answer your question?

Mr. SWING. The provision in the bill requires a rate which will insure payment of all expenses of operation and maintenance and repayment within 50 years.

Mr. DOUGLAS of Arizona. A rate that will insure that there will be no deficit, as assumed by the advisor of the Secretary of the Interior, will instead of amortizing the project, create a deficit of $322,000,000.

Mr. SWING. Does not the gentleman know that under this bill if it becomes a law he must require a rate that will insure payment?

Mr. DOUGLAS of Arizona. "In his discretion." Let me point out this, that there is nothing in the bill which provides that contracts must be made, because it says "or otherwise."

Mr. SWING. The Government must be assured full repayment with interest in 50 years.

Mr. DOUGLAS of Arizona. If there is no contract, how can the Government be assured—let me read the provision in the bill itself. I am going to offer an amendment that every contractee must put up a mortgage bond. Then you might possibly have the financial part solved.

Here is the provision:

> (b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

Mr. SWING. The gentleman is going to offer an amendment to strike that out?

Mr. DOUGLAS of Arizona. Yes.

Mr. SWING. I will accept it.

Mr. DOUGLAS of Arizona. I shall offer an amendment providing that the contractee shall put up a mortgage bond for twice the amount of the contract.

Mr. SWING. Why not make it three times the amount?

Mr. DOUGLAS of Arizona. Will the gentleman accept it?

Mr. SWING. No. The gentleman has said that no amendment will satisfy him; he is offering amendments to kill the bill.

Mr. DOUGLAS of Arizona. If Congress is going to pass a bill, I would like to see the Federal Government assured of the return of its money. [Applause.]

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WAINWRIGHT. What is the power to be developed?

Mr. DOUGLAS of Arizona. Five hundred and fifty thousand firm or constant horsepower.

Mr. WAINWRIGHT. How much of that has a market in sight?

Mr. DOUGLAS of Arizona. When the power first comes in there is no particular market for it at all. It must be absorbed as the market requires it. The city of Los Angeles and the Federal authorities have estimated that it will require at least nine years to absorb this amount of power.

Mr. WAINWRIGHT. So as a matter of fact the director would have a hard time to find an immediate market?

Mr. DOUGLAS of Arizona. Well, it depends on who the contractee is and in what amount he contracts for the power.

Mr. CRAIL. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. CRAIL. The dam could not be completed in nine years.

Mr. DOUGLAS of Arizona. I said nine years from the completion of the project.

Mr. CRAIL. Is it not true that the power market of California for a long period has doubled every four years?

Mr. DOUGLAS of Arizona. That is not the fact.

Mr. CRAIL. Can the gentleman tell us the fact about it?

Mr. DOUGLAS of Arizona. For one abnormal year—1923—the gentleman would be correct, but the line, according to this chart, since that time is a flat line.

Mr. CRAIL. Who made the chart?

Mr. DOUGLAS of Arizona. This was made from information obtained from the United States Geological Survey. The city of Los Angeles is said to be willing to take all of the power. In spite of the fact that she is now developing power from hydroelectric plants and distributing it for 4 mills, she wants the Boulder Canyon power, which, as a matter of fact, will be costly power because of the deficits during the period in which a great amount of power will be absorbed; nevertheless, she wants it because the adviser to the Secretary of the Interior, Mr. Durand, who is the only one of the special impartial advisers of the Secretary of the Interior who has made a semianalysis of the economic situation, states that if the power is sold for 1.67 at the switchboard, or 3.52 at Los Angeles, the Federal Government will be reimbursed in 40 years. As a matter of fact, the Federal Government will have upon its hands an operating deficit of $322,000,000. Professor Durand, in making that statement, assumed a three and a half year period of absorption, and a three and a half year period of absorption, instead of a nine-year period of absorption, is responsible for his figure. There is no justification whatsoever, according to the records of growth of load in California, or according to accurate estimates, as accurate as any estimate may be, for such future growth of Los Angeles. The Federal Power Commission estimates that it will be at least nine years before the 3,600,000,000 kilowatt-hours will be absorbed, and that it may be 12 years or more before the 3,600,000,000 kilowatt-hours will be absorbed. The carrying charges during that period of absorption of approximately between $26,000,000 and $33,000,000, Professor Durand completely ignored in his financial set-up.

Mr. MERRITT. That is per annum?

Mr. DOUGLAS of Arizona. No; that is total. If you take Professor Durand's figures of 1.67 and assume revenues over a nine-year period, you find that, including amortization, the annual revenues will never, even with the entire amount of power sold, be sufficient to meet the operating expenses. Thereafter the annual charges increase each year, because of interest compounded on the deficits which are never wiped out. Is that clear? The city of Los Angeles is perfectly willing to take power at this figure of 3.52 mills, which is the estimate to-day at which the power is going to be sold. But at that estimate the Federal Government can never be reimbursed; and that, sir, is without examining the estimate of the cost of the project.

Mr. MONTAGUE. For information, may I ask the gentleman this further question: According to the gentleman's statement, this power cost at which Los Angeles is willing to take the power is more than the cost of the production of power at Los Angeles by Los Angeles itself?

Mr. DOUGLAS of Arizona. If Los Angeles should pay what she ought to pay for this power in order to reimburse the Federal Government, then she would be paying more than what the same power could be produced for in the load center; but if she pays the figure which this impartial adviser to the Secretary of the Interior says is sufficient to reimburse the Federal Government, then she will be getting power for a little less than it is now costing.

Mr. MERRITT. I thought the gentleman said a little while ago that they could produce steam-produced electricity in Los Angeles at 1.9.

Mr. DOUGLAS of Arizona. No; that is the fuel cost only.

Mr. MONTAGUE. That is what confused me.

Mr. ROBSION of Kentucky. I am not clear about this Los Angeles matter. Los Angeles wants power and is willing to pay the 3.6 and a fraction, and it is the gentleman's theory of this matter that the Government would furnish the power at that rate.

Mr. DOUGLAS of Arizona. That is the figure which is now recited as the figure at which it will be sold.

Mr. ROBSION of Kentucky. If that is done, that will be less than the cost of the production to the United States Government?

Mr. DOUGLAS of Arizona. Absolutely; by over a mill.

Mr. ROBSION of Kentucky. And finally, altogether there will be a deficit of more than $300,000,000?

Mr. DOUGLAS of Arizona. Yes; assuming the estimated cost to be accurate.

Mr. ROBSION of Kentucky. Under what authority would the Secretary of the Interior make such a contract, when it is at a loss, and the bill provides that it shall not be made at a loss?

Mr. DOUGLAS of Arizona. May I point out to the gentleman that it is entirely within the discretion of the Secretary of the Interior.

Mr. ROBSION of Kentucky. But to reach your point, the gentleman assumes that the Secretary of the Interior is going to disregard the provisions of this law.

Mr. DOUGLAS of Arizona. Very well. What is his discretion? It may be anything. Now we will take up one other point, and we will assume that he does not. We will assume that he sells this power for exactly what it is worth, and this is the cost of power, assuming the $125,000,000 estimate to be accurate. What is that power worth in Los Angeles? The Federal Power Commission engineers—that is, the engineers of the present Federal Power Commission—estimate that that power will have to bring a minimum of 4.77 mills in the load center if the Government of the United States is to be reimbursed; and that, sir, as I say, is assuming the estimated cost to be accurate. Does the gentleman see what I mean? Now, then, it costs the city of Los Angeles on her aqueduct 4 mills to develop power. That is her statement.

It costs the Southern California Edison 4.17 mills to develop power. In its new steam plant which it is installing of 360,000 kilowatts they estimate the cost will be 3.86 mills. Assuming that the Secretary of the Interior sells Boulder Dam power at exactly what it is worth or at cost translated to the load center of 4.77 mills, is it sound policy for this Government to attempt to make a project solvent by trying to sell something for more than that commodity is worth?

Mr. ROBSION of Kentucky. Just one other statement. Does the gentleman believe that the city of Los Angeles will be the purchaser of this power provided the contract is made and a contract is required to pay the Government the actual cost of the power?

Mr. DOUGLAS of Arizona. I am sure that if you make the city of Los Angeles put up mortgage bonds she will not do it.

Mr. SWING. Mr. Chairman, in order to be fair to the House, will not the gentleman give the House the basis of his assumption with reference to the all-American canal? Is any revenue contemplated under the gentleman's assumption?

Mr. DOUGLAS of Arizona. There will be $700,000 to take care of maintenance. This estimated cost of power by the Federal Power Commission is predicated on the accuracy of the $125,000,000 figure, but I shall prove to you that the project can not possibly be constructed for that. Nevertheless, that has been assumed as being accurate.

No other power in competition with Boulder Canyon power when it comes on the market; a nine-year period of absorption; depreciation figures held down below the depreciation figures allowed by the railroad commission of the State of California; the revenue to reimburse the Federal Government for the cost of the power plant and of the dam and of the all-American canal; but it is assumed that a sufficient revenue from the Imperial Valley will be forthcoming to at least pay for the maintenance.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. O'BRIEN. Considering the natural depletion of fuel, can the city of Los Angeles continue to produce the power it needs?

Mr. DOUGLAS of Arizona. I am glad to answer that question. I have obtained from the Internal Revenue Bureau figures as to the cost of fuel. In 1900 the cost of fuel in Los Angeles was 90 cents a barrel and in 1927, 82 cents.

Now, assuming that the cost of fuel should go up to a much higher point, you must bear this in mind: The number of heat units used and necessary to develop a kilowatt-hour has been decreased from 22,500 to 13,100 in the last three years. There has now been developed a mercury plant which is developing power for 10,000 British thermal units per kilowatt-hour. There has been developed in England a new steam boiler which will take a pressure of 3,200 pounds, and it is estimated that in the mercury plant, if it is not producing the necessary British thermal units this new boiler certainly will. In addition to that, there are millions of tons of coal in Utah which are not now being used in California, but which are susceptible of being used there, and it is my understanding that the same group of people advocating the Boulder Canyon bill in a written report known as the giant power advisory report have stated that the by-product from the use of coal will be sufficient to pay for the coal; so that if they continue to produce power by fuel, there will be no fuel cost at all. [Laughter.] Here is what the Secretary of the Interior says:

[Excerpt from letter of Secretary Work to HIRAM JOHNSON dated January 27, 1928]

In his letter of January 27, 1928, to Senator HIRAM JOHNSON, Secretary Work states with reference to the revenue from power:

"The amount of this revenue can not at present be determined, but enough is already known to be certain that the margin between the payments needed to reimburse the United States in 50 years, and the value of power to those who purchase it, will be small, and with the improvements in methods of generating power by other means, it may become even less in the future. Consequently, there is nothing to-day on which the amount of such a toll could be certainly determined, and if the United States is to assume all of the responsibilities and all of the hazards of this development, it would be very unwise at this time to agree to the payment of any sum to either of these States."

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COLE of Iowa. Suppose that this project should cost more than $125,000,000. How would that additional cost be provided for? Will Los Angeles guarantee the Government to come out without loss?

Mr. DOUGLAS of Arizona. It is not stated. No.

Mr. COLE of Iowa. The late Martin B. Madden, with whom I talked about this project, informed me that there was good engineering authority for stating that that project, instead of costing $125,000,000, might cost $250,000,000, because there were so many contingencies.

Mr. DOUGLAS of Arizona. Mr. E. C. LaRue, of the Geological Survey, on April 27 of this year stated that the dam alone would cost over $80,000,000, and the project would cost probably in the neighborhood of $155,000,000, and that in addition to that there would be appropriations of $200,000,000. Col. William Kelly, formerly of the Federal Power Commission, has estimated this project to cost over $200,000,000. It is perfectly obvious that if the estimated cost goes up above $125,000,000 then the deficit to the Federal Government increases not proportionately but in geometrical progression.

Mr. COLE of Iowa. If the Federal Government is going to put all this money in, for rights of the taxpayers ought there not to be somebody to guarantee an income?

Mr. DOUGLAS of Arizona. I am going to offer an amendment to provide that there must be mortgage bonds placed behind every contract in an amount equal to twice the amount of the contract.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. LaGUARDIA. Is there any power company in the country that would buy first-mortgage bonds?

Mr. DOUGLAS of Arizona. Has the Federal Government ever gone into the power business as an industrial enterprise before? [Applause.]

Mr. Smith. Reference was made to Mr. LaRue and to Mr. Kelly. Will the gentleman inform the House in whose employment they are?

Mr. DOUGLAS of Arizona. Mr. LaRue for 15 years was employed by the Department of the Interior, and finally resigned because they would not let him speak against Boulder Dam. For approximately 27 years Colonel Kelly was in the United States Army, in the Corps of Engineers. He was chief engineer of the Federal Power Commission created by this Congress to act as an agent of Congress, and he was called upon to make investigations of the Colorado River, and he did, and he reported against Boulder Canyon when he was in the employ of the Federal Power Commission.

Mr. SMITH. Will the gentleman tell——

Mr. DOUGLAS of Arizona. I will tell the story. Subsequent to that, Colonel Kelly was employed, because of his ability, by the National Electric Light Association, and subsequent to that by one of the power companies in Buffalo. If you are going to claim that simply because a man has demonstrated his ability and has received a good offer his honor is to be impugned, then I have little confidence in the House. [Applause.]

Mr. SMITH. In whose employment is Mr. LaRue?

Mr. DOUGLAS of Arizona. Mr. LaRue is a consulting engineer of the city of Los Angeles, and when he testified against Boulder Dam he was in the employ of the Federal Government. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. MOORE of Virginia. Aside from the personality of these people, which is of no particular interest to me, are we not obliged to take this view, frankly, of the bill, that if it is enacted into law then we must proceed with any expenditure that may be conceivably necessary to complete the project, on one condition only, namely, that the Secretary of the Interior must have reached the conclusion in advance, according to the exercise of his best judgment, that it is safe to go ahead with it? That is about the statement of the case.

Mr. DOUGLAS of Arizona. That is about the statement of the case.

Mr. MOORE of Virginia. So far as the heart of the case is concerned?

Mr. DOUGLAS of Arizona. Yes.

Mr. MOORE of Virginia. The gentleman who happens to hold the office of Secretary of the Interior has got to come forward and say that he has become satisfied and that his judgment has brought him to the conclusion that it is proper to go ahead with the project; then we go ahead and we are committed to an unlimited expenditure.

Mr. DOUGLAS of Arizona. Absolutely.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield myself 15 minutes additional. As to the engineering of the project——

Mr. WELLER. Before the gentleman proceeds, will he yield for a question?

Mr. DOUGLAS of Arizona. Yes.

Mr. WELLER. It was said yesterday that this being a national project—that is, a project which embraced and benefited seven States of the Union—that the Congress of the United States should take action, enact this law, and make this appropriation. Does the gentleman contend that outside of the irrigation feature and the flood feature there is any benefit at all to these seven States, with the exception of the city of Los Angeles?

Mr. DOUGLAS of Arizona. Let me point this out to you: The bill, as I pointed out at the beginning, is divisible into two heads. There are two parts of the bill—that part which authorizes the project and that part which provides for the ratification of the Colorado River compact. The Colorado River compact, if ratified by all the seven States, will give protection to all of the basin against the day when these States may want to apply the water to beneficial use. California and Mexico, however, are the only two that will derive any benefit from the project. Does that answer the gentleman's question?

Mr. WELLER. Yes; it does.

Mr. DOUGLAS of Arizona. Now, I would like to make a few references with respect to the extent to which this project has been engineered. Yesterday the gentleman from Utah [Mr. LEATHERWOOD] explained the origin of the project. He told you the city of Los Angeles, through its control of the funds for the investigation of the project, had practically controlled the report on the project.

I would like now, if I may, to attempt to give some picture of its magnitude. The dam is 677 feet high. It will contain approximately three and a quarter times as much concrete as any other dam in the world. It is twice as high, lacking about 10 feet, as the highest existent dam in the world. There has to be excavation to bedrock, in order to place the concrete of the permanent cofferdam on bedrock, of 580,000 cubic yards of sand, gravel, and boulders within a period of 90 days, and to do that there will have to be developed the second largest hoisting mining operation in history. There must be drilled, blasted, quarried, and transmitted by cableway over the Colorado and dumped 700 feet from the cableway into

the river 921,000 cubic yards of loose rock, of which, I think, 120,000 cubic yards are to form an earth mattress on the top of these cofferdams, and in 69 days. The surface mining operation involved will be the second largest in history. The Utah Copper Co. now mines approximately 27,000 cubic yards. To do that it has spent 20 years and over $15,000,000 in perfecting this operation. It has over 70 miles of standard-gauge railroad track; it has 23 great electric steam shovels, and it uses 20,000 kilowatts. The Reclamation Service in its report passes the surface mining operation over as though it could be accomplished in the shake of a guinea pig's tail. They have not even provided in their estimate of cost for a power plant. You can not conduct a mining operation of that magnitude or a cableway operation, the speed of which will be twice the speed of any cableway operation which the world has ever before seen, without having a large power plant, and the power required for this operation will be in the neighborhood of 8,000 kilowatts and will cost the Federal Government $1,600,000. That will be absolute scrap when the project is completed. These are just a few of the inadequacies in the engineering features.

I have covered the diversion of water. I have told you how the Reclamation Service, in order to keep down their estimated cost and keep down the yardage of concrete in the dam, has decreased the factor of safety as the height of the dam has been increased. That is true, and that is a matter of record. I have introduced a letter from the Federal Power Commission to confirm my conclusion.

Mr. JOHNSON of Texas. What height would the dam have to be to afford full protection?

Mr. DOUGLAS of Arizona. It would have to be 402 feet high. There is another dam at Topock 100 feet high, but that is not included in this project. The base of the dam will be about 300 feet long and the walls of the canyon rise almost vertically for about 400 feet and then they spread out. The top of the dam will be 1,160 feet long, I think.

Then let us see what the engineers said. Here is a long report by Herman Stabler, of the United States Geological Survey, in which he condemns the project, and I ask unanimous consent to insert in the RECORD what he says.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DOUGLAS of Arizona. It is not necessary to read it to the members of the commitee, but in his report he states that there must be additional facts secured before the Government is justified, or anyone else, in going ahead with the project.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. ABERNETHY. Is that engineer now in the employ of any of the power companies or is he in the employ of the Government?

Mr. DOUGLAS of Arizona. He is still in the employ of the United States Geological Survey.

Mr. ABERNETHY. What attack has been made on his report?

Mr. DOUGLAS of Arizona. None; but they may try to impugn his honor.

Mr. ABERNETHY. It seems that all of the engineers who have reported against it are in the employ of the Power Trust, and I would like to know whether there is anything wrong with this man.

Mr. DOUGLAS of Arizona. There is nothing wrong with this man, sir, and there is nothing wrong with the ability or the integrity of other men.

Mr. ABERNETHY. I just wanted to know, because I am seeking light.

Mr. DOUGLAS of Arizona. Colonel Kelly is the man, I believe, against whom the attack will be made, and I should like to say to the House that I know Colonel Kelly personally and I do not know of any person with a higher standard of honor and of truth and of legitimate and proper performance of his duty than Colonel Kelly.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Certainly.

Mr. LAGUARDIA. Without impugning the honor of Colonel Kelly, how long would he remain in his present employment if he entertained any other views?

Mr. DOUGLAS of Arizona. May I state to the gentleman from New York that when Colonel Kelly wrote this report he was in the employ of the United States Government and in the employ of nobody else?

Mr. LAGUARDIA. And immediately thereafter he went into the employ of the Power Trust.

Mr. DOUGLAS of Arizona. It may be quite true that he did go into the employ of a power company, but the fact that he did does not condemn his report. It is merely indicative of the man's ability. [Applause.]

Mr. SMITH. Colonel Kelly, at the time he made his report, was detailed to the Federal Power Commission from the Army, was he not?

Mr. DOUGLAS of Arizona. Yes.

Mr. SMITH. And he was connected with the Federal Power Commission at that time.

Mr. DOUGLAS of Arizona. I have stated that. He was the chief engineer of the Federal Power Commission and a colonel in the United States Army.

Now, let us see what the Secretary of the Interior himself has said:

> An opinion is no better than the reasons for it. Whether or not it is practicable at any cost to divert through tunnels in the canyon walls such a body of water from the river long enough to build this substructure, whether the mass of masonry unapproached in size in the history of engineering is practicable, or whether it is impossible to give more than an intelligent guess of its cost are problems not to be passed upon by one man alone, but should challenge the judgment of the country's ablest engineers and be subject to deliberate review by the Congress.

Then the Secretary goes on to suggest lines of inquiry. This letter was written after the Weymouth report, on which this bill is predicated, was submitted. Since that date there has been no additional investigation of the Colorado except a supplementary report written by Mr. Weymouth in which there are some statements made which condemn the project.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. ABERNETHY. I understand, though, that the Secretary of the Interior is now for the project?

Mr. DOUGLAS of Arizona. The Secretary of the Interior is now for the project. The only reason I conclude——

Mr. ABERNETHY. And so is Secretary Hoover. Secretary Hoover is a great engineer; what have you to say about him?

Mr. DOUGLAS of Arizona. Yes; but Secretary Hoover has never——

Mr. ABERNETHY. He may not make a good President, but he is a good engineer.

Mr. DOUGLAS of Arizona. He is a good mining engineer, sir, and Secretary Hoover has never examined the estimates of cost of the project or the designs, and he has never approved them. Does that answer your question?

Mr. ABERNETHY. Yes; and I want to say I have been very much interested in the gentleman's argument, and I may say that he has made a very profound argument against this proposition, but speaking about this man Kelly, going back to that a moment, if the gentleman does not mind, I am wondering if the fact——

Mr. DOUGLAS of Arizona. I do not like to have my time consumed by statements. There are plenty of other engineers that I shall mention who have disapproved this project.

Mr. ABERNETHY. I understand the gentleman has four hours at his disposal.

Mr. DOUGLAS of Arizona. I have only five minutes left of the time that I am going to take now.

Mr. ABERNETHY. Of course, if the gentleman does not want to answer my question——

Mr. DOUGLAS of Arizona. I will be very pleased to answer the gentleman's question if he will ask it quickly, but please do not make a statement.

Mr. ABERNETHY. I am not trying to make a statement. I do not believe I will interrupt the gentleman any further.

Mr. SMITH. Is it not a fact, and one that the gentleman should state in quoting the Secretary of the Interior, that that quotation comes from a joint letter signed by the members of the Federal Power Commission?

Mr. DOUGLAS of Arizona. No; it was not. This is a letter addressed to you, sir, signed by the Secretary of the Interior himself, dated March 17, 1924. [Applause.] You will find it in part 3 or part 4 of the hearings.

Mr. SMITH. The letter was addressed to me, but it was also signed by the others——

Mr. DOUGLAS of Arizona. No; it was not. It was signed by the Secretary himself.

Mr. SMITH (continuing). And doubtless prepared by Colonel Kelly and Mr. Merrill, the secretary of the Federal Power Commission.

Mr. DOUGLAS of Arizona. The gentleman's statement is absolutely untrue. The gentleman will find that the letter is addressed to him, dated March 17, 1924, and is signed by Secretary Work and no one else. [Laughter and applause.]

Now, here is Mr. Newell, former Chief of the Bureau of Reclamation, who, on March 20 of this year, in speaking of high dams, said:

And how does this apply to propositions now pending before the Congress, for example, the Boulder Dam? It is true that considerable time and money have been spent in surveys; various engineers have agreed on certain fundamentals; those who dissent have held their peace. There is little doubt but what if private capital were proposing to build a structure of this kind there would be continuous study and observation of all of the phenomena peculiar to that locality. "With the valor of ignorance," Congress, however, is satisfied to discuss the legal or political status and assume that all of the forces, such, for example, as those that have overthrown the St. Francis Dam, are well enough known. Is it true?

I submit, members of the committee, that it is not.

Here is a report written by five of the most eminent engineers that can be found for the American Engineering Council; all of them have either been president or vice president, past president, or past vice president of the American Society of Civil Engineers, and the chairman was on the giant power survey of Governor Pinchot in Pennsylvania.

These men, after having specifically spent three months examing all of the reports relative to the Boulder Canyon project, including this infamous or famous Weymouth report, concluded on April 16, 1928, as follows. It is addressed to the American Engineering Council, which represents the cream of the engineering profession in the world. They can not be impugned—they are all consulting engineers, and most of them are being consulted by the municipal water companies and other public companies, not private interests.

On April 16, 1928, they report to the American Engineering Council as follows:

STATEMENT CONCERNING BOULDER DAM PROJECT ISSUED BY AMERICAN ENGINEERING COUNCIL

American Engineering Council, representing 43,000 professional engineers, is an organization conducted for the purpose of affording a means through which engineers may express their views concerning national questions of an engineering character. National problems, such as flood control, utilization of natural resources, and the like, come within its purview of activity.

Consequently council has given careful consideration to the Boulder Dam project, which has been under consideration by the Congress. In keeping with its usual practice the council appointed a special committee composed of most eminent engineers experienced in such matters to review all data and information available relating to the Boulder Dam project. This committee after due deliberation submitted a report to the council, which has been approved by the executive committee thereof. The report is as follows:

"Your committee is unanimously agreed that the information set forth in the reports which have been submitted to us is not conclusive as to the engineering feasibility of the plan outlined in the Swing-Johnson bill, and that before either the Government or private capital would be justified on engineering or economic grounds in committing themselves to the expenditure involved the development of the river for the purpose in view should be further and most thoroughly investigated to determine how the results which it seeks to accomplish can be secured with a reasonable assurance of success.

"FRANCIS LEE STUART, *Chairman.*
"ALLEN HAZEN.
"CLEMENS HERSCHEL.
"J. WALDO SMITH.
"LEWIS B. STILLWELL."

TRAINING AND EXPERIENCE OF MEMBERS OF THE COMMITTEE

Allen Hazen, consulting civil engineer, vice president American Society of Civil Engineers, vice president Hazen & Whipple, engineers, 25 West Forty-third Street, New York City.

Education: Massachusetts Institute of Technology, Boston, Mass. Honorary degree doctor of science, New Hampshire and Dartmouth Colleges. In charge State board of health experiment station, Lawrence, Mass., 1888–1893.

In charge sewage disposal, World's Columbian Exposition, Chicago, 1893.

In private practice, Boston, 1894–1897, and in New York City since 1897, work mainly on city-water supplies.

Chief engineer Albany water-filtration plant, built 1889–1899, and other putrification works.

Consulting engineer for water-purification works, Washington, D. C.

Author: The Filtration of Public Water Supplies, 1895–1900; Clean Water, 1907; Meter Rates for Water Works, 1917; also numerous articles on water supply and sewage disposal; joint author Hydraulic Tables, with Gardiner S. Williams, 1905.

Member American Society of Civil Engineers, American Public Health Association, etc.

Clemens Herschel, consulting civil and hydraulic engineer, past president American Society of Civil Engineers, 2 Wall Street, New York City.

Education: S. B. Larence Scientific School (Harvard), 1860. Hydraulic engineer Holyoke (Mass.) Water Power Co., 1879–1889. Railroad commissioner of Massachusetts, 1881–1883. Consulting engineer of several of the large water-power companies of Niagara Falls, 1884–1904. Engineer and superintendent East Jersey Water Co., 1889–1900. Inventor of Venturi water meter for which was awarded Elliot Cresson gold medal of Franklin Institute.

Member American Society of Civil Engineers, Boston Society of Civil Engineers, Institute of Civil Engineers of Great Britain.

Author: Continuous Revolving Drawbridges, 1875; One Hundred and Fifteen Experiments, 1897; Frontinus and the Water Supply of the City of Rome, 1899; also various contributions on engineering topics in technical journals.

J. Waldo Smith, consulting civil engineer, past vice president American Society of Civil Engineers; construction engineer for Board of Water Supply of New York, Municipal Building, New York City.

Education: Phillips Academy, Andover, Mass., S. B., Massachusetts Institute of Technology, 1887; director of engineering Stevens Institute of Technology, 1918; director of science Columbia University, 1918.

Chief engineer of his home town at age of 17; assistant engineer Holyoke (Mass.) Water Supply Co., 1887–1889; resident engineers (two years), principal assistant engineer (six years) East Jersey Water Co., on design and construction of a supply of 50,000,000 gallons of water per day for Newark, 1890–1897; chief engineer and superintendent Passaic, Acquackanonk, and Montclair water companies in New Jersey on maintenance, extension, and operation of water supply, 1898–1900.

Consulting engineer Jersey City Water Supply Co.; built filtration plant at Little Falls, N. J., and directed design and construction of supply of 50,000,000 gallons daily for Jersey City, 1901–1903.

Chief engineer for aqueduct commissioners, New York, N. Y., in charge of all construction work of Croton water system, involving completion of New Croton Dam, Muscoot Dam, Jerome Park Reservoir, and design of Cross River Dam, 1904–5.

Chief engineer Board of Water Supply, New York, to secure an additional supply of 500,000,000 gallons of water per day from Catskill Mountains from 1905–1922.

Consulting engineer for Board of Water Supply of New York, and in connection with water supplies for Philadelphia, Providence, Boston, and Kansas City, and consulting engineer for the Moffat Tunnel.

Awarded John Fritz medal in 1918 for achievement providing city of New York with water.

Chairman military engineering committee of New York, which organized a course of military engineering, lectures given by officers of Corps of Engineers, Eastern Department, United States Army, immediate result of which was voluntary drilling of considerable numbers and many applications for first Plattsburg camp, 1915–16; on declaration of war commissioned under direction of Chief of Engineers, United States Army, recruited Eleventh Engineers Regiment.

Member: American Society of Civil Engineers; American Society of Mechanical Engineers; Institution of Civil Engineers of Great Britain; American Water Works Association; and various other scientific and allied technical societies.

Lewis Buckley Stillwell: Consulting electrical engineer; past president American Institute of Electrical Engineers; Century Club, New York City.

Education: Wesleyan University, 1882–1884; Lehigh University, E. E., 1885; M. S., 1907; D. Sc., 1914; Wesleyan University, Sc. D., 1907.

Assistant electrician, Westinghouse Electric & Manufacturing Co., 1886–1890; chief engineer (electrical), 1890–1898.

Electrical director Niagara Falls Power Co., 1897–1900. In practice as consulting electrical engineer in New York since 1900.

Consulting engineer Manhattan Elevated Railway Co. (electrification of elevated lines in New York City), 1899–1906.

Electric director Rapid Transit Subway Construction Co., 1900–1909.

Consulting engineer Hudson Co., 1905–1913.

Member Erie Railroad Electrification Commission.

Consulting engineer United Railways & Electrical Co. of Baltimore, Md., 1906–1920; Interborough Rapid Transit Co., 1909–1920; New York, New Haven & Hartford Railroad Co. (Hoosac Tunnel electrification), 1910–11; New York, Westchester & Boston Railroad Co., 1911–1915; Lehigh Navigation Electric Co., 1912–1918.

Consulting engineer Holland vehicular tunnels, 1924.

Member: Board of economics and engineering of National Association Owners Railroad Securities, 1921–22; National Research Council; American Institute of Consulting Engineers; American Society of Civil Engineers; British Institute of Electrical Engineers; president Engineering Foundation; Royal Society of Arts, Great Britain; Franklin Institute; life trustee of Princeton University; board of directors, Chamber of Commerce of United States, 1921–1923.

Francis Lee Stuart: Consulting engineer; past vice president American Society of Civil Engineers; 949 Broadway, New York City.

Education: Graduate Emerson Institute, Washington, D. C.

Entered Baltimore & Ohio service, 1884, experience in the various engineering departments of railroads.

District engineer of eastern side of Nicaragua Canal, Nicaragua Canal Commission, 1897.

Division engineer, Isthmian Canal Commission, 1899–1900.

Assistant engineer and later engineer of surveys, Baltimore & Ohio Railroad, 1900.

Chief engineer, Erie Railroad, 1905–1910; chief engineer, Baltimore & Ohio, 1910–1915.

Began private practice in 1915 and has continued to date, during which time has served in following capacities:

Chairman terminal port facilities committee of War Industries Board, and member depot board, War Department, 1917–18.

Chairman budget committee, United State Railroad Administration, 1918–1920.

Engineering expert, port development commission, Baltimore, 1921.

Member technical advisory board, New York port authority, 1921.

Member transit advisory board of Philadelphia, 1923.

Retained by 11 trunk-line railroads, serving port of New York, investigate and report on transportation matters.

Consulting engineer, Cunard project and Hydroelectric Power Commission, Niagara Falls, Canada, 1920–21.

Consulting engineer, greater harbor committee of two hundred of Los Angeles Chamber of Commerce, connection with railroad and harbor problem.

Member board of review, Sanitary District, Chicago's lake-leveling controversy and remedial program.

Chairman committee on value diverted water for transportation from Lake Michigan to Gulf of Mexico.

Member committee Great Lakes regulation; giant power advisory board, State of Pennsylvania.

President International Conveyor Corporation, Terminal Operating Corporation, Stuart Patents Corporation.

More than 40 patents, mainly for inventions substituting improved machinery and methods for present practices.

Member: American Society of Civil Engineers; American Academy of Political and Social Science; American Association of Port Authorities; and various other scientific and allied technical organizations; past president New York Society of Terminal Engineers.

Mr. GIFFORD. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Certainly.

Mr. GIFFORD. In reading many of these speeches and some others from the other branch, I would like to ask the gentleman if he would withdraw his objection if there was a proper allocation of water and profit granted to Arizona?

Mr. DOUGLAS of Arizona. I would not; because this project is unsound and the bill is unconstitutional.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will.

Mr. OLIVER of Alabama. Has Arizona at any time indicated that if the present situation was acceded to they would sign the compact?

Mr. DOUGLAS of Arizona. The compact and this bill are two separate things; that I have explained already to two gentlemen. The project is one part of the bill and the compact is another. If Arizona gets what she thinks she ought to have, a reasonable allocation of water and the right to tax the use of her natural resources used elsewhere, then Arizona will ratify the Colorado River pact. But that is an entirely different question from this specific project.

Mr. OLIVER of Alabama. That would remove the objection that Arizona makes to the project?

Mr. DOUGLAS of Arizona. It would not remove my objection to the project.

Mr. OLIVER of Alabama. Would it not remove the objection that Arizona has?

Mr. DOUGLAS of Arizona. I am not aware that it would. I have no knowledge what Arizona would do; I only know what I would do.

Mr. OLIVER of Alabama. I understand that if Arizona were assured that the situation were acceded to she would ratify the compact?

Mr. DOUGLAS of Arizona. Yes.

Mr. OLIVER of Alabama. This plan of course results from a study of the engineers who favor the dam at this point?

Mr. DOUGLAS of Arizona. The engineers of the Reclamation Service and the Los Angeles Bureau of Power and Light.

Mr. DENISON. Will the gentleman state what he thinks this project does for Mexico?

Mr. DOUGLAS of Arizona. I was going to reserve 15 minutes to do that later. This project never has been adequately engineered. There has never been an independent board of engineers which sat upon it and approved it. There was one board in 1924, three members of which were men who drafted the report which was being reviewed and three were independent. These members of the board split. That board did not approve the project.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will.

Mr. MOORE of Virginia. This compact that has been spoken of does not in any way contemplate the aid of the Government of the United States to this project or any other?

Mr. DOUGLAS of Arizona. It does not mention this project. The compact is an effort to allocate water between the two basins, and has nothing whatever to do with this or any other program of development.

The gentleman from California will doubtless mention Mr. Hill, Mr. Wiley, Mr. Savage, General Goethals, and Mr. Mulholland. Now, Mr. Mulholland has approved the project, but Mr. Mulholland was in the employ of the agency that wanted the project built, namely, the Los Angeles Power & Light Co. General Goethals never examined the estimated cost of the project or the design.

The Secretary of Commerce, Mr. Hoover, has never examined the estimate of cost and the designs and has never approved them. Mr. Hill, Mr. Wiley, Mr. Munn, and Mr. Savage submitted a report as to the cost of the dam in which they stated that a 26,000,000 acre-foot dam would cost $50,000,000 instead of $41,500,000. None of these gentlemen—Mr. Hill, Mr. Wiley, Mr. Munn, Mr. Savage—has ever on his own accord submitted any additional evidence to the committee as to the extent to which they have examined the estimates and the designs of the problem, and as to whether or not they have approved it or disapproved it. Whenever they are mentioned they will be mentioned by hearsay, and by hearsay only. The only engineers that have ever approved it are those of the Bureau of Reclamation, which, like all bureaus, is anxious and ambitious to enlarge its sphere of influence over the destinies of people, and the engineers of the Los Angeles Bureau of Power and Light. They are the only ones that have ever approved this project. All other engineers have either disapproved of it or have remained silent, and I submit to the Members of this House that in view of the preponderance of evidence against the engineering feasibility and against the costs of this project it has been most decidedly inadequately engineered.

Mr. FLETCHER. What would the flood danger be to the Imperial Valley if they should have a flood there?

Mr. DOUGLAS of Arizona. According to the United States Geological Survey, it would take at least 15 years, and according to the United States Bureau of Reclamation it would take at least 20 years to inundate the Imperial Valley.

Mr. FLETCHER. But what would be the cost?

Mr. DOUGLAS of Arizona. It is difficult to say. The value of the property is $36,000,000, as stated by the board of equalization in the State of California for the year 1925–26.

Mr. FLETCHER. The gentleman speaks about engineers being divided in their opinion. The Wright brothers were trying to experiment with a flying machine, and some very prominent engineers expressed themselves to the effect that it could never be accomplished. In view of that, does the gentleman think that we should consider the statement of these engineers?

Mr. DOUGLAS of Arizona. What engineers?

Mr. FLETCHER. To whom the gentleman has just referred.

Mr. DOUGLAS of Arizona. I think before Congress is called upon to be the engineers and economists of a project of this magnitude, many times larger than any heretofore known in the world, there should be some very definite and specific agreement among competent, independent engineers, as to its economic and engineering feasibility. [Applause.]

Mr. Chairman, in view of all this evidence relative to the economic soundness of the project, relative to its engineering infeasibility, I submit to the members of this committee that there is but one course of action which the House can intelligently take, and that is to demand more and further investigation before the Government takes upon itself the tremendous engineering hazards involved, the terrific financial losses, and the possibility of imposing upon the Southwest a calamity infinitely greater than the one with which the Southwest is now confronted. [Prolonged applause.]

The gentleman from California has stated that the Southern California Edison Co. would build the Boulder Dam. This is untrue. The following is the testimony of the president of that company:

(See page 509)

Mr. WINTER. You spoke about a dam producing 300,000 horsepower. Have you figured on the height of the dam?

Mr. BALLARD. About 300 feet.

* * * * * * *

(See page 522)

Mr. BALLARD. We would develop first 300,000 horsepower, and as soon as the market indicates it will absorb more than that, in time to permit of additional construction work to meet that additional market. It is a matter of market.

* * * * * * *

(See page 524)

Mr. BALLARD. Under this bill, it is my opinion, it is liable to have to dig up an additional $67,000,000, according to our figures. * * *

With reference to Mexico I submit the following:

CONTRACT BETWEEN SOUTHERN PACIFIC CO. AND IMPERIAL VALLEY IRRIGATION DISTRICT

Mr. DOUGLAS. Yesterday Mr. SWING said that it would be necessary to throw some water into the Salton Sea in order to prevent an excess from flowing into Mexico, and he said we would not have to do that in violation of a contract with the Southern Pacific Railroad Co. In that connection I would like to refer to a contract between the Southern Pacific Railroad Co. and the Imperial Valley irrigation district. That contract is dated December 28, 1915. Among other things it provides, in clause V, that, "The Southern Pacific Co. further agrees that it will cause the Southern Pacific Land Co. to grant an easement unto the Imperial irrigation district, pursuant to which the Imperial irrigation district shall have the right to flow any excess water over and upon the lands of the Southern Pacific Land Co. submerged by the waters of the so-called 'Salton Sea': *Provided*, That such easement shall not be construed to permit the said Imperial irrigation district to overflow any of the Southern Pacific Land Co.'s lands not now submerged and lying above a contour line 238 feet below the sea level * * *."

That, I understand, was the contour line at the time this contract was entered into.

Continuing—

"* * * *And provided further*, That as the level of the said Salton Sea may be lowered by reason of the excess of evaporation over the normal inflow of waters, and the water thereby caused to recede from any additional lands of the Southern Pacific Land Co., all such lands lying 3 feet above the highest level of water in said lake during any calendar year shall thereafter be free from the said easement of overflow and thereafter it shall be the duty of the Imperial irrigation district to so regulate the inflow of waste waters from its irrigation canals and ditches into the Salton Sea that there shall be no resubmergence, except as above provided, of such lands of Southern Pacific Land Co. from which, by the due natural process of excess of evaporation over inflow of water, the waters of said Salton Sea shall have receded. The Southern Pacific Co. further agrees to secure a similar easement from the New Liverpool Salt Co. over the lands of that company now submerged in the so-called Salton Sea and to convey, or cause to be conveyed, the same to the Imperial irrigation district. The grant of these easements shall not prejudice or affect any rights which the Southern Pacific Co. or the New Liverpool Salt Co. might otherwise have to use waste water from the system of the California Development Co."

This had to do with the transfer of certain property of the company or its subsidiaries to the Imperial irrigation district.

There is in a contract between the New Liverpool Salt Co. and the Southern Pacific Co., which contract has been assigned, a provision to the same effect (pp. 271–272 hearings, pt. 2 of 5773).

GEORGE F. HOLBROOK'S REPORT ON SALTON SEA

Mr. DOUGLAS. I have two excerpts from a report on "Probable Future Stages of the Salton Sea," by George F. Holbrook, assistant engineer, United States Geological Survey, dated July 18, 1927. They read as follows:

"(b) The contract between the Southern Pacific Co. and the Imperial irrigation district, granting a flowage right of way to the district, will be an impediment that will have to be removed before the irrigation district can waste any more water into the Salton Sea than at present.

"(e) In order to evaporate the amount of water that may be wasted into Salton Sea under conditions of ultimate development an average water surface area of 239,000 acres will be necessary. This corresponds to elevation—228 feet." (From Hearings 5773 Ct. 3.)

[Excerpt from letter of Federal Power Commission signed by Weeks, Secretary of War; Work, Secretary of Interior; Wallace, Secretary of Agriculture]

In the letter of the Federal Power Commission, signed by John W. Weeks, Secretary of War, Hubert Work, Secretary of the Interior, and Henry C. Wallace, Secretary of Agriculture, the paragraph dealing with Mexico confirms my contention as follows:

"The regulation of the Colorado River to the extent proposed by the Boulder Canyon Dam will produce in the lower river a minimum discharge far in excess of present irrigation requirements in the United States. The surplus waters will pass into Mexico and will undoubtedly be put to use for irrigation there. Once put to use, their subsequent withdrawal for use elsewhere would be difficult, if not impracticable. It would therefore seem highly desirable to reach a general agreement with Mexico on the problem of the lower river before extension storage is provided in the United States. The construction of the all-American canal will not obviate the necessity of constant dealings with Mexico in connection with irrigation or protection of lands in the United States. Irrespective of the amount of flood-control storage in the United States, it will for many years, at least, be necessary in the protection of the Imperial Valley to maintain levees and revetments in Mexico, and arrangements must be effected whereby this work can be carried on whenever necessary without interference."

HEARINGS, UNITED STATES SENATE, COLORADO RIVER BASIN, 1925

(Page 614)

Secretary HOOVER. That proceeds on the hypothesis that in the treatment of Mexico for many years to come before we use most of the water it would be better to allow the flood flow to go down to Mexico and thus deprive Mexico of any water in the dry seasons. I think if we stabilize the river at all it will be likely to increase the flow into Mexico during the low-water season.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON IRRIGATION AND RECLAMATION,
Wednesday, May 16, 1928.

(Pages 52–55)

Mr. DOUGLAS. Mr. Chairman, I have a question which I would like to ask Doctor Mead, if I may. It is not relative to the present meeting, but it is relevant to the international situation.

Doctor MEAD. Yes.

Mr. DOUGLAS. And that is this, sir: I think it is on page 23 of volume 9 of the Weymouth report on the Colorado River development below the Grand Canyon, which, as you recall, was written in June, 1924, that there is the statement that to develop the amount of power upon which the financial set-up you have submitted to Congress is predicated 10,010,000 acre-feet of water as a minimum must be discharged from the Boulder Canyon Dam. How is that water to be disposed of, Doctor, below the Boulder Canyon?

Doctor MEAD. Well, the water goes to meet the needs of the land already irrigated and the lands proposed to be irrigated in Arizona and California, and the rest of it goes down to Mexico; that is all.

Mr. DOUGLAS. I think this is a very important point, Doctor, in the absence of a treaty with Mexico.

Doctor MEAD. Yes.

Mr. DOUGLAS. I feel this way: That Mexico, as I recall it, has 834,000 acres of land susceptible of very quick irrigation on the delta of the Colorado, owned by one company; and of that 834,000 acres of land somewhere between 200,000 and 230,000 are now under cultivation. That is approximately a statement of the facts, is it not, Doctor?

Doctor MEAD. I think so.

Mr. DOUGLAS. It means 600,000 acres, as a minimum in Mexico, to which water can be very easily applied, which remain to consume any surplus flowing into Mexico, either from the Colorado at the international boundary line or from diversion from the all-American canal. I think that that 600,000 acres as a minimum can be placed under irrigation or cultivation very much more quickly and very much more speedily than can any of the mesa lands in the Imperial Valley or any of the lands in the Chuckawala or any of the lands in the Parker Gila project. Inasmuch as there is no restriction upon the amount of water which Mexico can use which has its origin in the Colorado, I am rather inclined to believe that the discharge of 10,010,000 acre-feet of water from the Boulder Dam as a minimum will supply to Mexico an amount of water greatly in excess of the amount which Mexico is now applying to beneficial use.

Doctor MEAD. I think I can make a stronger statement for a treaty than you can.

Mr. DOUGLAS. I think we are in accord on that, are we not?

Doctor MEAD. Certainly; and I favored the extension—it is this: That if we do not have any Boulder Dam, the water that comes down that river has to go into Mexico?

Mr. DOUGLAS. Yes, sir.

Doctor MEAD. It can be used in very large amount. It is of the utmost importance to the national peace of the two countries and to the protection of our rights that we have a treaty at the earliest possible date.

Mr. DOUGLAS. Of course, all of the minimum flow of the Colorado has been appropriated.

Doctor MEAD. Now you are coming into a thing——

Mr. DOUGLAS. That is a legal question the courts will have to determine. But approximately that is true?

Doctor MEAD. Yes.

Mr. WINTER. How long a period of time will elapse before the 10,000,000 acre-feet you speak of would be used—not until a dam is erected and time has elapsed to get to that point, would it?

Mr. DOUGLAS. Doctor, in the first place, I think the Reclamation Service indicates that between seven and eight years will be required for the construction of the dam. Therefore, in order that any of the 10,010,000 acre-feet of water to be discharged from the Boulder Dam may be applied to beneficial use in this country in excess of the amount which is now applied to beneficial use in this country, many millions of dollars will have to be expended on additional canals from the Imperial irrigation district of the Coachella Valley on the east mesa and on the west mesa, on the Dos Palomas project, on the Parker Gila project, and on the Chuckawala project.

Doctor MEAD. That is my understanding from legislation now pending, that no additional lands are to be brought under cultivation within the near future.

Mr. WINTER. Do you not think a treaty might be concluded within seven or eight years?

Mr. DOUGLAS. As I understand it, in 1910 a commission appointed by the President pressed the necessity of a treaty at that time. That was 18 years ago, sir; there is as yet no treaty between this country and Mexico.

Thereupon, at 1.03 o'clock p. m., the committee adjourned to meet at the call of the chairman.

Inasmuch as water—the 10,010,000 acre-feet as minimum—which must be discharged from Boulder Dam can not be turned into the Salton Sea, it must flow, at least in the amount of the 5,000,000 acre-feet which can not be put to use in this country, into Mexico.

The evidence submitted above is conclusive.

Mr. SMITH. Mr. Chairman, I yield one hour to the gentleman from California [Mr. SWING]. [Applause.]

Mr. SWING. Mr. Chairman and gentlemen of the House, I want to congratulate my colleague [Mr. DOUGLAS of Arizona], who has just preceded me, on presenting as forcefully, as effectively as it is humanly possible to present it, the side of the case against the Boulder Dam project. It is far easier to handle the negative of a proposition than it is the affirmative; it is easier to ask questions than to answer them; and to express doubts than to present positive proof. I only wish I had the time to go fully into each and every one of the contentions made by the gentleman from Arizona [Mr. DOUGLAS]. They ought to be answered. They can be answered. They have been answered in the investigations made of the project and in the hearings held on this bill. No project has ever been presented to Congress which has been so thoroughly studied. I sat on the Flood Control Committee from the 1st of November, until the time the hearings were closed in the latter part of January, morning, afternoon, and night, and I can truthfully say that the investigations and surveys and reports on the Boulder Dam project are more complete, more thorough, more exhaustive than were the engineering plans for the $325,000,000 flood-control works that Congress authorized on the Mississippi River.

ENGINEERING FEATURES FULLY INVESTIGATED AND ARE DEPENDABLE

The first survey was authorized by the Kinkaid Act in 1920. Thereafter, pursuant to said act, the Reclamation Service, under Arthur P. Davis, made its first and preliminary report in 1921. They made their final report in 1922. The engineering data, investigations, and conclusions are embodied in Senate Document 142, Sixty-seventh Congress, embracing 325 printed pages. The report covers every phase of the project as well as its relation to the general development of the Colorado River and was the result of two years of surveys and studies by the best engineers in the Reclamation Service.

Congress, after receiving this report, considering the magnitude and importance of the problem, continued to support with appropriations a further study of the subject under the direction of F. E. Weymouth, who succeeded Mr. Davis as chief engineer of the Reclamation Service. In 1921, the Interior appropriation bill carried $100,000 for the study of the Colorado River problem. The same appropriation bill for 1922 carried another $100,000, and in 1923 an additional $25,000 to complete the study and make the report. In addition to this, the local communities affected put up $185,000 of their own money which, together with the first $20,000 appropriated under the Kinkaid Act, makes $430,000 for surveys and engineering studies of the project. The Weymouth report was not only the result of the exhaustive study and matured judgment of the best Reclamation Service engineers, but in addition there was called in the best engineering talent of the West to act as an advisory board. This board consisted of Louis Hill, well-known consulting engineer of Los Angeles; James Munn, of Denver, Colo.; and A. J. Wiley, of Boise, Idaho.

The Boulder and Black Canyon sites were most carefully studied by eminent geologists. Homer Hamlin, Dr. F. L. Ransome, and Capt. H. A. C. Jenison, on behalf of the Government, made exhaustive surveys and investigations and approved the proposed site for the high dam. In addition, the Bureau of Standards was called in to make tests and pass upon the rock, sand, and gravel proposed to be used in the construction of the dam and also the foundation rock upon which the dam was to rest.

The Weymouth report consisting of nine volumes of typewritten material is filled with exhaustive studies by experts and specialists of all the problems embraced in or related in any way to this project. Its conclusions coincide quite closely with the Davis report prepared and submitted two years prior. It is the most complete and exhaustive study ever made of any project in advance of its authorization by Congress. Certainly the engineering data is more complete than that for the Mississippi flood works recently authorized.

January 15, 1924, Secretary Work appointed—

a committee of engineers who have worked over the field to review and collate the data gathered and furnished me (Secretary Work) in abstract, data which I should review.

Because of their general familiarity with the Colorado River problems the Secretary added:

Field investigations by this committee are not contemplated.

The engineers then appointed were: Col. Spencer Cosby, Corps of Engineers, United States Army; Col. William Kelly, chief engineer Federal Power Commission; Herman Stabler, of the United States Geological Survey. There was subsequently added E. B. Debler, chief electrical engineer Reclamation Service; Walker R. Young, who was in charge of investigations at Boulder Canyon for about three and one-half years; and F. E. Weymouth, chief engineer. On January 19, 1924, the Secretary in a letter to Chairman SMITH reported: "Some of the committee are already at work." The engineering data gathered for the Weymouth report was placed at the disposal of the engineers as rapidly as it could be made available. By February 28, 1924, the entire report was before them. Their report to the Secretary was made March 17, 1924, after two months' intensive study of all available engineering data.

Some point has been made that the engineers did not agree on all details. The principal difference was that Colonel Kelly and Mr. Stabler favored two dams in place of the one proposed by the Reclamation Service at Boulder.

DISCUSSION OF ENGINEERS OTHER THAN POWER COMPANY ENGINEERS WHO OPPOSED BOULDER DAM

Mr. Stabler proposes two dams for one, recommended by the Reclamation Service. His testimony was:

* * * Consideration of * * * a scheme of development in the light of present information on dam and reservoir sites indicates that the most complete use of water for irrigation, the most complete development of power resources, and the most effective prevention of excessive flood flows, will be accomplished if a dam is built at Mohave Canyon for flood control and supplementary regulation of flow for irrigation, if a dam is built in the vicinity of Boulder Canyon primarily for power purposes. * * * (1924 hearings, H. R., p. 1532.)

In a letter dated January 13, 1928, addressed to Hon. L. W. Douglas, inclosing a letter previously written, Mr. Stabler says:

* * * Because the conclusions of the engineers of the Bureau of Reclamation advocate committing one of the cardinal sins of water-resources engineering, I find myself unable to agree wholly with them. This seriously objectionable feature is that of skimming the cream of power potentialities on the lower Colorado River at the expense of ultimate development merely to obtain a greater profit from the sale of energy. (1928 House hearings, p. 369.)

Thus Mr. Stabler's only objection to the plan is that the Government will get all the "cream" to the disadvantage of subsequent power development. I am for my Government having the "cream."

In a letter written by Mr. Stabler to the Secretary of the Interior (p. 369, House hearings, 1928):

* * * The most favorable site for a dam to accomplish adequate flood control * * * is at Mohave Canyon, * * *. This site is adapted to the generation of power only to a very minor degree and the cost of its development would necessarily have to be borne by public funds or by assessment on the lands benefited.

He then says:

But the lands can not stand this additional burden. The only other known site on the river suitable for flood control and supplementary storage for irrigation is the Boulder Canyon reservoir

site. * * * Built to a height of 605 feet, and a portion of the capacity reserved for flood control and irrigation storage, the power phase of the development could probably be made to pay the entire cost. (1928, House hearings, p. 370.)

Mr. LaRue also proposes two dams, one in Glen Canyon and one in Mohave Canyon. But on examination as to his substitute plan he was unable to show that it was feasible:

Senator JOHNSON. But you do not know as yet whether either one of these two dams that you propose can actually be built?

Mr. LARUE. We do not know. * * *

Senator JOHNSON. I am asking you this question: You do not know whether you can build either of these two or any of them, do you?

Mr. LARUE. No. * * *

Senator JOHNSON. So the fact is that you do not know now where you can build or when or how or whether they can be built at all.

Mr. LARUE. There is one thing I do know now, and that is that the dam should not be built at Boulder Canyon. That is very definite in my mind.

Senator JOHNSON. I realize that. * * * But I am endeavoring to ascertain what you are really suggesting to this committee as a substitute for the plan we have proposed; and as I understand you, you are not able at the present time, with the data at your command, to suggest a definite substitute * * *.

Mr. LARUE. Well, unfortunately, it is correct. (Hearings, United States Senate, 1924–25, p. 539.)

Then we have Col. William Kelly. He includes Bullhead in the Reclamation Service plan, although it will not be required for 50 years and maybe longer. He proposes three dams in his plan:

Colonel KELLY. I have taken first the Boulder Canyon Dam proposed by the Reclamation Service engineers. Under that plan a dam 605 feet is to be built.

On the ultimate development, as proposed by the Reclamation Service, in order to get the maximum power output from this Boulder Canyon Dam, a dam is to be built at Bullhead which would have a storage capacity of 1,600,000 acre-feet.

I have proposed a dam at Mohave Valley 180 feet high, a dam at Boulder Canyon 385 feet high, and a dam at Devils Slide 300 feet high, reserving the same amount of storage for flood protection and irrigation at the Mohave Dam; that is, 4,000,000 acre-feet on the ultimate development.

Mr. HAYDEN. How does the cost of the three dams which you propose compare with the cost of the two dams proposed by the Reclamation Service?

Colonel KELLY. Using the same estimates and units of cost the three-dam proposition will come to $76,000,000 as against $64,000,000; that is, $12,000,000 more. (1924 House hearings, pp. 1244–1245.)

Thus, Colonel Kelly's substitute of three dams for the Boulder Canyon project involves an expenditure of $12,000,000 additional.

Also Colonel Kelly recently wrote Mr. DOUGLAS a letter attacking the Reclamation Service estimates of cost, saying the project will cost $200,000,000.

Now, Colonel Kelly was called before the House committee and was examined in great detail on different occasions, and at no time did Colonel Kelly during any of the hearings ever offer any criticism of the cost estimate of the Reclamation Service, and it is only when this bill is up and is ready to be considered and ready to be acted upon that he changes his position, and in his letter to Mr. DOUGLAS undertakes to belittle the cost estimate of the Reclamation Service. I do not charge that his present position of vice president of the Buffalo, Niagara & Eastern Power Co. has anything to do with his new views.

It is a strange thing, in discussing the cost estimate of the Reclamation Service, that when Mr. Weymouth made the cost estimate of $28,000,000 for the building of a 300-foot flood-control dam he is promptly told by these same critics he is too high. But when he says that a 550-foot dam can be built for $41,000,000, they say he is too low. On a low dam he is too high and on a high dam he is too low, and yet he uses identically the same basis, the same cost units for arriving at his conclusions.

Now let us consider the facts regarding the resolution adopted by the American Engineering Council criticizing the project. I read from an insert by Mr. DOUGLAS himself in the hearings of the House committee. On January 10, from the public affairs committee of the engineering council, came a recommendation that the council reaffirm its opposition to the Swing-Johnson bill. Their opposition was not based on any insufficiency of the engineering, but, according to the newspapers, it was based upon the fact that the Government was going to build a power plant in connection with the project. The next sentence in this letter is that the executive secretary was directed to make particular efforts to call the attention of Congress to the action of the committee. Furthermore, "If necessary, a special committee should be appointed to oppose the Swing-Johnson bill."

Thereafter, in February, this committee of five was appointed to find reasons for the action which the American Engineering Council had already taken. So they first rendered their judgment and then they proceeded to search for the evidence to support it.

Now, the evidence is that only the chairman of that committee, Mr. Francis Lee Stuart, made any real study of the project and on his report to the president of the Engineering Council was based the resolution which has been read and put into the RECORD. And what does Mr. Stuart say in his report to the president of the Engineering Association? I have the report here, published in the United States Daily of April 23, 1928. Does he doubt that Boulder Dam can be built at the site which has been proposed, and be made secure and effective? His own words are—

Undoubtedly such a dam—

referring to the one proposed by the Reclamation Service—

undoubtedly such a dam could be built, and if of a generous gravity section it can be built in such a way as to insure the safety of the people below it from earthquake or other disasters.

That is the report which has been presented to you as condemning the engineering features of this bill.

He further declared—and I quote his words:

Owing to the fact that the river rises in, flows through, or bounds on seven States and disgorges into the ocean through a foreign country, that the question has intrastate, interstate, and international aspects, and that there must be continual conflict between the use of water for flood prevention, drought, and irrigation purposes, desilting, domestic use, and the generation of power, I am strongly of the opinion that the matter should not be left to private interests but should be under the control of the Federal Government for all such purposes, to the fullest extent which does not confiscate State rights, including, if necessary, the making of prime power for sale to other agencies at the hydro-electric plants in order to avoid political turmoil which will ensue from conflicting interests of private parties.

In other words, he has virtually indorsed the very proposal which we are here presenting to Congress. I further quote his language:

I am not in favor of trying to block the bill.

And if he is not trying to block the bill, then what is there to the assertion that they have criticized the engineering sufficiency of the plan that is now being presented?

He suggests, on the contrary, an amendment, and the amendment goes only this far, that instead of proposing to build one dam, 550 feet high, with a capacity of 20,000,000 acre-feet, he proposes that it be left with the Secretary of the Interior as a matter of option to build two dams instead of one, and he makes that proposal because he says that, so far as he can find out, there has not been a sufficient study of the silt problem to ascertain the amount of silt which would flow into the dam and likely to decrease its capacity. But while he was writing that report there was on the Government printing press a 93-page study of the project by eminent engineers of an entirely different and separate department of the Government, the Department of Agriculture. After an exhaustive investigation Mr. Samuel Fortier and Mr. Harry F. Blaney set out their conclusions in this separate study and report, which is a confirmation of the judgment and the opinion of the engineers of the Interior Department. They say:

The most feasible and economical means of solving the silt problem, and that is the basis of the flood problem, is to impound the river behind a dam as is proposed by the Reclamation Service, such as is proposed at Boulder Canyon. * * * Owing to the magnitude of the normal quantity of silt transported into the lower basin, it would be unwise to attempt to control the river by a relatively low dam located below the canyon section, since a reservoir of 12,000,000 acre-feet capacity would have one-third of its capacity taken by silt in 30 years, if no other reservoirs were built above it during this period.

Thus the engineering council confirms and approves everything we are asking for, except that they say they are in doubt about the silt problem, and they asked for further information, and that further information has now been given to them by the report of the irrigation engineers of the Agricultural Department recommending the Boulder Dam.

Now, who else outside the engineers for the power companies are opposing this proposition? Oh, yes; there was Mr. Hogan, of New York, but Mr. DOUGLAS did not refer to his privately employed engineer who appeared before the committee and testified against the bill.

After Mr. Hogan had testified that it would cost from $182,000,000 to $210,000,000 to build this and had attacked the sufficiency of the estimates of the Reclamation Service, Mr. ARENTZ asked him when he had first looked into the merits of the Boulder Dam project, and Mr. Hogan replied:

Mr. DOUGLAS came to New York something over two weeks ago, I think, and called on General Parsons and myself. General Parsons is the senior member of our firm, and he came to us seeking information. He wanted to know what we knew about Boulder Canyon and if we thought well of it, and after we had told him what we knew about it, of our own experience with it—

Which was nothing, because their experience was limited to a report on Diamond Creek site, 100 miles above Boulder Canyon—

and that we did not think the project a feasible one in its present form, he then asked me to come down here. I came down here last Monday afternoon and was unable to testify and went back.

In other words, one week after he had been employed on a project, with the plans and specifications for which he was entirely unfamiliar, he was ready to testify that the Government engineers, who had spent years studying the problem, were wrong and that their carefully made cost estimates were unreliable and that in his opinion it would cost nearly twice as much. I am not surprised that his testimony was quoted here to-day.

Gentlemen of the committee, I have lived in the Imperial Valley all of my adult life. I have described it frequently as a valley situated like a saucer, the basin of which is 250 feet below the level of the sea, and this great, uncontrolled Colorado River, the third largest in the United States, is flowing around half of the circumference of that saucer with the old law of gravitation having three and a half times the pull on the river down into the valley against the gravity pull for it to go on into the Gulf of California. I am surprised that even the opponents of this measure would make slighting reference to the serious menace to the Imperial Valley and other communities in the lower basin.

THERE IS A GRAVE FLOOD MENACE TO LIFE AND PROPERTY WHICH DEMANDS PROMPT ACTION

The reason this bill is before Congress is because on the lower Colorado River there exists a flood menace, which proportionate to population is greater than that of the Mississippi. There is nowhere a situation which compares with the menace which exists there.

You have the great Imperial Valley below sea level with 65,000 American citizens and $149,000,000 worth of property in that basin alone, and other lower-basin communities there is additional property to make in the aggregate $200,000,000 of property, all below the level of the river.

I resent the way the opposition has tried to minimize and belittle the serious and growing menace to life and property in many communities in the lower Colorado River Basin. They damn this situation with faint praise. The trouble is that Arizona's greed and her desire to hold up the project until she can compel revenue has deadened her ears to the cry of humanity and made her blind to an impending catastrophe which imperils her own people, only somewhat less than it threatens citizens in California. Before the bitterness over her fight for royalty and revenue arose, Arizona's public men made a record on this phase of the situation to which I call your attention.

Governor Hunt in his message to the sixty-sixth Legislature of Arizona said:

The danger of the loss of life and destruction of property which hangs over the Yuma and Imperial Valleys, due to the menace of the uncontrolled flood waters of the Colorado River, makes it imperative that this menace be removed at the earliest possible time. (House hearings, 1928, pt. 2, p. 178.)

Senator HAYDEN, former Member of the House, presented to the Committee on Irrigation and Reclamation during the Sixty-eighth Congress information setting forth the views of various citizens of Arizona on the Colorado River project, including extracts from speeches made by himself. He has made a long study of the Colorado River problem and his views are interesting and sound. He says:

The engineers agree that sooner or later a calamity is bound to occur, because the Colorado is continually raising its delta by the deposit of over 100,000 acre-feet of silt each year. The river can not continue to run on top as a ridge. It must break over some time.

The only way that such a disaster can be prevented is to build a great dam in the canyon of the Colorado which will be high enough to create a reservoir of a size sufficient to store the entire flow of the river for over a year. Such reservoir sites have been found and the question now is to determine which site is the best and how the dam shall be constructed. * * * A solution must be found and the work commenced without delay. If nothing is done, California will be the first to suffer, but Arizona can not escape sharing the tremendous loss of life and property which is sure to come if we do not exert every effort to control the floods of the Colorado River. (House hearings, 1928, pt. 2, pp. 175–176.)

Prof. George Smith, of the University of Arizona, in Bulletin No. 98, published in 1922, said:

The people of the Imperial Valley for 16 years have been fighting a defensive battle against the Colorado, sometimes gaining, sometimes losing, but in the main, losing. They can not hold out for many years more. At least once every year, in June, and sometimes at other seasons, the river threatens to change its course from the Gulf of California to the Imperial Valley, as it did in 1905. The only protection at the present is the system of levees called, respectively, the first, second, and third lines of defense. Frequently the floods break through the first and second lines of defense and reach the third line.

Each year the river, through silt deposition, builds up that part of the alluvial fan in front of the levees, in some years as much as 4 feet; and each year the levees must be raised an equal amount. Over one-quarter of a million dollars is expended each year by the farmers of the Imperial Valley in this work. The limit will be reached soon. Levees 40 or 50 feet high can not be maintained. (House hearings, 1928, pt. 2, p. 176.)

I want to read from a pamphlet published by Senator Mulford Winsor, president of the Arizona State Senate and spokesman before the House committee for the Arizona Colorado River Commission. His pamphlet is entitled "The Menace of the Colorado." He lives himself in the Yuma Valley by the side of the Colorado River and knows what he is talking about when he says:

There can be no question that the impelling force behind the movement, now under way, for the conversion of a national menace into a national asset, is recognition of the necessity for prompt action to protect and preserve imperiled lives and property. In every public discussion this phase of the subject holds first place. In every stated order of importance of the ends to be achieved by development of the Colorado River, the prior right of flood control is conceded. It is the heart of humanity responding to a just call for succor. The safety of women and children is threatened; homes and towns and cities are in the path of destruction; an agricultural empire faces extinction. * * * The necessity for protection is imminent. It will not permit of delay. * * * Nor has the necessity for control of the Colorado's floods been overdrawn. * * * The necessity for control of this unruly giant of rivers is positive, irrefutable, imperative.

Addressing the Senate committee at Phoenix, Ariz., November 2, 1925, Mr. McClouskey, then secretary to Governor Hunt and now one of Arizona's Colorado River commissioners, stated:

A portion of Arizona is menaced by the stream. Down there in the Yuma country the stream is a menace. You have seen it yourself. The Imperial Valley is menaced. We want that menace removed. (Senate hearings, pt. 3, p. 363.)

Thomas Maddox, civil engineer, once candidate for governor and now one of Arizona's Colorado River commissioners, addressing the Senate committee, said:

We (Arizona and California) are both playing a game, with the future on the stakes. Arizona is risking some slight possible damage in the vicinity of Yuma, but California is gambling that a flood like that of 1884 will not drown out her whole Imperial Valley before flood protection is finally secured. * * * We are approaching a wet portion of our cycle in rainfall. Two years have been wasted already in talk. (Senate hearings, 1925, pt. 3, p. 411.)

The Colorado River committee of the Arizona State Assembly of the American Society of Engineers declared:

Lands in Arizona along the lower Colorado are menaced by floods as well as the Imperial Valley. From Arizona's standpoint this is not as big an item as water for irrigation and power, but the risk is imminent and the need for action is immediate. (House hearings, 1928, pt. 2, p. 178.)

George H. Maxwell, of Phoenix, Ariz., speaking for the National Reclamation Association, said:

I have followed the development of the Imperial Valley from that time until now. I am as firmly convinced as I am that I am alive that if the Imperial Valley must wait for protection from the flood menace that hangs over it until the controversies which the bill now pending before this committee brings up have been settled the Imperial Valley is doomed. (P. 1289, hearings, H. R. 2903, 68th Cong.)

Senator H. A. Elliott, representing the Governor of Arizona before the Federal Power Commission in 1923, said:

Need for development of Colorado River is pressing. We hear the cries for flood control to prevent the destruction of life and property in the lower basin daily. (1924 House hearings, Information, p. 28.)

Dwight B. Heard, of Phoenix, Ariz., discussing the Colorado River problems, said:

The whole country is awakened to the need of flood control and to the tragedy of the Imperial and Yuma Valleys of California and Arizona, with their thousands of homes lying at the mercy of the flood ravages of the Colorado River.

During the great floods of 1906 the very existence of the Imperial Valley was at stake, and was saved only through the desperate efforts of the engineers of the Pacific system.

Relief (from the floods which have inundated a great home-making district south of Yuma and the Palo Verde Valley) has been but temporary, and no permanent assurance of safety can be given until one of the more important dams is constructed. (1924 House hearings, Information, pp. 185–186.)

With the foregoing testimony from an admittedly hostile source, it ought not to be necessary to call other witnesses, but I will read the statements of a few others.

Secretary Herbert Hoover, who gave a great deal of time to the study of the Colorado River while representing the Federal Government on the Colorado River Commission, said:

The people in the Imperial Valley, and the Yuma Valley, too, are carrying on a day-to-day fight with the floods of this uncontrolled river. At any time it may by unusual flood break through the dikes which these people are maintaining. Such a break has occurred once in recent history; and it costs an enormous sum of money to put the river back to where it belongs; and a second break would undoubtedly do much more damage than the first because of the channels created by the first break.

We have a population of 50,000 or 60,000 people that are in acute jeopardy from the floods of this river. The problem of controlling the flood flow of this river is one of the most acute problems of river control in the whole of our country. (House hearings, 1924, p. 64.)

Governor Dern, of Utah, says:

Imperial Valley is below sea level, and the river flows on the crest of the flat rise between the gulf and the valley. In the flood season the river tends to flow into the valley, threatening the destruction of nearly half a million acres of land and the homes of 75,000 people.

Speaking for Utah, I feel free to say that we think California is entitled to protection from floods, elimination of silt, stabilization of irrigation water supply, and domestic water for her cities. (House hearings, 1928, pt. 2, p. 235.)

Edward E. Spafford, national commander of the American Legion, has had occasion to study this problem, and in a recent letter to Chairman ADDISON T. SMITH, he said:

I had an opportunity of personally visiting the Imperial Valley and to there visualize the great danger of the life and property which now exists because of the uncontrolled Colorado River. If something is not done in the near future, the Government of the United States will have more to answer for than they did during the flood of the Mississippi Valley.

Some time ago the War Department had occasion to send Col. T. H. Jackson, of the Army Engineers, from San Francisco to the Imperial Valley to study the flood menace and make a report on the flood situation. In this report, made November 17, 1926, Colonel Jackson stated:

That the present situation is a serious one can not be denied, and it is obvious that action, prompt and vigorous, is necessary to prevent it from becoming more serious. To meet the present situation, therefore, it is necessary that some plan be adopted at once and carried out promptly. * * * The information available warrants, in my opinion, the following conclusions:

(a) The floods of the Colorado River present a serious problem and one that will increase in magnitude until the silt carried by the river is removed by storage. Thereafter the menace of the floods will decrease.

The Colorado River Commission of the Colorado Basin States unanimously adopted the following resolution emphasizing the flood menace and urging early action:

The Colorado River Commission at its twenty-seventh meeting held November 24, 1922, adopted the following resolution concerning flood control:

"The members of the Colorado River Commission have had constantly before them the great menace by annual floods to the lives and property of the people of the Imperial and Palo Verde Valleys in California, and the Yuma Valley in Arizona, and the anxiety of their thousands of citizens.

"Therefore they earnestly recommend and urge the early construction of works in the Colorado River to control the floods and permanently avoid the menace, such construction to be made subject to the Colorado River compact."

D. E. Carpenter, representing the State of Colorado and speaking also for Utah and New Mexico, before the Federal Power Commission September, 1923, said:

It became apparent years ago that the continued accumulation of silt in the south was piling up a hill at the mouth of the stream, making a hurdle through which the river was compelled to jump or digress its course to bring ruin and destruction to the land adjacent to it. The danger of damage increases rather than diminishes. (House hearings, 1924, information, pp. 51–52.)

The situation is so serious that the Federal land bank in this district has taken notice of it. They sent their engineer to Imperial Valley to study the problem several years ago, and after he had made his report they ceased making loans. On November 4, 1927, the following letter was written to Messrs. W. A. Potter & Son, who sought a loan on some farm land in Imperial Valley:

GENTLEMEN: Answering your favor of October 29, this bank ceased making loans in the Imperial Valley some years ago, and we must stay out of that territory until the flood hazard has been eliminated.

Yours very truly,

THE FEDERAL LAND BANK OF BERKELEY,
By SIMS FLY, *Treasurer.*

No one who is not blinded by partisan passion or controlled by prejudice can fail to visualize the desperate situation of the 65,000 people who live in this valley, shaped like a saucer, with the uncontrolled Colorado River running around a portion of the circumference of that saucer, threatening to break into the valley and destroy it, because the fall of the country toward the valley is three and one-half times as great as the fall toward the Gulf of California. The opposition would minimize this great danger to life and property. There is no necessity to speculate as to what might happen if the river broke into Imperial Valley. That has already happened and we know what took place in 1905–6. Eight lives were lost, 180,000 acres were permanently inundated by the newly created Salton Sea, and 25,000 to 30,000 additional acres were so washed over and cut up as to be permanently worthless. Much of this was in a high state of cultivation.

Some have undertaken to calculate the number of years it will take to completely fill up the Imperial Valley, but they seem unconcerned with what would happen at the first rush of water if the river broke at Volcano Lake levee at the height of flood season, with 100 square miles of water, 10 to 15 feet deep, backed up against the levee as I have myself seen it in the past. With ten to fifteen times the population and with ten times the values in property, of course, the loss is bound to be very heavy. The river has temporarily been forced away from the Volcano Lake levee but no one believes it can be kept away for long unless control reservoirs are built.

The river broke into the city of Yuma and inundated the business section 4 feet deep, with heavy property losses, in the year 1916. Mr. William Wisner, member of the Arizona Legislature and former president of Yuma Water Users' Association, described what happened:

* * * I remember distinctly the morning it broke; we had notified some of the people that if there was any serious danger I would come up with a team to help move stuff out. When I heard the signal, I think, in less than 15 minutes it was too late. I came up and found the water on it several feet deep, running a current down the main street in Yuma. I saw boats during the flood go down the main street. I saw the water from 3 to 4 feet deep in the hotel where, I imagine, you gentlemen are stopping. The water in the bank was 4 inches below my safe-deposit box. It also farther down broke in the valley and covered quite a number of acres of land; I couldn't tell you how many, though. The river went down and scores and scores of adobe houses melted like sugar and dropped in. Some of the main buildings on Main Street were seriously damaged. There was much loss of merchandise. The water remained in the valley for several months, until it dried away. * * * It killed out large quantities of alfalfa; some fields for a year or two grew no crops; large quantities of sediment were deposited there.

Another break into the Yuma Valley inundated 1,500 acres in 1921. Mr. Wisner describes this break as follows:

In 1921 it broke down at the 17-mile post, the greatest danger spot, the greatest menace that we have in the valley. * * * I was down there every day as president of the water users' association; I was watching it and watching it, and it was cutting and cutting, and there were 1,500 acres under water 6 feet deep, and we had practically no more dirt to build a levee anywhere, and it was within an inch of the

top. The river dropped at that time, or the levee would have broken, or this dike that we had built, and had it broken the crops of the entire lower valley would have been destroyed. * * * We are confronted with the same danger every year, but we have this advantage: When the river breaks into the Yuma Valley the water will run out again after the flood is over. Imperial Valley, situated below the level of the sea, has no such condition.

The river broke into Palo Verde Valley and inundated 30,000 acres and the town of Ripley in the year 1922. How S. C. Evans, State senator and mayor of Riverside, Calif., testified regarding this break:

We had a flood down in Palo Verde Valley. I went down there at the request of our board of supervisors; and we formed a Red Cross organization there, and even went so far as to ship boats down from our city lake so that the people could go around and rescue those who were on little islands like that [indicating on photograph], 40 feet by 100 feet in size, and who may have been there a day and a half or two days before they were taken off. The loss of the livestock and equipment and from the cutting off of the surface ground was very great. And the suffering of the people was tremendous, because the people who go into these new countries to take up these farms are not people of means. They are the real farmers, people who have brawn and muscle and the desire to plant something on their own land and see it grow; and when a catastrophe like that comes along it wipes out all of their reserve resources; it takes their houses; it takes their farming equipment; it takes their livestock; it takes everything; and you can see that the loss is tremendous. (P. 154, hearings, H. R. 2903, 68th Cong.)

True, if on a 30-mile front the river should happen to break at identically the same place where it broke in 1905 and 1906, then, of course, the majority of the water would flow down the old channel. But there is one thing we know about the Colorado and that is that the only thing certain about it is its uncertainty. The place where it broke before is probably the last place where it would break again.

This is especially true since that break has been repaired with the greatest possible skill and strengthened with great masses of rock. Therefore, it is unthinkable and unreasonable to speculate that on a 30-mile river front, this river will the next time break out at identically the same place where it broke the last time.

Mr. GOLDSBOROUGH. Will the gentleman yield there?

Mr. SWING. For a brief question; yes.

Mr. GOLDSBOROUGH. How many times has the Imperial Valley been flooded by the Colorado River, so far as the gentleman knows?

Mr. SWING. The entire river flowed into the valley for 18 months in 1905 and 1906, and created the Salton Sea. It has broken through the levees five or six different times since that time, but fortunately at places where it could be held in check, flooding only a few thousand acres; but it can easily be seen why the people are panic stricken. What is it that is causing what has been referred to as slumping values except the likelihood of recurring floods?

Mr. GOLDSBOROUGH. If the gentleman will permit, what is the estimated value of the land in the Imperial Valley and the improvements?

Mr. SWING. One hundred and forty-nine million dollars in the Imperial Valley Basin, which includes the Coachella Valley. An estimate has been referred to here of $36,000,000. That is only the taxable property which, under the law of California, excludes such property as banks, railroads, telegraph and telephone companies, and all other quasi public utilities. It excludes all public property such as roads, bridges, and schoolhouses. Furthermore, the assessed value is 40 per cent valuation of the property.

Mr. GOLDSBOROUGH. What will it cost simply to control the waters of the Colorado River and protect the Imperial Valley alone?

Mr. SWING. One hundred and four million dollars to permanently control it. I do not know whether the gentleman refers to levees or not, but I want to say that the levees are now 18½ feet high and built of the only material that can be secured there, which is silt, and it is very unsafe. It is built over lands full of mud geysers and on silt. They are expensive to build and are not safe. In the Mississippi River they have found that in places the foundations on which the levee is to rest would not support the weight of the levees much higher because the land would settle under them.

Mr. GOLDSBOROUGH. The $104,000,000 covers the whole plan?

Mr. SWING. Yes, with $21,000,000 interest which the Government never appropriates, but charges back and requires the people to pay; $41,000,000 would build the reservoir.

Mr. CROSSER. Will the gentleman yield?

Mr. SWING. I will yield.

Mr. CROSSER. Do I understand the gentleman's contention is that this proposed dam will completely take care of the flood?

Mr. SWING. Yes, sir. If no other reservoirs are built they say it will be a hundred years before the silt will in any way encroach on the storage capacity of the reservoirs, and 300 years before the dam would fill up. But even then the dam would retain its value for power. Each additional reservoir built would prolong the life of this reservoir.

Now I think a conclusive answer to the engineering difficulties which has been greatly magnified by the opposition is that the private power companies to-day have filings on every power site on the Colorado River, including the Boulder Dam site.

PRIVATE POWER COMPANIES SEE NO ENGINEERING OR ECONOMICAL OBSTACLES TO BUILDING DAMS IN CANYON SECTION OF COLORADO RIVER

R. H. Ballard, then vice president and general manager Southern California Edison Co., now president, testified before the House committee—1924 hearings, page 492—that the engineers of his corporation had gone thoroughly into the question of the practicability, from both an engineering and economical standpoint as to building dams in the canyon section of the Colorado River. Mr. Barre, their executive engineer, had gone thoroughly over the various sites, including Boulder and Black Canyons, and had made a study of their possibilities and had made 20 or 30 different reports to the company thereon, recommending development. I read from the hearings:

Mr. RAKER. What I was trying to get, that from your engineer, Mr. Barre, and his consultation with other engineers, from the examination made, they have determined that these various dams could be placed on the Colorado River at a price that would justify their construction.

Mr. BALLARD. Yes, sir.

Mr. RAKER. Has the board of directors of the company discussed this matter to the extent that the board is of the opinion—that is, the governing board is of the opinion—that it is feasible and practicable, as you have stated Mr. Barre has advised you?

Mr. BALLARD. Yes, sir; the board has discussed it and the president has discussed it with the board, the feasibility and practicability of it, with the result that the president's letter to you gentlemen states the willingness of the company to proceed at once with an expenditure of $30,000,000 or $40,000,000 of power on the work (p. 492).

Mr. Ballard further read from a memorandum of a statement made by John B. Miller, president of the Southern California Edison Co., dated August 3, 1921, to this effect:

The experience of many years of water-power development and long-distance transmission of electric power, during which time world's records were constantly broken, in building one of the largest power developing and transmission systems in the world, have so trained our executive and engineering forces that they do not look with apprehension upon the difficulties which must be overcome in making this enormous development, probably the greatest in the world.

The private power corporations have not changed their minds since that date. They want these power sites now, and they want all of them if they can get them, and that is why they are fighting my bill.

Senator PHIPPS, in discussing the Boulder Dam project and particularly the power possibilities, said:

Were it known to-day that this bill is passed and it becomes known that the Boulder Dam is to be built and that the power is to be produced, applicants who are interested in at least one other site on the Colorado River will promptly * * * make application for their permits to build a dam at least 380 feet in height on the Colorado River for the purpose and the sole purpose of producing hydroelectric power. (CONGRESSIONAL RECORD, May 2, 1928, p. 7623.)

Thus we see the fears expressed by opponents of the bill about the difficulties of diverting the water from the site and putting in the foundation between floods, and so forth, do not alarm private power companies. These contentions apply only if the Government is to do the job.

Mr. CROSSER. Will the gentleman yield?

Mr. SWING. I yield.

Mr. CROSSER. As a matter of fact the real objection comes from the power companies of the country, does it not?

Mr. SWING. I have witnessed a great amount of it; yes.

Mr. CROSSER. It has been suggested that perhaps the proponents are concerned only from the flood-control standpoint. It would be a great benefit to the people in that valley.

Mr. SWING. It is a question of life or death—we have to decide here and now whether we are to give the Imperial and Coachella Valleys and a dozen other communities on the lower

Colorado flood protection or whether we are going to abandon them to destruction by the Colorado River—as was suggested by some extreme Members in the Mississippi River debate that the lands subject to overflow were not worth the capital that would be required to protect them. But I, for one, am not prepared to say that we are going to ask any part of our country to take a backward step and abandon the communities which hardy pioneers have built up at such sacrifices to themselves and at such benefit to the country. The Imperial Valley is one of the greatest producers in the world. Products shipped out of that valley have reached as high as $50,000,000 a year.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. CRISP. I have approached this subject with an open mind. The gentleman from Arizona [Mr. DOUGLAS] in his speech stated that the natural drainage, if there was a freshet, or a flood, would be in the old channel, which would not empty itself into the Imperial Valley, and, therefore, that there is no menace of flood. I would like to hear the gentleman upon that proposition.

Mr. SWING. If, on the 30-mile front, the river should happen to break in identically the same place where it broke in 1905, it would, in all probability, flow down the old channel, but if it broke anywhere else on the 30-mile front, of course, it would necessarily devastate great areas of the valley, and would probably catch some of the cities in the valley as well.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. DOUGLAS of Arizona. If the waters from the Colorado should break through their banks at almost any point, because of the contour, the topography of the land, would not those waters follow the channel already dug?

Mr. SWING. No; the channel already dug reaches back only a short distance below the boundary line. There are approximately 30 or 40 miles between where that definite channel ends, and where the river is now flowing, and if it broke any place there, it would not go into the old channel.

Mr. DOUGLAS of Arizona. The old river channel leads up to Volcano Lake.

Mr. SWING. Oh, no.

Mr. DOUGLAS of Arizona. Not to the depth of 80 feet, but the old channel leads up there.

Mr. SWING. It leads up toward that but stops a good many miles away from Volcano Lake.

Mr. GOLDSBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. GOLDSBOROUGH. What I am trying to find out is this: Is the primary purpose of this legislation flood control, or the desire for an indirect Government subsidy?

Mr. SWING. This bill would not be here now or at any other time were it not for the fact that the lives of a hundred thousand people and everything they possess in the world in the lower Colorado River Basin are actually menaced and in danger.

The problem then comes up, and it is for you to decide—do you want to vote $28,000,000 to $30,000,000 out of the Treasury of the United States for flood control without any expectation of getting it back and then only do part of the job, or would you rather vote some more money and make sure of the complete return of your investment. It is up to you, it is your business entirely. For one, I, looking at it from the viewpoint of a national legislator, see an unusual opportunity to turn a national menace into a national asset. We have here a place where the Government has the right to build a reservoir and to store unused water, here we have an engineering agency that has built the finest dams in the world, our country has ample credit, and it is my opinion that we ought to be able to utilize this dam site, this water and this power market that exists to-day to accomplish this great and badly needed flood-control work, and at the same time get the Government back the money invested in it. There is no other place in the United States where it is possible to completely and practically permanently control the floods and at the same time get back every dollar expended in doing so.

Just a moment now on the cost. It has been charged that only two projects constructed by the Reclamation Service were completed in recent years within the cost estimate. That statement is completely erroneous. Of 19 major dams built by the Reclamation Service, beginning when the organization was still experimental, and running through the period of the war when all prices increased, you will be surprised and gratified to find that only seven cost more than the original estimates, and that on the remaining 12 the Government saved nearly $2,000,000 more than it has run behind on the seven in question. I desire to read a letter giving the facts and figures:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, April 26, 1928.

Hon. PHIL D. SWING,
House of Representatives.

DEAR MR. SWING: In response to your verbal inquiry I take pleasure in transmitting a list showing a comparison of the estimated and actual costs of the principal dams constructed by the Bureau of Reclamation.

It will be noted that on some of these the actual cost has exceeded the estimates, but the dams for which this is true are in all cases those which were constructed in the early years of the bureau's existence. The first 10 years of our construction activities were years of rapidly rising costs in all lines and construction work executed in many cases several years after the preparation of the estimates naturally showed higher unit and total costs than were stated in the preliminary figures.

During the past five years we have made a number of contracts for the construction of irrigation works in which total sums were named to cover the work included in the respective contracts, and in every case the contemplated works have been completed within the figure stated in the contract. Due to the uncertainties involved on account of unexpected foundation conditions, unanticipated flood heights, and many other risks, the estimating of the costs of dam construction is naturally one of the most difficult features of our engineering work, and the enviable record achieved on our more recent dams, as shown in the following table, is one of which any engineering organization might well be proud.

Principal dams constructed or under contract by the Bureau of Reclamation

Name	Project	Estimated cost	Actual cost
American Falls [1]	Minidoka	$8,500,000	$7,300,000
Arrowrock [1]	Boise	6,250,000	4,496,731
Avalon	Carlsbad	162,000	[2] 315,989
Belle Fourche	Belle Fourche	1,040,416	[3] 1,259,515
Black Canyon	Boise	1,800,000	1,492,305
East Park	Orland	198,000	196,120
Echo	Salt Lake Basin	[4] 1,394,590	[5] 1,125,098
Elephant Butte [1]	Rio Grande	5,600,000	5,004,216
Gibson	Sun River	[4] 1,826,195	[5] 1,566,240
Guernsey	North Platte	1,780,000	1,700,351
Kachess	Yakima	712,000	661,000
Keechelus	Yakima	[6] 1,069,000	[7] 1,892,778
Laguna	Yuma	972,455	[5] 1,980,462
McKay	Umatilla	2,500,000	2,116,828
Pathfinder [1]	North Platte	[9] 1,000,000	[4] 1,794,366
Roosevelt	Salt River	[10] 3,750,000	[11] 3,806,277
Shoshone	Shoshone	[12] 1,000,000	1,439,135
Stony Gorge	Orland	[4] 609,524	[5] 518,904
Tieton [1]	Yakima	4,020,000	3,756,256

[1] Dam and reservoir.

[2] Increase due to use of concrete core-wall instead of sheet piling, two new tunnels to increase spillway capacity, and an additional spillway of reinforced concrete. These changes cost over $100,000.

[3] Failure of contractors delayed work two years, and this, together with additional construction of a gravel berm and installation of auxiliary valves, increased the estimated cost.

[4] Engineer's estimate.

[5] Contractor's bid.

[6] Modified by board report of Dec. 16, 1913, to $1,337,000.

[7] Difficulty of obtaining suitable material increased cost by $240,000. Other changes which greatly increased the original estimate were riprapping, inclusion of concrete cut-off wall, changes in tunnel scheme, increased excavation for spillway and heavier concrete lining, additional road construction, and clearing and logging reservoir—the latter item alone costing $290,000.

[8] The surface of the dam was paved with concrete instead of rock as originally intended due to poor quality of rock obtainable. Notwithstanding predictions of geologists, the rock uncovered in the quarries was found unsuitable for such paving, and its use had to be abandoned in favor of concrete. Sluiceways were also paved with concrete for the same reason. There was considerable waste in quarrying, at times 50 per cent, due to poor quality of rock, thereby greatly increasing excavation quantities. Use of sheet piling had to be considerably increased. The river break into Salton Sea increased transportation difficulties by rendering the river unnavigable. There was a large increase in cost due to increase in price of labor and materials.

[9] No detailed estimate found, but early board reports show $1,000,000 allowed for Pathfinder Reservoir.

[10] 190-foot dam.

[11] 220-foot dam.

[12] No detailed estimate found, but early correspondence gives $1,000,000 as the preliminary estimate.

Yours very truly,

EDWARD MEAD, *Commissioner.*

I desire also to quote from a letter from Mr. F. E. Weymouth, former chief engineer of the Reclamation Service, and now in private practice:

So far as I know there is no basis whatever in the statement that the large dams built by the Reclamation Service cost more than estimated. I personally know that Arrowrock Dam and Reservoir was

built for $1,500,000 less than our estimate, and we saved a year in the estimated time in doing it. I know this because estimates for this dam and its construction were made under my personal supervision.

I am quite sure that the Elephant Butte Dam was built within the estimate and at a very low cost.

The same statement is true for the Jackson Lake Dam.

I was in charge of all of the engineering and construction work of the Reclamation Service from 1916 to 1924, and during that period every dam and canal structure was built for less than our estimate with a few minor exceptions.

Certain "interests" have made it a business to try and destroy the reputation of the Reclamation Service as a part of its campaign to prevent the construction by the Government of Boulder Canyon Dam.

The depth of bedrock here is not much greater than that which has been handled by the Reclamation Service of the United States heretofore. At Arrowrock they went down 92 feet to bedrock for a dam 349 feet high. At Elephant Butte they went 101 feet to bedrock for a dam 306 feet high, and at Shoshone they went 82 feet to bedrock for a dam 328 feet high. Here the estimated depth is 110 to 125 feet. Something was said about the aggregate mining requirements to go down to bedrock, and that it could not be done within one season between high water one year and high water of the next. That is correct. I am glad to verify Mr. DOUGLAS's conclusion.

Mr. Weymouth himself makes the statement that it can not be done and that he had no intention of trying to do it. He proposed the first year after he had put in his cofferdam and diversion tunnels, which will take care of the low flow, to put in only a portion of the foundation, the toe and the heel, and be satisfied with that for a first year's construction, and the second year go back and put in the remainder of the foundation between the toe and the heel.

They are not undertaking to do something that is impossible. They have had lots of experience, and they are going about this in a very businesslike and efficient engineering manner.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. DOUGLAS of Arizona. Will it not take 820,000 cubic yards before you can put in a cofferdam? It is in the Weymouth report, volume 5, page 118.

Mr. SWING. I am perfectly willing to take Mr. Weymouth's statement as to what he will do. He will not attempt to do the impossible. He has built several dams, including the highest dam in the world, successfully, and not one of his dams has ever been criticized or found fault with.

Mr. DOUGLAS of Arizona. Does not the gentleman know that Mr. Weymouth in his report says that 589,000 cubic yards can not be moved in 69 days?

Mr. SWING. The flood season comes in June and July, and in the other periods of the year the water is generally low.

Now, what is the requirement in the selection of a dam site? There is a proper relation between one dam site and another. The Colorado River is going to prove in the years to come the greatest asset that the Nation possesses. It has a potential development of 8,000,000 horsepower, and with the improvements in the transmission of electricity you are going to see the power produced on that river sent practically across the continent. It is important that we should plan wisely now in order that whatever we do now should fit in with the ultimate scheme of development in the next 100 or 200 years and not have people saying hereafter that we messed it up. So the Reclamation Service has made every possible study of the best utilization of this river.

There is also a certain economic height to which a dam should be built to get the maximum results for the expenditure. You can not go 100 feet to bedrock and then build a 10-foot dam above it. That would clearly be uneconomic. They have carefully worked out what is the economic height of this dam. Six hundred and five feet would be the economic height whereby the Government would get the maximum from its expenditures. But because Arizonia is interested in Bridge Canyon, about 100 miles upstream, the department has decided to reduce the height of the dam to 550 feet in order to save that site for future use. The engineers have given their opinion as to the needed capacity for this reservoir. Mr. Davis has made this report:

> For silt, 6,000,000 acre-feet.
> For storage for all uses, 12,000,000 acre-feet.
> For flood control solely, 8,000,000 acre-feet.
> Making a total of 26,000,000 acre-feet.
> This represents the minimum capacity that should be considered at present. A less amount will provide less power head and less water, and will increase the unit cost of power; it, of course, will have a shorter life.

A reservoir for this capacity can be formed by building a dam at Boulder Canyon lower site to raise the water 550 feet.

Mr. O. C. Merrill, referring to the companion Senate bill, filed a statement with the Senate committee, in which he said:

> I deem it unnecessary to add anything to my testimony before the committee concerning the relation of the proposed dam to a comprehensive scheme of development of the river other than to say that a dam of approximately the capacity named in S. 1868 (20,000,000 acre-feet at Boulder) appears to be reasonably adaptable to such a scheme.

Mr. Frank E. Weymouth stated:

> The above summary shows that the 550-foot dam at Black Canyon fits into a proper scheme of river development, that no resources are lost because of it, but on the contrary it fits into a plan of greater development than heretofore suggested.

Mr. E. C. LaRue, in his Water Supply Paper 395, gives the following:

> The table (p. 198) indicates that during 1909 it would have been necessary for flood to store 6,330,000 acre-feet to maintain a flow at Yuma of 50,000 second-feet or less.
>
> * * * It is estimated that for the 20-year period 1895 to 1914 a mean discharge of 15,750 acre-feet or 21,800 second-feet could have been maintained at Hardyville by utilizing storage reservoirs with an aggregate capacity of 25,000,000 acre-feet. Such regulation would increase the navigability of the stream and make possible the maximum use of the waters of the Colorado River for power development.
>
> * * * The storage required to regulate the flow to meet the demand for irrigation of the 2,730,000 acres of land below Virgin River could be estimated with a fair degree of accuracy if there were to be no increase in the use of water on the upper reaches of the Colorado.
>
> * * * To augment the low-water flow during the years 1902 to 1906, inclusive, 14,000,000 acre-feet of storage would have been required.
>
> To make up the losses due to evaporation and other causes it is probable that a storage of 18,000,000 acre-feet would be required. This may be considered a maximum storage requirement.

If we add 5,000,000 acre-feet for silt, Mr. LaRue's estimate is approximately that of the Reclamation Service.

SHAMEFUL TO USE ST. FRANCIS DAM DISASTER AS ARGUMENT AGAINST BOULDER DAM

The shock of the tragedy which followed the failure of the St. Francis Dam left a marked impression on the public mind of the country, but there has never been one bit of question as to the origin or cause of the failure of that disaster. Every group of engineers or public officials who have studied that disaster have unanimously agreed that "the dam failed as the result of defective foundations." That is, the concrete work of the dam proper was rested upon rock or conglomerate formation which when wet did not possess the power of resistance needed to support the weight of the dam and the pressure of the water. All the engineers who studied the St. Francis Dam agreed that there is nothing in that failure to indicate that the accepted theory of gravity dams is in error, or that there is any question about the safety of concrete dams designed in accordance with that theory when built upon sound bedrock.

When this disaster occurred, I promptly called on those who had any knowledge of both the Boulder Dam site and the St. Francis Dam site to advise me as to what effect or bearing, in their judgment, the St. Francis Dam disaster had on the proposal to build a high dam at Boulder Canyon.

I received replies as follows: Former Governor and former State Engineer J. G. Scrugham, of Reno, Nev., special advisor to the Secretary of the Interior, states:

> St. Francis Dam disaster has no bearing on Boulder Canyon construction, as physical conditions are entirely different. Boulder Dam founded on monolithic rock braced between almost vertical canyon walls.

Dr. W. F. Durand, one of Secretary Work's special advisors on Boulder Dam, states:

> Do not consider St. Francis Dam disaster cause for any modification my report to Secretary Work. Geological and physical conditions entirely different in the two cases. Dam site and foundation condition Boulder Canyon carefully and thoroughly examined by deep rock borings and extended study by geological experts. Safety high dam Boulder Canyon based upon these two lines evident.

Governor and former State engineer, Frank C. Emmerson, of Wyoming, also a member of Secretary Work's advisory board, states:

> I do not consider that the failure of the St. Francis Dam would require modification of my report as a special advisor to Secretary

Work upon the Colorado River project. The said report states, under the discussion of conclusion 5, that at either Boulder Canyon or Black Canyon is found available an "excellent dam site, both as to foundation conditions and side-wall materials." Either the granites of Boulder Canyon or the breccia of Black Canyon are of such strength as to safely carry the heavy loads that would be entailed by the weight of the dam itself and the pressures that would result from the impounding of water.

Mr. A. J. Wiley, member of the American Society of Civil Engineers and member of the American Institute of Consulting Engineers, of Boise, Idaho, who studied the Boulder Dam project for the Secretary of the Interior, and who also acted as chairman of the governor's board for the examination of the St. Francis failure, states:

The St. Francis Dam did not fail because of any defect in the accepted theory of solid concrete gravity dam design. It failed simply and solely because the material upon which it was built was not strong enough to resist the pressure transmitted to it by the dam * * *.

As compared with the strength of 523 pounds per square inch when dry to practically zero when wet, as shown for the red conglomerate foundation under the west wing of the St. Francis Dam, the granite bedrock at the Boulder Canyon site of the Boulder Canyon Dam has a compressive strength of 22,200 pounds per square inch when dry and 19,000 pounds per square inch when wet. The breccia foundation of the Black Canyon, which will probably be the adopted site for the Boulder Canyon Dam, has a compressive strength of 13,900 pounds per square inch when dry and 11,100 when wet. The maximum compressive stress on the foundation will be about 550 pounds.

Dr. F. L. Ransome, professor of economic geology of the California Institute of Technology, formerly of the United States Geological Survey, who spent more than a month carefully studying the Boulder Canyon site on the ground and made a favorable report thereon to the Interior Department, states:

The disaster of the St. Francis Dam was clearly due to the placing of the dam on an improper foundation. Nothing in the failure indicates that the design and construction of the dam itself were at fault. The gravity-type concrete dam is still regarded by engineers as one of the safest and most permanent of man-made structures. I still regard the Boulder Canyon and Black Canyon sites as excellent for a high dam. There is no possibility at either of these sites for such a failure of foundation rock as occurred at the St. Francis Dam. During my careful examination of the Boulder and Black Canyon sites, I saw no earthquake cracks and no evidence of the geological recent movement of the rocks. Had such cracks as are mentioned by Mr. DOUGLAS been present, they could not have escaped my notice.

NO EVIDENCE OF EARTHQUAKES IN VICINITY

True, there have been found some old faults in the surface of the earth near the Boulder Dam site, but all the evidence, according to Doctor Ransome, "indicate some measure of antiquity." There has not been, he says, any movement along these faults "since civilized man inhabitated North America."

The report of this eminent geologist is found in volume 5 of the Weymouth report, and I quote from it:

* * * The essential conclusion, with reference to dam construction, is that no fault in the vicinity of Boulder Canyon is associated with features such as are recognized as characteristic of the faults known to have been active since civilized man inhabited North America (p. 189).

None of the faults seen shows evidence of recent movement and none is so situated as to interfere in any way with the maintenance of a high concrete dam at the lower dam site.

At a point on the Arizona side of the canyon, determined to be about 900 feet above the river, were found potholes and channels worn in the andesite by a stream that once flowed at that level but which could not possibly flow there with the topography anything like it is to-day. * * * There has been no movement on the fault since these channels were cut. The existence of these well-preserved potholes and channels demonstrates (1) that the fault has undergone no movement during a period long enough for the river to cut down over 900 feet through hard rock.

I have personally talked with many of the oldest residents of the town of Las Vegas, only 25 miles away, on the north side of the canyon, and none of them ever recollect at any time anything more than the slight shaking of the windows.

I can not understand how men in serious debate can draw on their imagination to supply arguments which do not exist in fact. The unfounded assertion that this dam is to be built in the heart of an earthquake area has only been advanced because of the knowledge that the public generally is only vaguely informed as to the location of the Boulder Dam site and its geological formation. There has been no geologist who has made a study of the Colorado River Canyon who has asserted that the canyon is a fault. On the contrary, all agree that this canyon is the result of millions of years of erosion.

Mr. W. G. Clark, a witness who appeared before the House committee in 1924, made some reference to what he thought was an earthquake when rocks fell in the canyon while he was camping on the southern rim of the canyon. Rocks, of course, fall from time to time in the canyon due to erosion, weather conditions, and so forth. Clark was interested in a scheme of development which made it important for him to have earthquakes in this locality as a part of the proof of his case.

I have just received a letter from Mr. Charles A. Palmer, president of the Comanche Mining & Reduction Co., referring to Clark's testimony, in which he states:

I was out on the river with Mr. P. J. Sullivan, my wife, and a party of several others, when the earthquake of San Francisco occurred, and we were right on the river and we did not feel any sign of the disturbance that had occurred at San Francisco or along the coast and knew nothing of it until 10 days afterwards when parties came from Las Vegas and told us that San Francisco had been totally destroyed by earthquake and fire.

Now, as I have been along the Colorado River for years and am an engineer myself, I question if Mr. Clark was on the south side of the Boulder Canyon and could see the rock falling on the north side, thousands of tons, without feeling the tremor on the south side. I do not think that any engineer would take that statement seriously; that an earthquake could make a movement of such unusual crash and not have caused the south side of the canyon to shake.

I have been along the Colorado River for years in the investigation of water, power, and mining projects, and have studied the conditions there thoroughly, and, in my opinion, I do not think that there is any more chance for earthquakes in that location than in any other part of the United States; and I can say one thing: That I have never felt a tremor anywhere along the Colorado River.

Furthermore, Mr. Clark's fears were negatived by General Goethals, who was called as a witness by Mr. Clark:

General GOETHALS. I have seen the fault which Mr. Clark pointed out that he had noticed there.

Mr. HAYDEN. Are you convinced that the danger from earthquakes is so serious that a rigid masonry type of dam should not be adopted at that site?

General GOETHALS. No. As between the masonry dam and the concrete or the rock-filled dam going to that height I would rather put in a rock-filled dam; that is all.

Mr. HAYDEN. Any type of dam, if properly constructed, would be a safe dam at Boulder Canyon?

General GOETHALS. I think so.

General Goethals was himself advocating a rock-filled dam a thousand feet high.

DOCTOR RANSOME, AFTER A LONG AND CAREFUL STUDY OF THE SITES ON THE GROUND, APPROVES LOWER DAM SITE AT BLACK CANYON

The breccia as a whole is a strong, hard, impervious rock and would be excellent material on and against which to construct a dam (p. 228).

In short, there is no reason to apprehend that water impounded behind a high dam at the lower dam site could escape around or under the dam (p. 232).

I just want to say this: My home is in the Imperial Valley. Everything I possess, which is not much, is in the Imperial Valley. I am more concerned than any man on the floor of this House in ascertaining and being certain that the engineering features of this project are going to be safe and are going to hold. I would be the last one to come here and advocate a dam which would engulf me and what little I have, as well as my friends and neighbors, in destruction. [Applause.] After most careful study I am satisfied with the engineering features that have been proposed by the Reclamation Service.

THE BOULDER DAM PROJECT IS ECONOMICALLY SOUND AND THE GOVERNMENT IS CERTAIN TO GET ITS MONEY BACK

Having demonstrated that there is a tremendous, imminent, and increasing flood peril to the entire lower basin of the Colorado River from the uncontrolled condition of the river, and having shown that there is an engineeringly sound remedy in the Government's proposal to build a high dam at Boulder Canyon, I now offer the proof to show that the Government can undertake this vitally necessary humanitarian project without the risk of the loss of a single dollar to the United States Treasury. The project is unique in this respect. God in his wisdom has prepared a place for man by one undertaking to control for centuries to come the flood menace on this river, and at one and the same time, as has been so ably said by Secretary Work, "turn a natural menace into a national asset."

The pending bill contains a provision which has never been inserted in any legislation heretofore, and provides that before a dollar can be appropriated or before any contracts can be made or any money expended there must be in the hands of the Secretary of the Interior solvent and binding contracts from agencies, public and private, agreeing to take the benefits of the project on terms dictated by the Secretary of the Interior which will guarantee the return to the United States Government of not only every dollar expended but 4 per cent interest as well.

The opposition goes into a long, minute, and fine-spun argument to show that if the cost of steam production continues to decline in the future as rapidly as it has in the past few years, then a question may arise as to whether hydroelectric power will be cheaper 50 years from now than steam power. This hypothetical situation need not worry Congress. It is the problem of the local communities who are advocating the project and who must obligate themselves to take water and power at rates to be fixed by the Secretary of the Interior before the project can ever begin. If the flood menace is so serious to them, if domestic water is so necessary, if agricultural development at a future date is so desirable that they are willing to pay something more than the actual cost of the power in order to secure the solution of the whole river problem, that is their affair and their decision to make. But without contracts which will fully repay the Government there will be no project.

However, every person who has made any study of the oil situation knows, first, that nature is not now engaged in the creation of new oil supplies; second, that nowhere in the world have the oil fields and possible oil fields been so thoroughly explored and developed as in southern California, and nowhere is the supply being taken out of the ground and exhausted more rapidly than there. The history of every oil field is the history of every oil well. It may start as a gusher but in a few years it must be pumped, and finally it fails as a commercial producer. While there have been ups and downs in the price of oil in the past 10 years because of unnatural and undesirable overproduction, nothing is more certain to minds who have studied the problem than that the price of oil in southern California must of necessity climb in the future. Hence, since the cheapness of steam power in southern California is based primarily upon cheap fuel oil, the cost of steam power in the future is bound to increase.

The hypothetical proposal of how many British thermal units per kilowatt-hour will be required in the future to develop electricity by steam is purely theoretical, and the proposal that the cost of steam production in California will continue to be reduced is purely imaginative.

I quote Mr. C. P. Dunn, chief engineer of the Portland Electric Power Co., from his article "Steam and hydraulic generation" published in the Electrical World, April 21, 1927, in which he states:

> We read in the current discussions of steam versus hydro that there is still room for further advances in steam economy while hydro efficiency has practically reached the ultimate, with the present 92 or 93 per cent efficiency obtainable in hydraulic prime movers. This sort of statement is only partly true and is misleading. It is true that there is room for further improvement with respect to thermal efficiency in steam plants, and some such improvement will take place in the near future. The economic benefits of this improvement will be partially offset by the gradual upward trend of fuel prices. It is true that the efficiency of waterwheels and generators has practically reached the theoretical limit, but this does not by any means indicate that the ultimate economy in hydro construction has been reached.

Notwithstanding the talk about cheap steam power, one thing is very evident—the electric power companies are reaching out to lay hold of all available water-power sites. This belies the assertion that the time has arrived or will in any human probability arrive when electricity can be generated by steam cheaper than by water power. What is the meaning of all the filings made by the private power companies upon each and every power site on the Colorado River if steam is now or if it is going to be a cheaper source of electricity than water.

R. H. Ballard, president of the Southern California Edison Co., testifying before the House committee, said they had made filings on Colorado River sites that would develop 3,000,000 horsepower; that the filings were made in good faith; and that their investigations and studies justified the conviction that dams at Boulder Canyon and other sites in the canyon section of the river were not only "feasible and practicable" but the power market in the Southwest was sufficient to justify construction, beginning at once and continuing at the rate of $30,000,000 to $40,000,000 per year. He said:

> Mr. RAKER. What I was trying to get, that from your engineer, Mr. Barre, and his consultation with other engineers, from the examination made, they have determined that these various dams could be placed on the Colorado River at a price that would justify their construction.
>
> Mr. BALLARD. Yes, sir.
>
> Mr. RAKER. From which, if constructed, the power company would be able to build them, commencing in a reasonable time and continuing and would be able to dispose of their bonds and still be able to pay a reasonable rate of interest on the money they had to use, a reasonable dividend upon the stock, as well as all taxes and maintenance and upkeep.
>
> Mr. BALLARD. That is true; yes, sir.
>
> Mr. RAKER. As well as the depreciation.
>
> Mr. BALLARD. Yes, sir.
>
> Mr. RAKER. And also a reasonable fund to be laid aside for contingencies.
>
> Mr. BALLARD. Yes, sir.
>
> Mr. RAKER. Has the board of directors of the company discussed this matter to the extent that the board is of the opinion—that is, the governing board is of the opinion—that it is feasible and practicable, as you have stated Mr. Barre has advised you?
>
> Mr. BALLARD. Yes, sir; the board has discussed it and the president has discussed it with the board, the feasibility and practicability of it, with the result that the president's letter to you gentlemen states the willingness of the company to proceed at once with an expenditure of $30,000,000 to $40,000,000 of power on the work (p. 492).
>
> Mr. SWING. What is the aggregate horsepower of all the sites covered by your filings?
>
> Mr. BALLARD. I think about 3,000,000 horsepower.
>
> Mr. SWING. And you stated you filed those in good faith and within a week after your permit was granted you would go to work?
>
> Mr. BALLARD. Yes (1924 House hearings, p. 527).

Col. William Kelly, who while chief engineer for the Federal Power Co. showed his hostility to the Boulder project in every way possible, and who now since becoming vice president of the Buffalo, Niagara & Eastern Power Co. is continuing the same attack, did admit that there was no question but that all the hydroelectrical power that could be developed on the Colorado River—between 3,000,000 and 4,000,000 horsepower—would be needed within the next 50 years.

He testified:

> Colonel KELLY. The Colorado River constitutes the only big remaining source of power in the southwest section of this country, and every kilowatt-hour that can be developed from the Colorado River will be needed. (1924 House hearings, p. 1229.)
>
> Mr. SWING. You thought that the power possibilities of the canyon section would be developed during the next 50 years?
>
> Colonel KELLY. That was my judgment on it.
>
> Mr. SWING. That would aggregate about 3,000,000 horsepower?
>
> Colonel KELLY. Between three and four million horsepower.
>
> Mr. SWING. You feel now that there is a growing power market in the Southwest, and particularly in southern California, which is going to make necessary the early development of this canyon section?
>
> Colonel KELLY. I have always felt so. (1924 House hearings, p. 1281.)

Mr. Stabler, of the United States Geological Survey, quoted by the opposition as unfriendly to the Boulder project, unhesitatingly declares that there exists an assured market for the power:

> Conditions in the power market of the Southwest are such that we may reasonably expect all power sites on the Colorado River west of (below) the Grand Canyon National Park to be needed within the comparatively near future. (1924 House hearings, p. 1532.)

Secretary Hoover, who appeared before the Irrigation Committee, and speaking of the power market in the Southwest, said:

> At this moment there is probably an immediate need of, say, 200,000 horsepower; 10 years hence there is a possibility of a need of a million horsepower. (122 House hearings, p. 59.)

Senator PHIPPS, of Colorado, who is himself heavily interested in a private power company operating in the Southwest, stated to the Senate in the CONGRESSIONAL RECORD of May 2, 1928, that he knew of a power company that was to-day ready to proceed with the building of a dam 380 to 400 feet high in the canyon section of the Colorado River for the purpose of producing hydroelectric power and would do so even if the Government proceeded with the Boulder Dam project. (CONGRESSIONAL RECORD, p. 7626.)

Senator PHIPPS, last Congress, stated in the CONGRESSIONAL RECORD:

One thing is admitted on all sides—by those who favor Government ownership and by those who advocate private operation—there is a real need for this additional power in the West. (CONGRESSIONAL RECORD, 69th Cong., 2d sess., p. 1335.)

Again, this year, in the RECORD of May 2, he says:

Mr. President, bear in mind that the demands for power, hydroelectric or steam electric, in California and that section of the country, have increased so rapidly that they have doubled in the last five or six years. Personally I am of the opinion that no matter what developments may come in the lessening of cost of electrical power produced by steam, it will still be found practicable and economical to construct hydroelectric plants and produce power on our western rivers. * * * I think there is ample leeway in the possibilities of a hydroelectric plant such as would be created at Boulder Canyon Dam to enable the department to safely figure upon a return.

The foregoing certainly ought to convince everyone that there is a sure market in the Southwest for all the power which can be developed as an incident to Boulder Dam and that the Government will get back every dollar expended on this project.

MEXICAN COTTON ARGUMENT

I want to take a few minutes on the question of cotton growing in Mexico.

There has been broadcast through the South that southern Members of Congress should oppose the Boulder Dam legislation because it will bring 1,000,000 acres additional cotton land into competition with the South. The statement is false in toto and without any foundation whatever.

The bill itself does not authorize a single dollar to reclaim any new land in the United States. Public land that might be reclaimed is withdrawn from entry to prevent speculation, but no new reclamation project is authorized by this bill. All that is postponed to some future date, when conditions justify it and Congress sees fit to authorize it. That time must of physical necessity be 10 years away, because it will take that long to build the works now authorized in the bill.

But it is claimed that after the dam is completed and the power plants are built, in order to make the project pay back the cost to the Government enough water must be released to run the power plants, and that this will require between 11,000 and 12,000 cubic second-feet continuous flow, which will of necessity have to go into Mexico, where 1,000,000 acres will be reclaimed by it and planted to cotton by cheap Mexican labor.

Instead of the above being the result of the project, that is the very thing the project is designed to make impossible.

Let us consider the facts. Assume 12,000 cubic second-feet continuous flow, what becomes of it? I have a table showing the distribution of 12,000 cubic second-feet, leaving only a sufficient amount flowing into Mexico to irrigate the present lands now under cultivation.

Water estimated to be used in the United States at time of completion of dam, based on what is now being used

	Second-feet
Imperial Valley	6,000
Mexico	3,000
Palo Verde Valley	700
Yuma project	1,600
Coast cities for domestic water	400
Total	11,700

The above makes no allowance for possible uses of new projects.

	Second-feet
Present use:	
Imperial Valley and Mexico	7,200
Palo Verde Valley	700
Yuma project	1,400
Total	9,300

Present area Salton Sea, 180,000 acres with 3-foot variation; assuming constant area would equal 540,000 acre-feet not based on evaporation figure, which would give a larger amount, equals 740 second-feet continuous flow, or 3,000 second-feet for 90 days.

Estimate of amount of water necessary to operate Boulder Canyon plant to a capacity of 550,000 firm horsepower, assuming maximum draw down of 11,000,000 acre-feet per annum

	Acre-feet
Capacity Boulder Canyon Reservoir, elevation 1,200	26,000,000
Capacity Boulder Canyon Reservoir, elevation 1,100	15,000,000
Difference in capacity	11,000,000
	Feet
Average elevation	1,150
Elevation, low water (present)	647
Average power head	503

Firm power taken as ultimate of 550,000 horsepower, over-all efficiency 83 per cent.

$$\text{H. P.} = Q \times h \times .1134 \times \text{efficiency, or}$$

$$Q = \frac{\text{H. P.}}{h \times .1134 \times \text{efficiency}}, \text{ or}$$

$$Q = \frac{550{,}000}{503 \times .1134 \times .83} = \frac{550{,}000}{47{,}343} = 11{,}617$$

$$Q = 11{,}617 \text{ sec.-ft.}$$

Therefore, to operate the proposed plant at full capacity of 550,000 horsepower, firm power would require a continuous flow of 11,617 second-feet, equaling 8,480,410 acre-feet per annum.

The all-American canal, built to a 10,000-cubic-second-foot capacity, will furnish the means whereby surplus water can be dumped into the Salton Sea from time to time during the irrigation period of the year, thereby artificially restoring the fluctuation of the river which now exists.

The testimony of Secretary Hoover and F. E. Weymouth, former Chief of the Reclamation Service, is that with the high all-American canal the United States will have the complete control of the flow of the river and can prevent extension of irrigated area in Mexico.

I read from Mr. Weymouth, former chief engineer of the Reclamation Service, on this very subject:

If a high dam is constructed at Black or Boulder Canyon with large storage capacity, it would be entirely practical to control the floods of the river and during the months of July, August, and September hold back the entire flow of the river except that needed for irrigation in the United States. In that way no water would go down at all during that period to Mexican lands. In other words, a high dam with large reservoir capacity could be regulated even to the extent of withholding all water from new areas in Mexico for a three months' period in each irrigation season, when water is most needed, and stop development there beyond the present area being irrigated.

If a low dam is constructed for flood control only, as has been suggested by some, it would have the effect of improving the water supply for lands located in Mexico and would so improve the water supply for those lands that the development there would proceed more rapidly than now, even. (1925 Senate hearings, pp. 799–800.)

Secretary Hoover, testifying before the Senate committee, stressed the importance of a high dam on the Mexican situation. He said:

If we wanted to prevent the irrigation of lands in Mexico by way of holding up the flow in the low-water season—that is, if we wanted to deliberately do that—you could do it more effectively at Boulder Dam than anywhere else, because you have a larger body of water to deal with. In a large reservoir like this we could hold back water during the summer and let it down in the winter, when they could not use it; that is, if we wanted to be malevolent. (1925 Senate hearings, p. 614.)

Senator HAYDEN, when a member of the House Reclamation Committee, raised the question whether diversion in Mexico was possible because there was no place below the international boundary line where a diversion dam could be put in, on account of there being "no rock abutment" on either side of the river in Mexico. He said:

If a diversion dam were built in the channel of the Colorado River in Mexico, the water would wash around one end or the other of it; therefore the diversion from the Colorado River must be in the United States in order to irrigate the lands in Mexico. (House hearings, 1924, 1265.)

Again, Mr. Stabler testified on this point, as follows:

Mr. HAYDEN. There has been testimony before this committee that it would be very difficult to maintain a heading anywhere in old Mexico for diversion out of the Colorado River after the water passed the international boundary line. Are you familiar with the delta of the Colorado River?

Mr. STABLER. I have never been down there, but from what I have read of it and heard of it I think it is probably true that the heading would be difficult to maintain. (1924 House hearings, 1543.)

The fact is, as is now evident to every person who has followed in the newspapers the exposure of the power propaganda being brought to light by the Federal Trade Commission, that this whole cotton argument was conceived in the minds of the power corporations and assiduously broadcasted through the newspapers of the South.

However, this strange situation has been brought to light: While the cotton argument is strong in Georgia, the Carolinas,

Alabama, Mississippi, and Texas; in Florida the newspapers were filled with the contention that the new land was to be planted to tomatoes; in the Middle West States their contention was that there would be competition to the corn-growing belt; and in the Northwest they raised the fear of wheat competition. This is now all a great hoax gotten up to defeat this project.

A high dam at Boulder Canyon, with the all-American canal, will give the United States Government the absolute manual control over the flow of the river, so that by diverting it through the all-American canal into the Salton Sea it will be possible to restore, after the dam is built, by artificial fluctuation of the river the variations which exist to-day, and still allow the power plants from 10,000 to 12,000 second-feet of water.

The Salton Sea covers to-day 180,000 acres, and the evaporation upon that service, in that hot, dry climate in the Imperial Valley, is 5 feet a year. They can, therefore, dump 900,000 acre-feet into Salton Sea without raising its surface.

It is not necessary to run it in there continuously to accomplish the desired end because in that dry climate if you take water off of the crops for 15 days you can destroy them. Thus by putting surplus water through the all-American canal into the Salton Sea for intervals of 15 days it will be possible to definitely limit the water which can be beneficially used in Mexico, in the absence of a treaty. That is what we intend to do unless a treaty is made. If a treaty is negotiated then of course the treaty will govern. It will be possible to put into the Salton Sea under this method, about 3,000 second-feet, continuous flow, for 90 days.

Mr. LANKFORD. Will the gentleman yield?

Mr. SWING. Yes.

Mr. LANKFORD. Will the gentleman tell us for the benefit of some of the Members what the Salton Sea is?

Mr. SWING. The Salton Sea was created by the overflow from the Colorado in 1905–6 and is the warning which nature has put there for us to remind us what this river has done and is trying to do every year, and what it will do again the next big flood if no provision is made in the meantime to control this river.

I want to take the few minutes I have remaining to refer to the so-called question of constitutional rights. Has the United States Government the right to build this dam for flood control or for navigation?

On the Mississippi flood-control hearing we appealed to the Department of Justice to give the Flood Control Committee their opinion. Assistant Attorney General Wheat gave us his opinions, and I will read from his statement:

> Assuming that the Federal Government has a constitutional power and authority to expend money for flood-control works, has it the authority and legal right to exclusively determine the character of the works to be constructed and the place where they will be located? Or, have the States in which the works are to be built certain sovereign rights (other than the right to have its citizens, as individual owners, compensated for property taken or damaged) to participate in the determination of the character of the works and their location? And is the consent of the States under these circumstances a condition precedent to the Federal Government proceeding with the carrying out of a flood-control program within those States?
>
> It seems to be plain that, assuming the end to be accomplished is within the powers conferred upon the Federal Government by the Constitution, all means and methods necessary and appropriate to accomplish that end are also within those powers, and that Congress may choose the means and methods whereby the powers are to be exercised without let or hindrance from any State.
>
> Is flood-control work a proper function of the Federal Government; and if so, under what circumstances can the Federal Government spend money on that kind of work?
>
> Is flood control limited to cases where it is incidental to and in aid of navigation, or can it be predicated on the broader basis of aid to commerce by preventing an interruption or threatening interruption of interstate commerce over interstate highways, railroads, post roads, etc.?
>
> I would answer the questions as follows:
>
> (1) Flood-control work is a proper function of the Federal Government, and Congress is the sole judge of the circumstances under which money for that purpose shall be spent.
>
> (2) The power of Congress is not limited to cases where it is incidental to and in aid of navigation, but may be predicated upon the broad basis of aid to commerce by preventing the interruption or threatened interruption of commerce and the destruction, injury to, or impairment of the efficiency of the agencies engaged in commerce.

Now, with regard to Arizona itself, I will not insert in the RECORD, but I will call your attention to what is shown in the appendix to the hearings, at page 596, a very able brief written by Ross & Casey, of Arizona, and not under the employ of anybody in California, but written for the benefit of the people in Arizona, in which they arrive at this conclusion:

> To sum up, it seems to us that the rights of the Federal Government to withdraw the river, for the purposes of development, from State sovereignty is undoubted. It seems to us equally undoubted that the Federal Government has already taken the necessary steps to consummate this withdrawal. Likewise, the right of the national withdrawal does not depend upon whether the river is navigable or nonnavigable.

On this point let me refer to the testimony of a very able Member of the Congress, Senator HAYDEN, who at that time was an honored Representative in this House. In making an address to this House on another subject, he said:

> As a Representative from Arizona, however, I do not have to read the contradictory decisions of the Supreme Court to find out whether or not the United States owns the public lands that are within the boundaries of my State. Congress and the people of Arizona have entered into an agreement which settles that question forever. The enabling act, under which Arizona was admitted into the Union "on an equal footing with the original States," provides that the people of the State shall agree to forever disclaim all right and title to the public lands. Congress passed this act, and the people of Arizona adopted an irrevocable ordinance as a part of their constitution, which is as follows:
>
> "The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States."
>
> Another ordinance in the constitution of the State of Arizona reads as follows:
>
> "There are hereby reserved to the United States with full acquiescence of this State all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction and irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory."

Mr. HAYDEN has made this so much plainer than I can that I want to quote him:

> But referring to the much-discussed Boulder Canyon and Black Canyon Dam, the fact that these power sites are within this State has led a number of people to assume that they belonged to the State and that the State alone could determine how they shall be utilized. Upon being informed for the first time that such is not the case, that the title to all the power sites on the Colorado River is in the United States, it is but natural that some citizens of this State should cry out that Arizona has been robbed by the Federal Government of the greatest of her natural resources. That the title of the United States to those power sites is perfectly good can be determined by an examination of the facts of history. (Hearings, 68th Cong., Inf., p. 39, 49.)

He starts in with the Indians and traces title through the Crown of Spain, the Republic of Mexico, to the United States, the formation of a territory.

It was made before the Kiwanis Club of Phoenix, Tuesday, June 19, 1923, but the law has not been changed since that time. The statement was inserted by Mr. HAYDEN in the hearings on my bill.

He goes on down and then says:

> No one who is familiar with the law and decisions will deny that the power sites belong to the United States Government.

Hon. Mulford Windsor, president of the Arizona State Senate and Colorado River commissioner, representing the governor before the House and Senate hearings, is in accord with Senator HAYDEN. In the 1924 House hearings, "Information," page 3, he is quoted:

> Arizona does not possess a single site on the Colorado River upon which to construct a dam for the harnessing of floods, for the storage or diversion of water for irrigation, or for the creation of hydroelectric power. All are owned by the United States and are held in pursuance of the established national policy of conservation of the country's natural resources. Their status was fixed by the Arizona enabling act and confirmed in the State constitution.

* * * * * * *

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SWING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and anyone who is interested in these questions will find an amplification of the matters I have discussed here as well as some additional ones. [Applause.]

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield 45 minutes to the gentleman from Utah [Mr. COLTON]. [Applause.]

Mr. COLTON. Mr. Chairman and members of the committee, in my experience in this House I have found that sometimes in the heat of debate we get sidetracked, so to speak, from the main issue. We will usually find that in every debate there, perhaps, are two or three fundamental issues. I think you will find this is true in this particular case. The engineering problems, the economics, and the legal phases are the vital issues.

I shall not speak of the engineering problems involved in this bill. I do submit, however, that with the showing already made it is sufficient to justify the submission of any plans that may be worked out in connection with this project to a board of competent engineers, independent of the Reclamation Bureau. That it is of such tremendous importance that no steps ought to be taken along this line until we are sure it is a feasible proposition.

The testimony thus far before this committee, and not disputed, is that the power bureau of Los Angeles has contributed $140,000 to the Reclamation Service to work out a power project on the Colorado River. The other engineering departments of the United States Government, in so far as they have reported at all, are adverse to this project, and so I say there ought to be ample assurance that the project is feasible and that showing has not thus far been made. Neither shall I speak of the economics of the project.

I want to speak of another phase of the question. Utah is among the upper-basin States. Her motives have been entirely misunderstood by the proponents of this measure. For some reason there is being whispered around a rumor that every man who is opposed to this proposition is in some mysterious way influenced by the Power Trust, if there is such a thing. Because the Power Trust is for or against the measure is no argument in my mind for or against the bill. Because there are some people who are opposed to this fundamentally does not argue that the Power Trust or any power interests have had any influence over these Members. It is unfair and unjust to make such a charge.

I hope you will believe me when I say to you to-day that no representative of the power companies has ever sought to influence my vote with reference to this matter whatever, and I am sure this is true of most, if not all, of the others.

Mr. LAGUARDIA. Will the gentleman yield right there?

Mr. COLTON. Yes.

Mr. LAGUARDIA. Of course, I believe the gentleman, and I am sure all my colleagues do, but, on the other hand, the Power Trust has been very loud in denouncing anyone who favored this project as a bolshevist, as unsound economically, as a demagogue, and a few other choice epithets.

Mr. COLTON. But that is no argument one way or the other; on the other hand, those who have honestly and conscientiously, upon principle, opposed this have been denounced more strongly than those who have been for it. Worse things have been said of the opponents than of the proponents.

Mr. LAGUARDIA. That is impossible.

Mr. COLTON. I hardly think so, but it is no argument, nevertheless.

Yesterday on the floor of the House it was stated that the Governor of Utah had never spoken against this bill. Now, friends, what are the facts? I have before me here, first, a resolution passed at a meeting of the governors and other representatives in December of last year when the governors of all the Western States asked Congress not to act upon this measure. I will read the entire resolution:

Whereas it is the conviction of the governors and interstate water commissioners and other representatives of the States of Colorado, New Mexico, Utah, and Wyoming, the four States of the upper basin of the Colorado River, that the interstate agreement embodied in form by the Colorado River compact as negotiated at Santa Fe, N. Mex., in November, 1922, should be completed and placed in full force and effect through approval and acceptance by the seven Colorado River States, in order that the way may be properly cleared for the orderly development of the Colorado River; and

Whereas substantial progress has been made during the past few months toward the completion of the said compact and negotiations are now being carried on in a competent manner looking to such completion; therefore be it

Resolved, That it is the firm belief of the representatives of the four said upper basin States as assembled at Denver, Colo., this 19th day of December, 1927, that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agency before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such agreement between the seven States.

W. H. ADAMS,
Governor of Colorado.
GEO. H. DERN,
Governor of Utah.
FRANK C. EMERSON,
Governor of Wyoming.
EDWARD SARGENT,
Lieutenant Governor of New Mexico.
DELPH E. CARPENTER,
Interstate River Commissioner for Colorado.
FRANCIS C. WILSON,
Interstate River Commissioner for New Mexico.
L. WARD BANNISTER,
Counsel for the City of Denver.
M. C. MECHEM,
Representing New Mexico.
WM. L. BOATRIGHT,
Attorney General of Colorado.

Every one of these States was represented; and, in fact, there were representatives besides the four States who signed this resolution. That reflects the attitude of the State of Utah.

These men are saying in effect that if you will give us a little time we will work this problem out in a reasonable manner for the protection and benefit of all of the seven States. It has been said here that we have spent all these years in investigating and trying to get together. Do you know that there was no official attempt of all of these States to get together until after we had adjourned Congress last summer? In fact, as I recall, the first meeting was in August. This was a big proposition. Those men had a big task. You can not solve this problem in a day, and I submit that there has been no unreasonable delay. I submit that if you will give the seven States a reasonable time they will work it out on constitutional grounds and work it out on lines that will not strike at the very vitals of our industrial life, as I think I can show you this bill does.

Why? Because one of the basic principles upon which our industrial life is based is about to be violated in the passage of this bill, and I want to show you in what way as best I can in the limited time at my disposal.

Just a word further about Utah's attitude. We are not so much concerned about power development. That will not make so much difference to us for a time, at least, but we are opposed to the power development even in our own State until our rights are protected. We are bitterly opposed to building a dam anywhere on the Colorado River until certain basic principles are settled and adjusted according to our laws and our Constitution.

Here is what the governor and legislature of my State have said regarding this project:

As Governor of the State of Utah, I protest against the passage of the Swing-Johnson bill, and convey to you the definite pronouncement of the Utah Water Storage Commission, which is the official State body in charge of the State's water resources, and also a resolution passed by the Legislature of Utah, February 25, 1927, which reads as follows:

Resolution, protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation

"Be it resolved by the Legislature of the State of Utah (the Governor concurring therein), That the State of Utah, through its legislature, hereby protests against the passage of the present Swing-Johnson bill, or any similar legislation, by Congress until provisions are made therein for an equitable apportionment of the waters of the Colorado River.

"Resolved further, That the Governor of the State of Utah forward certified copies of this resolution to the President of the United States, the Secretary of State of the United States, to the Senators and Representatives in Congress from this State, and to the Governors of the States of Arizona, Colorado, California, New Mexico, Wyoming, and Nevada."

The official position of Utah is that we are opposed to any and all development on the lower river in advance of the completion of the compact. Utah has opposed development not only on the lower river but on the upper river as well, for a large dam and reservoir in the

upper basin would, to some extent, equalize the flow of the lower river and make it possible to use additional water for irrigation in the Imperial Valley and Mexico, which would cause new claims of priorities to be set up against us. We have therefore protested against and held up the construction of a power dam at Flaming Gorge, on the Green River, in Utah. I am sure this is good evidence that we are in earnest in the position we have announced.

It ought not to be necessary to eliminate the fourth proposition, that Utah is fighting in behalf of private power interests. I hope that by the time I have finished, this falsehood will have been exposed. Utah is fighting nobody's battle but her own, and it is a libel on our State to accuse her of fighting the battle of any special interest.

Members of the committee, that is the very foundation on which our opposition rests—power has nothing to do with it. We are opposed to the development of power in our own State or in any other State until this matter is adjusted, and I will show you in a few minutes why. We rest our opposition on principle, not because of any special interest.

Mr. EVANS of California. Did not the Governor of Utah go further and say that he would be in favor of it when the seven-State compact was ratified?

Mr. COLTON. Probably he may have done so, although I have not seen his statement going that far. But you are proceeding on the theory that it should be done without the seven-State compact.

Mr. EVANS of California. A six-State compact that embodies the principles of the seven-State compact.

Mr. COLTON. That is incongruity. I can not see how that is possible.

Mr. MONTAGUE. Will the gentleman yield?

Mr. COLTON. I will.

Mr. MONTAGUE. Suppose you have the compact. The question is whether the United States should be liable for the operation of this great enterprise—if it be a private enterprise.

Mr. COLTON. That is a question quite apart from the compact.

Mr. MONTAGUE. Seven States have no right to put the United States into private business.

Mr. COLTON. No.

Mr. SNELL. Will the gentleman yield?

Mr. COLTON. I will yield to the gentleman from New York.

Mr. SNELL. How many States have absolutely ratified the compact unconditionally?

Mr. COLTON. Five. California and Arizona have never ratified the seven-State compact unconditionally. I believe California did at first and then rescinded.

Mr. SNELL. The legislatures of those States have not ratified it.

Mr. MORROW. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. MORROW. Was not the compact signed by the commissioner from Arizona, and was not the compact ratified by the legislatures of six States, and the only failure was the State of Arizona, and was not the gentleman who spoke here to-day [Mr. DOUGLAS] the cause of that failure?

Mr. COLTON. California ratified it, and then receded and put a condition on it.

Mr. MORROW. I am talking about ratifying it in the first instance. They receded because Arizona refused to sign.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. LEATHERWOOD. Is it not a fact that after California had gotten the upper-basin States to ratify the so-called six-State compact she then put a condition upon her ratification?

Mr. COLTON. I think the gentleman's statement is right.

Mr. EVANS of California. And will the gentleman state the condition attached by California? The condition which California attached to the seven-State compact was merely that she would be bound by it when the high dam was built, and that is to guarantee a large storage.

Mr. COLTON. Oh, yes; when she got everything she wanted, she would ratify it.

Mr. EVANS of California. That was the only thing, and at that time there was a question raised about building a low dam there which would give nobody any water.

Mr. COLTON. The official position of Utah is that we are opposed to any and all development on the lower river in advance of the completion of the compact. Utah has opposed development not only on the lower river, but on the upper river as well, for a large dam and reservoir in the upper basin would to some extent equate the flow of the lower river and make it possible to use additional water for irrigation in Imperial Valley and Mexico, which would cause new claims of priority to be set up against us. We have, therefore, been against the construction of a power dam at Flaming Gorge on the Green River in Utah. I am sure this is good evidence that we are in earnest in the position we have announced.

I repeat again, the power discussion, so far as the basic principles involved in this bill are concerned, has nothing to do with it, and Utah is not opposing this because of any power development.

We are more closely related economically to California than we are to Arizona. Our economic interdependence is admitted and recognized by everybody. We can not reach the eastern markets; we are shut off by the Rocky Mountains; the freight rates are too high. The only outlet we have is California, and we are interested in California's development; we are interested in her growth. Every increase in the population of California provides potential customers for the products of Utah, and we are anxious to have that development go forward, but we are not anxious to have it go forward at the sacrifice of that which is so vital to our State.

When the pioneers first went into Utah they were the first of the Anglo-Saxon race to adopt and to put into practice the art of irrigation. They have grown up from the very cradle with irrigation and all its problems. Water and water rights are woven into the warp and woof of our economic life. There is nothing dearer to the people of the West than that. Whenever you threaten to trespass upon their water rights you touch the most tender spot in their economic life. Does this bill do that? I think I can show you it does. But first may I call your attention to a historic fact for a moment? The genesis of this Government shows that it is a government of delegated powers. The 13 independent States of the original Union were independent, sovereign States. When they got together to form the Union and to adopt the Constitution, they were very jealous of surrendering their rights, and it is a well-settled point in law that among the things that they sacredly and jealously kept to themselves was the right to control the waters of their streams—the streams in those States. They surrendered only one important function to the Congress, and that was the control of commerce, of navigation. That is the only exception to the general rule. They reserved all of the other rights with reference to the waters of their streams. I think that is so well settled by our courts that I need only take the time to read to this committee from the syllabus of one or two of the leading authorities. The doctrine was first announced in a decision by Chief Justice John Marshall himself, and, so far as I know, has been adhered to ever since. In one of the early cases of Martin against Waddell, found in Forty-first United States, 410, it is stated:

> For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

In Kansas *v.* Colorado (206 U. S. 46) it was said:

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people, and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State.

In the case of Scott *v.* Lattig (227 U. S. 229, 242), Justice Van Devanter, in rendering the opinion of the court, said:

> It was settled long ago by this court, upon a consideration of the relative rights and powers of the Federal and State Governments under the Constitution, that lands underlying navigable waters within the several States belong to the respective States in virtue of their sovereignty and may be used and disposed of as they may direct, subject always to the rights of the public in such waters and to the paramount power of Congress to control their navigation so far as may be necessary for the regulation of commerce among the States and with foreign nations, and that each new State, upon its admission to the Union, becomes endowed with the same rights and powers in this regard as the older ones. (County of St. Clair *v.* Lovingston, 23 Wall. 46, 68; Barney *v.* Keokuk, 94 U. S. 324, 338; Illinois Central Railroad Co. *v.*

Illinois, 146 U. S. 387, 434–437; Shively *v.* Bowlby, 152 U. S. 1, 48, 50, 58; McGilvra *v.* Ross, 215 U. S. 70.)

In Hardin *v.* Jordan (140 U. S. 381) it is said:

"Such title being in the State, the lands are subjected to State regulation and control, under the conditions, however, of not interfering with the regulation which may be made by Congress with regard to public navigation and commerce. The State may even dispose of the usufruct of such lands, as is frequently done by leasing oyster beds in them and granting fisheries in particular localities; also by the reclamation of submerged flats and the erection of wharves and piers and other adventitious aids of commerce. * * *

"This right of the States to regulate and control the shores of the tidewaters and the land under them is the same as that which is exercised by the Crown of England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also, in some of the States, to navigable rivers, as the Mississippi, the Missouri, the Ohio, and in Pennsylvania, to all the permanent rivers of the State; but it depends on the law of each State to what waters and to what extent this prerogative of the State over the lands under water shall be exercised. In the case of Barney *v.* Keokuk (94 U. S., 324) we held that it is for the several States themselves to determine this question, and that if they choose to resign to the riparian proprietor rights which properly belong to them, in their sovereign capacity, it is not for others to raise objections."

I want you to mark that, because it was said yesterday on the floor of this House that the Federal Government owned and controlled the water that flowed over its own public lands. That is absolutely contrary to my understanding of the law. When my State was admitted into the Union they put into its basic law, and this Congress approved that constitution, that the waters within the borders of that State, the beneficial use of them, would be forever reserved to the people of the State.

Our whole industrial life had been built up upon the theory that the State owns the waters, and a man in my State to-day can not acquire the ownership of any water for any purpose. He can acquire the right to use any water, and as long as he puts that water to a beneficial use he can assert control over it; but when he ceases to put it to beneficial use it reverts to the State and is again subject to appropriation by any other citizen within the State. So that when you say that the Government of the United States owns and controls waters within that State, can not you see that you strike at the very basis of our industrial life? You are saying that you are going to take it away from the States and place it in the Federal Government, and section 5 of this bill asserts that very principle. It provides that the Secretary of the Interior shall have control of all of the water stored in the reservoir and its delivery to any part of the river below. We deny that in principle and say it is against the very contract that this country has entered into with our Western States and contrary to the decisions of the United States Supreme Court.

Mr. BANKHEAD. As I understand, the whole theory of this bill is predicated on the recognition of the right that the gentleman is now asserting, for the reason that nothing can be done by Congress under this bill until the States acting through this compact shall determine what their respective rights are in reference to this matter.

Mr. COLTON. I will answer in this way: If the gentleman from Alabama were stating the proposition correctly, there would not be the slightest objection to this bill other than from the engineering and economic standpoint. I feel sure that it is not fully understood. We do not get full protection under this bill, for there is no seven-State compact. Arizona is not a party at all to this compact.

She and her citizens may appropriate water at any time.

Mr. DOUGLAS of Arizona. Arizona is a party to it, but Arizona has not ratified it.

Mr. COLTON. Yes. The gentleman's statement is more accurate. Arizona can grant applications for water if my theory is correct, and her citizens can acquire rights by prior usage to every bit of water belonging to the upper States. There is absolutely no protection against her and her citizens. The gentleman from Alabama [Mr. BANKHEAD] has stated the principle for which Utah is contending. We have been pioneers in the development of the Colorado River. We are anxious to see California prosper. This development, however, must not be made at the injury and expense of other States.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. OLIVER of Alabama. Judging from the gentleman's statement, if the principle enunciated by my colleague from Alabama [Mr. BANKHEAD] is correct, there would be left only the question of engineering. I assume the gentleman does not agree with my colleague from Alabama that it is economic.

Mr. COLTON. Economic in what respect?

Mr. OLIVER of Alabama. The gentleman from Arizona [Mr. DOUGLAS] lays great emphasis on the fact that it is uneconomic. Is it uneconomic to save the Imperial Valley, which he said has a value of $36,000,000? Does he agree with him on that?

Mr. COLTON. I have no facts in regard to the economics, but my contention is that the premise of Mr. BANKHEAD is wrong.

Mr. OLIVER of Alabama. If that statement carries weight, should it not be remembered that the capital invested in the Imperial Valley produces every year $50,000,000 worth of products that go out every year to feed the public? And is it uneconomic to spend $125,000,000 on a project that will insure the bringing to that community every year of $50,000,000?

Mr. COLTON. Even that does not do away with the fundamental principle to which I have referred. You gentlemen who have contended for State rights heretofore, and I have followed you all my life in your contention—I have followed you and sympathized with you. What becomes of that doctrine if this bill is passed? What of our contract? You give us the right to the water. We have gone ahead and exercised that right all these years. Our industrial life is built on it. Now you say, without Arizona's consent, you may go in there and appropriate the water and put it to a beneficial use.

I want you to get this point: This compact, if it is adhered to, gives the upper basin States 7,500,000 feet of water, and it gives the lower basin 8,500,000 feet of water. Doctor Mead, testifying before the Committee on Irrigation the other day, said it would take 10,010,000 feet to turn the power plant turbines to their capacity. What becomes of the excess of 2,500,000 acre-feet? He said it must go down to Mexico. That will take away from us 2,500,000 acre-feet of water and reduce us from 7,500,000 feet to 5,000,000 acre-feet.

Mr. WINTER. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. WINTER. Will they do that under this pact?

Mr. COLTON. I am not sure; but Arizona is not a party to the compact. And then this question is in my mind: Can Congress at this late date set aside the doctrine of first in use, first in right? Therefore, I say it is a serious question for us to allow this plant to use 10,500,000 acre-feet of water in the dam. Prior usage may give a right to it, and we may be estopped in the courts, at least, in asserting our right to it after it has been put to a beneficial use.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. ARENTZ. Following that line of "first in use, first in right," you know the land in Utah will not be subject to cultivation possibly for 50 years or 75 years. You want to stop the appropriation of water that should go to the land in Utah, and is there any other way of doing that except by a definite allocation of water to Utah, so that you can hold it in perpetuity? I do not see what can be done.

Mr. COLTON. Congress can not allocate water. I want to say to the gentleman that I have here figures showing that in two counties of my State they have now 277,839 acres under cultivation, and there is enough land susceptible of practical irrigation and reclamation to make a total of 689,762 acres in those two counties, so that there are 300,000 acres in two counties alone of my State that are now susceptible of reclamation and irrigation, and the projects for reclamation are perfectly feasible. We say we are not opposing this dam, provided it will not be under terms that are injurious to Utah. But we must have future development protected. There are seven or eight other counties in my State which have lands capable of reclamation.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. LEATHERWOOD. I just want to call the gentleman's attention to the fact that the gentlemen who are raising the question about our refusal to go ahead without a full seven-State compact in every case have insisted that in their State they be absolutely protected without any question.

Mr. COLTON. I think the gentleman is right in that.

Mr. WHITE of Colorado. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. WHITE of Colorado. A while ago the gentleman stated that he doubted whether or not Congress had the power at this late date to nullify, abrogate, or change the doctrine of priority in the use of the water.

Mr. COLTON. I think they have not that power.

Mr. WHITE of Colorado. There is no attempt to do anything of that kind by this bill. On the contrary, the bill expressly provides for a compact among six States, and the only State that has shown the slightest tendency to stay out of the compact is Arizona. Now, how can that affect a State that is not a member of the compact?

Mr. COLTON. It can not. Moreover, I admit we are somewhat protected so far as California is concerned, although even that is a question in my mind. As the gentleman from Arizona has stated, you have an interstate compact made by seven States, and I do not believe six States may make it binding on the other. I would like to hear the opinion of the gentleman from Virginia [Mr. MONTAGUE] on that. He is a good lawyer. That raises a serious question at least. Let me point out to the gentleman just what this bill provides. In section 5 it is provided:

That the Secretary of the Interior is hereby authorized, under such general regulations as he may prescribe—

To do what?

to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses.

The CHAIRMAN. The gentleman has used 30 minutes.

Mr. COLTON. I thank the Chair. If that does not give him absolute control of this water, or if it does not seek to give the Secretary of the Interior absolute control of this water, I can not understand the English language; and, gentlemen, that is exactly what we are objecting to. We are saying the Federal Government is trespassing upon territory that does not belong to it whenever it attempts to regulate or control the waters of a river when it is not for the express purpose of navigation and commerce. That is the only power the Congress of the United States has over the water in the streams of this country, and the basic principle upon which Utah has rested its opposition to this bill is that the States control the water for all other purposes.

All of this talk about power and the influence of the Power Trust is absolutely not true, so far as my State is concerned. However, I am not saying the power associations are not opposed to the bill. You had your offices flooded the other day with communications from the manufacturers of fertilizer, and every business that finds its own territory being invaded by the Federal Government protests. But that does not change the principle.

Mr. LEA. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. LEA. Does the gentleman construe this bill as giving Arizona any legal right to acquire water as against Utah that she does not possess to-day?

Mr. COLTON. No; but we are protected now by the law which forbids the Federal Power Commission from granting any applications for licenses.

Mr. LEA. But that is temporary.

Mr. COLTON. Absolutely. There is only one thing for us to do, either to extend that or make those States get together on a division, and I say they will get together if you will give them a reasonable time.

Mr. LEA. Does the gentleman think it is a fair proposition, where two States are in a controversy over adverse rights, to compel one State to wait for relief until the other gets its demands?

Mr. COLTON. I would not be in favor of that if that question were presented, but I say to you that in one little, short summer, commencing in August, you can not work out a great big proposition like this, and I say it is unreasonable to think the matter can be settled in such a short time. However, I understand that they were within 5 per cent of a division of the water last summer at Denver, and the only thing that has prevented further negotiations and the one thing in my judgment which has prevented those States from getting together now is the threat that this legislation is going to be passed, whether they want it or not.

Mr. DAVIS. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. DAVIS. What is the difference in principle between your contention and the contention of the Tennessee delegation against the inclusion of Cove Creek in the Muscle Shoals bill without recognizing the rights of Tennessee?

Mr. COLTON. I listened to the gentleman's argument the other day and the argument made by the gentleman from Tennessee [Mr. BYRNS], and I said, "That is the very contention of Utah on the Boulder Dam bill."

Mr. DAVIS. Did the gentleman from Utah vote for the amendment offered by the Tennessee delegation?

Mr. COLTON. If I was on the floor of the House I did vote for it, but I am not sure whether I was here when it was being considered. However, I will say if I had been here I would have voted for it and I will vote for it, but I do not recall whether I did vote for it or not. However, I am sure I did not vote against it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. LAGUARDIA. Absolving the gentleman from Tennessee and the gentleman from Utah of any connection or influence with the Power Trust, is not the same objection to be made to the one proposition as to the other, and that is the Power Trust?

Mr. COLTON. Oh, no. I must be a poor teacher, because I have tried my very best to explain this. The gentleman can not appreciate, living in New York, how vital this question of water rights is.

Mr. LAGUARDIA. Yes; we can. We are up against the same thing.

Mr. COLTON. With us water is life. We have built our whole economic life upon the principle that when you go out and use water you acquire a right to it. We say that you are going to put this water to a beneficial use in a way that we can not protect ourselves and thereby acquire a right to it when we get ready for development. When we can convince people that in our States there is the finest soil, the finest climate, the finest crops in all the world, they will come there to live, and we want water for them. You talk about the productivity of the Imperial Valley, they have got all their soil from Utah, Colorado, and Wyoming. Whatever they have down there is what we have sent them. [Laughter.] It is not sufficient for us to give them their land, but now they want us to give them our water.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. SCHAFER. But the Power Trust that is opposing this Boulder Dam project with Utah does not think very much of the water rights because they filed application and they are willing to take all the water rights if they can get them.

Mr. COLTON. Yes; and we will fight them just as strong as we can.

Mr. LAGUARDIA. Then the gentleman had better join the ranks and fight the common enemy.

Mr. COLTON. We will, if you will protect our rights and not take them away from us without our consent.

Now, Mr. Chairman, I have asked leave to extend my remarks. I have not the time to go into all the phases of this matter. I ask you to strip this of all its camouflage, to take away the smoke screen. I want you to see a picture of Utah up there on the headwaters of this stream—and this is true of all the other States—struggling along trying to build up a community, trying to perpetuate a civilization which we think is one of the finest in the world, with the finest school system, with fine public buildings. We are trying and pleading and working every day to get more taxable property on our rolls. In my State only 25 per cent of the land is taxed. Seventy-five per cent of it is public land.

Now, by the passage of this bill you will create a situation where by equating the flow of this stream you will permit the acquiring of water rights in Mexico, in California, and in Arizona that will forever say to us that we must continue to be a State of small proportions so far as taxable property is concerned.

We are asking you to get down to basic principles. We are asking you not to be carried away by any sentimental plea that is not justified by the facts.

We are with you on flood control. We are ready to vote to-morrow for a bill that will adequately protect the people down there.

I wish I had read more of the decisions, because I see before me two distinguished lawyers; but I shall extend my remarks by putting in the RECORD a long line of decisions holding that the water is reserved to the States subject only to the power of Congress to regulate commerce and navigation, and that this extends to the beds of the streams on navigable rivers. We are saying now that this is the well-settled rule of law; do not violate the rule by passing a bill that squints at the doctrine that the Federal Government can come in and regulate and control—as was contended on this floor yesterday—own and control the waters of those States, simply because they flow over the lands of the Government.

We are asking you not to reduce us to a dependent colony. If we were admitted into the Union, as we believe we were, on an equal footing with all the other States, then we have the right to control these waters, and from the beginning we have recognized the doctrine of first in use, first in right, and because of our statutes and because of our laws that do recognize this doctrine, we can not go into the courts and assert a different doctrine. We are bound by our own decisions, and therefore if they do acquire a right to the use of this water, we are injured forever so far as the future development of our State is concerned.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. COLTON. I will.

Mr. VINSON of Kentucky. If this bill becomes a law, what will be the loss to Utah in water and water rights?

Mr. COLTON. All that they put to a beneficial use before we get ready for development.

Mr. VINSON of Kentucky. What would be the amount in acre-feet?

Mr. COLTON. It is pretty hard to tell. There has been allotted to the upper-basin States 7,500,000 acre-feet. No division yet has been made as between the upper-basin States. I think when it does come to dividing that, of course the rights that are already acquired will all be recognized, and then it will probably be worked out on the basis of lands that are susceptible of reclamation by the people of the States.

Mr. VINSON of Kentucky. Who made the allocation of 7,500,000 acre-feet?

Mr. COLTON. It was made by representatives from each of the seven States, who met in 1922 at Santa Fe, N. Mex.

Mr. VINSON of Kentucky. That is in the compact that has not been completely ratified?

Mr. COLTON. It is. There are only two ways by which this water may be allocated—by a compact between the States and by decision of the Supreme Court.

Mr. EVANS of California. As I understand, the compact has not yet been ratified?

Mr. COLTON. No; but we believe it will be if you will give us time to work it out, and it will save long years of expensive litigation.

Mr. LEA. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. LEA. Does the gentleman know of any beneficial use to which Arizona can put the water within the next 20 years which would deprive Utah of water?

Mr. COLTON. The State of Utah only wants an ample guaranty that when she gets ready for development her rights to the water will not be gone. That is why we are insisting that this does not give us that guaranty.

Mr. SMITH. Will not the gentleman answer more extensively the inquiry of the gentleman from California?

Mr. COLTON. I will yield to the gentleman from Arizona [Mr. DOUGLAS] to do that.

Mr. DOUGLAS of Arizona. Even though the gentleman from California may have no knowledge of the water that may be employed in Arizona to such an extent as to interfere with the water rights of Utah, the gentleman must know that there are over 800,000 acres of land in Mexico to which water can be applied beneficially which will interfere with the water rights of the States.

Mr. COLTON. We adopted the basic law of prior appropriations from Mexico. That was unknown in the common law. Whatever basic foundation we had for the doctrine of prior usage, giving prior rights, we received from Mexico. Now, if we permit them to apply the beneficial use of water to 800,000 acres, how can we deny the same right that we have contended for ourselves—first in usage, first in right?

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. TAYLOR of Colorado. Is not Mexico rapidly bringing her lands under cultivation while we are fighting uselessly among ourselves?

Mr. COLTON. If we are fighting among ourselves, I contend that it is only since last August when we first got together officially to solve this great problem, and I contend that it is not useless fighting.

Mr. LEATHERWOOD. Mexico is using her land, and if this goes through Mexico will treble her acreage.

Mr. COLTON. That is my understanding of the situation.

Mr. CRAIL. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. CRAIL. Did not the gentleman from Nevada say at the conference last summer that when they got along to an agreement, Arizona backed out and had something else, and he believed they never would agree?

Mr. COLTON. I heard that, but I do not know that it appears anywhere in the report of the statement issued by the governors of the States. On the contrary, a very optimistic spirit prevails in their statements. They think if they can get together they can solve this problem and give the Imperial Valley flood control much quicker than you can if you jam this bill through over the protest and against the will of the people of these States. We are only asking for a square deal. [Applause.]

Mr. SMITH. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I am in favor of this legislation. [Applause.]

Last year after the adjournment of the short session of Congress on the 4th of March, before the activities, or at least before the superactivities of the power people, or of the Hearst publications, as alleged here in the debate, and uninfluenced by them, in the quiet of my office I studied the hearings on this Boulder Dam project, read the majority and minority reports of the committees of the House and of the Senate, and the speeches in the CONGRESSIONAL RECORD on the subject, and reached the conclusion that when the matter came before this Congress I would support it.

Without attempting now to describe the local conditions which lead me to the conclusion that I reached—others more familiar with them have already done that—I will only say that for one I am satisfied as to the need of the legislation in so far as it relates to flood control, irrigation, and domestic water supply, and the magnitude of the project, the interstate and international interests affected by it, as well as its general public nature seem to require that the improvement be made by the Federal Government if it is to be made at all.

I am not so keen about the water-power feature of it, although I am not afraid of that. It seems to be the only way to finance the proposition so as to reimburse the Government for its expenditures in constructing the dam and irrigation works, and linked together with the other features of the bill as it is, I shall support it. To me there is no question of national water-power policy involved—that was announced by the passage of the water power act of 1920. Boulder Dam is an individual, specific problem, and must be considered as such and solved without regard to any question of permanent or national policy. [Applause.]

No one need get alarmed over the Government's getting into business as far as this project is concerned. At most it would require a very limited number of people to take care of the Government's end of the business in the sale and distribution of the water power as provided in the bill after the dam is completed. The Secretary of the Interior is given three alternatives for disposing of the water power or the water for power purposes. He may, in his discretion, provide for the delivery at the switchboard of the electrical energy generated at the dam, or he may lease the dam, in separate units or as a whole, with the right to generate electrical energy, or alternatively he may lease the use of the water for the generation of electrical energy. In no event is he allowed to enter into the retail distribution of power nor the wholesale distribution of it except at the switchboard. Certainly the Government will not be carrying on any great amount of business under the terms of the bill.

Those who oppose the legislation because they do not believe that the Government should go into business might well complain for the lack of foresight and business judgment on the part of those who are responsible for the legislation if the water-power feature of it was eliminated and no provision was made for reimbursing the Government for its expenditures in constructing the works.

The bill provides that the Government shall advance the money for the construction of the properties, but that it shall be repaid the entire cost, including interest, by the users of the water—no work is to be done, the project is not to be started, until such repayment is assured. The Secretary of the Interior is required to secure contracts for the delivery of water from the reservoir for irrigation and domestic use and for the sale of the power at the power plant, or contracts for lease of the use of the water for the generation of electrical energy, in amounts sufficient to repay the entire cost of the project, with interest at 4 per cent per annum, before any step is taken toward the construction of the properties. He is enjoined from proceeding with the work until such contracts have been secured. Under the terms of the bill the Government will be completely reimbursed within a period of 50 years and it is estimated by some that it will be so reimbursed within 25 years.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MAPES. I will; but I have only 10 minutes.

Mr. MONTAGUE. Does the gentleman think that validation or exercise of an unlawful power will make that power lawful?

Mr. MAPES. No; I do not.

Mr. MONTAGUE. What, in the gentleman's opinion, has the Federal Government the right to do?

Mr. MAPES. The gentleman knows that I can not go into that subject in 10 minutes. I will leave that to the constitutional lawyers.

Mr. MONTAGUE. That is not a constitutional question, but a governmental question.

Mr. MAPES. My understanding is that the financial plan and provisions of the bill were prepared and recommended by the Secretary of the Treasury, Mr. Mellon.

It is stated in an extensive report of the Secretary of the Interior in 1922 and generally admitted to be the fact, that—

without the power the reservoir is not feasible at all, as the expense would be too great to be borne by the other interests alone.

The project in one form or another has been recommended by every President since and including Roosevelt, and this particular bill is recommended by the Secretary of the Interior and his department and, as I understand it, by President Coolidge.

In a speech prepared to be delivered at San Diego, Calif., the delivery of which was prevented by death, President Harding said:

I should indeed be proud if during my administration I could participate in the inauguration of this great project by affixing my signature to the proper legislation by Congress through which it might be launched.

In a letter addressed to the chairman of the committee reporting this bill, dated January 4 of this year, the Secretary of the Interior, Doctor Work, says:

The general plan and purpose of this measure have my support, and I favor its being made a national undertaking, to be carried out and administered by the Federal Government.

He continues:

The settlement of interstate and international problems growing out of the use of this river will be promoted by the construction of these works.

He further states that—

The plan incorporated in the bill for power development is approved.

In a statement appearing in the United States Daily, under date of May 5, 1928, purporting to give the views of the President, it is stated:

The President's views are as follows:

"In his various messages to Congress the President has recommended the construction of the Boulder Dam project. He is greatly in hopes that some solution of the problem may be had at this session."

The article continues:

"The President understands that the Boulder Dam project is one that has been before the Senate and House for a number of years. It also has had mature consideration by the Department of the Interior, which has worked out a reasonable solution which the President feels should be adopted."

The solution which the Department of the Interior has worked out and which "the President feels should be adopted" is embodied in the pending bill. [Applause.]

Mr. SMITH. Mr. Chairman, I yield 15 minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman, ladies, and gentlemen of the committee, I had not expected until this morning to take any part in this debate. Certain matters and arguments, however, have been made and have arisen which seem to make it necessary for me, representing one of the States of the Colorado River Basin, to at least make clear the position of my State. I have as much regard for my State and its rights as has any gentleman on this floor for his State and its rights. I have the same interests to protect as the gentleman from Utah [Mr. COLTON] has spoken of with reference to his State. I call attention to the fact now that Colorado, New Mexico, and Wyoming, being of the upper division of States, with Utah as the fourth State, do not take the position that the gentleman from Utah has taken with reference to his State with respect to this legislation. Utah stands alone in having receded from a ratification by its legislature of the six-State compact. I take it for granted that all will concede that the Representatives of those other three States are just as jealous of the rights and the future of their States as is the gentleman from Utah. It is a question of difference of opinion. I might add here that there was a time when the Representatives of Utah were favorable to this legislation on the six-State basis, and Utah has yet to explain why after entering into a ratification of the six-State basis she saw fit to withdraw from the agreement with the other five States. The mistake made by the gentleman from Utah is in ignoring the fact and the effect of the inclusion in this bill and its incorporation as a part of the bill, of the Colorado River compact. The States therein control the rights which he so earnestly urged. Those rights are secured by the compact. Without the compact Utah and every other upper division State is in constant daily danger of the permanent loss of their waters by prior appropriations by the lower division States. The State rights he speaks of are empty shadows if the water has been appropriated elsewhere.

It would require the entire eight hours allowed for general debate upon this bill to present a complete and logically arranged exposition of the arguments for and against the measure. Therefore all that one Member can do in the short space of 30 minutes or even 1 hour is to touch upon a few of what he considers to be the most important features or questions which have not been elucidated by preceding members. I am, therefore, to-day attempting to present only a partial discussion of a few questions involved in the bill.

Those questions happen to be some questions which have had the especial attention of the gentleman from Pennsylvania [Mr. BECK], one of the ablest Members of this body when it comes to constitutional matters, and also the attention of the gentleman from Virginia [Mr. MONTAGUE]. Naturally I might well hesitate in speaking before these distinguished gentlemen.

Other Members have shown the physical conditions, length, and volume of the river; the number of States involved; the area of drainage; the need of flood protection; the conditions of the river as to navigability and improvement thereof; the needs of the Imperial Valley for protection from flood and the future reclamation of great additional areas of fertile lands; the needs of the cities of southern California for a supply of stored water from the Colorado, first for domestic use, and second, power in transporting the water for domestic use and electrical energy for commercial uses. The engineering features have been presented. The economic soundness has been discussed. I shall not, therefore, attempt to discuss any of these questions.

This bill involves international relations, interstate relations, and relations between the United States and the States of the Colorado River Basin.

The right of the United States to build a structure on the Colorado River rests primarily on the interstate-commerce clause of the Constitution, which authorizes the Federal Government by giving it the power of regulating interstate and foreign commerce, to do whatever is necessary to maintain or improve navigation. This may be accomplished by regulating the flow. Regulation of flow is secured by storing the flood waters by means of a dam and discharging them in a low-water season.

There is no express provision in the Constitution authorizing the Government to engage in flood control per se, but it is assumed that such a right and duty is included in the power to regulate the flow to benefit navigation to assist interstate commerce.

In the case of the Colorado River if the Boulder Dam be built it will eventually and permanently regulate the flow and improve navigability from the dam 200 miles south to the Gulf of California and thus to the Pacific. North of the dam it will create a deep navigable body of water approximately 75 miles in length. At present the River, while practically unnavigable, is navigable in fact and in law. This may be denied, but as only a court can ultimately answer the question as far as I am concerned I agree to the proposition that the Colorado River at the Boulder Dam is a navigable stream.

The question is not as it was presented here by the able gentleman from Arizona [Mr. DOUGLAS], whether navigation is actually taking place on the stream. The question is simply and clearly whether it is a navigable stream in fact and in law.

The bill, then, is founded upon the theory, which can not be denied or overthrown, that the Government may proceed, build the Boulder Dam, because: First, an international stream and treaty relations are involved; second, improvement of navigation; third, flood control for protection of life and property.

I care not how much these matters may me minimized. They have been admitted to be in this proposition. Therefore the power and the right and authority of the United States Government to proceed for these purposes can not be questioned. Men might differ and argue as to the amount of money the United States Government ought to invest for these purposes, but they can not question the authority of the Government to do these things in the performance of these functions.

Thus the dam may be built for the above purposes without the consent of the States of Arizona and Nevada, on whose soil the dam is to be built, or any other State on the river. As amended by the committee, the title of the bill expressly includes the improvement of navigability.

Much was made of the fact that this has not been in the title of the bill during all of the years this bill has been before our committee. That is immaterial. The question is simply whether or not this stream is a navigable stream at the place where it is proposed to erect the structure. If it is, the Government can proceed, and there is constitutional basis for its action. As printed, it includes protection of the lower Colorado River Basin by flood control.

Next, as to the building of a dam to impound waters for irrigation, the Supreme Court has decided that question and held

that it is a constitutional right of the Government to improve its own lands for settlement.

This brings us, however, in contact with the rights of the States. Under the reclamation law the Secretary of the Interior complies with the laws of the States regarding the appropriation of water in those States. He obtains a permit from the State to build a dam and create a reservoir within its borders. This is true of the arid States, because the doctrine of riparian rights is abolished and superseded by the doctrine of prior appropriation.

This was provided for in the enabling acts of Congress and the constitutions of those States and has been recognized by the Congress since 1866 when it conceded and consented to and provided for the regulation of the use of water for mining and irrigation purposes by the local laws and district or State government. Repeatedly, the Congress has recognized this principle with respect to those States and the use and control of the waters within a State by that State has been recognized, together with the principle of prior appropriation by the United States Supreme Court.

If, then, the Boulder Dam were to be merely a reclamation dam, compliance with the reclamation law and the decisions of the courts would be required. That is, compliance with the laws of those States with reference to the acquiring of a water right by the issuance of a permit would be a condition precedent.

Likewise, if the proposed dam was one solely for power and was to be built under the provisions of the Federal water power act, under the provisions of that act, the parties applying for a license from the Federal Power Commission are required to first secure the permit from the State. Thus we have the rights of the States with reference to the use of the waters of the States firmly established in the reclamation law, in the Federal water power act, and in the decisions of the Supreme Court.

But, as we have stated, this proposed Boulder Dam is a project on which the Government can proceed under its constitutional functions of navigation and flood control without the consent of the States of Arizona and Nevada or any of the States of the Colorado River Basin.

I am well aware of the fact that there is a contrary theory which absolutely ignores and denies the rights of States to the use and control of waters of the State, except the ownership of the State to the bed of a navigable stream. I am absolutely in accord with the gentleman from Utah [Mr. COLTON] with reference to the rights of States respecting the use and control of the waters of the States, and that applies both to navigable and nonnavigable streams and is so expressed in our organic laws.

Again, under the Constitution, the States of Arizona and Nevada own the bed of this navigable stream at the point where the dam is to be built, but that ownership and right we have seen is subordinated in this case to the right of the Federal Government to build the dam and operate it and use it for the purposes granted by the Constitution.

However, in my judgment, the Government's superior right ceases with the doing of those things which are necessary in and to the exercise of its constitutional functions.

Further, it can constitutionally make use of any benefits created which are incident to or flow out of the exercise of its main power or function to improve navigation.

One of these incidents is power. When power is created as an incident of the building of a dam and the storing of waters for the constitutional purpose of navigation or flood control that power may be used and controlled by the United States.

The real problem arises, however, when we come to the question of the creation of power in an amount beyond that which can be used for the construction, operation, and maintenance of the dam or construction, operation, and maintenance of an area irrigated therefrom. The question then is, Can the Government after it has fulfilled every constitutional function operate further with the power and sell the use of the water or sell or lease such excess hydroelectric energy for a profit?

The element of power is almost necessarily present in every dam that has been constructed in our western country. The fact is that nine out of the reclamation dams erected by the Reclamation Service to-day have power plants built by the Government in connection with the projects and are serving, first, for the construction of the projects, and second, for their operation, and, third, for the use of the settlers upon the projects, who, by their hard-earned dollars, in time pay for the project and who will ultimately own it.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. WINTER. Yes.

Mr. SINNOTT. I know the gentleman has given a great deal of study to the question of western water rights and the respective rights of the Federal Government and the States. I know the gentleman is familiar with the Chandler-Dunbar decision. Will the gentleman apply that decision to the present situation wherein the Supreme Court held that where the Government built a navigation dam, any incidental power that might be developed at that dam could be leased?

Mr. WINTER. Yes; I am measurably familiar with that decision and the gentleman has stated it correctly, but I must point out and again emphasize that word "incident" or "incidental." I believe there is a limit to the extent that the Government can proceed with governmental operations as an incident to the exercise of its main power or function.

The CHAIRMAN (Mr. ACKERMAN). The time of the gentleman from Wyoming has expired.

Mr. SMITH. Mr. Chairman, I yield three more minutes to the gentleman.

The CHAIRMAN. The gentleman is recognized for three minutes more.

Mr. WINTER. I thank the gentleman for the three minutes.

Again, if it can do so for a profit for the purpose of repaying the Government its expenditure, can it go further and engage in and remain in the business of selling power purely for profit? Further, if it does so purely for profit after the cost of the structure with interest has been repaid, can it ignore and refuse to recognize the claims of the States where the structure is located in view of the fact that the use of the water and the ownership of the bed of the stream on which the dam and the reservoir rest are unquestionably in the States?

I now quote a resolution adopted at a conference of the governors of the States of the upper division on the Colorado River, to wit, Wyoming, Utah, Colorado, and New Mexico, August 29, 1927, having been a member of the subcommittee which drafted the resolution:

Whereas it is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by navigable waters within the limits of the several States of the Union belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interests of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States; and

Whereas it is the settled law of this country that, subject to the settlement of controversies between them by interstate compact or decision of the Supreme Court of the United States, and subject always to the paramount right of Congress to control the navigation of navigable streams so far as may be necessary for the regulation of commerce with foreign nations and among the States, the exclusive sovereignty over all of the waters within the limits of the several States belongs to the respective States within which they are found, and the sovereignty over waters constituting the boundary between two States is equal in each of such respective States; and

Whereas it is the sense of this conference that the exercise by the United States Government of the delegated constitutional authority to control navigation for the regulation of interstate and foreign commerce does not confer upon such Government the use of waters for any other purposes which are not plainly adapted to that end and does not divest the States of their sovereignty over such waters for any other public purpose that will not interfere with navigation: Therefore be it

Resolved, That it is the sense of this conference of governors and the duly authorized and appointed commissioners of the States of Arizona, California, Colorado, New Mexico, Nevada, Utah, and Wyoming, constituting the Colorado River Basin States, assembled at Denver, Colo., this 23d day of September, 1927, that:

The rights of the States under such settled law shall be maintained.

The States have a legal right to demand and receive compensation for the use of their lands and waters except from the United States for the use of such lands and waters to regulate interstate and foreign commerce.

The State or States upon whose land a dam and reservoir is built by the United States Government or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy are entitled to the preferred right to acquire the hydroelectric energy so generated or to acquire the use of such dam and reservoir for the generation of hydroelectric energy upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof agree upon any other method of compensation for the use of their waters.

We, the undersigned committee, to which has been referred the foregoing resolution, as presented to the conference on August 29, 1927, by Senator KEY PITTMAN, having adopted certain amendments unanimously, which are now incorporated therein, we recommend that the resolution set out above be adopted.

KEY PITTMAN,
FRANCIS C. WILSON,
WM. R. WALLACE,
CHARLES E. WINTER,
A. H. FAVOUR,
DELPH E. CARPENTER.

It might be claimed with considerable reason and force that the right of the State, suspended for and to the extent of the exercise of the constitutional Federal function, again attaches at the point when and where the Government ceases to operate for that purpose. If the rights of the States do not again fully obtain at such point, completely and as a matter of legal right so that it could demand either all of the benefits of the structure or a reasonable compensation, at least in my judgment certain equities arise. As a matter of fact, these equities arise in point of time coincident with the operation for profit to be applied to the repayment of the Government and not removed in point of time in this case from 30 to 50 years to the time when the Government has been fully repaid with interest.

It is on the basis of such equity that the following provisions as committee amendments were adopted, which provisions are in the Senate bill and will be offered by the committee here:

On page 8, line 7, change the word "license" to "licenses" and add "except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State for the generation or purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as such applicants.

"The rights covered by such preference shall be contracted for by such State within six months after notice by the Secretary of the Interior and to be paid for on the same terms and conditions as may be provided in other similar contracts made by said Secretary."

Page 6, line 6, after the period, add the following paragraph:

"If during the period of amortization the Secretary of the Interior shall receive revenue in excess of the amount necessary to meet the periodical and/or accrued payments to the United States as provided in the contract or contracts executed under this act, then immediately after the settlement of such periodical and/or accrued payments he shall pay to the State of Arizona 18¾ per cent of such excess revenues and to the State of Nevada 18¾ per cent of such excess revenues."

If we concede that the Government in building a dam for navigation or flood control may build a dam much higher than necessary for such purposes, plus irrigation, and create power beyond those purposes with the object of selling water for power or creating and selling power to repay the cost of the structure, the question will eventually arise as to what are the rights of the States whose waters and lands are used after the Government has been repaid. This bill does not provide for that contingency. Hence, we need not be particularly concerned as to that in deciding our vote on the measure before us, but there might well be a surplus of receipts, and there will be under a wise and proper administration of the act, from the sale of power above that necessary to meet the fixed annual return to the Government. It would seem clear that the States should receive such surplus as compensation annually during the period of amortization of the Government costs, in view of all of the foregoing and the further fact that these great Government structures can not be taxed; whereas if built by private capital, under the Federal water power act, there would be a substantial income in taxes to the State or States where the structure be located.

I represent Wyoming, one of the States of the Colorado River Basin and one of the four States comprising the upper division, namely, Wyoming, Utah, Colorado, and New Mexico. A practical situation confronts those States. As matters stand now and as they stood in 1922, the upper-division States were and are subject to the law of prior appropriations. This means nothing more or less than the loss of the use of the waters of the Colorado and the ultimate failure to make productive by the beneficial use of those waters probably a million acres in each of those States. This is so because of the certain prior development and use of the waters in the lower division of States, particularly Arizona and above all of California.

When California and Arizona 10 years ago began the advocacy of a Government dam for flood control for protection of life and property in both of those States, the upper States were sympathetic and entirely willing that such a project might go forward, but recognized that water rights initiated for flood protection, reclamation, domestic use, or power in the lower reaches of the river would gradually appropriate all of the volume of the flood waters of the river and leave the upper States waterless. This meant ultimately billions of dollars of loss and failure to develop and settle those States.

Hence negotiations then began for an interstate compact which, if signed by all of the seven States, would substitute for the law of prior appropriations the principle of equitable divisions. This was done, and the Colorado River compact was written and on the 24th day of November, 1922, at Santa Fe, N. Mex., was signed, providing for a division of the waters of the river—7,500,000 acre-feet to the upper division and 7,500,000 acre-feet to the lower division.

All of the States excepting Arizona have at one time or another ratified, either conditionally or unconditionally, the seven-State compact and later the six-State compact, which was an agreement among six States to be bound by the terms of the seven-State compact and waiving that portion of that compact which required ratification by seven States. Arizona has seen fit to refuse to enter the compact. I recognize her right to so refuse. I do not recognize and deny her right to prohibit the other six States of the Colorado River Basin or other five States or any number of States to enter into a compact and support in Congress a bill which incorporates, recognizes, and will put into operation such compact. Arizona will not be bound by any compact to which she is not a party. That is the limit of her right.

My State and every State of the upper division is in daily peril of the acquirement of water rights for irrigation and power on the lower Colorado. By act of its legislature and by reason of the refusal of Arizona for six years to enter the compact, Wyoming ratified a six-State compact.

Even though Utah has withdrawn her ratification of the six-State compact, I feel it my duty to my State, and in justice to the other upper-division States, to secure our future by the passage of this bill, so long as it requires, as it does, the ratification of the compact by the State of California.

It might as well be stated clearly and openly that our chief danger of the rapid and prior appropriation of the waters of the Colorado River for irrigation and power lies in the geographic position, topography, wealth, and command of financial resources of California.

It is perfectly natural, on the other hand, for California, which has already acquired the right to nearly all of the natural flow of the stream, to refuse to enter into a compact unless and until provision is made by legislation for the storage of flood waters from which she could guarantee by her signature to and membership in the compact the use of 7,500,000 acre-feet to the upper States.

Thus we have necessitated a compact involved in flood protection and new storage by legislation incorporating and subject to the terms of the compact.

Arizona has certain rights as a State which as legal propositions I believe are inherently hers and belong to each and every Western State in the arid region and which, in my judgment, involving the beds of navigable streams, belong to every State in the Union. She may and probably will begin litigation at once if this bill becomes a law. She may thereby delay the operation of the act and the construction of the dam, not, in my judgment, for a long term of years but only for the shortest time that would be consumed with the courts expediting the case. I for one shall be glad to have those State rights ultimately determined and declared by the court of last resort. The time has come when they should be defined. Unless this bill is passed, thus finally forcing the issue, we will encounter another period of waiting and inaction when the time and condition and progress demand action.

From the practical viewpoint, the division of water and the preferential right to the use of power, the recognition of the right of the State to receive compensation for the use of its land and water in lieu of taxation, being recognized in the bill, Arizona might well now under this bill and with the provision for the compact support the measure and complete a full seven-State compact.

Her demands for years have now practically been met. To resist and refuse further, in my judgment, is following the shadow rather than the substance. It is emphasizing legal technicalities instead of securing a substantial and practical right and development of her State. I do not consider it my duty to further endanger the rights and welfare of my State to uphold Arizona in the assertion of a legal or constitutional right or principle which after all, if sustained, will bring her no practical benefit, but, on the contrary, delay for a generation the upbuilding of her area and development of her resources. For even though the Supreme Court of the United States would ultimately sustain certain propositions with reference to the rights of the State, the practical situation is such with navi-

gability involved, with flood control involved, with an international treaty involved, and under the circumstances of the ownership of the Government of the public lands on her side of the river above high-water line and the land to be submerged by the reservoir and the land over which canals will run for reclamation and the lands to be reclaimed, that, first, the technical claims of Arizona may not be sustained as not involved in the controversy or, if sustained, will leave her helpless to proceed to the appropriation of water resources for irrigation and power within her borders for the reason that while she may be the master and arbiter as to the use of the waters, the fact remains that the Government by its ownership of the public lands may make the water rights of the State futile and unavailable.

I therefore question whether substantial results be obtained by Arizona, even though she be right on certain abstract principles. I say abstract for the reason that though maintained and substantiated they can not be applied by reason of surrounding conditions. She is not independent and can not be where the rights of other States and the rights of the General Government are also involved.

The order or precedence of the different causes or purposes in the use of waters involved in this bill are legally as follows:

Flood control—in other words, the preservation of property and of life—is given first consideration in the States and by the Federal Government. It requires no argument to show that that is a point upon which there is no disagreement. We all consider that the salvation and protection of life first and of property second is a first essential and a proper function in the business of the Government and of the State.

The second use recognized by the statutes of the States is domestic use; where there are different applications for the use of a given amount of water, the statutes of the States place the necessity of that use and preference in granting the use, first, to domestic purposes; second, to irrigation or reclamation; and lastly, to power.

So we have these four elements in this order—flood control, domestic use, reclamation, and power.

Regardless of the amount of power involved in this bill, this order and precedence are present in the bill. If you will look into the history of the Colorado River compact, which is incorporated in this bill, you will find that it originated in and was caused by the appeals years ago by the inhabitants of California and of Arizona for protection from the floods of the Colorado River. This is the origin and the genesis of the matter.

The history of the compact shows it originated and was joined in by the upper States, meaning Wyoming, Colorado, Utah, and New Mexico, because of these very appeals from California and Arizona. We recognized the danger then and we were willing that not only flood protection should proceed in the lower reaches of the river, but also development for other purposes, because we recognized that they were immediately involved; that we were face to face at once with the further needs of reclamation, domestic use, and of power, along with flood control.

The dam proposed in this bill is necessary, not for one, but for all of these objects. When all these necessities, opportunities, and demands are presented in one project, good sense and good business require their combination and a dam sufficient for all of these purposes. It would be folly to build a dam for any one of these purposes without considering and including the others. Altogether they present a case of overwhelming necessity, opportunity, development, and creation of wealth.

The power is last in the order of necessity and legal precedence and therefore and in that sense it is incidental. Because of its volume, importance, and as a source of revenue to repay the cost of the structure, the power feature is apt to be looked upon as dominant. It would be improvident and unreasonable with the erection of a dam necessary to flood control and reclamation and to provide water for domestic use to stop at that point when under the same operation and the same machinery, the same system and organization, the dam can be built 100 or 200 feet higher, particularly when the canyon structure and dimensions make it easily possible and beneficial and should be taken advantage of.

Much is said of the Nation going into the realm of Government ownership and operation of the public utilities because in the bill it is proposed, while constructing the rest of the project, to build at the one available site a power plant through which discharged water will create electrical energy. The fact is that the bill does not require construction of the power plant, but it does give the Secretary of the Interior discretion to do so if deemed advisable. Such discretion should be given the Secretary as a matter of protection to the United States and the public interest.

What is the difference essentially between the Government erecting a dam and selling the water therefrom to municipalities and private corporations to create power for retail distribution, and selling them the power at the switchboard? I am satisfied that should be in the bill if for no other purpose than to give the Government the means of protection of that feature in case it should be found necessary to use it in the public interest. The object, if the right is exercised, is the sale of power at the switchboard wholesale, and not retail distribution.

Starting from the basis that there is no disagreement as to the necessity of the dam for flood control, the only question presented is whether the Government shall stop at the completion of the dam, which necessarily includes a tunnel for the discharge of the waters, or finish the job by putting up the power plant and wholesaling the power at the switchboard.

I can conceive of several reasons why the Government should construct the plant. In the first place, I am convinced that the Government can build the power plant in connection with the other features and will build it more cheaply than any private corporation can build it.

There has been some criticism of the estimates of the cost of the project made by the engineers of the Reclamation Service. This was in connection with the estimate as to how much the dam was going to cost. You are all aware that the total estimated cost is $125,000,000, roughly divided as one-third for the dam, one-third for the power plant, one-third for the all-American canal to conduct the water on American soil to the Imperial Valley.

It has been said that there is much doubt about the estimate. It has been said that the estimates we had were made by the reclamation engineers, who, forsooth, were said to be interested in the project for some ulterior and illogical purpose of self-laudation and self-aggrandizement in building so great a structure. I do not think that any Member will take that seriously. Certain arguments were advanced to show that the estimates of the reclamation engineers on other projects have been unreliable because later on the construction of the projects cost two or three times the original estimates.

Now, I want to do the engineers of the Reclamation Service justice. In the first place, those estimates were made on reclamation projects by Government engineers years before the construction was taken up and many years more before the completion of the construction. It may have been 5 years or 10 years. It requires but the statement to recall to your minds that in that time, within the last 10 or 15 years, the prices of labor and material have more than doubled and in many cases trebled.

Again, in the original cost estimate of the engineers on the projects, it was not known that drainage would be necessary on these projects. In other words, the projects were built, they were completed, and the land was irrigated, and then, by reason of some subsurface formation in the form of a great saucer, the waters collected and it was found after years had elapsed that great drainage ditches were necessary. In some cases those drainage ditches cost very nearly as much as the original reclamation canals. These items alone would account for immense increase without any fault being attached to the original estimates of the reclamation engineers.

In former years we were dealing more or less experimentally with this whole reclamation proposition, and it is true that underestimates were made in the very beginning of the construction of these projects, but experience through these years has given the engineers many more facts and data to be taken into consideration, and now instead of underestimating these projects it is rather the habit of the engineers to overestimate the cost. The last two great dams have been constructed under the estimates.

This estimate for the Boulder Dam is not a lump sum, somebody's guess, but separate estimates have been made on every portion of this project, as I understand it, even including a 20-mile railroad from the nearest railroad point to bring in the supplies and material. In the event that this project should cost ten, twenty, or even thirty million dollars more than the estimates, the only result is that it will take a few years longer under the contracts to pay out the entire sum. There is no possibility of loss to the Government, because these estimates may be exceeded by a few million dollars. As now estimated, as I recall it, the demands for power upon which contracts would be entered into by the Secretary before beginning construction or expending one dollar are sufficient so that in the course of 25 or 30 years the entire cost of the project will be repaid, and the only effect of a possible excess over the $125,000,000

estimated would be a few years longer to complete the entire repayment.

The Government will later on want to use some of the power itself in the construction of the all-American and later other canals.

Fundamentally I am opposed to Government ownership and operation. I favor private enterprise. But sometimes it is bound, in the public interest, to enter to a certain protective extent.

Are the upper States protected? My State, Wyoming, is one of the upper-division States. We entered into the seven-State compact, and when Arizona refused to sign we were one of the six States ratifying what is known now as the six-State compact, which simply means that six States agreed to be bound by the terms of the original seven-State compact. This bill, in my judgment, gives these upper States very substantial protection. I may say, as a starting point upon this subject, that these upper States, as matters are now, without the passage of this bill, without a compact, in view of the decisions of the United States Supreme Court with reference to prior appropriations of water, are absolutely without protection; that we need the protection of the compact, and that I for one am going to continue to stand for the preservation of the compacts as far as we have them now, with the hope always that all of the seven States will finally come in and we will have a complete seven-State compact.

The upper States are protected. This bill gives them substantial, if not complete, protection. If the bill fails, an opportunity to secure the rights of the upper States to that extent will have been lost. If the bill passes, we receive a great measure of protection, even though but six States are bound and one, Arizona, is not.

The passage of the bill completes and fulfills the condition which California attached, and she becomes bound absolutely with six States; or else not a dollar will be expended, not a foot of construction go forward. That would accomplish the purpose of the six States which agreed that the terms of the seven-State compact should be binding upon six States so agreeing.

Utah is a sovereign State and, of course, can do as she pleases. Utah withdrew unexpectedly and without intimation or warning and so far as I know or can learn, at the very time, after four years of effort, when California, in which State our real danger of prior appropriation exists, was being brought into the six-State compact by a similar bill one year ago. It was a time, as I view it, to proceed, not to withdraw; a time when the object of long years of work could have been accomplished.

Regardless of the theories of State rights as to the bed of the stream and control of the use of the water of this stream by the States, it being navigable, with which I agree, the Government controls the public lands above high-water mark, where the dam will be built and the land flooded by a storage of the water, and the public lands over which the canals must run to divert the water around the dam for power, or to distant areas for reclamation in California and Arizona. Hence the Government can require Arizona, before she perfects any water rights, even though she is out of and not bound by the compact, to conform therewith, which means that the rights of the upper States to their equitable division of the water will be protected. Utah, when it ratified the six-State compact, without Arizona, accepted then the theory that protective provisions could be and would be as they are incorporated in this bill. As for California, she must ratify, or the project does not proceed. Moreover, an amendment to this bill which will make the Federal Power Commission subject to its provisions and to the compact, thereby protecting the upper-division States, is proposed and accepted. This insures against appropriation by Arizona. The upper-division States, with the exception of Utah, have remained in the compact and are supporting this bill for the reason that they believe that the rights of the upper-division States are protected therein and that the six-State compact would be perfected by the passage of this bill, which would fulfill the condition of California's entrance.

Now, the compact would have to be ratified by six States as a six-State compact. But I still hope that Arizona will yet ratify and complete the seven.

Especially do I consider it my duty to support this bill for the reason that I am thereby protecting the water rights of my State and the other States of the upper division. We of the upper States must bear in mind that without the compact and without this bill, which insures a six-State compact, we are in constant and certain danger of the exercise of the appropriation rights by all the lower States under the present laws and decisions of the United States Supreme Court. Therefore I feel in duty bound, as a Representative of my State as a State ratifying the seven and the six State compact, in view of the tremendous benefits of this bill to all the States of the Colorado River Basin and to the United States, to support this bill.

With the amendments, I favor the passage of the bill. [Applause.]

Mr. SMITH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DAVENPORT].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. DAVENPORT. Mr. Chairman, I have my time for the discussion of this measure partly from proponents and partly from the opponents of the bill; from the proponents because I am a friend of the urgent need of the people in the Imperial Valley, a friend of the development of power on the Colorado for the great region of the Southwest, and have always supported the expediting of the decision upon this question. I have some time from the opponents of the measure because I have consistently criticized this bill in what seems to me to be two important respects.

In the first place, I question the wisdom of sending this bill to the Supreme Court of the United States with the Federal legal theory of the Reclamation Service written into the structure of it. I am in no position to pretend to say whether its course to and through the Supreme Court will or will not be beset with difficulty. I only know that some of the questions raised by the bill have never been passed upon by the highest court.

And, besides, there are practical reasons of importance which have inclined my mind to another sort of bill with another sort of structure, and I have introduced such a bill, H. R. 5770, embodying the principles of the so-called Port of New York Authority and applying them to the Colorado region in the form of a Colorado River authority. A Colorado River authority or a public corporation representing the seven States at the heart of this bill instead of the National Government would to my mind have some obvious advantages. In the first place, the Colorado River authority would use private capital and not current national revenues immediately taken from the taxpayers.

If it is said that the money which the National Government advances upon this project is to be returned to the Government, the answer is that it may or may not be returned, but it will never be returned to the same taxpayers who furnished the funds. An entirely new set of taxpayers will get the benefit of any return there may be. Under a Colorado River authority or public corporation, consisting of representatives from the several States of the region, private capital would be used for the project and used only when the project seemed financially and practically sound. An authority representing the States of the region, like the Port of New York Authority representing New York and New Jersey, could borrow capital as cheaply as the National Government, or practically so, if the earning power of the project is to be what its proponents maintain. That is the experience under the Port of New York Authority, which was borrowing money the last I knew at 4.01 per cent. Every bit of control over allocation of water and power and of rates that can be exercised by the National Government could be exercised by an authority or public corporation representing the States.

This Boulder Dam project has national implications, but it is fundamentally regional, like the developments on the Tennessee, or like coming developments on the St. Lawrence and the Columbia. If the regional States own it and manage it, the National Government is thereby not under the necessity of taking on one more great business enterprise at a time when the Government has plenty to do as it is. And I believe that cooperating States under a local regional authority or public corporation would develop a better feeling than has been developed under the national structure of this bill, and that responsible representatives of the several States, charged with the duty of bringing things to pass, would accomplish the task; and that all the Nation would have to do would be to furnish that sort of a legal structure to the enterprise which would drive in a recalcitrant State if it persisted too long in its contumacy.

But H. R. 5773 is built upon the national theory, with any advantages or disadvantages that there may be in such a plan, and upon that I do not linger.

I wish to limit myself in the brief time at my disposal to one section of this bill as it stands, section 6, which to my mind condemns it unless certain fundamental changes are made. You will notice that there are three alternatives in section 6 about the power plant. It is about the power plant that a great part of the controversy over this bill has raged. Everybody agrees, in view of the flood-control and irrigation factors connected with this measure, that the United States should

build the dam. But with respect to the power plant, in section 6 there are three alternatives. First, the Secretary of the Interior—that is, the National Government—may build the power plant, operate it, and wholesale the electrical energy produced. Second, the Government may build the power plant, but enter into contract or lease of a unit or units of the plant, with the right to generate electrical energy to be in municipal or private hands. Thirdly, the Government may lease the falling water and let a municipality or a corporation build the power plant and operate it. Under the circumstances in that region at the present time, of course, it would be a private corporation which would construct the power plant.

These alternatives are at the discretion of the Secretary of the Interior.

I maintain that the Government, which is to build the dam, should also build the power plant. In the first place, because of economy in construction. One of the large elements of cost entering into the construction of a power project, or of any other project of magnitude, is the preliminary work and the equipment necessary to do the job. If the National Government is to build the dam, it will have on hand when the dam is completed the plant and equipment necessary to continue the construction of the power house. In fact, as the physical situation is in Boulder Canyon, the dam and the power house are practically a continuous structure. If the power house is to be built by a separate agency, as it may be under this bill, that agent will have to assemble organization and equipment of its own, and this assembling, equipment, and depreciation during the construction period will be largely a duplication of cost. It is much more economical to build as one continuous job.

In the second place, interest on investment is an important element of cost. The United States can borrow the thirty millions for the power plant at 4 per cent or a little more. A private corporation would pay 5½ per cent or 6 per cent. An increase of 1 per cent in interest rate over the cost of money to the United States is an increase in fixed charges of 25 per cent; an increase of 2 per cent in interest rate over the cost of money to the United States is an increase in fixed charges of 50 per cent. All to stand as an added burden upon the consumers. And these additional burdens under the circumstances, if the private corporation builds the power plant, will much more than offset any probable increased efficiency of a private construction organization over a government organization in this field of dam and power-plant building. And it is more than likely to offset any loss due to the elimination of the right of taxation of the power plant. In the third place, for recapture purposes, the lower the cost of the power plant, the better for the United States. Unfortunately, however, I am not able to find any provisions for recapture or for safeguarding recapture in this bill. And in the fourth place, if the United States owns the development entirely, the power plant as well as the dam, it has complete control over it. Its arm may be made to stretch farther toward the protection of the consumer. If the United States owns the plant, it would be in better position to assume operation itself, if operation by another agency proved unsatisfactory.

It is practicable in the canyon to build one power plant and only one. A sprinkling of power stations in the canyon would not be feasible—and the separate switchboards, separate banks of transformers, separate high-tension switches, separate everything for each plant—each agency maintaining and operating a force of its own—there would be no economy about that. For all these reasons, the third alternative in section 6, namely, the granting of the right to a private corporation to construct the power plant, should be stricken from the bill. [Applause.]

Again, the second alternative in section 6 should be scrutinized closely by this House. The second alternative contemplates a single Government-built plant, but the Secretary of the Interior at his discretion may lease a unit or units to different municipalities or corporations. Picture this plant leased to different entities not sympathetic with each other. If the power plant is to be operated efficiently, it must be susceptible of being operated as a single unit. It should be a plant that would make possible the delivery of energy on to the same transmission network, in accordance with the needs of different sections at different times of the day—depending upon the necessity of peak loads at different points at different times—to get the best results the generators in the great plant must operate in synchronism; that is, deliver energy onto the same transmission lines under the same frequency. Units of the plant operating at different frequencies could no more deliver to the same transmission line than two street cars of different gauge could operate on the same track. In order to get the best results, as I understand it, it is necessary to operate with the generators of a great power plant as you would play upon the keys or the pipes of a great organ, and yet you have a provision in this bill to lease separate units to separate entities, with no provision for a sympathetic unison of power.

There should be another amendment to section 6. This leasing of units should be allowed only on condition that if two or more such contracts of lease be entered into, provision shall be made for operation of the plant under joint agreement in terms approved by the Secretary of the Interior, for the purpose of providing for the most economical utilization of the available energy.

And again, and finally, there is no effective attempt in this measure to protect the consumers of the southwestern section of the country from extortionate charges in rate making. The California commission is a good commission, but under recent judicial economics it is helpless when operating only under the police power of the Constitution. So is every State commission.

And this brings up the whole question of whither we have drifted in this country, so far as commission control of public utilities is concerned. If recent judicial findings mean what they seem to mean with respect to what constitutes valuation for rate-making purposes for public utilities, the regulatory process of control by commissions is in danger of being seriously interfered with and brought practically to naught.

What I am adverting to is not a matter of constitutional or statutory interpretation, of which the higher courts are our experts and guides; it is rather a matter of judicial economics which in several findings has recently been generally interpreted to run contrary to the principles and rules of public-utility economics as they have hitherto been understood by the American people. A public utility in the United States receives certain exceedingly valuable privileges from sovereignty, that is, from the public. The chief privileges are the right to take advantage of the State's power of eminent domain, to extend the range of its activities through or across your property or mine upon payment of a fair compensation. Another privilege is the privilege of being a monopoly, of receiving the support of the State to prevent competition, because competition is wasteful in the case of public utilities. A third privilege is the important one of being permitted under legal ruling to insure to its investors a reasonably liberal return of profit upon its capital investment; and that reasonable return has usually been construed as the lowest price at which, in the long run under good management, sufficient capital will be attracted to the public-utility business to keep it active, serviceable, and progressive.

A fair capital basis for public-utility rate making in this country has been reckoned to be actual prudent investment. This is the rule laid down in the Federal water power act. It is the rule laid down historically by the Interstate Commerce Commission. It is the rule laid down by State commissions—for example, the States of Massachusetts, California, and many others. It is a rule which has commended itself to the common sense of the American people, in view of the unusual privileges conferred by the American people upon this particular kind of property known as public-utility property.

But it is a rule which has recently been greatly altered through the energetic activities of educational propaganda and professional legal argument by the representatives of powerful public-utility producers.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield five additional minutes to the gentleman.

The CHAIRMAN. The gentleman from New York is recognized for five additional minutes.

Mr. DAVENPORT. In case after case the producer is coming forward to contend that rates should be fixed on what it would cost to reproduce public-utility property new, regardless of original cost or actual investment, and the contention appears oftentimes to be made because under certain conditions reproduction cost is greater than actual cost and makes a more profitable rate base. This is the point of most acute conflict to-day between the public-utility owner and producer on the one hand and the consumer on the other. From the standpoint of sound economics or a wise social policy, values for rate-making purposes in excess of actual prudent investment are without justification, and the claim for such values is not consistent with either the privileges or the obligations of public-service corporations.

The courts have recently been interpreted to lend a considerable measure of support to these latter-day claims for inflated capitalization on the part of public utilities; and if the interpretation is true, it is partly because of the courts following decisions made at a time when the distinction between a private and a so-called quasi-public business had not been clearly worked out, and partly because of the handicap of limited economic training among jurists. From Smyth

against Ames in 1897 to the Indianapolis Water Co. decision in 1926, the altered attitude toward evidence of value and measurement of value is marked and significant.

This recent theory of public-utility economics of basing capitalization for rate making upon reproduction new, together with allowance for enhanced going-concern value and the like, means in a period of rising prices the granting of the highest possible earning power to a public utility, whereas the fundamental rule of public control has been to limit earning power to reasonable compensation, in view of the privileges and obligations of this kind of property.

It means a form of protection and guaranty thrown around this kind of property which is granted to no other. You may own a fine house and have accumulated wealth. I may have no reserves and wish to purchase a home. You generously loan me $10,000 in 1914, payable in 1924. In 1924 the level of prices has materially changed in my favor, but you do not demand of me—and the courts would not support you if you did—$15,000 in payment of the loan instead of $10,000. [Applause.]

The Indianapolis Water Co. decision of 1926 is already on the way to plague the courts; as, for instance, in the Massachusetts Worcester Electric Light case. Massachusetts was the first State in the Union to put its utilities under legal control, including the rate base of actual prudent investment. In the recent Worcester Electric Light case, however, counsel for the utility has succeeded in overturning in the lower courts the historical basis of valuation, and the issue will finally be determined in the Supreme Court of the United States. In Massachusetts public opinion is asking the legislature for the authority to put into the contract agreement with public utilities, in the case of new projects and in the expansion of old ones, the principle of actual prudent investment, which has been the policy of the old Bay State from the beginning.

And here is another important case. The St. Louis & O'Fallon Railroad refused to accede to the declared right of the Federal Government to recapture some of its earnings under the transportation act, and based its refusal on the ground that it was entitled to a rate of profit based on reproduction cost of its property. The Interstate Commerce Commission decided against the railway, and the lower court is adverse also, but not on a clear ground at all of repudiation of this new theory of valuation, and this case is already on its way to the final judgment seat. All over the country these controversies are springing up in terms of the new theory of protection and guarantee of public-utility properties and profits.

This trend away from the older and sounder views of public control has gone so far in the Interborough Rapid Transit case, now engaging the attention of the city of New York, the Supreme Court, and the country, that even the principle of contract is being attacked, and the opinion of a Federal court obtained that the rate of fare fixed in an agreement between the city of New York and the Rapid Transit Co. is not binding. Of course, I do not pretend to say whether in this particular case the fixing of the actual and arbitrary rate is or is not confiscatory. The decision against the city of New York in the lower Federal court seems, as I have seen it summarized, to be based upon the fact that prior to the last contract between the city and the Interborough, the State had passed a regulatory law and set up a commission and had not exempted from the area of this law the Interborough fare contract. Therefore the court appears to reason, the police power of the State is superior to the city's right to contract; and, therefore, the whole question of fares based upon higher valuation than originally contemplated may reasonably come up; and the field is wide open for a new sort of public utility valuation to be considered.

Far be it from me to pass upon the question whether this is or is not good law, but even if it is, it certainly would not apply if the State had expressly authorized the cities to make such contracts with utilities, or had declared the actual prudent investment method of fixing values and fares to be the sound one.

It is very evident that in the extreme uncertainty which prevails, if we mean to protect adequately the consumer in the region covered by any one of these great public resource projects like Boulder Dam, we must use something more than the police power of the Constitution, something in addition to commission control, whether State or Federal.

The next logical step in public-service regulation is to invoke the contract power of the Constitution. In the case of new public utility enterprises, and in the expansion of existing ones, we may provide that the right to engage in business shall be granted under terms of a specific enforceable contract in which rights and obligations, rate base and return thereon, shall be clearly set forth. This, applied to the future and to new capitalization, will infringe upon no vested rights.

And so there should be a third amendment to section 6 invoking the contract authority of the Constitution, which is needed in this bill to protect the consumers of the whole southwestern section of the country.

And I suggest the following:

As a condition to the lease of the said plant or any unit or units thereof, and as a condition to the sale of electrical energy therefrom, every lessee, and every purchaser if the United States operates the plant, shall agree that the property of such lessee or purchaser, used and useful in connection therewith, shall be valued, whether by the agencies of the States or of the United States, and whether for regulation of rates or for taxation or for State or municipal acquisition and use, at its fair value, not to exceed the net investment of the said lessee or purchaser and said net investment shall be ascertained in accordance with the provisions of the Federal water power act and the regulations of the Federal Power Commission.

Every lease and every contract for the sale of power shall provide that the resale price thereof, with the transformation, transmission, and distribution of such energy, extending to sale to the ultimate consumer, shall be subject to the regulation and control of said Federal Power Commission or of the appropriate authorities of any State or States in which such power is transmitted, distributed, sold, or used according to the respective jurisdictions of said Federal Power Commission or said State Authority, as provided in sections 19 and/or 20 of the Federal water power act.

When the time comes I want to offer a simple amendment of that sort.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DOUGLAS of Arizona. I yield to the gentleman two minutes more.

Mr. DAVENPORT. Here is a bit of testimony from the director of the joint utilities committee, who was recently questioned before the Federal Trade Commission on the interest of the joint utilities in Boulder Dam. It seems to have a significant bearing on section 6.

Q. Wasn't it true that the joint committee is opposed to the Government selling any current generated from the dam in Boulder Canyon to any except utility companies?—A. I think the statement in that letter, if I may summarize it, was to this effect: That the position of the joint committee was that the bill should follow the recommendations made by Secretary Work in his message, namely, that bids should first be asked for a private development of that river, construction of the power houses, etc. Failing that, for the leasing of the power house. Failing that, for the sale of electrical current to the highest bidder at the switchboard. I believe that that from my memory is a correct summary of what was said in that letter.

These are practically the provisions of section 6, which I am criticizing:

Q. What is the purpose or object of spreading all these pamphlets throughout the country, represented by all these documents that have come in here?—A. I think you will find, if you look through our publications, that there has been practically nothing in the line of what you call propaganda since last December, or November, whichever the month was, when the attitude of the committees toward Boulder Dam was formally stated. Prior to that time there was an issuance of a considerable amount of matter, including the two books I have spoken of, which did deal with the subject generally. I think you will find very little in the way of publication since the period I have just mentioned. In fact, I think I would be safe in saying, nothing.

All of which would indicate that with section 6 in the bill the so-called power trust is not now violently opposed. I submit this testimony without further comment. [Applause.]

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to extend my remarks generally, and in particular to include the statement of the Southern California Edison Co. to the effect that they would not build the Boulder Dam, and the testimony of Secretary Hoover in respect to the Mexican situation, and the statement of the Geological Survey with reference to the Mexican situation, and the contract between the Southern Pacific Railroad and the Imperial irrigation district; also including a letter signed by Secretaries Weeks, Work, and Wallace, all of which prove conclusively and incontrovertibly that Mexico will derive a great measure of advantage from the construction of the dam.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona to extend his remarks in the RECORD in the manner indicated?

There was no objection.

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ACKERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, had come to no resolution thereon.

PERMANENT CONSTRUCTION AT MILITARY POSTS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I ask unanimous consent to call up Senate Concurrent Resolution 21 and consider the same.

The SPEAKER. The gentleman from Oregon asks unanimous consent to call up Senate Concurrent Resolution 21. The Clerk will report it.

The Clerk read as follows:

Senate Concurrent Resolution 21

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States in signing the enrolled bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926, be, and the same is hereby, rescinded, and that the Secretary of the Senate be, and he is hereby authorized and directed, in the reenrollment of the bill, to make the following correction: On page 2, line 11, of the engrossed bill strike out the word "therefore" and insert the word "theretofore."

The SPEAKER. Is there objection to the present consideration of the Senate concurrent resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CREWS OF U. S. S. "REPUBLIC," ETC.

Mr. WHITE of Maine. Mr. Speaker, I present for printing, under the rule, conference report on the bill S. 1609, recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes.

The SPEAKER. Ordered printed.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

WALLACE H. WHITE,
FREDK. R. LEHLBACH,
EWIN L. DAVIS,
Managers on the part of the House.

CHAS. L. MCNARY,
DUNCAN U. FLETCHER,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) submit the following written statement explaining the action agreed upon by the conference committee:

The House amended the Senate bill by striking out sections 3 and 4 thereof. These sections authorized the striking of gold medals to be given to the captain of each of the ships taking part in the rescues specified in section 2 of the bill and to each person certified by such captain as having shown special courage and to have faced special danger in such rescue, and authorized an appropriation to cover the cost of the medals and their distribution.

The objection to the substance of these two sections is that they authorize a person not in the service of the Government, but in civilian employment, to bestow congressional medals in his discretion, thereby establishing what your conferees believe to be an unwise precedent.

The Senate conferees have receded and agreed to the House amendment striking out these sections.

WALLACE H. WHITE, Jr.,
FREDK. R. LEHLBACH,
EWIN L. DAVIS,
Managers on the part of the House.

LOAN OF AERONAUTICAL EQUIPMENT TO MUSEUMS, ETC.

Mr. WAINWRIGHT. Mr. Speaker, I present for printing, under the rule, the conference report on the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions.

The SPEAKER. Ordered printed.

VETO OF FARM RELIEF BILL

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Speaker and gentlemen of the House, we are about to end the first and longest session of the Seventieth Congress. Little legislation of importance aside from flood control has been enacted. The Republican Party is evidently disorganized and demoralized and can no longer function as a majority party should do. Aside from measures that fatten special interests or pour a flood of Federal money into favored districts, the session has been barren of results.

The Ways and Means Committee refuses to function and is afraid to touch the tariff. The Committee on Interstate and Foreign Commerce fails to report any bills of major importance, although the coal business is paralyzed, the miners out of work, and railroad rates sadly in need of adjustment. If either agriculture or coal mining is to recover from present disaster and distress, it is quite apparent another Congress must act.

The most important work of the session, the farm relief bill, is again killed by a presidential veto. The last Congress passed a similar measure and with a word the President nullified all the work Congress had put forth upon it for years past.

The present Congress, in response to an increased demand from the people, again passed a bill that had been overwhelmingly recommended by the Committee on Agriculture. It passed Congress by twice the majority of a year ago. Again the President wills its defeat and vetoes the bill.

Only the other day Secretary Mellon said in a public interview that the President was more important to the Republican Party than the platform upon which he was elected. This veto illustrates the force of this assertion. A platform declares party promises and principles. A President can destroy both platform pledges and the efforts of Congress to carry them out. It has been done in this case. Both Republican and Democratic Party platforms in 1924 pledged farm-relief legislation. Congress has twice made good the promise and twice the President has nullified its efforts by a veto.

A year ago in this Chamber I listened to a speech by President Coolidge commending the life and deeds of George Washington. To veto a bill giving a square deal to agriculture, as compared with other national interests, is not following in the footsteps of George Washington. It puts Calvin Coolidge out of line with the record of the great Presidents of this Republic—Washington, Jefferson, and Lincoln.

The immortal Washington was President eight years—tremendous years—when the Nation was in the making. He used the veto but twice, and then only on matters of little moment. One a bill relating to a regiment of dragoons and the other dealing with apportionments.

Thomas Jefferson, the greatest constructive statesman this country or any other Nation ever knew, never used the veto power during the eight years that he presided over the destiny of the American Republic.

Abraham Lincoln, by many thought the greatest of the immortal three in his understanding of true Americanism, like Washington, only used the veto twice, and both times upon bills dealing with mere details—not great principles of government or the general welfare. One bill that Lincoln disapproved concerned the appointment of minor officers in the Navy, and the other the issuance of bank notes of less denominations than $5.

It is interesting to study the origin, the development, and the decline of the idea of the veto power in governments. The veto is the voice of autocracy, not of democracy. It was born of the doctrine declared by Louis the Grand, when he cried, "The state, I am the state!" It is a part of the doctrine of the

divine right of kings. Its purpose was to protect the prerogatives of kings. It has come to be used to defeat the will of the people as expressed by Congress, their voice under the Constitution.

Calvin Coolidge has the veto power, because 2,000 years ago Augustus Cæsar asserted his authority to use it upon the Senate of Rome, and backed that assertion with an army. Later the Cæsars passed that power down to the kings and kaisers that followed after them, until at last it came down to English Kings. When 150 years ago our fathers framed our Constitution and our laws, they adopted the principles and practices of the unwritten constitution of England. Since an English King still claimed the power of veto, it was granted to our President in our own fundamental law. But the veto power of the British King is as dead to-day in England as William the Conqueror himself.

Not for 200 years has any English King dared to use the veto power upon the Parliament of England. If George V, King though he is of Great Britain and Ireland and Emperor of India, were to attempt to use the veto power even once upon the Parliament of England when it speaks for England, it would end even the name of Kings in England.

But here in free America the people may fight for years for a bill dealing with the life or death of a great industry essential to the welfare of the people. The demand for it rises in such a tide as to drive it through both Houses of Congress by a big majority.

At last the bill comes up to the President, and he passes judgment upon us all. He takes his pen in hand and writes "Veto"! I forbid it, like Cæsar of old, and so ends the struggle of the people to get relief by law.

Our Government is not a democracy nor an autocracy; it is a representative Government. Four hundred and thirty-five Congressmen and 96 Senators are the only voice the people have in this Republic that can speak for them in law.

If a President still has the power that once belonged to kings, to use it like a king is not in keeping with American ideals.

A study of the history of my country convinces me that if Washington, Jefferson, or Lincoln were President to-day and confronted with this great responsibility, they would not defy the representatives of the people, but would recognize and respect their right to speak for the Nation and sign the bill.

THE GOVERNMENT IN BUSINESS

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement of the National Fertilizer Association and my own remarks in reply thereto.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to make some observations concerning a letter which I understand all Members of Congress received from the National Fertilizer Association, of Washington, D. C., on May 22, 1928, which is as follows:

In view of the very short time before you will be asked to vote on the conference report on the Muscle Shoals bill—perhaps it will be to-day—I want to give you this brief message correcting misinformation that I find is being circulated:

When the House passed the Muscle Shoals bill last Wednesday, it followed rather closely the national defense act of 1916. In other words, production was limited to fixed nitrogen, striking out complete fertilizer. As you know, the national defense act states that the Muscle Shoals property should be used "for the production of nitrates or other products needed for munitions of war, and useful in the manufacture of fertilizers and other useful products." The law does not authorize production of fertilizer, but fixed nitrogen, which is only one of several ingredients of complete fertilizer. This fact the House fairly recognized when it adopted amendment after amendment restricting production to fixed nitrogen only.

But—

The conferees named by the House and the Senate have reported a bill that, if approved, will put the Government directly into the complete fertilizer business—not only nitrates but complete fertilizer. Under the conferees' bill the governmental corporation is directed "to operate existing plants, to construct, maintain, and operate experimental or producing plants at or near Muscle Shoals for the manufacture, distribution, and sale of fertilizer, or any of the by-products of the same."

The conferees' bill framed quickly over Sunday overrides the specific action of the House—overwhelmingly expressed—removing complete fertilizers from the measure. In fact, the conference report in some respects produce a more drastic fertilizer bill than either legislative body has approved.

A false report has been circulated at the Capitol that the conference report is satisfactory to the fertilizer industry. This is manifestly untrue because our industry would be subjected to Government competition which President Coolidge has termed "paralyzing monopoly."

Mr. Speaker, not only was this letter mailed to each Member of Congress, but it was also spread over an entire page of the Washington Post, in large type, as appears in the issue of that paper of this date. This is only a sample of the propaganda which is going the rounds against the manufacture of cheap fertilizer at Muscle Shoals for the farmers.

I understand every Member of Congress has been simply deluged with telegrams and letters protesting against the manufacture of fertilizers at Muscle Shoals. I know I have received more telegrams and letters objecting to the Government going into the manufacture of fertilizer than I have ever received in opposition to any other one matter. I have not received a single letter from the farmers who buy fertilizer in behalf of the manufacture of cheaper fertilizer at Muscle Shoals. I wonder why this is? I believe I know. I have told my farmer friends in Georgia that I would vote for cheaper fertilizer for them at every opportunity. They show their faith in me by quietly waiting, even though I am beseiged by the National Fertilizer Association and all the combined fertilizer interests.

Down in Georgia the farmers are busy making a crop, hoping to be able to pay their guano bill and other necessary items and have a few dollars left in the fall they can call their own. I can see them as up and down the row they go. They are plowing in the fields in Atkinson County, where my father was born. They are plowing in old Appling County, now Clinch, where my mother was born. They are plowing where I plowed, where my father plowed, and where my friends live and labor now. None of them are here taking part in the great fight for cheaper fertilizer. They are too busy trying to make a crop to pay enormous profits to the fertilizer companies, which profits the National Fertilizer Association is now using in this bitter fight against the farmer. Some one said recently that the fertilizer people were spending an enormous amount of their money in the fight. I replied, "They made the money out of the farmers and now they are fighting the farmer with the money they made out of him."

Yes, Mr. Speaker, the farmers, as ever, are working, waiting, and trusting us.

The Fertilizer Trust, in the meantime, is active. Money is being spent. Members of Congress are being besieged. Some are being threatened with defeat if they vote for cheaper fertilizers. There are lawyers, lobbyists, and fertilizer men here representing the side of the Fertilizer Trust. Oh, what an array of talent against the manufacture of fertilizers at Muscle Shoals. Bushels of telegrams in opposition to cheap fertilizers are coming to Members of Congress; wagon loads of letters and printed propaganda in opposition are being delivered. And yet the farmers are not telling us they favor the manufacture of cheaper fertilizers. It seems to be all one way unless we remember there is another side to the matter.

Well, I like fair play. Both sides should be represented, and especially those with a just cause should have representation. So I find myself marked on the side of the buyers of fertilizers—the farmers, if you please—rather than with those who sell to the farmers. I am with the farmers because I was raised with them, have always loved them and their folks, and have always been the recipient of their love, respect, and confidence. They have done more for me than I have ever been able to do for them, and now it is my purpose to at least present briefly their side of this controversy and also to vote for the manufacture of cheaper fertilizers for the farmers. I fully believe that the manufacture of fertilizers at Muscle Shoals means cheaper fertilizers for the farmers.

To tell the whole story of Muscle Shoals would require the writing of many books. I wish to only briefly, in a few sentences, point out some of the inconsistencies of the National Fertilizer Association and its allied interest. To begin with, objection is made to the Government going into business. The Government is already in business at Muscle Shoals. Fabulous sums of money were spent there during the World War and since. The Government owns one of the most valuable pieces of property in the world at Muscle Shoals. It was improved as a war measure so as to obtain an abundance of cheap nitrate for war purposes in war times and for fertilizer purposes in peace times. We will need this property if another war should come.

In my heart, I feel the farmers need it in operation now in order to give them cheaper—much cheaper—fertilizer. The Government is already in business at Muscle Shoals. What shall we do? Shall we give away the plant costing the taxpayers hundreds of millions of dollars in order to get out of business? Shall we give away all Government property in order

to get the Government out of business? Shall we give away the fabulously valuable oil properties, public lands, and timber properties of the Government in order to get the Government out of business? Shall we stop the United States mail system and deliver it to private interest in order that postal and parcel-post charges may be doubled several times in order to get the Government out of business? Shall we give away all Government-owned ships to get the Government out of business. Shall Congress cancel all foreign debts in order to get the Government out of business, and to enable the international bankers to collect greater interest on safer loans?

Shall we close down the rural credit system and put an end to all Government aid to road improvements to get the Government out of business? In short, shall Congress tax the common people unto death to buy and improve great properties needed for governmental purposes, and then give these properties to the big rich in order to get the Government out of business? Shall we stop the regional banking system to get the Government out of business?

Everyone will readily agree that the answer to these questions is no—a thousand times no. Then, there is but one answer to the demand that the Government give away Muscle Shoals in order to get out of business, and that is an emphatic no!

We, as Members of Congress, are engaged in the greatest business on earth—that of governing the greatest people on earth. The Government can not get out of business and continue to be a Government. The Government is in business on every hand by day and by night for other folks, why not for the farmers? The very people who object so bitterly to the Government being in business for the farmers, advocate most earnestly the bill being modified so as to require the Government to engage in business for the fertilizer manufacturers. They are frantic when it is suggested that the Government at Muscle Shoals manufacture finished fertilizers for the farmer, but they chuckle with the selfish delight of anticipated additional profits when it is proposed that the Government manufacture cheap nitrates to be sold to the manufacturers of fertilizers.

In effect, it is urged that it would be treasonous for the Government to engage in any business that would in the least lessen the profits of either those who sell to the farmers or who buy their products at a sacrifice, but that it would be an act of the highest patriotism to perpetuate the Government in the business of helping others make additional profits out of the farmers.

It is the same old story of attempting to help others on the theory that part of their profits may eventually ooze through their pockets and in some mysterious way help the farmers. Plenty of people are willing to help the farmers if they, at the same time, help other people more. They are not willing to help the farmers if it interferes in the least with any other business.

Many, many there are who want to get the Government out of business and want to get themselves in business by grabbing our great national assets, such as our oil properties, timber and mining lands, power sites, improved and unimproved, such as Boulder Dam and Muscle Shoals, and, in fact, all properties of whatever nature. The Power Trust and the National Fertilizer Association would be delighted to get the Government out of business at Muscle Shoals by the Government practically giving this great God-given asset to the combined power and fertilizer interests.

These selfish interests either want Muscle Shoals donated to them or operated for their special benefit. They would much prefer that this great plant—paid for with the people's money and erected on a site specially prepared by the great I Am—be closed down and rot to the ground rather than for it to be operated in behalf of the farmers and ultimate consumers of electrical energy.

This is not a rash statement, but is the awful truth. Last summer, in company with my father-in-law, Mr. J. S. Lott, of Douglas, Ga., and my son, Chester, I visited Muscle Shoals, and with the assistance of my good friend Congressman ALMON, who represents that district, we inspected the Muscle Shoals properties and found that the machinery and equipment for the manufacture of fertilizer ingredients and fertilizer were idle and going to decay, but that electrical energy was being generated for the Alabama Power Co., and by them in turn sold to the consumers for ten times what the power company was paying the Government for it.

I repeat, the fertilizer plants are idle because the fertilizer manufacturers do not want cheap fertilizers manufactured there for the farmers; the power plants are going, making electrical energy, not for the common people but for the power combines to sell to the common people at ten times selling price of the Government. Oh, the inconsistency and seriousness of the doctrine that Muscle Shoals must be closed down or be operated for the trusts of the country, and that it is all right for the Government to be in business for the profiteers but not for the common people.

The National Fertilizer Association is now urging that either nothing be done and the fertilizer plants stand idle or that they be operated for the use of the fertilizer manufacturers. The usual inconsistencies of the big corporations are in evidence. When this Congress attempts to secure a reasonable bid for a Muscle Shoals lease, the guano manufacturers and power people will not make even a decent offer and contend that neither nitrate nor fertilizers can be made successfully and that there is not a sufficient market for electrical power to authorize a reasonable bid for a power lease.

Now, the Government is proposing to operate the plant and manufacture fertilizer and power and the power people say there is a splendid market and the Government should not go into the power business except for the benefit of the Power Trust, and the guano manufacturers say guano can be produced so cheaply as to cause the closing of most guano concerns. They object to this Government going into business unless it is for their sole benefit. The guano concerns say the plan will not help the farmers, as they will not buy for cash and in the next breath say the manufacturers will be all ruined as the Government will also inaugurate a credit system if necessary.

Again, they say that only farmers living close by could afford to buy the guano on account of freight cost on long hauls, and yet the Baltimore fertilizer folks are some distance away and are most vicious in their attacks upon the plan to manufacture fertilizers at Muscle Shoals. Of course, they are simply beating the air. We all know that cheap fertilizers sold at Muscle Shoals either for cash or otherwise would reduce the price of all fertilizers, whether made at Muscle Shoals or not. This should be so, for there would also be an abundance of cheap nitrate for the manufacturers.

The Federal rural credit system makes only a small per cent of the farm loans, but it also holds down the rate of interest on all loans made by other loan concerns. So would it be in the sale of fertilizers.

There is much more I would like to say on this subject; however, this will suffice as an indication of my feelings in the matter.

CONSTRUCTION AT MILITARY POSTS

Mr. McSWAIN. Mr. Speaker, I present a conference report on H. R. 11134, to authorize appropriations for construction at military posts, and for other purposes, for printing under the rule.

PROMOTION IN THE ARMY

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 13509, popularly known as the Wainwright-McSwain bill, and to print a letter and a portion of the House report in connection therewith.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, in the Committee on Military Affairs H. R. 13509, called the Wainwright bill, was amended by inserting a section, on my motion, as follows:

SEC. 4. That the Secretary of War be, and he is hereby, directed to cause the "promotion list," created pursuant to the provisions of section 24a of the Army reorganization act of June 4, 1920, to be revised and rearranged in the following respects and particulars: That upon the passage of this act the names of all captains and lieutenants on the present promotion list, who were first commissioned in the Regular Army or Philippine Scouts to date after April 5, 1917, and before July 2, 1920, shall be rearranged on said promotion list in three groups in the order next below mentioned, the first group comprising the names of all such officers who held the permanent grade of captain in the Regular Army or Philippine Scouts on June 30, 1920, and those appointed in that grade in the Regular Army to date from July 1, 1920, otherwise than by promotion who were not officers of the Regular Army on June 30, 1920; the second group comprising the names of all such officers who held the permanent grade of first lieutenant in the Regular Army or Philippine Scouts on June 30, 1920, and those appointed in that grade in the Regular Army to date from July 1, 1920, otherwise than by promotion, who were not officers of the Regular Army on June 30, 1920; and the third group comprising all other names to be rearranged hereunder; and within each group the names shall be arranged in the order of active Federal commissioned service rendered between April 6, 1917, and November 11, 1918, both dates inclusive, the name of the officer or officers having the greatest length of such service appearing first: *Provided*, That any captain or first lieutenant of the Regular Army as of June 30, 1920, who on July 2, 1924, was in a permanent grade lower than held on June 30, 1920, shall in such rearrangement be considered to be in such lower

grade: *Provided further,* That among officers of the same group whose lengths of service are equal, arrangement shall be in the order of ages, the oldest first; and, if it shall all occur in any group that two or more officers have the same length of such service and the same age, their names shall appear with relation to each other in the same order as upon the present promotion list: *Provided further,* That each class of the United States Military Academy within the rearrangement hereby required which was graduated during the calendar year 1917 shall be treated as a unit, without change of relative order or contiguity of names within the class, and shall be placed in said rearrangement as a unit in the first group, and within said group according to the rules above prescribed, the age factor to be determined by the age of the oldest member of the class, and each class of the United States Military Academy within the rearrangement hereby required, which was graduated during the calendar year 1918, shall be similarly treated, and shall be placed in the second group: *And provided further,* That the names of the individual officers within the required rearrangement whose original places on the promotion list shall have been changed in conformity with any special enactment of Congress, or pursuant to sentence of court-martial, shall be raised above or lowered below the place fixed by the foregoing rule, by the same number of files, respectively, that are, immediately prior to such rearrangement, above or below the place on the promotion list they would have occupied without such enactment or sentence.

This extract from the report will give Members some idea of the injustice done in 1920, and the means of correcting same:

In the spring of 1921 the first promotion list was announced by the War Department, and it was then for the first time officially made known to the candidates who in the meantime had severed their civilian connections and definitely made the Army their career that, in so far as the grades of captain, first lieutenant, and second lieutenant were contained, their grade meant nothing in determining promotion-list standing. Such was not the case with the colonels, who were placed among the colonels of the Regular Army, with the lieutenant colonels, who were placed among the lieutenant colonels of the Regular Army, nor with the majors, who were placed among the majors of the Regular Army.

The captains, first lieutenants, and second lieutenants, however, found their grades ignored and themselves scrambled together and likewise, that in the main, they were placed among and below the first lieutenants of the Regular Army and in general the regular officers were above the emergency officers.

Men who had not qualified for a grade above second lieutenant found themselves promoted in a single day to the grade of captain and placed over those who had qualified for first lieutenant and captain. This was done as a result of the War Department's interpretation of section 24a, subsections 3 and 4, that grade had nothing to do with determining position on the promotion list so far as captains and first and second lieutenants were concerned, but that captains and first and second lieutenants would be arranged merely in accordance with length of credited commissioned service rendered prior to November 11, 1918, and of course this service was measured as we have already shown, to the advantage of the Regulars and the disadvantage of the emergency officers.

On the other hand, the successful candidates for grades of captain and first lieutenant have contended and do contend that the examinations had determined their relative merit; that there had always been a distinction between the grades; that precedents of the past, notably in 1901, indicated that officers would be placed among other officers of their same grade; that in no armies of the world, where there was not a system of promotion by selection, could second lieutenants jump over captains; that they were placed in their grades by the act which stated that vacancies remaining (thereafter) should be filled by promotion, and that that, of course, meant that the vacancies would be at the foot of the grade and would be filled by the promotion of the seniors of the next lower grade; that their understanding and interpretation of the law was correct, and that under it the successful candidates for captain should have been arranged among themselves according to length of commissioned service and then, by the same rule, placed among the then regular captains; that the successful candidates for the grade of first lieutenant should have been similarly arranged among themselves and among the then first lieutenants of the Regular Army, and similarly for the second lieutenants.

Ever since that time the question has been presented at each session of Congress, so that no laches can be alleged.

PRECEDENTS IN THIS AND OTHER ARMIES

Testimony before this committee has been to the effect that in no army in the world where there is not selection are lieutenants thus jumped over captains. It was also shown that in 1901 officers were taken into the Army in grades higher than the lowest and that some made second lieutenants had more service than those made first lieutenants, but nevertheless they were arranged among the second lieutenants and not jumped over those appointed first lieutenants.

It also appeared that the very act under discussion provided that captains in the Judge Advocate General's Department should in the future be taken in and placed immediately below the junior captain of the Army, though it is, of course, apparent that such new captains would have less service than the first lieutenants and second lieutenants over whom they would be placed.

Furthermore, it was shown to the committee that in 1923 the present act was amended to provide that those officers originally appointed captains but demoted in the reduction of 1922 should be the first promoted back to captains, and such was established as the method of promotion from first lieutenants to captains—giving effect thus to the grade to which appointed.

It is not a satisfactory answer to say that certain captains by reason of their appointment in that grade are still drawing the pay of that grade, even though down among the lieutenants, and therefore have been benefited by the act. The fact remains that while the act specifically stated that the appointments should be made in the grade for which found qualified, nevertheless, under the operation of the promotion list as it was formed by the War Department many of those found qualified only as second lieutenants were promoted to captains and hundreds of them were promoted to first lieutenants, while other officers found fitted for original appointment as first lieutenants and captains are below them on the promotion list, and unless that list is revised and rearranged will remain below them for all time.

It is contended by some, and particularly by the beneficiaries of the present arrangement on the list, that the arrangement established in the committee bill herewith will nullify the provision of section 24a of the national defense act wherein it is stated that "in general the first name on the list shall be that of the officer having the longest commissioned service, the second name that of the officer having the next longest commissioned service, and so on."

There would be merit in this contention were the list actually arranged in that manner, but it was not so arranged because of the numerous exceptions to the rule contained in the act itself. In fact these exceptions are so numerous as to themselves result in setting aside that enunciated principle. These are some of the exceptions: The officers of 1901 are not so arranged on the list; the emergency officers appointed in the field grades are not so arranged; the National Guard officers who had border service are not so arranged; the combatant branch reserve officers who were called to active duty for attendance at training camps are not so arranged; the officers in company grades who had Spanish War service are not so arranged; the emergency officers in company grades are not so arranged; and the provisional Regular officers are not so arranged.

It appears further from the testimony presented to this committee that the promotion list as formed by the War Department in 1920 in accordance with its interpretation of the act has been decidedly injurious to the interests of the Army and does not result in a system of promotion based on equity and merit, so that it is contrary to the principle laid down by Congress in the first sentence of section 24a.

All of the general officers of the personnel board who testified before the committee stated that they thought a law which produced such a scrambling was wrong and that they never would have favored one producing such results.

A similar conclusion must be drawn from the remark contained in the report of the Secretary of War, which reads as follows:

"(c) Officers appointed July 1, 1920, are preceded on the promotion list by others appointed the same date in lower grades.

"This has operated to the disadvantage of about 900 officers appointed as captains who are preceded by younger officers appointed lieutenants. The disadvantage worked constitutes a material hardship and is inimical to the efficiency of the Army in that it places hundreds of officers in a submerged promotion status due to their being preceded by many hundreds of younger officers."

It is, therefore, the opinion of your committee that the present arrangement of officers on the promotion list, which scrambled captains, first lieutenants, and second lieutenants irrespective of grades, is contrary to the best interest of the service, and that the promotion list should be revised and rearranged as provided in the bill herewith.

Having reached that conclusion, the committee adopted as a principle the statement of General Walker, former Chief of Finance, that the correction of a wrong can not result in doing another injustice. It also adopted the principle that it was immaterial how many would be affected one way or the other.

Further, the committee was not concerned with the number of files which it was shown various individuals would drop or rise on the promotion list under the proposed bill. It was apparent that the number of files changed by a correct rearrangement was an accurate gauge of the benefits or injuries received under the present incorrect arrangement.

Those who most greatly benefited by the present arrangement are, of course, those who will and do claim to be most adversely affected and they may generally be grouped as the provisional second lieutenants of the Regular Army of June 5, 14, and 16, 1917, and those of

August 7–10, 1917; the former emergency officers who were appointed second lieutenants in 1920 as the result of the examinations; and a smaller number of former emergency officers who were appointed first lieutenants in 1920, but who have early dates for commencement of service.

LETTER JUST RECEIVED

MAY 21, 1928.

Hon. J. J. McSWAIN,
Washington, D. C.

DEAR SIR: Some time ago I received a copy of the speech which you made in support of your promotion bill. Since that time, as I understand, what I consider the essential part of your bill from my point of view has been incorporated in the revised Furlow bill as reported out of committee. As the Chief of Staff of the Army has recently announced his approval of the latter bill, I think there can be no impropriety in my writing to you on the subject.

I am one of the class of officers adversely affected by the War Department's interpretation of the act creating the original single list. A graduate of the first Fort Oglethorpe training camp, which you yourself attended, with uninterrupted service, originally appointed captain in 1920, and now 43 years old, I am preceded on the promotion list by hundreds of men far younger than I who were originally appointed in lower grades. My case is merely typical and has no special merit. There is something incongruous, and even absurd, in the sight of gray-haired captains marching on foot with their companies, led by a youthful major on horseback. It is not an unusual sight at present, and in a few years it will be a common one. Some of the younger officers who have benefited by our misfortune even see an element of humor in such a situation.

I do not propose to review the arguments, for you have heard them over and over again. However, I inclose a clipping from the last Army and Navy Journal which sums up the case rather well and to which I desire to invite your attention.

As a member of the Army and a South Carolinian (Lancaster County), I take the liberty of expressing my appreciation of the great interest you are taking in legislation for the benefit of the service.

Very sincerely,

———— ————,
Captain, Infantry.

FAVORS BLACK-M'SWAIN BILLS

EDITOR ARMY AND NAVY JOURNAL: Several letters have appeared against the Black and McSwain bills, but I have noticed none in favor of them in your paper. Fearing that our legislators may think there is no interest in these bills, and that those they are trying to help do not appreciate their efforts, I ask that you publish this in your issue.

It appears to me that the letter in your issue of April 28, signed A. B. C., is rather misleading and somewhat biased. He states that 2,500 officers would lose and from 1,800 to 2,000 officers would gain if these bills are passed. These figures are evidently taken from a quick and acknowledgedly rough estimate contained in the testimony of Major Summers, published in your same issue. From his testimony, the major is not an enthusiastic supporter of either bill. This is well evidenced by the examples he cited as to the effect of the bill. Even accepting these figures as correct, should not the fact that justice is being done to 2,000 officers outweigh the fact that 2,500 other officers will have to wait a few more years for promotion? Particularly when it is acknowledged that the 2,000 are, in most cases, older men than the 2,500 and will reach retirement age more quickly, thereby making places for those who are now held up. In other words, while these 2,500 (provisionals mostly) will not gain their majority so soon they will eventually be eligible for the highest rank, whereas some 1,400 emergency officers will be retired before they can possibly reach the grade of colonel, under the present conditions.

In the first training camp an opportunity was given all men under 27 years of age (29 in the engineers) to take the examination for provisional second lieutenant. Six hundred and thirty-five of these, who took the examination, were successful, and all of them (then first lieutenants in the Regular Army) were placed ahead of those of us who were examined in 1920 and commissioned captains. Most of us could not take these examinations because we were too old. Yet this very fact, and the further fact that many of us were married, meant that we would not be drafted and were offering our service without any thought of later compulsion. In addition we were also passed on the promotion list by a number of second lieutenants, who had a few months, weeks, or even days more commissioned service than we.

It is useless to go into the details of what we consider our injustices. They have been outlined very fully and ably in the report of the Senate committee on the Black bill, published in your issue of April 21. If one has read that and is not persuaded of the justice of our cause, nothing I can say will alter his opinion. I can not believe that the majority of those whose promotion will be retarded by the operation of these bills will become disgruntled because justice will be done to others, even at their expense. As we see it, the position they occupy is the result of a misinterpretation of the law, and it is a fact that many of them did not expect this preference when they accepted their first commission in the Regular Army. Some few, who had inside information as to the way the law was to be administered, did expect this, but it was the exception. Practically as a unit the emergency officers who came in in 1920 were led to expect that captains would be graded amongst themselves, first lieutenants amongst themselves, and second lieutenants amongst themselves.

If this was not the way the law was expected to be applied in June, 1920, why did the examining boards go to the trouble of preparing one examination for candidates for captain, a different one for candidates for first lieutenant, and still a third for second lieutenant? And why were we recommended for one of these grades and commission in that grade actually issued and accepted by us as a captain or a lieutenant?

A. B. C. has called the Black-McSwain bill unjust, but he failed to point out wherein the injustice lies. There are, undoubtedly, many injustices to individuals and to classes in the present promotion list. The War Department acknowledges this. Why not accept this opportunity to correct the acknowledged injustice to several thousand officers, with the minimum of injury to others?

I believe that the Black bill should be passed because it gives the bulk of emergency officers the position these officers believed they were to have when they accepted their permanent commission; this was based on the wording of the law, the action of the examining boards, and the issuance of commissions in the grade for which recommended by these boards;

It aids materially in placing the older men above the younger in the "hump";

It provides for promotion for length of service; the liberal retirement features will accelerate promotion; no one is to be forced out and no officer demoted by any provision therein;

It is the only bill I have seen which attempts justice to those who abandoned their civil occupations because they loved the service, and at the same time it combines the best features of many other bills.

CAPTAIN.

EXTENSION OF REMARKS—BOULDER DAM

Mr. SMITH. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks on H. R. 5773 for five legislative days.

The SPEAKER. The gentleman from Idaho asks unanimous consent that all Members may extend their remarks on House bill 5773 for five legislative days. Is there objection?

There was no objection.

Mr. EVANS of California. Mr. Speaker, in the time allotted to me, I shall attempt to direct the attention of the committee to the part that is being taken in this proposed legislation by the city of Los Angeles and the communities adjacent to that city, or, in other words, the part that is being taken by that section of country known as the coastal belt in southern California. In this connection I want to emphasize one thing, and that is there is a vital distinction between Los Angeles and all the rest of this section comprising the coastal belt. The impression one ordinarily gets from hearing this section mentioned is that it is all Los Angeles. This is decidedly not the case. The city of Los Angeles, it is true, is the metropolitan center of this section, a city of approximately a million and a quarter people, but there are more than this many people residing outside of the city and in close proximity therewith than are within the boundaries of the city. There are more than 50 incorporated cities within a radius of 60 miles of the city of Los Angeles with populations from 140,000 down. These cities are all connected with each other by highly developed and thickly settled urban territory. It is with these outside sections in mind I wish to speak particularly.

I share with the people of the country the deep interest in protecting Imperial Valley from flood menace. We realize how grave this menace is. If such a catastrophe comes to Imperial Valley as came to the Mississippi Valley during the last year, and which is altogether not only probable but practically certain if relief is not afforded, this Congress would no doubt hasten to spend even more money, if necessary, for the protection of life and property in that valley than is called for in this bill; that is to say, that after the disaster has come and we have visualized the gravity of its consequences we would be ready to respond in an effort to relieve, but often after it is too late. But that feature of the legislation will be covered by my colleague from California, Mr. SWING, who is a resident of that valley and who is better informed as to the condition that prevails there than any other man, either inside or outside of this Congress.

The gentleman from Nevada [Mr. ARENTZ] on yesterday stated that he had lived with this project for the improvement of the Colorado River for the past six or seven years and that he had come to the point where he considered that it was almost a part of himself. I dislike to refer to my own experience in matters

of this kind, but it is consistent for me to say that I have lived with the water problems of Los Angeles and vicinity for the past 15 years. There has not been one day during that time up until a year and a half ago that I have not been directly connected with one or more pieces of litigation involving water rights in this section, which litigation involved the title and amount of water that is there and the condition of the water level in different sections of this coastal belt.

The gentleman from Utah [Mr. LEATHERWOOD] yesterday stated that upon investigation it had been ascertained that this section had available sufficient water for its use for the next 50 years and that all this claim of water scarcity in Los Angeles and vicinity was a fraud, sham, and delusion. If all the engineers of Utah, of Arizona, and of California, and all the Congressmen from these and all the other States of the Colorado River Basin, should come here and state to this committee that the water level in this section was not being depressed at an alarming rate and that this section was not approaching a crisis in the matter of a water supply, I for one would know that the statement was not true. I would know this from what I have seen with my own eyes and from investigations that I have personally made, from scores of measurements of wells that I have witnessed being made during the past years at different points in that section.

What are the actual facts with reference to this water supply in the city of Los Angeles and adjacent communities? Here are the facts and the figures: In the city of Los Angeles there is available from local sources 139 second-feet. The Los Angeles aqueduct, which brings water in from Owens Valley, a distance of 256 miles, has a total capacity of 400 second-feet, which amounts in all to 539 second-feet total capacity for the city. During the past three years the Los Angeles aqueduct has carried into the city of Los Angeles an average of 266 second-feet, which was all that was available from that source. While the aqueduct has a capacity of 400 second-feet, there is no certainty that the city will obtain the full capacity. In fact, it never has been able to receive the full capacity, and probably never will.

It can only receive the amount that is available in the valley, and this depends entirely on the rainfall and the snow in the mountains above. So I say that during the past three years, when the demand has been probably the greatest ever in history, the average has been only 266 second-feet. When this amount is added to the local supply of 139 second-feet it will be shown that the city of Los Angeles has for the past three years used an average amount of 405 second-feet for a population of at least a million and a quarter people. If the population continues to increase at the rate of 100,000 a year, as it has in the past few years, the city will have 2,500,000 twelve years from now, or double the population it now has. If it requires 405 second-feet to supply one and a quarter million at this time, it undoubtedly will require twice that amount, or 810 second-feet to supply the 2,500,000 twelve years from now. Instead of having a requirement of 810 second-feet twelve years from now, if steps are not taken to augment the supply the city will find itself short the difference between 810 second-feet and the 539 second-feet available, or 141 second-feet below the necessary amount for the population that will be there.

It ought not to require a great deal of argument on the part of the people of this section to convince the members of this committee and the public generally that the charges made against the people of the Los Angeles territory are utterly untrue, as well as ludicrously stupid. In pursuing such a course the people of this section would have everything to lose and nothing to gain. If this area had a reliable and sufficient water supply for the next 50 years it would be the proudest boast of their whole history; to make it known to the world would be of greater economic value than could be bought by the expenditure of hundreds of millions of dollars.

There is no possible way that this section could be benefited by advertising to the world a pending water shortage when in fact none existed.

Instead of concealing the facts regarding their water supply, the people of this section have endeavored to place before the committee, and will place before Congress, a true statement of the conditions as greatly as they regret the necessity therefor. The conditions as herein set forth exist, nevertheless, and it is the duty as well as the obligation of the people to make known the facts in their true light and in time to meet the shortage with which the section is inevitably faced.

In order to arrive at a safe estimation as to how long the present supply of this section will be sufficient it is necessary to take into consideration only two major factors; first, the amount of water available from all sources, and, second, the present population and the rate of increase in population. For the purpose of dealing with the first factor it is known that water reaches this area from two, and only two, sources—the rainfall and the supply that is brought in from the Owens River through the Los Angeles aqueduct, over a distance of 250 miles. Rainfall records have been kept at probably more than a hundred points distributed over this area by the Government for the past 78 years and these are available and show a mean annual precipitation of 15 inches.

This entire precipitation falls in a period of about three months of the year, leaving the remaining nine months subject to extreme drought. The only means of conserving this rainfall is by storage reservoirs by which the storm run-off is held and retarded in the mountains, and by the natural storage capacity of the stream basins lying within this area. The underground storage is by far the most efficacious, as the low coastal belt is composed of soft deposits of gravel and detritus, which is of great depth and capable of retaining a large amount of saturation. This section is compelled to rely almost entirely on this underground storage to bridge over the cycle of dry years that come more or less at regular intervals. This precipitation is very erratic in quantity and ranges from 5 inches per annum to as high as 38 inches. A large portion of this water sinks into the soil of this coastal belt and becomes available by pumping for domestic use. This source of supply amounts to approximately 139 second-feet, together with the 400 second-feet afforded by the Owens River Aqueduct, making a total of approximately 539 second-feet for the city of Los Angeles proper, which is materially greater than is available for that part of the area outside of the city of Los Angeles which has not the benefit of the aqueduct water. By the use of every possible means of conservation, through storage reservoirs in the mountains and using every means to intercept the rainfall and cause it to lodge in the soft sand, gravel, and detritus, of which the soil of this coastal belt is characteristic, there is available from all sources a total of 539 second-feet, with the city of Los Angeles being preferred by reason of having the exclusive use of the 400 second-feet coming from the aqueduct.

But this condition in Los Angeles city proper is in no sense comparable to the condition that exists outside the city of Los Angeles. Bear in mind that the people outside the city of Los Angeles have no interest in, nor receive any of the benefits from, the Los Angeles aqueduct of 400 second-feet. They are left to rely on local developments, and it is in these sections that the crisis is rapidly approaching.

At this point I want to read to the committee a telegram received from the chief engineer of the water department of the city of Pasadena. This, gentlemen of the committee, is fairly typical and representative of the attitude of the people of the cities of this coastal belt, and also gives a short description of the conditions as exist in that section. It is typical also of telegrams that I have received since this bill has been up at this session of Congress from the 40 to 50 other cities of this section. It reads as follows:

Hon. W. E. EVANS,

House of Representatives, Washington, D. C.:

The city of Pasadena is an active supporter of legislation leading to construction of the Boulder Canyon Dam in the belief that only from the Colorado River can an adequate domestic water supply be secured for the cities, towns, and communities of southern California. While we are directly interested in the regulation of the river for flood control and irrigation, Pasadena's prime interest in the Boulder Dam project is in the procurement of an adequate water supply.

Pasadena's present surface and ground water supplies are overdrawn beyond their safe yield, not only by Pasadena, but by the following additional incorporated cities: South Pasadena, San Marino, Alhambra, San Gabriel, Sierra Madre, Arcadia, Monrovia, and communities of La Canada, Flintridge, and Altadena, whose combined drafts with that of Pasadena result in a present overdraft of 9,000,000 gallons daily in excess of the average replenishment, which has resulted in a recession in ground water levels of 65 to 80 feet in 11 years, until our pumps are now placed 300 feet below the surface of the ground. Pasadena alone has grown in population from 45,000 in 1920 to present 80,000, and in assessed valuation from $73,000,000 to $188,000,000, and in use of water from 7,000,000 to 12,000,000 gallons daily in same period. Above listed neighboring communities drawing upon same source of water supply are growing at even greater rates. The immediate and future welfare of Pasadena depends upon prompt procurement of additional water supply not possible to develop from local sources. Wherefore, Pasadena urges upon you and your colleagues the enactment of the Boulder Dam legislation.

CITY OF PASADENA,
By SAMUEL B. MORRIS,
Chief Engineer Water Department.

This telegram points out the fact that the water level in this city is being reduced.

In support of this statement with reference to the rapidity with which the water supply in this section is approaching inadequacy, certain statistical facts are interesting relative to the varying conditions of the water plane in the coastal belt.

The water level in this section has gradually dropped during the past few years to an alarming extent. It is a matter of but a few years ago when there were to be found scattered over this basin a number of artesian or self-flowing wells. Practically all, if not entirely all, have disappeared during the very recent years. Records are being made of the water plane throughout this basin and show a gradual decrease from 2½ to 3½ feet per year, according to the particular location in the basin. A certain well-known well situated southeasterly of the city of Los Angeles on what is known as the Santa Ana part of the basin yielded until recent years a flow which under its own pressure stood 60 feet above the ground surface. The water level in that same well is now 50 feet below the ground surface. Another well, located in the San Fernando Valley, which is quite typical and representative of that basin, has dropped a distance of about 60 feet during the past 20 years. It is a fact subject to positive and conclusive demonstration that the water plane in this entire metropolitan area is being gradually depressed at an enormous rate, and that at the present rate of increase of population will necessarily soon become completely exhausted.

I submit, in all sincerity, that any claim or representation on the part of the opponents of this legislation that the water scarcity in southern California is exaggerated by the people of that section is unwarranted and wholly without support in fact. There could be no possible reason why the people of that section would exaggerate the condition.

The question has been asked during the course of the debate on this bill, and properly asked, What assurance will the Government have of being reimbursed in the amount that it advances for the construction of this project? The bill provides that no work shall begin or no money be expended until the Secretary of the Interior shall have received and approved valid contracts on the part of the communities benefited, agreeing to take the water and the power from this dam in the quantity and at a rate that will return to the Government the full amount expended, along with interest at 4 per cent, in a period not exceeding 50 years. This sounds practical and businesslike. The only question that may remain in the minds of members of the committee is as to the responsibility of the contracts. Let us see for a moment what will be behind the contracts for water and for power. The State of California has recently enacted a law providing for the formation of a great metropolitan water district, embracing all the cities of the coastal belt and other property within this section not included within the cities, authorizing the said district to issue bonds up to 15 per cent of the assessed valuation of the property in the district, to pay for water and power received by the district. The assessed valuation of the property of this district, which will be behind the bonds that will be issued, has been estimated conservatively at $2,000,000,000. So it will readily be seen that the bonding capacity of this district, even on the basis of an assessed valuation of $2,000,000,000, will be $300,000,000.

So, in answer to the gentlemen, we feel secure in saying that a bonding capacity of $300,000,000, secured by assessed valuation of over $2,000,000,000, is a safe guaranty to the Government for the payment of the money advanced on this project.

I submit, gentlemen of the committee, that this legislation is urgently needed; that it is fair, clean, and businesslike; that it is based on principles economically sound; and that in all good conscience it should be enacted by this Congress.

ORDER OF BUSINESS

Mr. BANKHEAD. At this time is the majority leader prepared to make any announcement about a night session for tomorrow night? There has been some report that the gentleman was going to ask for a night session in order to consider bills on the Private Calendar.

Mr. TILSON. I had not thought of doing that earlier than Friday night. If we do not have the regular Friday for the Private Calendar, I think I shall ask for a night session Friday night.

Mr. HASTINGS. For the consideration of the Private Calendar?

Mr. TILSON. Yes.

Mr. LOWREY. I want to say to the majority leader that many Members are getting very much interested about the Private Calendar and the Consent Calendar, and I think they would be glad to do some night work.

Mr. TILSON. Well, they may get the opportunity.

Mr. LOWREY. I hope so.

MUSCLE SHOALS

Mr. CHINDBLOM. Mr. Speaker, may I inquire as to the parliamentary situation with reference to the Muscle Shoals bill? I am informed that the Senate took action recommitting the bill. The House conferees have reported to the House.

Mr. LAGUARDIA. The Senate did not take action to recommit the bill but to recommit it to the conferees.

Mr. CRAMTON. There is a message to the House of that action by the Senate.

The SPEAKER. But it requires no action by the House.

Mr. CHINDBLOM. Had not the House conferees reported to the House?

The SPEAKER. But the House has not acted on the conference report. The managers are still in existence, and the Chair was given to understand that the conferees will meet to-night and hope to reach an agreement.

Mr. TILSON. The papers are with the conferees on the part of the Senate.

The SPEAKER. They are.

Mr. BANKHEAD. Mr. Speaker, as I understand, in answering the parliamentary inquiry of the gentleman from Illinois, the Chair stated that no action on the part of the House is necessary.

The SPEAKER. That is correct.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table, and, under the rule, referred to the appropriate committee, as follows:

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.;

H. R. 5898. An act to authorize certain officers of the United States Army, Navy, and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.;

H. R. 10014. An act for the relief of A. F. Gallagher;

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; and

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 2965. An act authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River, at or near Vincennes, Ind.;

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas; and

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army,

and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. R. 971. An act for the relief of James K. P. Welch; and

H. R. 12821. An act to authorize an appropriation to provide additional hospital domiciliary and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

ADJOURNMENT

Mr. SMITH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Thursday, May 24, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 24, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 13683).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 221. A resolution providing for the consideration of H. J. Res. 247, a joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief-creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1826). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 222. A resolution providing for the consideration of S. 1727, an act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended; without amendment (Rept. No. 1827). Referred to the House Calendar.

Mr. LOWREY: Committee on Coinage, Weights, and Measures. H. R. 12451. A bill to establish an assay office at Dahlonega, Lumpkin County, Ga.; with amendment (Rept. No. 1829). Referred to the Committee of the Whole House on the state of the Union.

Mr. JEFFERS: Committee on the Civil Service. H. J. Res. 238. A joint resolution providing for the granting of veterans' preference in civil-service examinations; with amendment (Rept. No. 1830). Referred to the House Calendar.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 13449. A bill to provide for the promotion of clerks and general mechanics in the motor-vehicle service; without amendment (Rept. No. 1835). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 13450. A bill to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service; without amendment (Rept. No. 1836). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 307. A joint resolution to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River; with amendment (Rept. No. 1837). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 10812. A bill for the relief of Donald M. Davidson; without amendment (Rept. No. 1831). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 11181. A bill for the relief of William Parish; with amendment (Rept. No. 1832). Referred to the Committee of the Whole House.

Mr. WHITE of Colorado: Committee on the Public Lands. S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama; without amendment (Rept. No. 1833). Referred to the Committee of the Whole House.

Mr. JAMES: Committee on Military Affairs. H. R. 13440. A bill for the relief of Howard P. Milligan; with amendment (Rept. No. 1834). Referred to the Committee of the Whole House.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 12322. A bill to quiet title and possession with respect to certain lands in Faulkner County, Ark.; with amendment (Rept. No. 1838). Referred to the Committee of the Whole House.

Mr. LUCE: Committee on the Library. H. R. 12456. A bill awarding a congressional medal of honor to Lincoln Ellsworth; with amendment (Rept. 1839). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 13633. A bill for the relief of Martin G. Schenck, alias Martin G. Schanck; without amendment (Rept. No. 1843). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13894) granting an increase of pension to Josephine Alexander, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 13976) granting the consent of Congress to the International Business Co. (Inc.) and its successors and assigns, to construct a bridge across the Ohio River at or near Ashland, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH: A bill (H. R. 13977) authorizing the Secretary of the Interior, through the Commissioner of Indian Affairs, to settle claims by greement arising under operation of Indian irrigation projects; to the Committee on Indian Affairs.

By Mr. SNELL (by request): A bill (H. R. 13978) to amend section 5 of the act of March 2, 1895, relating to official bonds; to the Committee on the Judiciary.

By Mr. WYANT: A bill (H. R. 13979) to provide for the erection of a monument upon the Bushy Run battle field, in Westmoreland County, Pa.; to the Committee on the Library.

Also, a bill (H. R. 13980) to provide for the erection of a monument at the grave of Gen. Arthur St. Clair, at Greensburg, Pa.; to the Committee on the Library.

By Mr. GRAHAM: A bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases; to the Committee on the Judiciary.

By Mr. KVALE: A bill (H. R. 13982) to fix the time for the meeting of the Seventy-first Congress; to the Committee on the Judiciary.

By Mr. McLEOD: A bill (H. R. 13983) to require the Director of the United States Veterans' Bureau to provide a flag hereafter to drape the casket of each deceased veteran not dishonorably discharged, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. SINNOTT: Joint resolution (H. J. Res. 318) amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjust-

ment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405); to the Committee on the Public Lands.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 319) to provide for discontinuing at Baltimore the use of the buildings formerly erected as an immigration station, and the grounds adjacent to Fort McHenry Military Reservation and National Shrine, as prohibition enforcement headquarters; to the Committee on Ways and Means.

By Mr. REED of New York: Concurrent resolution (H. Con. Res. 40) to provide for the printing of additional copies of the hearings held before the Committee on Education of the House of Representatives on the bill to create a department of education; to the Committee on Printing.

By Mr. BOYLAN: Resolution (H. Res. 223) to pay officers and employees of the House of Representatives, including the office of the legislative counsel, their respective salaries on the 1st and 15th days of each month; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 13984) to authorize the President to present the distinguished-service cross to Pvt. Wilton E. Kilmer; to the Committee on Military Affairs.

By Mr. GREGORY: A bill (H. R. 13985) granting a pension to Sarah Elizabeth Skaggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13986) for the relief of Arthur B. Fleming; to the Committee on Military Affairs.

By Mr. HILL of Washington: A bill (H. R. 13987) for the relief of Herman Wulff; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 13988) for the relief of Peter Shapp; to the Committee on Indian Affairs.

By Mr. IRWIN: A bill (H. R. 13989) granting a pension to Louis M. Hampton; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 13991) granting an increase of pension to Martha H. French; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 13992) for the relief of N. P. Nelson & Co.; to the Committee on Claims.

By Mr. WILSON of Louisiana: A bill (H. R. 13993) authorizing the President to reappoint Briscoe A. Trousdale, jr., formerly a second lieutenant of Field Artillery, an officer of Field Artillery, United States Army; to the Committee on Military Affairs.

By Mr. WOLVERTON: A bill (H. R. 13994) granting a pension to Mary Vanderherchen; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7749. By Mr. DEMPSEY: Petition of citizens of Rochester, N. Y., urging passage of House Joint Resolution 27; to the Committee on the Library.

7750. By Mr. FITZPATRICK: Petition of Federal Grand Jury Association for the Southern District of New York City, N. Y., opposing the passage of the Senate bill purporting to take from the Federal judges their ancient power freely to comment upon the evidence in trials by jury; to the Committee on the Judiciary.

7751. By Mr. O'CONNELL: Petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill 12578, to authorize certain carriers to extend credit on freight transported; to the Committee on Interstate and Foreign Commerce.

7752. Also, petition of the American Agricultural Chemical Co., New York, opposing the conference report on Muscle Shoals; to the Committee on Military Affairs.

7753. Also, petition of Baugh & Sons, Baltimore, Md., opposing the conference report on Muscle Shoals; to the Committee on Military Affairs.

7754. Also, petition of Hilda Rabenbauer, Brooklyn, N. Y., opposing the passage of the conference report on Muscle Shoals; to the Committee on Military Affairs.

7755. By Mr. QUAYLE: Petition of Baugh & Sons, Baltimore, Md., opposing the Muscle Shoals bill as agreed by the conferees; to the Committee on Agriculture.

7756. Also, petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill 12578, to authorize certain carriers to extend credit on freight transported; to the Committee on Interstate and Foreign Commerce.

7757. Also, petition of the American Agricultural Chemical Co., New York City, opposing the Muscle Shoals bill as agreed to by the conferees; to the Committee on Agriculture.

7758. Also, petition of William H. Shute, John MacMurray, M. Stanford, John Botts, Ralph E. Carter, G. A. Gildersleeve, F. W. Watson, and W. S. Welshonce, of Brooklyn, N. Y., and G. M. Barnes and Edward Fales, of Long Island, favoring the passage of House bill 12032 (Navy warrant officers' pay bill); to the Committee on Naval Affairs.

7759. Also, petition of National Fertilizer Association, of Washington, D. C., opposing the report of the conferees on the Muscle Shoals bill; to the Committee on Agriculture.

7760. Also, petition of Federal Grand Jury Association, of New York City, opposing the passage of Senate bill purporting to take from the Federal judges their ancient power freely to comment upon the evidence in trials by jury; to the Committee on the Judiciary.

7761. Also, petition of American Association Creamery Butter Manufacturers, of Washington, D. C., favoring the passage of House bill 10958, amending the oleomargarine law; to the Committee on Agriculture.

7762. By Mr. YATES: Petition of voters of Chicago, Ill., urging the passage of a pension bill increasing the pensions of widows of Civil War veterans to $50 per month; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *May 24, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shipstead
Barkley	Fletcher	McLean	Shortridge
Bayard	George	McMaster	Simmons
Bingham	Gerry	McNary	Smith
Black	Gillett	Mayfield	Smoot
Blaine	Glass	Metcalf	Steck
Blease	Greene	Moses	Steiwer
Borah	Hale	Norris	Stephens
Bratton	Harris	Nye	Swanson
Brookhart	Harrison	Oddie	Thomas
Bruce	Hawes	Overman	Tydings
Caraway	Hayden	Phipps	Tyson
Copeland	Heflin	Pine	Vandenberg
Couzens	Howell	Pittman	Wagner
Curtis	Johnson	Reed, Mo.	Walsh, Mass.
Cutting	Kendrick	Reed, Pa.	Walsh, Mont.
Dale	Keyes	Robinson, Ark.	Warren
Deneen	King	Sackett	Waterman
Dill	La Follette	Schall	Wheeler
Edge	Locher	Sheppard	

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is detained at home because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

NIGHT WORK IN THE POSTAL SERVICE—VETO MESSAGE

The VICE PRESIDENT. In accordance with the unanimous-consent agreement of yesterday, the Chair lays before the Senate the veto message of the President of the United States of the bill (H. R. 5681) to provide a differential pay for night work in the Postal Service. The question is, Shall the bill pass, the objections of the President to contrary notwithstanding? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. NEELY's name was called), The senior Senator from West Virginia [Mr. NEELY] is unavoidably absent. If he were present, he would vote "yea."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], who is detained from the Senate on account of illness. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

The roll call was concluded.

Mr. BROUSSARD. I desire to announce that my colleague the senior Senator from Louisiana [Mr. RANSDELL] is unavoidably absent. I wish this announcement to stand for the day.

Mr. FLETCHER. I wish to announce that my colleague the junior Senator from Florida [Mr. TRAMMELL] is unavoid-

ably absent. I ask that this announcement may stand for the day. If my colleague were present, he would vote "yea."

Mr. NYE. I desire to announce that my colleague the senior Senator from North Dakota [Mr. FRAZIER] is unavoidably absent. If he were present, he would vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK], if present, would vote "nay."

Mr. TYSON (after having voted in the affirmative). On this vote I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from West Virginia [Mr. NEELY] and let my vote stand.

Mr. GERRY. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is unavoidably absent on account of illness in his family. If present, he would vote "yea."

Mr. CURTIS. I wish to announce that on this question the Senator from North Dakota [Mr. FRAZIER] and the Senator from Florida [Mr. TRAMMELL] are paired with the Senator from Delaware [Mr. DU PONT]. If present, the Senator from North Dakota and the Senator from Florida would vote "yea" and the Senator from Delaware would vote "nay."

I also desire to announce that on this vote the senior Senator from Indiana [Mr. WATSON] and the junior Senator from Indiana [Mr. ROBINSON] are paired with the senior Senator from South Dakota [Mr. NORBECK]. If present, the Senators from Indiana would vote "yea" and the Senator from South Dakota would vote "nay."

The roll call resulted—yeas 70, nays 9, as follows:

YEAS—70

Ashurst	Edge	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Steck
Blease	Glass	Moses	Stephens
Borah	Hale	Norris	Swanson
Bratton	Harris	Nye	Thomas
Brookhart	Harrison	Oddie	Tydings
Broussard	Hawes	Overman	Tyson
Bruce	Hayden	Pine	Vandenberg
Caraway	Heflin	Pittman	Wagner
Copeland	Howell	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Cutting	Kendrick	Robinson, Ark.	Waterman
Dale	Keyes	Sackett	Wheeler
Deneen	La Follette	Schall	
Dill	Locher	Sheppard	

NAYS—9

Bingham	Greene	Phipps	Steiwer
Curtis	Metcalf	Smoot	Warren
Gillett			

NOT VOTING—15

Capper	Goff	King	Robinson, Ind.
du Pont	Gooding	Neely	Trammell
Edwards	Gould	Norbeck	Watson
Frazier	Jones	Ransdell	

The VICE PRESIDENT. The yeas are 70 and the nays are 9. Two-thirds of the Senators present having voted in the affirmative, the bill is passed.

ALLOWANCES TO FOURTH-CLASS POSTMASTERS—VETO MESSAGE

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing that the President of the United States had returned to the House of Representatives in which it originated the bill (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes, and had proceeded in pursuance of the Constitution to reconsider the same and resolved that the bill do pass, two-thirds of the Representatives present voting in the affirmative.

The veto message of the President of the United States was read, as follows:

To the House of Representatives:

Herewith is returned, without approval, H. R. 7900, a bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes.

The bill would necessitate an increase of approximately $2,865,000 in the annual postal expenditures, based upon the aggregate compensation of postmasters of the fourth class for the fiscal year 1927. This amount would be increased or decreased as the compensation of postmasters for the fiscal year 1929 increases or decreases.

It is well known that fourth-class post offices are generally carried on in connection with the private business of the postmasters, usually in country stores, and are regarded as beneficial to the business. The space occupied is ordinarily insignificant and the location of the post office in the storerooms seldom involves additional expense for rent, light, and fuel.

The compensation of postmasters of the fourth class was materially increased by the act of June 5, 1920; again by the act of July 21, 1921; and again by the act approved February 28, 1925. In the debates preceding the passage of these acts the fact that postmasters at offices of the fourth class are required to furnish at their own expense quarters, including light and fuel, was brought out. It is not improbable, therefore, that part of the increase in compensation granted by these acts was due to the fact that the postmasters are required to furnish these facilities.

I believe that postmasters of fourth-class post offices are now reasonably compensated and, therefore, am not in favor of the additional compensation which this bill provides for.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SWANSON. Making the same announcement as on the last roll call with regard to my pair with the senior Senator from Washington [Mr. JONES] and its transfer, I vote "yea."

The roll call was concluded.

Mr. McKELLAR. I desire to announce that the senior Senator from West Virginia [Mr. NEELY] is unavoidably absent. If he were present, he would vote "yea."

Mr. NYE. I desire again to announce that my colleague [Mr. FRAZIER] if present would vote "yea." I understand he is paired on this question with the Senator from Florida [Mr. TRAMMELL] and the Senator from Delaware [Mr. DU PONT].

Mr. TYSON. I desire to announce that I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I do not know how he would vote on this question. Therefore I transfer my pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

Mr. CURTIS. I desire to announce the following special pairs on this vote:

The Senator from North Dakota [Mr. FRAZIER] and the Senator from Florida [Mr. TRAMMELL] with the Senator from Delaware [Mr. DU PONT]; and

The senior Senator from Indiana [Mr. WATSON] and the junior Senator from Indiana [Mr. ROBINSON] with the Senator from South Dakota [Mr. NORBECK].

If the Senator from North Dakota [Mr. FRAZIER], the Senator from Florida [Mr. TRAMMELL], the senior Senator from Indiana [Mr. WATSON], and the junior Senator from Indiana [Mr. ROBINSON] were present they would vote "yea," and the Senator from Delaware [Mr. DU PONT] and the Senator from South Dakota [Mr. NORBECK] would vote "nay."

Mr. GERRY. I wish again to announce that the junior Senator from New Jersey [Mr. EDWARDS] is detained from the Senate by illness in his family. If he were present, he would vote "yea."

The roll call resulted—yeas 63, nays 17, as follows:

YEAS—63

Ashurst	Dill	Locher	Shipstead
Barkley	Edge	McKellar	Shortridge
Bayard	George	McLean	Simmons
Black	Gerry	McMaster	Smith
Blaine	Glass	McNary	Steck
Blease	Hale	Mayfield	Stephens
Bratton	Harris	Moses	Swanson
Brookhart	Harrison	Norris	Thomas
Broussard	Hawes	Nye	Tydings
Bruce	Hayden	Oddie	Tyson
Caraway	Heflin	Pine	Vandenberg
Copeland	Howell	Pittman	Wagner
Couzens	Johnson	Reed, Mo.	Walsh, Mass.
Cutting	Kendrick	Robinson, Ark.	Walsh, Mont.
Dale	Keyes	Schall	Wheeler
Deneen	La Follette	Sheppard	

NAYS—17

Bingham	Gillett	Phipps	Warren
Borah	Greene	Reed, Pa.	Waterman
Curtis	King	Sackett	
Fess	Metcalf	Smoot	
Fletcher	Overman	Steiwer	

NOT VOTING—14

Capper	Goff	Neely	Trammell
du Pont	Gooding	Norbeck	Watson
Edwards	Gould	Ransdell	
Frazier	Jones	Robinson, Ind.	

The VICE PRESIDENT. On this question the yeas are 63, the nays 17. Two-thirds of the Senators present having voted in the affirmative, the bill is passed.

RURAL POST ROADS—VETO MESSAGE

Mr. ODDIE. Mr. President, I ask that the veto message on the roads bill be placed before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States. The message has been read.

Mr. ODDIE. Yes; the message has been read.

Mr. CURTIS. Mr. President, I ask that the message be again read. My recollection is that there were comparatively few Senators present when the message was read before.

The VICE PRESIDENT. The Secretary will read the veto message.

The Chief Clerk read as follows:

To the Senate:

There is returned herewith, without my approval, S. 3674, a bill to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The bill would authorize appropriations of $3,500,000 each for the fiscal years 1929, 1930, and 1931 to be allocated to States having more than 5 per cent of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, for the construction, by the Bureau of Public Roads, of the main roads through such lands.

From 1917 to 1929, inclusive, Federal appropriations aggregating $840,000,000 have been authorized for cooperative construction of rural post roads and appropriations aggregating $733,200,000 have been made to meet the requirements as they have developed. From 1922 to 1929, inclusive, Federal appropriations aggregating $58,000,000 have been authorized for forest-development roads and forest highways, and appropriations thereunder aggregating $54,055,000 have been made. From 1925 to 1929, inclusive, $10,000,000 have been appropriated for the construction of roads in national parks.

While expenditures from appropriations for cooperative construction of rural post roads are contingent upon equal contributions by State or local agencies, no such requirement obtains with reference to appropriations for roads in national forests and national parks, since such roads are required for the protection, administration, utilization, or development of Federal resources. The bill would provide for entire construction from Federal funds of main roads through unappropriated or unreserved public lands and nontaxable Indian lands. Such expenditures could not be justified on the basis of protection or development of Federal resources and would constitute a radical departure from the established policy of Federal aid on a cooperative basis in road construction.

Having in mind the increasing ability of the States to finance road construction due to the general adoption of the gasoline tax and the increase in revenue from this source which would accrue to States from roads constructed through public and Indian lands therein, I see no reason why the States should be relieved from their contribution toward the construction of these roads as required by existing law. I am constrained therefore to return this bill without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

Mr. ODDIE. Mr. President, I shall refrain from going into any lengthy debate on this road bill. I think in two minutes I can point out several very important items which I think will convince the Senate of the justness of this bill.

The President, I believe, has been wrongly informed by the Budget on some of the items that have been mentioned in his veto message. For instance, he speaks of the gasoline tax of which the States avail themselves for road work, but the records show that in most of the Western States—in fact, all of the public-land States but California—the gasoline-tax receipts are far below the amount these various States expend on their roads. Furthermore, the records show that under the present rate of building it would take many years for the States to complete their road systems in the national forests, Indian reservations, and on the public domain.

Mr. REED of Missouri. Mr. President, will the Senator yield for a question for information?

Mr. ODDIE. Yes; I yield to the Senator.

Mr. REED of Missouri. After these roads are built, is there anything in the bill imposing upon the States any duty to maintain them?

Mr. ODDIE. The States have to spend every dollar of the maintenance money on these roads on the public domain.

Mr. REED of Missouri. The States must keep them up?

Mr. ODDIE. Yes.

Mr. REED of Missouri. Therefore they need the gasoline tax with which to do that?

Mr. ODDIE. Yes; and the gasoline tax is not ample for that. The records show that the present building program of roads in the national forests will take many years for completion. For instance, in Arizona it will take 45 years to complete these roads, 95 years in California, 90 years in Colorado, 24 years in Idaho, 33 years in Montana, 55 years in Nevada, 30 years in New Mexico, 30 years in Oregon, 28 years in Utah, 8 years in Washington, and 31 years in Wyoming.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. ODDIE. I do.

Mr. ROBINSON of Arkansas. Attempting further to clear up the subject about which the Senator from Missouri asked the Senator from Nevada, as I understand the appropriations contemplated by this bill are to be applied in the construction and improvement of highways which come under the general road act of July 11, 1916; and that act contemplates arrangements with the States for the maintenance of all highways to which Federal aid has been contributed?

Mr. ODDIE. Yes; the Senator is correct.

Now, Mr. President, just one word about what these roads mean to the national forests. These forests comprise 160,000,000 acres of land owned by the Federal Government. They contain 600,000,000,000 feet of standing timber, and they contain our main watersheds of the western country. The preservation of the forests of our western country means the life of our Nation to a very large extent. Forest fires are destroying our forests to a tremendous extent; and by building these roads faster fire-fighting forces can be brought to these forest areas quickly and the fires extinguished more rapidly.

Mr. President, the problem is an economic one. The Western States are not asking anything unreasonable. They are doing more than their share in this road-building program; and in the interest of justice and of the building up of our economic industries and preserving our natural resources, I ask that this bill be passed.

Mr. BORAH. Mr. President——

Mr. ODDIE. I yield to the Senator from Idaho.

Mr. BORAH. How much is the general appropriation for roads this year?

Mr. ODDIE. The general appropriation is $75,000,000, and, in addition, $7,500,000 for roads in the national forests.

Mr. BORAH. This is in addition to that?

Mr. ODDIE. In addition to that.

Mr. BORAH. Seven million five hundred thousand dollars, and $75,000,000, and then this $3,000,000?

Mr. ODDIE. Three million five hundred thousand dollars for three years only.

The leading automobile and good roads organizations of the country have strongly indorsed this bill, among them being the American Automobile Association, the American Association of State Highway Officials, the Bureau of Public Roads, and others.

Mr. PITTMAN. Mr. President, this bill, of course, is intended for a special purpose. Under the general law now in existence, the Western States that have over 5 per cent of their areas in unappropriated, unreserved public lands are to-day cooperating with the Government in the building of roads on the public lands; but there are places, mind you, such as in northwestern Arizona, where an interstate road comes down through Utah, through a part of Arizona, Nevada, and California to the coast. But the area that is passed through in the northwest corner of Arizona is all public land. It is unoccupied; it is unimproved; no one lives there. It is all public land. When you come to that part of it, you have one little section there of a system of public roads that no one improves. The State of Arizona will not adopt it as a part of the State highway system because there is no taxable property in that county and the county does not want any road and it does not benefit the State of Arizona; and at the present time there is no authority for the Federal Government to build a road on that kind of land. The road law that we have was based upon the States building roads with Federal aid, and the State had to accept the proposition before the Government could spend a cent on a road; and one of the conditions was that the State had forever to maintain that road, on Government land.

In our State 87½ per cent of the area is public land, and yet we have to maintain forever those roads on that 87½ per cent. That is not the question, however. We come down now to a proposition where these interstate highways are going to be obstructed, because there is no existing law under which such areas can be improved unless we do pass such an act as this.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. PITTMAN. I yield.

Mr. ROBINSON of Arkansas. I understood the Senator to say that 87½ per cent of the total area of the lands in the State of Nevada are public lands.

Mr. PITTMAN. They are.

Mr. ROBINSON of Arkansas. In that view of the matter the whole burden of road construction that is imposed on the non-public-land States, and which is borne in part by the lands of the States, must rest upon 12½ per cent of the lands of

Nevada, while the public lands are benefited just as much as if the lands were in private ownership?

Mr. PITTMAN. That is true.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. I yield.

Mr. BORAH. Is it true that under the law the Western States will have to keep up these roads after they are built?

Mr. PITTMAN. Yes.

Mr. BORAH. Well, that is a very serious matter.

Mr. PITTMAN. We are stuck for it already.

Mr. ROBINSON of Arkansas. They have to keep them up now, so far as they are kept up.

Mr. BORAH. We now have all that we can carry in the way of keeping up roads. If these extensive roads are going to be built and this vast burden is intended to be placed upon us, we had better have an understanding now.

Mr. PITTMAN. Under this bill there is going to be no vast road building. The vast road building has already been started and is nearly completed under existing law. Take the Senator's State of Idaho, for instance, or take Nebraska, or take the State of Nevada: We have laid out 7 per cent roads. Those roads have to be laid out in accordance with the approved plans of the Federal Road Department. Those 7 per cent roads are what we call interstate highways, connecting up with the roads on each side. In other words, the great, expensive roads of Idaho, Nebraska, and Nevada are, and other Western States are, the trans-State highways that connect with each other.

We have running through the State of Nevada three great transcontinental lines—three of them. We have the Lincoln Highway, which crosses the whole State; we have the Arrowhead Trail, which goes from Salt Lake City diagonally through the State to Los Angeles; and then we have what we call the Victory Highway, which runs for 350 miles across the State. Eighty-seven and one-half per cent of the lands upon which those three roads are built are owned exclusively by the Federal Government, but we have made national highways of them. It is true that the Government has contributed its part for building them, but the condition was that we had to maintain forever those three great interstate highways. Unless those highways can be beneficially used, the State never can maintain them. We are interested in maintaining those roads so that we will have traffic over them, so that we can have some gasoline tax to collect.

We find ourselves in this position, as I have said before: Here is a section of the great Arrowhead Trail in northwestern Arizona that is totally uninhabited, with practically no county government and no property to tax; and under the law the counties must participate in the building of these roads. Although the road runs directly through northwestern Arizona for only 25 or 30 miles, connecting the splendid road in Utah and Nevada, it is almost impassable.

Now, no one but Arizona may improve such road, and Arizona will not. The Government owns the land but has no authority under existing law to improve the road. This bill grants such authority.

Mr. REED of Missouri. That blocks traffic?

Mr. PITTMAN. It blocks traffic over 250 miles of road that we are trying to maintain in Nevada, 200 miles of road in California, and two or three hundred miles of road in Utah. That is what we are up against.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BLAINE. Are these roads essentially transcontinental roads, or are they essentially local?

Mr. PITTMAN. They are essentially transcontinental roads; the Government of the United States has spent its money only on that kind of roads.

Mr. WALSH of Montana. Mr. President, answering the question of the Senator from Wisconsin, I think the purpose and the necessity of this legislation will be very clearly illustrated by the situation in my own State. The Roosevelt Highway is one of the great transcontinental highways running from the Twin Cities of St. Paul and Minneapolis to the Puget Sound region. It passes through my State to an extent of 700 miles. Within that 700 miles it crosses three Indian reservations, the Fort Peck, the Fort Belknap, and the Blackfeet Reservations. It then reaches the Flathead forest reserve, and for a distance of 250 miles goes through that forest reserve.

None of these lands contribute anything whatever. The people of the State of Montana have burdened themselves with a gasoline tax of 3 cents a gallon that yields an enormous sum, and all the counties along that northern part of the State, through which this great highway runs, have burdened themselves to the limit to improve the roads within the counties, but just as soon as you reach the Indian reservations their expenditures become naught. Instead of having a good highway, you then reach an old dirt road, over which travel is entirely impeded, and when you reach the forest reserve you encounter more difficulties than you do in the plains country, where the Indian reservations exist.

Mr. BLAINE. For information, under the present general Federal highway aid system are there not special provisions for the Indian reservations.

Mr. WALSH of Montana. There is a provision that out of the moneys allotted to that work the entire cost shall be undertaken by the General Government; but that is a small matter.

I have a letter here from the chairman of the Montana State Highway Commission, who tells us that under the existing resources of the State of Montana it will be possible to complete the entire highway system of the State of Montana within a period of about 12 years, but under the present expenditures of the National Government in the national forests it will take 33 years to complete it. So that for a period of practically 20 years the Government will be behind the State of Montana in the construction of these great transcontinental highways.

Mr. BLAINE. Take the transcontinental road, for instance, which goes from Denver southwest through Arizona and New Mexico by the way of Flagstaff. Is that one of the highways that would be covered by this bill?

Mr. PITTMAN. That is one of them.

Mr. BLAINE. That illustrates it.

Mr. PITTMAN. Let me show Senators another one, while we have this map here, which is a very good one to illustrate the matter. Here is Arizona and here is the Colorado River. That little piece of ground in there belonging to Arizona, across that river, is practically an uninhabited mountain region. The Arrowhead Trail coming from Salt Lake comes right down through here, and through this little cross of ground right there. On this side of it, down to California, Nevada has built and maintained that great highway, which is graveled all the way. It is an expensive highway. When it passes this little piece of Arizona, it gets up into Utah, and Utah has taken care of that part, and it is a magnificent road. In fact, it is a magnificent road across the continent. It is one of the great transcontinental roads.

Going north through Nevada, through this place, we have the Victory Highway, that goes to Ogden and on through to Nebraska. It connects up and becomes the Lincoln Highway in Nebraska. When it gets to Nevada, it splits into two, and one road goes through as the Victory Highway and the other as the Lincoln Highway. They are two great highways running across there connecting up with the East, and they go clear to California.

What is the result? Unless a necessary link of that road is kept up, it will be abandoned for use, and if it is abandoned for use, we lose the money.

Mr. REED of Missouri. The Senator says there are these three great highways. He means, does he not, that they are laid out and improved in part, and that there are places where they are not improved?

Mr. PITTMAN. That is true. There are certain places, like these I have mentioned, where all the land is Government land, there is no taxable property in the county, and nobody can put up any money, no one desires to. The Arrowhead Trail does not benefit Arizona. It is a great continental highway.

Mr. FLETCHER. When these extensions are made across public land, will the tendency be to open up those lands for settlement? Will there be any advantage to the Government, which owns those lands now, in having the road go through there?

Mr. PITTMAN. I do not think there is any doubt but what this road would open the land to settlement.

Mr. FLETCHER. Are the lands worth settling?

Mr. PITTMAN. I have stated the only object of the bill. Under the law which now exists the State builds a road. If it is improved by the Federal Government, the Federal Government then contributes its part of the money on the condition that the State will always maintain the road. We run down to Arizona. This road is laid out. Utah, Nevada, and California agree to it. We go on and build it. We have it all built; and here is a section entirely on the public land, no private property there to speak of, and the Government has no authority to build that road, and the State of Arizona will not authorize it, and there we are.

Mr. BORAH. Mr. President, the State which I in part represent has about 69 or 70 per cent of its area in public lands. I realize that we need the roads for which this bill provides, but I want to go on record now as stating that the State of Idaho is not going to keep up the roads built by the Federal Government across lands owned by the Federal Government in

my State to the extent of 69 or 70 per cent. It is impossible to do it. There is no need of committing ourselves to any such proposition. It will not work out.

Mr. WALSH of Montana. Mr. President, so far as the State of Montana is concerned, it is not proposed to build any additional roads, except to connect up the roads that are now in existence, and to complete them so far as they traverse these public lands.

While I was on the floor before I referred to a letter from the chairman of the State Highway Commission of the State of Montana. I ask that the same may be incorporated in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MONTANA HIGHWAY COMMISSION,
Great Falls, October 11, 1927.

Hon. T. J. WALSH,
Helena.

MY DEAR SENATOR: I am attaching to this letter an article which appeared in the Sunday Tribune. I dictated this article after returning from the annual convention of State highway officials at Denver last week.

The highway program of Montana, through State revenues and Federal aid, contemplates the completion of the Government system of the State outside of the coincident forestry highway mileage in 10 years. It will require 25 or 30 years to finish forestry highway mileage in the same construction. Montana has 512 miles of forestry highway mileage coincident with the Federal system of the State. About 170 miles have been built or practically built. A large percentage of this remaining coincident mileage lies within the national forests of the Rocky Mountain area where the cost of construction is heavy per mile. To remove these barriers to interstate travel between Montana and Idaho will alone cost perhaps $2,000,000. The situation blocks procedure west from the Twin Cities to the coast and likewise the reverse journey. Clearly this is important to the whole Northwest. It is, indeed, of national concern. The two interstate trunk roads across Montana from east to west (the Roosevelt Highway and the Yellowstone Trail) can be brought to a completeness that will be quite satisfactaory in two or three years, but the mileage west from Missoula to Spokane via Wallace and via Thompson Falls, between Troy and Libby in the national forest, and the finishing of the Belton-Glacier project can not be built in twice that length of time unless help shall come from somewhere.

No greater service can be afforded Montana at this time than the doubling up for a few years of our forestry highway construction money. It is not a large item. As you know, the present forestry appropriation is $7,500,000 per year. Of this amount, $4,500,000 goes to standard highway construction. Montana now gets about $400,000 per year. If it should get twice this amount, we could overcome the difficulties herewith set forth. The Government will be simply then keeping pace, through its own property, with the highway program of the various Western States.

I would very much like to see you personally about this matter, but perhaps this may not be possible. I have been asked to confer with Montana's Washington representatives. Please let me hear from you within an early convenience, setting forth what your attitude will be and any suggestion that you may have in mind at this time. With many thanks for attention to the matter,

Very sincerely yours,

O. S. WARDEN.

[From the Great Falls Tribune]

WEST STATES SEEK INCREASE IN FOREST HIGHWAY BUILDING—DENVER CONVENTION TAKES POSITION THAT CONGRESS SHOULD HASTEN CONSTRUCTION WHERE MOUNTAIN BARRIERS EXIST

O. S. Warden has returned from Denver, where he attended the annual convention of State highway officials and engineers of the United States, which met in the Colorado city October 3 to 6.

Delegates were in attendance from every State except two. The chief of the Bureau of Public Roads, other heads of departments, and State officials were at the convention for an intense four days' study of National and State road problems and progress.

The effort of the Montana commission was chiefly directed in the convention and in several conferences with delegates from the western public-land States to emphasizing the fact that Federal appropriations for the construction of highways in the national forests and across other public lands in some States is not keeping pace with the building of roads on the Federal system outside of these Government reserves.

In Montana, for instance, under present Federal appropriations and State revenues, the Federal-aid system outside the forest will be completed in 10 years, whereas it will require from 25 to 30 years to finish the forestry highway mileage of the State.

The Montana commission asked Chairman Blood, of the Utah Highway Commission, to call a conference of delegates from the 11 public-land States. This was done. An entirely unanimous opinion prevailed that action was not only highly desirable but imperative. The Montana commission, through its chairman, offered and moved the approval of the following presentation:

"In many Western States, as road programs are developed into larger proportions, it has become a matter of nation-wide importance and deep concern that highway construction through long stretches of the national forest is not keeping up with cooperative Federal-aid and State building throughout the intermountain country. On interstate and national highways there are mountain barriers that can not be removed for many years to come unless the Government shall build through its property as rapidly and in keeping with construction mileage that approaches national forest boundaries on either side. This situation in many places is indeed tending to defeat the national highway plan for a connected system. The Government surely should not take possession of large areas (removing the same from local taxation) and then allow the mileage therein to block the interstate traveler who, except for this situation, may quite soon or even now go from State to State with safety and comfort.

"The annual appropriation for the building of standard highways in the national forests should be increased 100 per cent for the next 10 years, or until such time as it can be said that the Government is building the roads within its own property to reasonably keep pace with the Federal aid and other State programs."

The general terms of this presentation were unanimously approved. There was some difference of opinion about how much additional funds Congress should be asked to provide in order to overcome the disparity in construction of roads over the public lands and over the balance of the Federal system.

This matter was taken up with the resolutions committee of the general convention. The convention later adopted as one of its conclusions that sufficient additional highway funds should be provided by the Seventieth Congress to adequately hasten construction where there are barriers that can not be otherwise removed across national-forest areas, public lands, or Indian reservations.

The present annual forestry appropriation by the Government is $7,500,000 per year. Of this amount, $4,500,000 goes to the construction of standard highways in the national forests. Montana now gets about $400,000 per year. It will perhaps require more than $2,000,000 to complete forestry mileage on the two transcontinental highways now going entirely through the State—the Belton-Glacier project, the difficult mileage between Troy and Libby, and west from Missoula via Wallace and via Thompson Falls to Spokane are on these roads—to say nothing about other forestry projects that have been started and must be completed over the State.

Manifestly, these Rocky Mountain barriers can not be removed for many years under the present Government appropriations for forest highways. This situation blocks procedure west from the Twin Cities to the coast, and likewise the reverse journey.

Following general action on the part of the Denver convention upon this subject, there was a second conference of western delegates. It was decided to revive the old Western Public Land States Association, and through this organiaztion carry forward the work in question.

Chairman Henry Blood, of the Utah Highway Commission, was chosen president, and Z. E. Sevison, State highway engineer of Wyoming, vice president. J. D. Woods, commissioner of public works of Idaho, was chosen secretary. The executive committee of the old western association will serve, vacancies to be filled by appointment, if there are any. The president will name a legislative committee.

It was voted that the delegates to the Denver convention take this whole subject up vigorously and immediately with the Senators and Representatives from the 11 public-land States of the West, so that a definite and complete plan of action may be arranged and a consensus of opinion and need thereby be reached before Congress convenes in December. There may be a called meeting of this western association if such a session shall seem necessary.

This conference of western members took one other action. It passed the following resolution, which was presented by O. S. Warden, of the Montana commission:

"In view of the largely increasing volume of travel year by year in the national parks of the United States, this association wishes to direct attention to the necessity of building and maintaining the highways in the parks up to a standard measured by the present greater need—the Government will be fully justified in expending a much larger amount of money than heretofore to meet this growing transport requirement."

STATE OF MONTANA HIGHWAY COMMISSION,
Great Falls, October 17, 1927.

Mr. J. D. WOOD,
Secretary Western Association of State Highway Officials,
Boise, Idaho.

DEAR MR. WOOD: In support of the effort that is to be made by the Western Association of State Highway Officials in behalf of the 11 public land States of the West, and in accord with a resolution adopted at Denver on October 4, 1927, urging a substantial increase of Federal appropriations for forestry highway construction so that

the improvement of the roads within this Government-owned land may keep pace with that upon the remainder of the Federal aid system, the State Highway Commission of Montana wishes at this time to present facts and reasons for the use of its representatives at Washington, the Congress and all other officials of the Government who may give consideration to this important matter. The presentation given herewith and the accompanying map have been prepared from official figures in the forestry department.

I. Total mileage on forest highway system, 1,183.06 miles.

II. Status of improvement on each forest highway:

Route	Gravel	Graded	Unimproved
	Miles	*Miles*	*Miles*
1. Roosevelt Highway	25.80	21.22	43.98
2. Jennings Marion Highway			50.00
3. Libby Marion Highway No. 1		.50	20.50
4. Libby Marion Highway No. 2	3.79		3.21
5. Troy Noxon Highway	5.40		34.60
6. Clarks Fork Highway	21.87		53.13
7. Prospect Creek			25.00
8. Yellowstone Trail	24.70	4.08	65.22
9. Paradise Cutoff			20.00
11. Lewis and Clark		7.06	9.54
12. Fortine Olney	13.70		9.30
13. Columbia Falls-Glacier Park		36.88	38.12
14. Flathead Lake			6.00
15. Swan River		2.29	57.71
16. Skalkaho		30.00	
17. Georgetown Lake			19.00
18. French Gulch			8.00
19. Bitterroot Salmon Highway		7.30	24.70
20. Bitterroot Bighole			18.00
21. Wisdom-Gibbonsville			9.00
22. Wise River			18.00
23. Lemhi Pass			4.00
24. Pipestone Pass		2.43	5.57
25. Little White Tail			4.00
26. Butte Boulder			12.00
27. Lowland Creek			21.00
28. McDonald Pass			10.00
29. Trout Creek Antelope			24.00
30. Confederate Gulch			11.00
31. Townsend-White Sulphur Springs			10.00
32. Y G Bee-Line	31.03	24.37	
39. Flathead Pass			12.00
40. Bridge Canyon			8.00
41. Meadow Creek-Trail Creek			3.00
42. West Gallatin	34.10	10.00	
43. Yellowstone Canyon	9.11		8.89
44. Reynolds Pass			3.00
45. Madison River			35.00
46. Targhee Yellowstone	8.96		
50. Sage Creek			10.00
51. Otter Creek			41.00
52. Bloom Creek			12.00
53. Ashland-Olive Highway			25.00
54. Whitetail Stacey			16.00
55. Ekalaka			3.00
56. Thompson River			47.00

SUMMARY

Total miles improved	178.46
Total miles in stage construction (graded only)	146.13
Total mileage unimproved	858.47
Total	1,183.06

III. Total mileage of forest highway system on Federal-aid highway system:

	Miles
1. Roosevelt Highway	39.00
3. Libby Marion Highway No. 1	21.00
4. Libby Marion Highway No. 2	7.00
6. Clarks Fork Highway	75.00
8. Yellowstone Trail	94.00
12. Fortine Olney	23.00
13. Columbia Falls-Glacier Park	75.00
17. Georgetown Lake	19.00
19. Bitterroot Salmon	32.00
24. Pipestone Pass	8.00
26. Butte Boulder	12.00
28. McDonald Pass	10.00
31. Townsend-White Sulphur Springs	10.00
32. Y G Bee-Line	56.00
43. Yellowstone Canyon	18.00
44. Reynolds Pass	3.00
46. Targhee Yellowstone	8.96
Total	510.96

IV. Forest highway mileage on United States numbered system:

Route	United States No.	Miles
1. Roosevelt Highway	2	39.00
3. Libby-Marion Highway No. 1	2	21.00
4. Libby-Marion Highway No. 2	2	7.00
8. Yellowstone Trail	10	94.00
13. Columbia Falls-Glacier Park	2	75.00
17. George Town Lake	10	19.00
24. Pipestone Pass	10	8.00
32. Y G Bee-Line	87	56.00
43. Yellowstone Canyon	87	18.00
46. Targhee Yellowstone	20	8.96
Total		345.96

V. Total expenditure to date from Federal, State, and local sources $3,071,842

VI. Estimated cost of completing total forest highway system to a standard adequate for traffic and comparable to connecting State and Federal aid improvements 13,418,892

VII. Annual forest highway apportionment under present appropriations 350,000

Making a further analysis of the situation herewith presented, it may be said that the highway program of Montana contemplates the completion of the Federal-aid system of the State—in grade and gravel—outside of the coincident forestry mileage in a period of 10 years, whereas it will require from 25 to 27 years for finishing the forestry highway mileage in the same construction, using the present rate of Federal allotments for this purpose.

Montana has 511 miles of forestry highway mileage coincident with the Federal system of the State. One hundred and seventy-eight miles have been built. An important percentage of the 333 miles to be built lies within the Rocky Mountain national forest area, where much construction cost will be from $15,000 to $20,000 per mile. To remove the barriers to interstate travel between Montana and Idaho alone will cost more than $3,000,000. This mileage blocks direct procedure west from the twin cities to the coast and likewise the reverse journey. Clearly this is important to the whole Northwest—it is, indeed, of national concern. Montana can reasonably take care of its own highway transport, but it can not, with present resources, adequately build through its western mountain passes for many years to come. The two interstate trunk roads across the State from east to west—the Roosevelt Highway and Yellowstone Trail—can be brought to a completeness that will be quite satisfactory in two or three years, but the mileage west from Missoula to Spokane via Wallace and via Thompson Falls, the mileage between Troy and Libby, and the completion of the Belton-Glacier project of the Roosevelt Highway in the national forest can not be built in twice that length of time unless help shall come from somewhere. The estimated cost of completely building the projects last mentioned and constituting barriers on the interstate highways of northwestern Montana is given as follows:

The Belton-Glacier project	$510,000
Mileage from Troy to Libby	375,000
Missoula to Spokane via Thompson Falls	983,000
Missoula to Spokane via Wallace	1,323,000
Total	3,191,000

At the same time considerable of the present rate allotments must go upon forestry highway projects that have been started and which will require $977,000 for completion.

To further show how these difficulties bunch themselves in northwestern Montana, the cost of completing the forestry highway mileage in six counties of that portion of the State may be given:

Lincoln County	$1,808,000
Flathead County	727,000
Lake County	376,000
Sanders County	2,006,000
Mineral County	1,798,000
Missoula County	465,000
Total	7,180,000

The total acreage of the national forest in Montana is 15,919,690, which is just about 17 per cent of the total area of the State. It probably constitutes 50 per cent of that portion of the State containing the difficulties of forestry highway construction here presented. The Government surely should not take possession of these large areas (removing the same from local taxation) and then allow the highway mileage therein to block the interstate traveler who, except for this situation, may quite soon or even now go from State to State with safety and comfort. The Montana Highway Commission earnestly urges that the present annual appropriation of four and one-half million dollars, which goes to the construction of standard highways in the national forests, be doubled and that the amount be nine millions of dollars annually until such time as the building of roads within the Government's property shall reasonably keep pace with the Federal aid and other State programs.

Respectfully submitted.

_____,

Chairman Montana State Highway Commission.

Mr. FLETCHER. Mr. President, with regard to the Senator's State, there is a separate provision made for the construction of roads in the forest reserves and in the national parks.

Mr. WALSH of Montana. But there is none for the unappropriated public lands.

Mr. WHEELER. Mr. President, I desire to call the attention of the Senate to an editorial appearing in the Great Falls Tribune, of Great Falls, Mont., on Sunday, May 20, 1928, with reference to the President's veto of the Oddie-Colton bill, which has for its purpose the appropriation of approximately $10,000,000 for the building of forestry roads. I ask that the clerk read it from the desk.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

[From the Great Falls (Mont.) Tribune, May 20, 1928]

AN ASTONISHING VETO

President Coolidge has taken his baseball bat and knocked out the Oddie forestry highway measure—unless it can now be passed over the Executive veto. This, of course, is a difficult thing to do. This Oddie bill corresponds with a like measure over in the House known as the Colton bill—both measures have the same authorization in funds.

This action of President Coolidge appears to us a most ungracious one. His action is disappointing. It is an astonishing attitude and one that may easily lead to the suspicion that the President is peeved over the insistence that has been put behind such measures as the McNary-Haugen bill, and further that he is in a mood to slap the West by blocking these proposals that have been most carefully prepared to relieve a distressing situation arising out of the fact that the Government is not keeping pace with the existing road programs of the 11 western land States. In other words, the Government is failing to keep up with the already constructed mileage that approaches its own property on either side.

The Oddie bill and the Colton bill would authorize the expenditure of $3,500,000 of additional funds for the construction of highways within the national forests and over other unappropriated Government land. These measures were really brought into existence through a careful study of the situation that was urged in the first instance by the Montana Highway Commission at the last annual convention of State highway officials of the whole country. Further attention was given to this matter at a session of State highway officials from these 11 public-land States of the West at Los Angeles a few weeks ago. The whole situation was clearly presented to the proper committees of the House and the Senate. There did not appear to be any division of sentiment about what should be done. There was general agreement that it surely was not correct for the Government to take over large areas of forestry acreage, and then not build the roads within its own property to keep pace with Federal aid and State programs of construction so that interstate travel may proceed in a reasonable and safe way.

It is to be noted that an extravagant sum was not required. Ten and one-half millions of dollars, distributed over three years of appropriation, is certainly modest when this Government is putting nearly a billion dollars a year into the support of its Army and Navy. These forestry and unappropriated lands have been withdrawn from local taxation and they now constitute in the State of Montana transportation barriers that can not be overcome under present revenues that are available. The Oddie or the Colton bill would have been a mighty help toward finishing such important highway projects as the Belton-Glacier Road, the most difficult mileage between Troy and Libby, the sadly needed completion of the Clarks Fork Highway, and Yellowstone Trail west of Missoula.

All of these circumstances, we believe, were presented in a personal way to Mr. Coolidge. It seems that he must have understood the situation. It is just too bad that he sees fit to block the way at this important juncture in the development of the highway programs of the public-land States of the West.

We have certainly had enough of this kind of economy at Washington.

Mr. WHEELER. I merely want to add to what has already been said with reference to the bill, that while it may seem to a good many Senators that it is a bill which will be to the advantage only of the 11 public-land States, yet as a matter of fact the bill is of more benefit to the traveling public than it will be to the people living in those States. It simply provides for the construction of the connecting links in these great continental highways, the Roosevelt Highway and the Yellowstone Trail, from Chicago and St. Paul to the Pacific coast. In Montana, for instance, the Roosevelt Highway passes through the Blackfoot Reservation, and likewise through the Fort Peck Reservation. If the appropriation is not made it means that when people traveling across the country come to those reservataions they immediately strike very difficult roads, almost impassable roads. It is impossible for the State of Montana to build the roads for the reason that they derive no income to speak of from taxes from the area which the road traverses.

The 11 public-land States of the West now have local and cooperative highway construction programs that will complete their Federal systems, outside of forest reserve areas and Indian reservations, within a 5 or 10 year period. In these same States the forest reserve and public land mileage under present appropriations and allotments can not be built to like standard in less than 40 to 50 years. The present generation would not see the end of the work.

This appropriation is absolutely essential to the development of the western public-land States. The veto of the same is a slap at the West, and I earnestly hope that the Senate will override the President's veto.

Mr. BROOKHART. Mr. President, the veto message of the President states the total amount involved in the expenditure upon what is called cooperative road building, and because of that total amount the President seems to be opposed to this particular measure. I want to call attention to a few facts which indicate that the Government is far from spending the amount of money in a general way that we ought to spend in the building of such roads.

Eighty-five per cent or more of the business of the railroads of the United States is interstate. There is less than 15 per cent that is intrastate. That means that 85 per cent of the business of the country is interstate. It means that 85 per cent of the income which is the just basis of taxation is interstate.

Out in my own State at this time we have voted $43,000,000 of county bonds to build hard roads as primary roads of the State, and there is pending the question of issuing $100,000,000 more of State bonds to connect up those roads. How much Federal aid will go to that great system of roads? Only a very few million dollars under the $75,000,000 Government appropriation. The Federal appropriation ought to be from $300,000,000 to $500,000,000 instead of only $75,000,000 if the Government would sustain its proper proportion of the expenses of building roads everywhere. I wish the road-bond issues might be defeated in those States until a national policy, adequate to take care of the Government's share of the building of roads, shall be adopted. I am for the building of the Memorial Highway down to Mount Vernon. I am for the roads proposed to be constructed under this bill. But I am also in favor of the Government doing its full share all the time, and the burden will then fall upon that portion of the commerce of the country where it justly belongs.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. BROOKHART. Certainly.

Mr. PITTMAN. There is only one thing I want to suggest to the Senator from Iowa. After we had enacted the Federal aid highway law, then we found that we had forest reserves that were left out of it. We found that we had Indian reserves that were left out of the law. It had no application to them at all. So we endeavored to remedy that situation. Some Senators think that, having remedied that condition, we have remedied everything.

Mr. BROOKHART. That is only a little bit of the condition. That does not meet the situation at all.

Mr. PITTMAN. If a particular piece of road is not through a forest reserve or an Indian reservation, then there is no law by which the Federal Government can do anything.

Mr. BROOKHART. I got the force of the Senator's argument when he stated the proposition before.

In conclusion, I want to state that the President has just signed a bill authorizing the use of $250,000,000 of Government money to be loaned to a few men who will build ships, and which carries a subsidy of from $7,000,000 to $10,000,000 a year to these few private persons. He has just signed that kind of a bill for the benefit of a few people. But here is a good roads bill which benefits somewhat the whole country; here is a good-roads proposition that demands the attention of the whole country and the support of the whole country and the support of the Congress, and a bill of this kind is vetoed.

Mr. BRATTON. Mr. President, the subject matter has been discussed quite fully, but I want to call attention briefly to the fact that the pending bill is intended to overcome an inequality and discrimination which now exists. Under the regular Federal-aid highway system the Government pays 63 per cent of the cost of the construction and the State pays 37 per cent of the cost of construction of Federal-aid highways. Sixty-three per cent is taken from the money which is allocated among the several States interested in the program. If, however, any part of the road in a public-land State traverses an Indian reservation or a forest reserve, instead of deducting 63 per cent of the cost from the allocation made to that State, 100 per cent of the cost is deducted from the share of Federal-aid money thus allocated to that State. This means that in the case of a non-public-land State there must be deducted or charged to the State only 63 per cent of the cost, while in the neighboring State the entire sum is deducted from its allocation.

In the West we have States large in area, but sparsely settled. I undertake to say that the people out there have done marvelous things in assuming their part of the burden in road construction. The construction of roads across forest reserves improves Government property. It protects the property in case of fire. It tends to develop the mineral resources thereof. Those areas are now owned by all the States in common.

Transcontinental highways crossing them are used, patronized, and enjoyed by the people of all of the several States of

the Union. I am unable to understand why the people in those States should bear more than their just share of the burden. The bill appropriating $10,500,000, distributed over a three years' program, is intended to equalize the burden among the several States of the Union, and nothing more.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. BRATTON. Certainly.

Mr. BLAINE. Ten million dollars over three years in the 11 States mentioned will build very few miles of highway. It will not mean, as I figure it, if confined to any type of highway that is considered hard surface, more than 40 or 50 miles in each State. It seems to me the Senator is just getting himself in deeper on the proposition than he is now. He will have a partially built road, a few miles of hard-surface road here and there; but he will still have all the wide gaps without good roads. It does not seem to me the amount appropriated is going to accomplish the purpose which the advocates of the bill seem to want to accomplish. I just want to get the Senator's viewpoint upon that feature.

Mr. BRATTON. I shall give it to the Senator.

Mr. ODDIE. Mr. President——

Mr. BRATTON. I yield to the Senator from Nevada.

Mr. ODDIE. This will not by any means complete the system of highways, but it will go a long way toward helping over some of the rough places. It will build enough miles in three years to materially help the situation. In addition to the regular Federal-aid road program, it will enable the Western States to do much that is very necessary to be done.

Mr. BLAINE. Mr. President, will the Senator permit another question?

Mr. BRATTON. Certainly.

Mr. BLAINE. At the end of three years will it become necessary to ask for another $10,000,000?

Mr. ODDIE. That will take care of itself.

Mr. BLAINE. What I am getting at is that this amount is insufficient for the purposes designed even under the circumstances stated by the Senator from Nevada.

Mr. BRATTON. That may be true. It may be inadequate to accomplish everything that should be accomplished, but it is sound in principle, it proceeds in the right direction, it is meritorious, and if anyone is to suffer from inadequacy the public-land States are the ones that will bear it. I point out to the Senator from Wisconsin the injustice of the Government paying only 63 per cent of the cost of constructing all of the Federal-aid roads in his State and his people enjoying the use of those roads, while in another State—namely, my State—the Government pays the whole cost so far as roads upon Indian lands and forest reserves are concerned, but deducts the whole cost thereof from the allocation made to my State. The Senator wants to be fair among the States. I know that. This measure is intended to relieve an inequality and to render help where help is needed and where it is desired.

Mr. BLAINE. May I suggest to the Senator that the Federal Government does not pay 63 per cent of the cost of constructing Federal-aid roads in my State or any other State. I do not believe that the Federal Government pays one-fifth of 63 per cent of the cost of Federal-aid roads, and so far as my own State is concerned, if the Federal Government did not contribute a single dollar toward highway aid and permitted Wisconsin to retain Federal taxes that go to other States, we would be better off financially.

Mr. BRATTON. We embarked upon this program years ago. We are going forward with it.

Mr. BLAINE. What I am getting at is this, and I ask merely for information. The small amount appropriated may be allocated to any highway by the department. The department may open new roads for travel. It may only add to the troubles and difficulties which now exist. I understand the measure does not limit the use of the money to the Federal system as it now exists, but that the department may place the money anywhere within the States designated and add new roads.

Mr. BRATTON. I think the Senator is in error about that. I call his attention to the opening sentence of the bill, as follows:

> That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto.

Consequently the allocation in the States having Indian reservations and forest reserves must be made in accordance with the act of 1916, commonly called the Federal aid highway act. Obviously the department will be governed by that act in making the allocation of the funds authorized.

Mr. BLAINE. That limits the number of miles to 7 per cent of the total mileage of the State.

Mr. BRATTON. No; it is in addition to the 7 per cent system, but otherwise the allocation must be made in accordance with the Federal-aid highway system.

Mr. BLAINE. That does not prohibit the department from opening up new roads.

Mr. BRATTON. Oh, no; new roads across Indian reservations and forest reserves may be constructed. The money must be used for constructing roads across Indian reservations and forest reserves, and the entire cost will be paid out of this appropriation.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. NEELY's name was called). The senior Senator from West Virginia [Mr. NEELY] is unavoidably absent. If he were present, he would vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I transfer that pair to the senior Senator from West Virginia [Mr. NEELY] and vote "yea."

The roll call was concluded.

Mr. SWANSON. Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] is detained from the Senate because of illness in his family. If present, he would vote "yea."

The roll call resulted—yeas 57, nays 22, as follows:

YEAS—57

Ashurst	Deneen	Locher	Shipstead
Barkley	Dill	McKellar	Simmons
Bayard	Fletcher	McMaster	Smith
Black	George	McNary	Steck
Blaine	Glass	Mayfield	Steiwer
Blease	Harris	Norris	Stephens
Borah	Harrison	Nye	Swanson
Bratton	Hawes	Oddie	Thomas
Brookhart	Hayden	Phipps	Tyson
Broussard	Heflin	Pine	Wagner
Capper	Howell	Pittman	Walsh, Mont.
Caraway	Johnson	Reed, Mo.	Wheeler
Copeland	Kendrick	Robinson, Ark.	
Couzens	King	Schall	
Cutting	La Follette	Sheppard	

NAYS—22

Bingham	Gerry	Moses	Vandenberg
Bruce	Greene	Overman	Walsh, Mass.
Curtis	Hale	Reed, Pa.	Warren
Dale	Keyes	Sackett	Waterman
Edge	McLean	Shortridge	
Fess	Metcalf	Tydings	

NOT VOTING—15

du Pont	Goff	Neely	Smoot
Edwards	Gooding	Norbeck	Trammell
Frazier	Gould	Ransdell	Watson
Gillett	Jones	Robinson, Ind.	

The VICE PRESIDENT. The yeas are 57, the nays are 22. Two-thirds of the Senators present having voted in the affirmative, the bill is passed.

RETIREMENT OF EMERGENCY OFFICERS OF WORLD WAR—VETO MESSAGE

The VICE PRESIDENT. The Chair lays before the Senate the veto message of the President of the United States on the emergency officers' retirement bill, which will be read.

The Chief Clerk read as follows:

To the Senate:

Herewith is returned, without approval, S. 777, a bill making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War.

This bill provides, among other things, that those who served as emergency officers of the Army, Navy, and Marine Corps during the World War and who during such service had incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability resulting directly from such war service, shall be placed upon an emergency officers' retired list, and shall receive retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920.

What this bill proposes is to compensate a limited number of emergency officers not according to their disability but according to the rank which they held in the World War. It breaches the fundamental principles of our Government to compensate service, not rank. The policy which this bill proposes for the compensation of a limited number of disabled emergency officers

is wrong. Aside from this, the bill discriminates against emergency officers of less than 30 per cent disability and all disabled enlisted men of the World War in favor of a limited number of disabled officers.

The most sacred duty of our citizenry is to enroll in the defense of their country in time of need. It is the proud record of our Nation that the sacredness of this duty has been recognized by all of the people at all times. When the emergency of the World War confronted us one of our great needs was an expansion of our regular military and naval services. Proper organization required that the expansion for the emergency be in commissioned officers and enlisted men. Both the commissioned officer and the enlisted man who entered the service for this emergency were serving in the same duty—the defense of their country. In this there was and could be no distinction between the two. There was no distinction as to the duration of their service.

We recognized no distinction in framing our laws for the care and benefit of those who were disabled. Under them both officer and enlisted man are treated alike. Their dependents are treated alike. We willingly and gladly recognized the merit of service, but we carefully guarded against the recognition of the rank or grade held during that service.

This Nation has pledged itself to care for the disabled of our World War veterans and their dependents. That pledge has and will be kept. No soldiers in history have been so bounteously cared for as we have cared for our veterans of the World War. If further aid is needed, it should be bestowed not by changing the policy of our Government, as is proposed in this bill, but by continuing that policy so that it will continue to apply alike to all disabled veterans of the World War.

In the perpetuation of our present policy the Nation will be secure. Full justice will be accorded alike to our veterans of the World War and to the other taxpayers of the country. This bill would practically double the cost of the compensation of the 3,297 emergency officers who are now 30 per cent or more disabled. Their present compensation amounts to $2,874,000 per annum, while the cost under this bill would be $5,204,000. This gives some idea of the immediate cost of the policy which this bill proposes. Once adopted, that policy will open the door to a flood of expenditures that will likely surpass anything of the kind that we have yet experienced. It will at once be apparent that it is a gross discrimination against the enlisted men. It will be difficult to make any answer to their demand for like treatment. If such a request were granted the cost would be so great as to make it practically impossible to provide our country with national defense.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. TYSON. Mr. President, this bill has been before the Senate for a long time, about five years all together, and has passed the Senate three times, so I take it that the Senate is very thoroughly informed of the nature of the measure. Therefore I do not wish to take the time of the Senate, because I do not think there is anything new that has been stated in the veto message. All of the arguments of the President have been repeatedly advanced and discussed in the Senate. So, without detaining the Senate longer, I express the hope the veto may not be sustained.

Mr. REED of Missouri. Mr. President, this proposition is so well summed up in one sentence by George Rothwell Brown in his "Post-Scripts" that I want to read that sentence:

> Oh, well, the President's veto of the disabled officers' retirement bill is not the first surgical operation most of them have undergone.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). Making the same announcement and transfer as on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. McKELLAR. I desire to announce the unavoidable absence of the senior Senator from West Virginia [Mr. NEELY], and to say that if he were present he would vote "yea" on this question.

Mr. GERRY. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is absent on account of illness in his family. If present, he would vote "yea."

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL], if present, would vote "yea."

Mr. NYE. I desire to announce that my colleague [Mr. FRAZIER], if present, would vote "yea."

Mr. TYSON (after having voted in the affirmative). I have a general pair with the Senator from West Virginia [Mr. GOFF]; but I am informed that if he were present he would vote "yea." Therefore I am released from the pair.

Mr. CURTIS. I desire to announce the special pair of the Senator from North Dakota [Mr. FRAZIER] and the Senator from Florida [Mr. TRAMMELL] with the Senator from Delaware [Mr. DU PONT]. If present, the Senator from North Dakota and the Senator from Florida would vote "yea" and the Senator from Delaware would vote "nay."

I also wish to announce the special pair of the Senators from Indiana [Mr. ROBINSON and Mr. WATSON] with the Senator from South Dakota [Mr. NORBECK]. If present, the Senators from Inidana would vote "yea" and the Senator from South Dakota would vote "nay."

The roll call resulted—yeas 66, nays 14, as follows:

YEAS—66

Ashurst	Edge	McKellar	Shortridge
Barkley	Fletcher	McLean	Simmons
Bayard	George	McMaster	Smith
Black	Gerry	McNary	Steck
Blaine	Glass	Mayfield	Steiwer
Blease	Hale	Moses	Stephens
Bratton	Harris	Nye	Swanson
Brookhart	Harrison	Oddie	Thomas
Broussard	Hawes	Overman	Tydings
Bruce	Hayden	Pine	Tyson
Capper	Heflin	Pittman	Vandenberg
Caraway	Howell	Reed, Mo.	Wagner
Copeland	Johnson	Robinson, Ark.	Walsh, Mass.
Couzens	Kendrick	Sackett	Walsh, Mont.
Cutting	Keyes	Schall	Wheeler
Dale	La Follette	Sheppard	
Dill	Locher	Shipstead	

NAYS—14

Bingham	Gillett	Norris	Warren
Borah	Greene	Phipps	Waterman
Curtis	King	Reed, Pa.	
Fess	Metcalf	Smoot	

NOT VOTING—14

Deneen	Goff	Neely	Trammell
du Pont	Gooding	Norbeck	Watson
Edwards	Gould	Ransdell	
Frazier	Jones	Robinson, Ind.	

The VICE PRESIDENT. On this question the yeas are 66, the nays are 14. Two-thirds of the Senators present having voted in the affirmative, the bill is passed.

ARMY BANDMASTERS—VETO MESSAGE

Mr. STECK. Mr. President, I request that the President's message vetoing Senate bill 750 be laid before the Senate.

Mr. ASHURST. Let it be read.

The VICE PRESIDENT. The Secretary will read the veto message.

Mr. ROBINSON of Arkansas. What is the veto message, Mr. President? We can not hear what is said.

The VICE PRESIDENT. The veto message will be read.

The Chief Clerk read as follows:

To the Senate:

Herewith is returned, without approval, S. 750, a bill to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes.

This bill would authorize the appointment of 92 commissioned officers as bandmasters in addition to the number of commissioned officers of the Army now authorized by law. These appointments would be made from band leaders who now hold the grade of warrant officer or from noncommissioned officers or other enlisted musicians who have had at least 10 years' service in Army bands.

There is no requirement in the military service for leaders of bands to be given a commissioned status. There should be such a requirement before the added cost which this bill contemplates is imposed permanently upon the taxpayer. This bill would increase our military expenses by about $86,000 per year. I would not hesitate to give my approval to this increased cost if it represented some real requirement. The Secretary of War is opposed to this proposed legislation on the ground that it does not serve to meet a need of the military service nor operate to improve that service. In fact it is his opinion that to give commissions to band leaders, thus requiring them to exercise administrative and disciplinary control over the bands, would militate against the musical instruction of the bands, which is now and must always be their main function. I am therefore constrained to return this bill without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. STECK. Mr. President, just a word of explanation. I do not suppose that many Members of the Senate know what the bill provides, except from the description in the message of the President.

The bill will increase the number of commissioned officers by the number stated, but it will decrease by the same number the warrant officers of the Army. That accounts for the small additional expense.

There are now no commissioned officers in the musical organization of the Army; and the witnesses who appeared before the Military Affairs Committee, including John Philip Sousa, insisted that it was necessary in order to keep up the morale of the bands and to give the bandsmen something to work for.

The bill was objected to by the War Department before the committee solely on social grounds. General King, who appeared before the committee, testified that in his opinion these bandmasters would be more comfortable among men of their own class than they would if they were commissioned. That was practically the only objection that was made before the committee.

The committee held hearings, and the bill came out from the Committee on Military Affairs with a unanimous report. It is the same bill that was passed by the Senate a year ago.

Mr. BRUCE. Mr. President, I desire to say just a word. I think that plainly, in one or two instances in which vetoes of the President have come under our review to-day, he overstepped his Executive province. Now, however, it seems to me that we should just as clearly overstep our province if we should undertake, after the President had exercised his Executive discretion in a matter of this sort—after all, a comparatively insignificant one—to override his veto.

Surely there is a certain degree of respect to be paid by the President to the action of Congress when Congress has enacted a law; and surely there is a certain degree of respect to be paid to the veto of the Executive when he has vetoed a measure. In other words, it does seem to me that the extreme medicine of overridden vetoes should not become the daily bread of the Senate and the House; and I think that state of things would exist if, every time some such measure as this were to be vetoed by the President, Congress should override his action.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SMITH (when his name was called). On this vote I am paired with the senior Senator from Indiana [Mr. WATSON], and I withhold my vote.

Mr. SWANSON (when his name was called). Transferring my pair with the senior Senator from Washington [Mr. JONES] to the senior Senator from West Virginia [Mr. NEELY], I vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I do not know how he would vote on this question. I transfer my pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL].

I do not know how any of these Senators would vote on this question.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. McKELLAR. I desire to announce the unavoidable absence of the senior Senator from West Virginia [Mr. NEELY] and to say that if present he would vote "yea."

The roll call resulted—yeas 44, nays 32, as follows:

YEAS—44

Ashurst	Couzens	Johnson	Sheppard
Barkley	Dill	Kendrick	Shipstead
Bayard	Fess	La Follette	Simmons
Black	Fletcher	McKellar	Steck
Blaine	George	McLean	Stephens
Blease	Gerry	McMaster	Swanson
Brookhart	Harris	McNary	Thomas
Broussard	Harrison	Mayfield	Tyson
Capper	Hawes	Nye	Wagner
Caraway	Hayden	Oddie	Walsh, Mont.
Copeland	Heflin	Pittman	Wheeler

NAYS—32

Borah	Cutting	Gillett	Hale
Bruce	Dale	Glass	Howell
Curtis	Edge	Greene	Keyes
King	Phipps	Sackett	Tydings
Metcalf	Pine	Schall	Vandenberg
Moses	Reed, Mo.	Shortridge	Walsh, Mass.
Norris	Reed, Pa.	Smoot	Warren
Overman	Robinson, Ark	Steiwer	Waterman

NOT VOTING—18

Bingham	Frazier	Locher	Smith
Bratton	Goff	Neely	Trammell
Deneen	Gooding	Norbeck	Watson
du Pont	Gould	Ransdell	
Edwards	Jones	Robinson, Ind.	

The VICE PRESIDENT. The yeas are 44 and the nays are 32. Two-thirds of the Senate not having voted in the affirmative, the bill is not passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 21) relative to the making of a correction in reenrolling Senate bill 3752.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service; and

H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama.

TWENTY-THIRD INTERNATIONAL CONGRESS OF AMERICANISTS
(S. DOC. NO. 152)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1929, amounting to $5,000, for the Twenty-third International Congress of Americanists, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented a resolution adopted by the Arkansas Petroleum Club, of El Dorado, Ark., opposing the passage of Senate bill 3151, to limit the jurisdiction of the United States district courts, which was ordered to lie on the table.

He also presented numerous telegrams in the nature of petitions from sundry citizens and organizations of the States of Arkansas, Texas, and New York, praying for the passage over the President's veto of the bill (H. R. 5681) to provide a differential in the pay for night work in the Postal Service, which were ordered to lie on the table.

PULLMAN SURCHARGE

Mr. WALSH of Montana. I ask to have printed in the RECORD and to lie on the table a letter from the junior Senator from Montana [Mr. WHEELER] to Mr. F. J. Erdman, grand counselor, and Mr. F. J. Walters, grand secretary, United Commercial Travelers, Montana jurisdiction, relative to the Robinson bill for the repeal of the war-time Pullman surcharge.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 21, 1928.*

Mr. F. J. ERDMAN, *Grand Counselor,*
Mr. F. J. WALTERS, *Grand Secretary,*
United Commercial Travelers, Montana Jurisdiction.

GENTLEMEN: I was indeed very happy to receive your wires in behalf of the traveling salesmen of the State of Montana requesting my cooperation in obtaining a report of the Robinson bill for the repeal of the war-time Pullman surcharge.

I received your telegram Thursday morning and immediately presented the matter at the regular meeting of the Senate Committee on Interstate Commerce, and am glad to say that upon my motion before that committee the bill was reported without any hearings and is now on the Senate calendar.

As you probably know, the Senate has already passed this same bill on three previous occasions, but it has been blocked by the railroad lobby in the House of Representatives. Your eastern representatives will vouch for the fact that I have at all times extended the utmost possible cooperation with them in their efforts to accomplish passage of this deserving legislation.

I wish you had called my attention to it earlier so that I might have taken the matter up months ago for you. Congress is now in a

deplorable tangle, as usual, preceding its endeavor to adjourn for the summer recess, but I am nevertheless hopeful that in some manner or other we may be successful in passing the bill through the Senate in time to get a vote on it in the House.

It is most unfortunate that such a worthy cause as that of repealing this obnoxious war-time tax on travel (originally created by the Government for its own benefit, but now reverting to the private owners of the railroads for their selfish corporate advantage) should be still permitted to continue in force 10 years after the war is over. As one of the leading newspaper editorials recently stated, the only reason for its continued enjoyment by the carriers is "their ability to hang to it," and that leads me to comment on the effort which we have been making in Congress here to regulate the sinister system of railroad, oil, and public utilities lobbying, which has been such a public disgrace during the past several years.

I was surprised the other day in studing the statistics on Pullman surcharge expense and earnings to note the answer to one of the fallacious claims which the carriers have advanced in their strenuous efforts to prevent the repeal of this war-time heritage—with respect to the alleged higher cost of labor and materials—and I found that not only have all of the materials costs been radically reduced from the basis of 1920, when the Pullman surcharge was unjustly reimposed, but that in addition the Bureau of Railroad Economics of Class 1 Railroads of the United States shows that they have cut the number of employees on their lines from 2,022,832 in 1920 to 1,779,281 in 1926, a reduction of 243,551 of the number of employees; and in addition to this the average compensation per employee per year has been reduced from $1,820 to $1,655, a saving of $165 per year per employee.

In other words, they have dropped 243,551 men working in 1920, who then earned $1,820 each, or a total of $443,262,820; and they have reduced the pay of 1,779,281 other men still in their employ at the rate of $165 each, or a total of $293,581,365 per year, making the grand aggregate of labor savings $763,844,185 less than in 1920, when the Pullman surcharge was reinstated on the grounds of alleged high-labor costs. If it was necessary in 1920—which I seriously doubt—there can be no further justification for it whatsoever in 1928.

The above illustration portrays the insincerity with which the railroad lobby representatives on the one hand seek to deny the public reductions on both passenger and freight rates to which it its entitled, and on the other hand endeavor to hoodwink the splendid body of men employed on their lines into believing that the repeal of the war-time surcharge would affect their employment or their compensation.

On the contrary, the repeal of the war-time 50 per cent surcharge would obviously increase the value of travel, and this would logically require the employment of a greater number of workers than at present. With an increased demand for labor there would naturally come better rewards to such labor.

In the foregoing calculations it might seem to appear that I have not given thought to the interest of the stockholders and owners of the carriers' securities. On the contrary, it is my profound belief, based on the science of economic laws as demonstrated so many times in nearly all branches of industry, that increased volume means reduced overhead and greater net profit per unit of service or per dollar of revenue; and I am therefore convinced in my own mind that not alone would the public benefit, and the shippers and railroad labor, but that the railroads themselves and their security holders also would benefit from a more scientific application of merchandising principles in the operating of their properties.

In conclusion, let me say that it is a pleasure for me to be able to render service to the Commercial Travelers and to the other citizens of the State of Montana, and as you are undoubtedly aware my efforts always have been directed for and in behalf of the great public interest rather than in defense of those who serve the public. The public-service corporations seem very well able to take care of themselves at all times, but it is my experience that too many of our legislators do not give equal loyalty and service in defense of the public whom they are elected to represent.

With cordial greetings, believe me to be,

Sincerely yours,

B. K. WHEELER.

INLAND WATERWAY FROM NEW ORLEANS TO COLUMBUS, GA.

Mr. GEORGE. I ask to have printed in the RECORD a letter from H. H. Swift, chairman of the inland waterways committee of the city of Columbus, Ga. It is a very thoughtful letter with reference to House bill 13512, suggesting certain amendments to that bill. I desire to have the letter referred to the Committee on Commerce after being printed in the RECORD.

There being no objection, the letter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

COLUMBUS, GA., *May 22, 1928.*

Re: Inland waterway from New Orleans to Apalachicola and from Apalachicola to Columbus.

Hon. WALTER F. GEORGE,

United States Senator, Washington, D. C.

DEAR SENATOR GEORGE: Your deep interest in this project has been heretofore manifested.

* * * * * * *

What I am particularly concerned about now is the provisions of H. R. 13512, which recently passed the House and is now pending before the Committee on Interstate and Foreign Commerce in the Senate.

The bill in question is an amendment to the act creating the Inland Waterways Corporation so as to increase its capital stock from $5,000,000 to $15,000,000, and also to amend the act creating the Inland Waterways Corporation in other particulars.

Of course, we heartily approve the proposal to increase the capital of the Inland Waterways Corporation so that it may be provided with adequate facilities to carry on its operations and to demonstrate the effectiveness and economy of water transportation on our inland waterways.

The following are the elements which are absolutely essential if commerce is to move over the inland waterways:

First. A dependable channel.

Second. Adequate terminal facilities.

Third. Carriers to move the traffic.

Fourth. Joint rail and water, or water and rail, or rail, water, and rail rates.

Heretofore the Inland Waterways Corporation has not been able to operate as effectively and successfully as it should have done, because of the failure of the railroad carriers to cooperate in the promulgation of the water and rail rates, etc.

Under subsection 3 of section 15 of the interstate commerce act, as amended, the Interstate Commerce Commission has jurisdiction over such joint rates and matters connected therewith, but the opposition of the rail carriers to such joint rates, the equitable division of the revenues therefrom, etc., has, in many instances, delayed for months and years cases before the Interstate Commerce Commission. The result is that the Inland Waterways Corporation has not operated as successfully as it should have done if these joint rates and equitable division of revenues therefrom had been effective.

My objection to the bill H. R. 13512 is particularly directed to the provisions of section 2 of the bill amending section 3 of the Inland Waterways Corporation act. I regard the provisions of section 2 of H. R. 13512 as highly discriminatory of other sections of the country than that served solely by the Mississippi River.

For instance, subsection (b) of section 2 of H. R. 13512 proposes to permit the extension of the service of the Inland Waterways Corporation, but only proposing to permit this extension to a tributary or connecting waterway of the Mississippi River. This would absolutely prohibit the barge line from operating barges between Mobile and Apalachicola and thence to Columbus over a canalized river.

Again, subparagraph (e) of section 2 of H. R. 13512 purports, by certain provisions therein, to expedite the procedure under which joint rates between rail-and-water carriers might be ordered by the Interstate Commerce Commission, but please note that this is restricted only to those persons, firms, or corporations "engaged or about to engage in a common-carrier service upon the Warrior River or the Mississippi River, or any tributaries thereof." In other words, under the provisions of H. R. 13512, if the intracoastal waterway was extended from Mobile to Apalachicola, and the Apalachicola and Chattahoochee Rivers were canalized to Columbus, a water carrier operating on such an inland waterway of the United States would not have the benefit of the expeditious mode of procedure provided in H. R. 13512 for the highly favored carriers operating on the Mississippi or Warrior Rivers. This does not need argument to show the discrimination.

I think that the provisions of subparagraph (e), restricting the application of that paragraph only to carriers operating on the Warrior or Mississippi Rivers, should be amended so that the procedure for obtaining the joint rates and equitable division of the revenue would be made to apply to all common carriers upon any of the inland waterways or intracoastal waterways of the United States. In other words, the provisions of H. R. 13512, with reference to joint rail and water rates, and division of the revenues therefrom, etc., should not be confined to any section of the United States, or to any waterway of the United States, but should be practically as broad as the provisions of subsection 3 of section 15 of the interstate commerce act.

In the report of the House bill the chairman said, "No water transportation service can successfully operate upon the inland waterways of the country to-day if it has to depend on port-to-port traffic. * * * Therefore it is absolutely necessary not only for the successful operation of the Government-owned barge lines, but for the successful operation of any privately owned transportation service, that through routes and joint rates and a fair division of the joint rates with rail carriers shall be available."

Notwithstanding the above, the House committee proposes to pass a law which will confine a remedy by which these ends may be achieved only to carriers operating on the Mississippi River. It is as unfair as anything could be.

* * * * * * *

Assuring you of my own appreciation and of the appreciation of the business interests in Columbus whom I represent, and trusting that you may be able to accomplish something beneficial, I am, with kind regards,

Yours very truly,

H. H. SWIFT,

Chairman Inland Waterways Committee.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1512) to provide for contests of certain oil and gas permits, reported it without amendment and submitted a report (No. 1275) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10073) to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue, reported it without amendment and submitted a report (No. 1276) thereon.

Mr. BLAINE, from the Committee on the Judiciary, reported an amendment intended to be proposed to the bill (H. R. 11463) to fix the salaries of certain judges of the Territories and Insular possessions of the United States, and submitted a report (No. 1277) to accompany the said bill heretofore reported from that committee with an amendment.

Mr. THOMAS, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians, reported it without amendment and submitted a report (No. 1278) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 3219) for the relief of the Poston Brick Co., reported it without amendment and submitted a report (No. 1279) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 2965. An act authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.; and

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 4551) authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer; to the Committee on Claims.

By Mr. GILLETT:

A bill (S. 4552) to provide for a survey of the Cape Cod Canal, Mass., with a view to providing improvements; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 4553) granting an increase of pension to Julia A. Singer (with accompanying papers); to the Committee on Pensions.

By Mr. VANDENBERG:

A bill (S. 4554) for the apportionment of Representatives in Congress among the several States under the Fourteenth Census; to the Committee on Privileges and Elections.

By Mr. BROUSSARD:

A bill (S. 4555) to provide for the payment of rental to the board of commissioners of the port of New Orleans of the property known as the New Orleans Army supply base, New Orleans, La.; to the Committee on Military Affairs.

A bill (S. 4556) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 4557) granting an increase of pension to Justine M. Thrift (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4558) for the relief of Will O. Jerico (with accompanying papers); to the Committee on Claims.

A bill (S. 4559) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows and former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4560) authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.; to the Committee on Commerce.

By Mr. CAPPER:

A joint resolution (S. J. Res. 163) to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River; to the Committee on the District of Columbia.

OHIO RIVER BRIDGE NEAR EVANSVILLE, IND.

Mr. McKELLAR. I desire to enter a motion to reconsider the vote by which the bill (S. 4439) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind., passed last night.

The VICE PRESIDENT. The motion to reconsider will be entered.

CUMBERLAND RIVER BRIDGE

Mr. BARKLEY. Last night the Senate passed the bill (H. R. 13203) granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burnside, Pulaski County, Ky. The Senate and House had already passed a bill to the same effect and it has been signed by the President. I ask unanimous consent that the action on the bill last night be rescinded and that the bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 23, 1928, the President approved and signed the following acts and joint resolutions:

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 3463. An act to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army;

S. 3699. An act for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California;

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the Old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779; and

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists and making an appropriation for the expenses of such Congress.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Washington, Mr. JENKINS, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the House to each of the following bills:

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes; and

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museum and educational institutions.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that the Senate resume the consideration of the deficiency appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment offered by the senior Senator from New Mexico [Mr. BRATTON].

Mr. WARREN. Mr. President, yesterday consent was given that committee amendments should be first considered. We have a dozen or more committee amendments which I would much prefer to have acted on now. Then we can take up the individual amendments that were not before us in the committee.

Mr. BRATTON. I withdraw the amendment. The Chair announced yesterday that we had finished with the committee amendments, and I therefore presented my amendment.

Mr. WARREN. The announcement of the Chair covered the amendments in the printed bill. These other matters are those which have come up from the Bureau of the Budget since the bill was reported, and the committee has acted on them and is now ready to lay them before the Senate.

Mr. BRATTON. I withdraw my amendment.

SUPPLY OF ARMY EQUIPMENT TO AMERICAN LEGION

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senater from New York?

Mr. WARREN. I yield.

Mr. COPELAND. I do not desire to do anything which indicates any lack of confidence in a committee of the Senate, but I am forced to do so, because in a sense we have a report of the Committee on Military Affairs that they have unanimously declined to act upon a bill permitting the American Legion of my State to borrow from the War Department certain mattresses and blankets and cots, at no expense to the Government, putting themselves under bond that the material will be returned in as good condition as it is received.

It is manifestly unfair that these veterans, who were sent out and asked to sleep in the mud, perhaps on mattresses now and then, should not have the privilege, in their reunions, of having the use of this Government property in order that they may carry on their conventions in a decent way.

I wish to move that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 12621) to authorize the Secretary of War to lend War Department equipment for use at annual State convention of the American Legion of New York, a bill which has passed the House.

Mr. REED of Pennsylvania. Mr. President, I make the point of order that the motion is not in order at this time.

The VICE PRESIDENT. The point of order is well taken.

Mr. COPELAND. I intend at some time, when it is in order, to bring up this bill, because it is not proper, in my judgment, that the Committee on Military Affairs should determine that a matter of this sort should not be considered by the Senate.

Mr. LA FOLLETTE. Mr. President, the Senator may enter the motion.

Mr. COPELAND. At this time?

Mr. LA FOLLETTE. Yes.

Mr. COPELAND. If I may do that, I enter such a motion.

Mr. SWANSON. Mr. President, I fully concur with the Senator from New York. I think these matters ought to be brought before the Senate so that the Senate can pass on them one way or the other.

I have a bill pending making provision similar to that referred to by the Senator from New York, to supply tents to the American Legion in my State for use during their convention. They have telegraphed and written me that it is utterly impossible to have a successful meeting of the legion unless they can get some tents. They would pay all the expenses incurred in bringing them to the place of the convention and returning them, and would guarantee that they would be returned without any injury whatsoever. I can see, if organizations in every State in the Union were asking for these favors, that there might be some reason why their requests could not be met; but until a situation of that kind arises, where there is an emergency, the Government should do what it can to make these meetings successful. These men are prepared to go back into the service at any time the country needs them, and as there can not be a successful encampment without these loans from the Government, it does seem to me that when the Committee on Military Affairs meets to-morrow they should report these two bills and let these encampments be held in these two places. I urge that that be done.

Mr. REED of Pennsylvania. Mr. President, so far as I am concerned, I should be glad to have the committee report the bills adversely and recommend their indefinite postponement. These are not the only two bills of this nature that are pending. Pretty nearly every Senator here has introduced similar bills, and if the Congress wants to put the War Department into the hotel business, all right; but I do not believe that its personnel is sufficient to attend to all of these loans of equipment or that it has sufficient reserve supplies on hand.

Mr. FLETCHER. Mr. President, the requests not only include tents but they cover mattresses and cots, and covers and blankets, and all that sort of thing. We will have to resupply the Army if we meet this sort of demand.

Mr. DILL. Mr. President, a joint resolution has passed the House providing for a similar loan to the American Legion of my State. It seems to me the committee ought to take some action and make it applicable to all of the States, and not attempt to report out one or the other of these bills adversely or favorably, as the case may be, but that we ought to have uniform action regarding the matter.

Mr. REED of Pennsylvania. That is what we have done. The requests have been so numerous that the committee has taken unanimous action against reporting out any of these bills for the loan of equipment to State conventions. These are all State conventions. We have all been in favor of making the loans to the national conventions of these veterans' organizations, but we have to draw the line somewhere, and that is where the committee decided to draw it.

Mr. SWANSON. Mr. President, may I ask the Senator if the committee has ever reported a bill to make a loan of similar equipment to any State Legion convention?

Mr. REED of Pennsylvania. To the best of my knowledge, we never have; but at one time a bill was passed, without reference to our committee, which authorized a loan to a State encampment of the Confederate veterans in Arkansas.

Mr. SWANSON. I mean to these State Legion conventions.

Mr. REED of Pennsylvania. So far as I know, we have never authorized a loan to any State Legion convention. Congress has never done that.

Mr. DILL. Mr. President, these tents and mattresses are not seriously harmed by being used. It seems to me they could be very properly loaned in the various States. They will grow old and wear out, anyhow. I can not see any valid reason why the department should not be authorized to loan them in each of the States.

Mr. REED of Pennsylvania. Every time a blanket or a cot or a mattress is loaned out it has to go back and be renovated before it can be put in storage.

Mr. DILL. The veterans' organizations could be required to pay all the expense of renovating them.

Mr. WARREN. Mr. President, this is entirely aside from the consideration of the deficiency bill, of course, but so long as the question is before us let me say that through long experience in these matters we have found it quite impossible to loan as many of these articles as are being called for. Occasionally we have, as one Senator has said, loaned to certain associations, but we loaned tents and cots—not blankets. We refused the loan of the other equipment. In fact, the other things were seldom called for. Now various organizations apply for the loan of tents, cots, mattresses, blankets, sheets, pillow slips, towels, and every other commodity that one needs in keeping house. The Army has not a sufficient supply of that kind of thing to meet all the demands that are made.

I submit that the committee has acted wisely in halting now, to determine finally whether they have been right all this time, or whether we are going into the business of supplying a multitude of these things through the department. If we should do so, in case of war we would not have them, because they would be loaned out.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. I yield.

Mr. BLAINE. Mr. President, permit me to suggest to the Senator from New York that the thing he wants to accomplish can be accomplished in a very simple manner. There is a National Guard organization in every State. They are equipped with tents and cots and blankets and various household uten-

sils. In fact, they are equipped with all of those outfits for the purposes to which the Senator refers, and through a request made to the adjutant general of the National Guard organization arrangements can always be made for the accommodation of purely State conventions of these respective patriotic orders.

Let me suggest to the Senator from New York that in my own State the National Guard organization has always furnished the equipment under certain conditions and restrictions that did not, however, limit their use. Moreover, we not only did that for State conventions, but we also did it when the Grand Army of the Republic held their national convention in the city of Milwaukee. The State took care of them through the National Guard organization. It is a convenient way by which to take care of the Senator's request and the proper way to do it.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from New York?

Mr. WARREN. I yield.

Mr. COPELAND. The difficulty with the suggestion of the Senator from Wisconsin is that this is a time when the convention is to be held and at the same time the State encampment is going on, but it does not make any difference whether that is so or not. To me it is a strange thing that we should be informed, as we have been by the chairman of the committee, that the Committee on Military Affairs declines to lend War Department equipment to a State encampment for the American Legion, for the Veterans of Foreign Wars, for the Confederate Veterans, for the Grand Army of the Republic, for the United Spanish War Veterans, or other organizations of a similar kind. Here we are seeking to build up the national defense, anxious to have it participated in by men such as these men who are veterans of the last war and who might be called upon in another war. We ought to be very glad, indeed, to furnish the material.

The Senator speaks about the renovation necessary. Blankets and things of that kind have to be renovated whether they are used or not, and the good housekeeper finds usually that articles which are in use are much better kept than those which are preserved in camphor balls.

I shall say nothing more at this time. I have entered the motion and would be very glad, indeed, if it would be found unnecessary to call it up, because if the Senator from Pennsylvania can do nothing more than to report the bill adversely, we at least then would have it on the calendar and could give it consideration to determine what the sentiment of the Senate may be with regard to this matter.

Mr. BLAINE. Mr. President, I would like, with the permission of the Senator from Wyoming, to make a further brief statement.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. I yield.

Mr. BLAINE. If the Senator from New York will go to the Governor of New York, who is the commander in chief of the State militia or the National Guard organization of his State, he will find that arrangements can be made through the quartermaster's department of the State of New York, and so it is in every State. Action can be taken by the governor through the quartermaster's department to obtain all this equipment, equipment that belongs to the National Government, it is true, and equipment that is under the control and jurisdiction of the respective States under the quartermaster's department, for which the quartermaster's department is responsible to the Federal Government, but there is no objection to the State using that equipment for any lawful or proper purpose the State desires. The organization that seeks the use of the equipment, of course, returns it without any injury and, therefore, there is no loss to the State and no loss to the National Government. The proper way and the regular way to meet the request of the Senator from New York is for the Senator to go to his governor, he to the adjutant general, and they in turn can furnish all the equipment not only for a State convention but also for a national conference or convention of any of the organizations referred to, if they so desire.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from New York?

Mr. WARREN. I yield.

Mr. COPELAND. I thank the Senator from Wisconsin. I am perfectly well aware of the fact that we could go to the distinguished Governor of the State of New York and that he would give every facility for the aid of these veterans who desire to have the encampment. It seems strange, however, to a group of men who served in a national emergency that there should be any unwillingness to accede to their request. But if there should be such objection, I will inform the Senator from Wisconsin that we will appeal to the Governor of New York, who very soon will be in the White House, and then we can make appeals to him on matters relating to the Federal Government.

Mr. REED of Pennsylvania. Does the Senator suggest that Governor Smith would not be willing to make the loan?

Mr. COPELAND. Oh, no. The governor of my State would gladly make the loan for the encampment in the State of New York. I assume, however, that the Senator from Pennsylvania will have his heart softened sufficiently so we may not find it necessary to change the date of the various encampments in order that they may proceed as originally planned.

HERBERT HOOVER

Mr. BLEASE. Mr. President, I hold in my hand a copy of a speech delivered by Ralph D. Cole, of Ohio, on Monday evening, May 21, 1926, at Wheeling, W. Va. The speech is one of the ablest that it has ever been my pleasure to read. There are parts of it with which I, of course, being a southern State-rights Democrat, can not agree, but there are other parts of it which are so interesting that I shall ask that it be printed in the CONGRESSIONAL RECORD. I desire to call especial attention to his remarks under the head of "Americanism."

In 1920, when Mr. Herbert Hoover was seeking the nomination for President on both the Democratic and Republican tickets, Senator FESS, of Ohio, then chairman of the Republican Congressional Committee, said:

"The Republican Party can not accept an internationalist as its standard bearer. It will demand a leader whose Americanism is not in question and whose political views are not a matter of speculation. We can not go to the country to contest the fallacies of the Wilson administration with an internationalist attached to the Wilson administration as our leader. Hoover must be greatly embarrassed in seeking the nomination at the hands of a party he conspired against with the party's opponent to defeat in 1918."

Mr. Hoover has lived an international life, builded an international character, all his opinions on fundamental questions being colored with internationalism. When a crisis crashes in life men instinctively revert to past experience for guidance. The experience of Herbert Hoover has been foreign to our standards, alien to our institutions. The President of the United States must meet a crisis armed with American experience, panoplied with American precedents.

I would like to read further from this speech, but shall not do so now. As I said, being a southern State-rights Democrat, there are parts of it in which I can not concur, but I respectfully recommend the speech to both the Democratic and Republican Senators and to the American public.

The PRESIDING OFFICER. Without objection, the request of the Senator from South Carolina is granted.

The speech is as follows:

SPEECH DELIVERED BY RALPH D. COLE, OF OHIO, MONDAY EVENING, MAY 21, 1928, AT WHEELING, W. VA.

We come to-night to think and speak of things of primary importance to America. We address our remarks to the people of West Virginia who believe in the principles of the Republican Party. West Virginia, child of the Nation's travail, carved from the heart of the mountains by the brain of Lincoln and the sword of Grant, to you, noble descendants of heroic ancestry, the Nation now makes appeal.

On the 29th day of May a primary election will be held in this State to determine your choice for the Presidency of the United States for the next four years. This is a grave responsibility, a sacred privilege, to be discharged with high intelligence and lofty purpose if free institutions are to endure. The ballot box is the symbol of liberty and peace, which has abolished the ancient tyranny of force. Let it be used to promote the happiness and prosperity of the people, and to advance the ideals of the Republic. He fails in the primary test of citizenship who disregards this duty.

QUALIFICATIONS FOR THE PRESIDENCY

What are the fundamental qualifications for the Presidency of the United States?

Daniel Webster said: "When large bodies are to be addressed on momentous occasions, when great interests are at stake and strong passions excited, nothing is valuable in speech further than is connected with high intellectual and moral endowments."

The President of the United States must be a man of "high intellectual and moral endowments"—a man of extraordinary mental power and moral courage. It is safe to assume that no man will be presented to the convention lacking in these obvious yet fundamental requirements.

The President of the United States must be a leader of men. He is not only the titular head of the Government but he must be the leader of the American people. The power to command the respect, the confidence, and the loyalty of a nation of 100,000,000 people occupying a

continental empire, is a most extraordinary endowment. The spirit of leadership is divine. God chooses his prophets and plants the divine spark of leadership in heart and brain. It may be the attribute of a prince, but more often the quality of a peasant. The lowly of birth in their rise in life pass through the gradations of human society, and catch the heart throbs of the universe of men on their way; learning thereof, he qualifies for leadership. Great leaders may tower above their fellow men, but their feet remain firm on the common level of humankind. The divine spark of leadership is implanted in man by the Almighty, and fanned into flame by human experience—living and mingling with the people he aspires to lead, learning of their lives and characters, their hopes and aspirations by association, bearing their burdens, sharing their triumphs, exemplifying their virtues and ideals by his "daily walk and conversation," and above all, by fighting their battles in their march to a higher and nobler destiny. Such a leader the Republican Party demands in 1928 as its candidate for the Presidency. Let no man be named who possesses these qualities not in full and majestic measure.

REPUBLICANISM

You are called upon to express your choice for the Presidency, and to select delegates to represent you in the Republican National Convention at Kansas City on the 12th of June. That convention will adopt a Republican platform, and must nominate a Republican for its standard bearer. That candidate must, of necessity, embody the very spirit of the platform adopted. His life, his record, his character must stand as a guaranty for the redemption of the pledges made to the American people, otherwise our professions of political faith are but "sounding brass and tinkling cymbals."

The contest in West Virginia is between United States Senator GUY D. GOFF and Secretary of Commerce Herbert Hoover. Senator GOFF is a Republican. That statement stands unchallenged, backed by more than a quarter of a century of distinguished service to his country and party. He was born in Clarksburg, W. Va., the son of Gen. Nathan Goff, patriot, scholar, lawyer, jurist, soldier, and statesman, whose entire life was an honorable and brilliant record of service and devotion to country and to the Republican Party. Among other positions of trust and importance, he was Secretary of the Navy under President Hayes, served as volunteer, lieutenant, adjutant, and major in the Union Army, member of the State legislature, Representative for three terms in the National House of Representatives, and as a Senator of the United States from West Virginia from March 4, 1913, to March 4, 1919, thus terminating one of the most eventful and useful public careers in our history.

Senator GUY DESPARD GOFF, worthy son of an illustrious father, following in his footsteps in public service and spirit, as well as legal ability, is recognized as one of the great constitutional lawyers of the country. As soon as we entered the World War Senator GOFF offered his services, and served throughout, his legal knowledge and experience proving invaluable, first in the office of the Judge Advocate General, working out plans, drafting legislation, and compiling rules for the first draft, then on the other side on General Pershing's staff, where he served until the close of hostilities. After the armistice he was assigned to Paris to take charge of the legal details involving rents, requisitions, and claims, and later he had charge of the courts of the army of occupation in Germany. Returning home he served as general counsel for the United States Shipping Board, refused the chairmanship of that board, preferring to further employ his legal talents for the benefit of the country as Assistant Attorney General of the United States. He is now serving his State as Senator of the United States, where he is a conspicuous member of the important Committees on the Judiciary, Interstate Commerce, and Mines and Mining, and where he wields powerful influence.

By birth, blood, inheritance, practical experience, and constant American contacts, by tradition and education he is equipped to go to the head of this great Nation, where he would bring to the solution of all questions a determination in accordance with American ideals and policy. He is recognized far beyond the borders of our own country as an authority on constitutional and international law. Traveling recently in South America, his interpretation of the Monroe doctrine was sought, and speaking to the Argentine people he made an address which was widely circulated, in which he said:

"On December 2, 1823, President Monroe sent his historic message to Congress, in which he established with all the force of international law his famous doctrine that moral qualities shall rule in the affairs of nations, and that the United States of North America was a brother in blood and a sister in thought to the then struggling republics of South America. It was not until January, 1825, that Great Britain saw fit to recognize the independence of the Argentine Republic and receive her into the family of nations. The question was then settled for all time, and since then both the United States and Great Britain have been and now are the true and the tried friends of this most wonderful of nations."

HERBERT HOOVER'S REPUBLICANISM CHALLENGED

We challenge the Republicanism of Herbert Hoover. He claims to be a Republican, but his record belies his word. He was born August 10, 1874. He was 22 years of age, living in California, in the campaign of 1896, when William McKinley was the Republican candidate for President and William Jennings Bryan led the hosts of the Democracy. The issues were sound money and protection. That was our most crucial political battle for the industrial development of America. Herbert Hoover, equipped for the battle of life in the public schools of America, in that decisive contest for the preservation of American financial and industrial supremacy, lacked the interest and patriotism to even cast his first vote. Do you recall the thrill of going to the polls to cast your first vote? Herbert Hoover had no thrill; he failed to qualify as an American citizen. He was then neither a Democrat nor a Republican. At the age of 23 he left his native land and he never returned to vote until 1918, at the age of 45. Having lived for twenty-odd years under the British flag, he returned to America and announced himself a "Liberal" in politics, a Liberal being one of the major political organizations of England.

In 1918 Herbert Hoover was a Woodrow Wilson Democrat. In the congressional elections of that year President Wilson demanded the election of a Democratic Congress, in the following language:

"My fellow countrymen, the congressional elections are at hand. They occur in the most critical period our country has faced or is likely to face in our time. If you ever approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and House of Representatives."

In support of that demand Herbert Hoover made the following statement:

"My own views are summarized in a word: That we must have united support for the President. I am for President Wilson's leadership not only in the conduct of the war but also in the negotiation of peace, and afterwards in the direction of America's burden in the rehabilitation of the world. There is no other leadership possible now if we are to succeed in these great issues."

The entire country was so aroused and shocked by this demand for a Democratic Congress, in the face of the loyalty of the Republican Members, that ex-Presidents Theodore Roosevelt and William Howard Taft made the following protest:

"We earnestly deprecate extending the unified, uncontrolled leadership of the Commander in Chief to the making of a permanent treaty of peace or to the framing of those measures of reconstruction which must seriously affect the happiness and prosperity of the American people for a century. We urge all Americans who are Americans first to vote for a Republican Congress."

The sponsors for Secretary Hoover, attempting to explain his support of President Wilson's demand for a Democratic Congress in 1918, contend that he merely indorsed the war policy of President Wilson, and urged that it was the duty of all loyal Americans to support the President in the conduct of the war. There is only one thing wrong with this attempted defense. It is untrue! President Wilson did demand a Democratic Congress. Herbert Hoover not only heartily joined in that demand for the support of President Wilson in the conduct of the war, but in his own language stated:

"I am for President Wilson's leadership, not only in the conduct of the war but also in the negotiation of peace, and afterwards, in the direction of America's burden in the rehabilitation of the world. There is no other leadership possible now if we are to succeed in these great issues."

This demand of President Wilson, supported by Herbert Hoover, challenged the loyalty and reflected upon the patriotism of every Republican in America and every mother in the land with a son in uniform. Republicans were good enough to fight and fall under the American flag in France or Flanders Field, but, in the judgment of Mr. Herbert Hoover, they were not fit to sit in the Congress of the United States, where they had fought the battles of President Wilson and made possible his war policy, upholding, to their everlasting honor and glory, his hands when he was opposed by his own party in both Houses of Congress. Senator GOFF, at the very time that Herbert Hoover challenged the right of Republicans to sit in the American Congress, after patriotic service at home was in the uniform of his country on the other side of the sea, on the staff of General Pershing. On the same day, November 2, 1918, that Herbert Hoover wrote that letter demanding a Democratic Congress, I, too, was in the uniform of my country in our first great drive on Flanders Field. The boys were fighting and dying that day—Republicans, Democrats, Socialists, men of all political faiths and religious creeds, all Americans, fighting in a common cause. They were inspired with one purpose, and one purpose only, to maintain the honor of the American flag and to save the civilization of the world. I had a brother a candidate for Congress that year. I was good enough to be on Flanders Field that day, but my own brother, according to Herbert Hoover, was unfit to sit in the American Congress, for one reason and one reason only—he was a Republican.

In 1920 the name of Herbert Hoover was on the Democratic ballot in several States, including Vermont and Michigan, where the following names appeared; Herbert Hoover, William Gibbs McAdoo, A. Mitchell Palmer, William Jennings Bryan, Edward I. Edwards.

Mr. Hoover's sponsors undertake to explain in extenuation of this circumstance that his name also appeared on the Republican ballot at that primary election in Michigan. It is understandable how a citizen with some degree of consistency might at different times run as a Republican and a Democrat, but how it was possible to be a Wilson Democrat and a Harding Republican at one and the same time we are unable to comprehend.

The Democrats had indorsed the League of Nations. The Republicans denounced it. Hoover was for both and against both. The Republicans favored a protective tariff. The Democrats denounced it. Hoover was for both and against both. The Democrats favored free trade. The Republicans denounced it. Hoover was for both and against both. How can a man have any political principles who will run on a Democratic and a Republican platform at one and the same time when great national issues are involved?

There must be a fundamental reason for this disposition to vacillate, this eagerness to embrace any political doctrine that bids fair to triumph. It is a question of political character. Mr. Hoover has no stability of political character. He is not well grounded in the fundamental principles that should determine the action of an American citizen in relation to questions of public policy and administration. Proof of this is found in his support of utterly conflicting measures. The cause for these contradictions in his character is quite apparent. During the entire formative period of his political character, of his opinions in relation to human government, principles and policies fundamental to the Nation's welfare, he did not live in America.

London does not live according to our standards, nor does England have America's viewpoint. It is just as impossible to catch the American viewpoint from England as it is to catch the English viewpoint from America.

The moral character of a man is shaped and molded by the time he attains his majority. It is molded in the home; in the domestic circle; under the guidance of parental influence; in the schools, where the youthful mind is taught to bud and flower; in the church, where the moral law is learned and Christian motives instilled.

The political character of a man is molded after he begins the serious study of public questions. His ideas on human government, on the fundamentals that underlie the whole structure of governmental institutions, his opinions in relation to the great principles best adapted to serve the public weal—all these influences that enter into formation of a citizen's political character are determined in the main before he attains the age of 40. During that entire formative period Herbert Hoover lived outside of the United States. He was in a foreign atmosphere, living and mingling with people alien to our institutions. He did not even vote in America until he was 45 years of age. He therefore lacks that stability of political character typical of all real Americans.

The American people will never elect for their President a man who voluntarily left his native land at the age of 23 and never returned to vote until he was 45. For 20 years Herbert Hoover lived at Red House, London. The man who lived that length of time at "Red House," London, will never live four years at "White House," Washington. Better an Americanized alien than an alienized American for President of the United States.

If Washington had lived the life of Herbert Hoover, he would have been a Tory and not the Father of His Country.

If Jefferson had lived the life of Herbert Hoover, he would not have been the author of the Declaration of Independence.

If Jackson had lived the life of Herbert Hoover, he would not have been at New Orleans.

If Lincoln had lived the life of Herbert Hoover, he would not have been the immortal leader of the American people in the battle for the preservation of the Union and the author of the Emancipation Proclamation.

If Roosevelt had lived the life of Herbert Hoover, he would have gone to London instead of the plains of the Dakotas and would never have been President of the United States and the great American of his day and generation.

If American immortals had lived the life of Herbert Hoover, we would have no American history; we would still be a colony of Great Britain.

Mr. Hoover sought the Democratic nomination in 1920, but his aspirations were demolished by one volley from the batteries of Senator JAMES A. REED, of Missouri, as follows:

"Mr. President, some day when I have the time I am going to have some remarks to make about Mr. Hoover. I pass the subject at this time with the remark: To what estate has our country come when it can be seriously proposed that a man shall be nominated for President who probably has never voted yet in the United States; whose every interest and inclination kept him in Great Britain for 23 years out of a life of 46 years; who when he returned to America knew so little about our politics that he described himself as a 'Liberal,' and who to-day is so ignorant of public policies that even now he can not tell whether he is a Democrat, a Republican, a Socialist, or a Populist; he apparently only knows that he wants to be President of the United States, and we are told he has $10,000,000."

On these grounds of incontrovertible facts and incontestable proof we challenge the Republicanism of Herbert Hoover, and his right to the Republican nomination for the Presidency of the United States.

The chairman of his campaign committee, Mr. James W. Good, stated before the senatorial investigating committee, May 11, 1928, in endeavoring to explain the large expenditures of money for Mr. Hoover, that it was necessary to do so to meet certain charges, among which were that Mr. Hoover is not an American, that Mr. Hoover is not a Republican. Mr. Hoover has contested in but two primaries up to date—Ohio and Indiana. If it required an expenditure of $250,000 to attempt to prove to the people of Ohio and Indiana that Herbert Hoover is an American and is a Republican—and failed in both—how much would it cost the Republican Party to establish his Americanism and his political faith in the November election?

It will not cost a penny to establish the Americanism and the Republicanism of Senator GOFF. His life, his record, and his character give ample proof of his qualifications for the Presidency.

THE LEAGUE OF NATIONS

The Republican Party throughout all its history has championed a consistent and patriotic program for the public welfare. It has stood invincibly for the sovereignty of the Federal Government.

Two serious assaults have been made upon the sovereignty of this Republic—secession and the League of Nations; the one sought to transfer sovereign power back to the States of the Union; the other to transfer it to a supergovernment in Europe. Both failed—the one in a battle of bullets, the other in a battle of ballots, both decisive victories for the Republic. Senator GOFF stood unflinchingly against the League of Nations at all times. "The Republic still stands in all its original power and all its pristine glory."

The man who sought to transfer that power can not be trusted to hold it.

Herbert Hoover advocated the League of Nations just as it fell, full-fledged, from the brain of Woodrow Wilson. In an address delivered at Stanford University, October 3, 1918, he said:

"The peace treaties can not be carried out without the league. Without a League of Nations to guide the Republic, Europe will go back to chaos.

"If the League of Nations is to break down, we must at once prepare to fight.

He was so intent upon the ratification of the League of Nations, and the creation of this supergovernment on the other side of the sea, that he threatened the people of America with war if they failed to adopt it. He threatened to send our boys back to Europe to fight and die; he threatened the mothers of America in case the league should fail.

A League of Nations to guide a Republic! What is wrong with America guiding herself?

Mr. Hoover naturally has more faith in English guidance than America has. He lived in London over 20 years, and made a vast fortune under the British flag; hence his distrust of our capacity to guide ourselves, and his desire to put us in the hands of a league controlled by Great Britain to shape our destiny.

Mr. Hoover said: "If the league fails Europe will go back to chaos and America must at once prepare to fight." The League of Nations did fail. Europe did not go back to chaos. America did not "at once prepare to fight." America has not fought. Peace prevails and there are no war clouds on the national horizon. Mr. Hoover's vision was wrong, his judgment unsound, his prophecy fallacious. Prophesy again, Mr. Hoover! Predict permanent peace instead of war, order and happiness in Europe instead of chaos, and that America will not go back to Europe to fight, but will stay at home and will mold her own destiny in harmony with American ideals.

Mr. Hoover's sponsors tell us that the League of Nations is past history; that Mr. Hoover stood shoulder to shoulder with Calvin Coolidge on the league; and that the League of Nations is a dead issue. "Dead issues" have a way of coming to life. There is to-day a nation-wide, highly financed organization spreading propaganda throughout the country in favor of the entrance of America into the League of Nations. If Herbert Hoover stood "shoulder to shoulder" with the Republican Party on the League of Nations, it was not until after the American people had repudiated it by a majority of 7,000,000 votes, and if we had followed the leadership of Herbert Hoover in 1918 to-day we would be a member of the League of Nations. Herbert Hoover has never publicly stated that he is not still for the League of Nations.

The issue would instantly revive if the Democrats gained a majority in the Congress. It is still debated with spirit. It is there always, lurking in the background, and the magic name of Woodrow Wilson would revitalize that issue the moment the Democrats come into power. The silver standard was a "dead issue" in 1908, but the American people refused to elect Mr. Bryan President because they knew that his judgment was unsound on a fundamental American doctrine.

We can not trust the destinies of this Nation to a man in the presidential chair who 10 years ago advocated a policy that would have thrown America into the whirlpool of European strife and revolutionized the entire domestic and foreign policy of this Republic.

PROTECTIVE TARIFF

A protective tariff is one of the fundamental doctrines of Republicanism. It is a concept of Alexander Hamilton. That policy has been responsible for the industrial development of America. It is absolutely essential to the prosperity and happiness of the American people. Referring to the policy of protection of American industry as formulated and applied by Hamilton, Daniel Webster said:

"He smote the rock of national resources and abundant streams of revenue poured forth. He touched the dead corpse of public credit and it sprang upon its feet."

No man will be nominated for the Presidency at Kansas City whose position is not sound on that doctrine. Senator GOFF has always been an able advocate of the doctrine of protection. He speaks for himself—not through his "sponsors." He has defined his position on protection in the following public utterance:

"I am for a high protective tariff. Everyone knows that in the factories of Europe the average laboring man is paid a wage upon which an American citizen can not and will not live. I am against the living wage paid in Europe—it is not enough. I am in favor of the saving wage—a fair day's work for a fair day's pay—and the leisure to enjoy it. In the welfare of the wage earner lies the security of the present and the perpetuity of the future. Articles are made cheaper in Europe than we can make them with our high wage scale in this country. So unless there is a protective duty on goods made in Europe, a duty measuring the difference between the wages paid here and the wages paid there, the American manufacturer will be compelled to close down and the American workman will be without employment. This is a plain, practical proposition, no one can deny its soundness. The tariff is a question of wages, and the working man of America reduced to the standard of the pauper paid labor of Europe. The American workman is a better workman. No one wants the great industries of this country forced to close their doors. No one wants those now employed to have nothing to do."

Mr. Hoover, has failed to announce his position on this vital issue. He has remained silent. The only evidence we have as to his attitude on the American system of protection is the word of one of his sponsors, who marshaled all his proof in an address delivered at Cleveland during the campaign in Ohio. It consisted of a statement from a former Member of Congress to the effect that "Hoover seemed to be all right on protection," and the citing of two talks that Hoover made in Oklahoma after he became a candidate for the Presidency in 1926. But he failed to disclose a single statement by Mr. Hoover on the tariff. It was simply an inference drawn from general statements in relation to our industrial progress. His evidence is not convincing. Mr. Hoover's silence is self-condemning. Two feeble references to the tariff hardly qualify him to sit in the seat of William McKinley.

Democracy is preparing to make a desperate assault on our protective tariff system. It will be as much an issue in 1928 as it was in 1896, when William McKinley was our standard bearer. It would spell disaster to the cause of eRpublicanism to accept a candidate without a record on this issue.

HOOVER'S DOCTRINE OF INTERNATIONALIZING AMERICAN INDUSTRY

Secretary Hoover says:

"I believe that we have to-day an equipment and a skill in production that yields us a surplus of commodities for export beyond any compensation we can usefully take by way of imported commodities. * * * There is only one remedy and that is by the systematic, permanent investment of our surplus production in reproductive works abroad. We thus reduce the return we must receive to a return of interest and profit."

Mr. Hoover's doctrine is the doctrine of the British Empire; it is the Democratic doctrine of free trade—the same old argument between James G. Blaine and William E. Gladstone. With our agriculture prostrate, Mr. Hoover would send billions of our money to "permanently invest" in foreign factories.

Mr. Hoover's doctrine of internationalizing American industry conflicts with the doctrine of American protection. The purpose of protection is the development of American industry and the maintenance of the American standard of wages and living; that American capital shall be invested in American enterprises, both industrially and agriculturally. We have pursued this policy for three-quarters of a century, to the enrichment of the Nation and the prosperity of our people. The doctrine laid down by Mr. Hoover—that our surplus capital shall be permanently invested in foreign countries—is as revolutionary as his advocacy of the League of Nations. He seems to assume that the resources of this country have been fully developed. This continent still holds in her mountains and valleys, in her lakes and rivers and forests, undeveloped resources for the investment of American capital, the employment of labor, and the enrichment of our own people.

Mr. Hoover's doctrine is un-American, destructive of existing enterprises, and lays the hand of stagnation on our future progress. Its ultimate purpose, and certainly its final result, would be the destruction of protection. In pursuance of Mr. Hoover's doctrine already uncounted millions of American dollars have been loaned abroad and invested in foreign enterprises. What tremendous impetus would be given to that program should Herbert Hoover become President of the United States! If he should become President he would be in such position of power that he could put this doctrine of investment of American capital in foreign nations and the building of factories abroad into complete and full effect.

Since the war the international bankers of America have loaned to Europe some $15,000,000,000, a sum equivalent to one-fourth of all the banking resources of the United States, and almost equal to the sum that has been absorbed from the invested capital in American agriculture.

These foreign investments have created the demand for the cancellation of the European debt. These foreign securities have been floated throughout the country, and those who hold these securities reason that if the European debt is canceled it will add to the value of their foreign holdings.

At the present time the United States Government holds a first mortgage for the repayment of its European loans; but if this Government should cancel those loans, the investors in these foreign securities would hold the first mortgage.

We are opposed to the cancellation of the European debt. This action has been demanded on three different grounds, none of which is sound:

1. That it would restore the economic stability of the European nations.

Cancellation of the European debt, in existing conditions, would be equivalent to repudiation. Economic stability does not come from the repudiation of obligations, public or private. Good faith in the discharge of financial obligations is inwrought into the very character of the American people, and they will not tolerate either domestic or foreign repudiation.

2. It is contended that cancellation of the European debt would ultimately accrue to our advantage; that ample return would come to us by way of increased foreign trade.

This contention is purely speculative. No one knows what the effect of cancellation would be upon foreign commerce. Commercial intercourse between nations is based upon economic gain.

3. It is contended that the cancellation of the European debt would have a tendency to restore good will toward America.

There is no sound reason why there should be ill will toward America on the part of the nations charged with these obligations, but, on the contrary, every reason why there should be lasting good will. If the expenditure of $40,000,000,000, the organization and equipment of an Army of 4,500,000 men, the marshaling of all the resources of this Republic to save those nations in the World War, if an Army of 2,500,000 soldiers fighting in France and Belgium—if all this has not endeared us to those nations, then I know of no means by which we can hope to obtain their good will. We certainly can not win it by purchase.

The Government of the United States has no moral right to cancel these obligations. The money belongs to the American people. Every citizen who purchased a bond during the war has a direct monetary interest in this transaction.

FARM RELIEF

The most serious problem before the country to-day is that of farm relief. Primarily it is the problem of the farmer, but, as a matter of fact, it is nation-wide in its scope and portent, and must be considered as a national issue.

Agriculture is the basic industry of America, and will ever so remain. Nature has so decreed. The fertility of the soil is the richest resource of this continent. This inheritance must be preserved and the tiller of the soil remain an independent economic factor in our industrial system.

There are 32,000,000 people on the farms and 20,000,000 more directly dependent upon the farms for their livelihood—52,000,000 people—one-half the continental population of the United States. The American farmer is the greatest market for the products of American industry. His purchasing power can not be seriously impaired without corresponding disastrous results to capital and labor. Industry can not permanently prosper, labor can not be permanently employed with agriculture prostrate.

PRICE-FIXING PROGRAM OF HOOVER

There is to-day a market inequality between the price the farmer pays for what he buys and the price he receives for what he sells. The cause of this disparity, the beginning of the impoverishment of agriculture was the decree of Food Administrator Herbert Hoover during the war, fixing the price of wheat at $2.20 per bushel when it was selling in open market at $2.86 per bushel. This fiat of Mr. Hoover created such a disparity between the selling price of the products of the farmer and the purchasing price of what he consumes that it absorbed not only the profits and operating expense of agriculture, but some $20,000,000,000 of its invested capital. The present industrial depression and lack of employment for American labor is due directly to this reduction of the purchasing power of American agriculture.

The work of limiting these prices was entirely the work of Mr. Hoover, accomplished by getting the grain dealers of the country to agree not to pay more than the minimum price, closing the grain exchanges on future dealings and arranging one buyer on export wheat, so that no competition could bid up the price. While Mr. Hoover held the price of wheat down to $2.20 in this country, foreign countries were paying the following prices:

	Per bushel
France	$3.94
Italy	4.33
Netherlands	3.23
Portugal	3.83
Spain	3.96
Switzerland	3.25
United Kingdom (in line with Mr. Hoover's ideas)	2.28

Is it possible that we were selling our wheat to England at $2.20 per bushel and she was selling it to the other nations at these exorbitant prices?

The price of wheat in May, 1919, was $2.20 per bushel, as fixed by Mr. Hoover. In December of the same year, after the ban had been removed, the price rose to $2.20 per bushel. Even in 1920 America produced 833,000,000 bushels of wheat and exported 366,000,000, and the price ranged from $3.45 in May to $2.65 in November. These statistics reveal the whole story of the tremendous losses sustained by the farmers by reason of the price fixing of Food Administrator Hoover.

Mr. Hoover's sponsors are trying to relieve him of responsibility in this connection by saying that the commission did it—not Hoover. Mr. Hoover was food administrator, the "dictator" of America. He ruled with an iron hand. He possessed the power and was charged with full responsibility and he allowed this thing to be done. If he sat idly by and permitted this outrage upon the American farmer and failed to even raise his voice in protest, he is just as responsible as if he had taken the positive action. He was the authoritative head. Men can not escape responsibility when they fail to perform their duty.

AVAILABILITY

There are two main elements of strength in the Republican Party—industry and agriculture. The loss of either would mean the sacrifice of the Presidency. Our candidate must be able to command the support of these two great interests if we hope to win in November.

Herbert Hoover is not satisfactory to agriculture. The great farming States of the Mississippi Valley are bitterly opposed to his nomination. These forces in the Republican Party can not be united on Mr. Hoover. This fact stands out star bright from the election in Ohio and Indiana. Every agricultural district in Ohio, even with the loss of our leader, Senator Willis, are sending anti-Hoover delegations to the national convention.

In Indiana the "embattled farmers stood and fired the shot heard around the world." Senator WATSON, the champion of the agricultural interests, against almost insurmountable odds, won a triumphant victory over Mr. Hoover; and the 33 delegates from Indiana, representing that agricultural State, are a unit against the nomination of Mr. Hoover. Illinois, Wisconsin, Iowa, Minnesota, the Dakotas, Nebraska, Kansas, Oklahoma—the granary of the world—is fighting the nomination of Herbert Hoover with unprecedented intensity.

With a wealth of presidential timber, possessing unquestioned qualifications, upon whom all the elements of the party will unite, shall we commit the unspeakable folly of naming a man who fails in this respect?

The sponsors for Mr. Hoover attempt to answer all these charges against him by saying that he stands with President Coolidge on all the essential principles of Republicanism. He personally said the same thing when President Wilson was in the White House. He then said he stood by the leadership of Woodrow Wilson, not only in the conduct of the war but in negotiation of peace, and afterwards in the direction of the burden of rehabilitation of the world. He never made such a positive declaration of loyalty to President Harding or to President Coolidge as he did for President Wilson. When Wilson was President he stood by Wilson, and said so himself. When Coolidge is President his sponsors say he stands by Coolidge. What will he do when he stands alone? Experience teaches us that when such men attempt to stand alone they fall.

AMERICANISM

In 1920, when Mr. Herbert Hoover was seeking the nomination for President on both the Democratic and Republican tickets, Senator FESS, of Ohio, then chairman of the Republican congressional committee, said:

"The Republican Party can not accept an internationalist as its standard bearer. It will demand a leader whose Americanism is not in question, and whose political views are not a matter of speculation. We can not go to the country to contest the fallacies of the Wilson administration with an internationalist attached to the Wilson administration as our leader. Hoover must be greatly embarrassed in seeking the nomination at the hands of a party he conspired against with the party's opponents to defeat in 1918."

Mr. Hoover has lived an international life, builded an international character; all his opinions on fundamental questions being colored with internationalism. When a crisis crashes in life, men instinctively revert to past experience for guidance. The experience of Herbert Hoover has been foreign to our standards, alien to our institutions. The President of the United States must meet a crisis armed with American experience, panoplied with American precedents.

DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

Mr. WARREN. Mr. President, I send to the desk an amendment, which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 10, after line 17, insert the following:

EMPLOYEES' COMPENSATION COMMISSION

For an additional amount for personal services in the District of Columbia, in accordance with the classification act of 1923, and for contingent expenses, including the same objects specified under these heads in the independent offices appropriation act for the fiscal year 1929, and including personal services in the field, fees, and mileage of witnesses, contract stenographic reporting services, and rent, fiscal year 1929, $77,010.

For an additional amount for printing and binding for the Employees' Compensation Commission, fiscal year 1929, $3,000.

Mr. KING. Mr. President, I have just asked the chairman of the committee for information respecting this item of $80,000. The information furnished is exceedingly meager. It does not in my opinion justify the appropriation. It merely states that it is for salaries and expenses of employees of the compensation bureau in the District of Columbia, stenographic services, fees, and so forth. The Senator will recall that in the general appropriation bill very liberal amounts were carried for this organization.

Mr. WARREN. Mr. President, at the time it was thought so, but it seems that the commission has been compelled to send up a supplemental estimate, which has just come to us. It is intended to assist those who have been injured or to whom something has happened that debars them from labor, and which requires the attention of the bureau. The committee felt that we had better be very liberal and assist them in securing what is rightfully theirs.

Mr. KING. But this appropriation does not go to those who are injured. If there was any pretense that it was an appropriation for those who are to receive the benefits of the compensation act, I should not offer any objection, but, upon the contrary, should very heartily support it. But the appropriation is not for that purpose. It is merely for more employees.

Mr. WARREN. Oh, no; it is not. The Senator is mistaken in that respect.

Mr. KING. All I know is what the Senator tells me in the report which he handed me and which states:

Salaries and expenses, United States Employees' Compensation Commission: For an additional amount for personal services in the District of Columbia, in accordance with the classification act of 1923 and for contingent expenses, including the same objects specified under these heads in the independent offices appropriation act for the fiscal year 1929, and including personal services in the field, fees, and mileage of witnesses, contract stenographic reporting services, and rent, fiscal year 1929, $77,010.

There is nothing provided for compensation for those who are injured; it is for personal services; it is merely to increase the bureau, and we have a very large bureau now. I am not complaining, except to voice the general complaint that all of the bureaus are too large and the personnel is too numerous. What occurred to me was that we made a very liberal appropriation, and if in December it shall be apparent that they need more for the last half of the fiscal year, it could be included in the appropriation bill at that time. However, I shall not ask for a vote, if the Senator insists upon the amendment.

Mr. WARREN. It is merely carrying out the suggestions of the Budget, which, with its manifold facilities, has examined and has recommended in favor of this item.

Mr. KING. Mr. President, if the Senator is willing to take the responsibility upon the limited information which General Lord has transmitted, I shall not interpose an objection, but I do feel that the information which has been furnished is insufficient to warrant an additional appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 7, it is proposed to insert:

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Toward carrying into effect the provisions of the joint resolution entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," approved May 23, 1928, $200,000, to remain available until June 30, 1931: *Provided*, That in addition to the amount herein appropriated the George Rogers Clark Sesquicentennial Commission is authorized to incur contractual obligations in an amount not exceeding $800,000.

The amendment was agreed to.

Mr. WARREN. I offer another amendment, which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CLERK CLERK. On page 16, after line 20, it is proposed to insert:

Hospital facilities and services: For carrying out the provisions of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved May 23, 1928, fiscal years 1928 and 1929, $7,000,000.

The amendment was agreed to.

Mr. WARREN. I offer an amendment which I send to the desk, but first I wish to say to Senators that every one of these amendments has been duly considered by the department concerned and recommended and transmitted by the Budget Bureau.

Mr. KING. May I inquire of the chairman of the committee whether the amount for hospitalization in the amendment just agreed to is in addition to the sixteen or seventeen million dollars recently carried in an appropriation bill that was passed or is it part of the appropriation there authorized?

Mr. WARREN. It is a part of the appropriation, of course, as I understand it.

Mr. KING. Is it a part of the appropriation which was authorized or is it an independent appropriation? That is what I inquire.

Mr. WARREN. While I do not recall just when the law was passed, it was enacted very recently.

Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 29, after line 18, it is proposed to insert the following:

BUREAU OF ANIMAL INDUSTRY

Salaries and expenses: For an additional amount for necessary expenses for investigations and experiments in animal husbandry to enable the Secretary of Agriculture to renew the water system pipe lines at the department's station located at Fort Keogh, Mont., including the same objects specified under this head in the agricultural appropriation act, fiscal year 1929, $30,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 29, after line 11, it is proposed to insert the following:

Cooperative agricultural extension work, 1929: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928, fiscal year 1929, $980,000.

Mr. KING. What is the act referred to in the amendment?

Mr. WARREN. The amendment is to provide for the administration of a law which was recently passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I also offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 30, line 8, after the numerals "$35,000," it is proposed to insert the following:

Provided, That the limitation in the agricultural appropriation act for the fiscal year 1929 as to the cost of buildings shall not apply to this paragraph.

Mr. WARREN. I will say that that is a minor amendment and applies to the question of form only. It does not involve the expenditure of any money.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 31, after line 2, it is proposed to insert the following:

BUREAU OF AGRICULTURAL ECONOMICS

Standards for hampers and other baskets: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to fix the standards for hampers, round-stave baskets for fruits and vegetables, and for other purposes," approved May 21, 1928, fiscal year 1929, $7,500, of which amount not to exceed $5,940 may be expended for personal services in the District of Columbia.

Mr. WARREN. I will say that amendment is designed to carry into effect a law which was recently passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer another amendment, which is also designed to carry out what is now existing law.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 31, after line 2, it is proposed to insert the following:

Wool standards: Not to exceed $50,000 of the funds collected from persons, firms, or corporations which handled any part of the wool clip of 1918, which the Secretary of Agriculture finds it impracticable to distribute among wool growers, shall be deposited in the Treasury to the credit of a special fund which is thereby appropriated for the fiscal year 1929 for the purpose of carrying into effect the provisions of the act entitled "An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes," approved May 17, 1928, including personal services and other necessary expenses, $50,000, of which amount not to exceed $25,000 may be expended for personal services in the District of Columbia.

Mr. OVERMAN. Mr. President, the amendments that the Senator is now offering, as I understand, were agreed to by the committee?

Mr. WARREN. Yes. Some of them did not come until yesterday morning, however, when it was possible only to call them to the attention of a few of the members of the committee.

Mr. OVERMAN. But the committee has passed on them?

Mr. WARREN. Yes.

Mr. KING. Mr. President, I should like to inquire what is the purpose of this amendment?

Mr. WARREN. Mr. President, I am glad to say to the Senator that this amendment will not result in taking any money from the Treasury of the United States. It will be remembered that during the war the administration took charge of the wool crop of one year under an agreement that there would be returned the difference between what was paid and what the crop was finally valued at. We have now returned all the money to the woolgrowers who can be found, and there is left quite a large amount, the disposition of which is quite another problem. This amendment proposes to put in the Treasury above the amount which has been required to pay the woolgrowers for the benefit of the making of standards in grading wool.

Mr. KING. Will this liquidate the entire matter?

Mr. WARREN. It will, unless something should come up hereafter and some grower should be able to prove that he still has a claim.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer another amendment, which merely puts in a side head.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 36, line 20, before the word "For," it is proposed to insert the word "Salaries" as a side head.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. The amendment which I now send to the desk is in regard to foreign mails and is made necessary because of the bill relating to the merchant marine which recently became a law.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 69, after line 8, it is proposed to insert the following:

Foreign mail transportation: For an additional amount for transportation of foreign mails by steamship, aircraft, or otherwise made necessary to carry out the provisions of the merchant marine act, 1928, including the same objects specified under this head in the act making appropriations for the Post Office Department for the fiscal year 1929, $7,500,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I now offer an amendment regarding which, I desire to say to members of the committee, I have not been able to see all of them. It is in regard to the Walter Reed Hospital and has to do with an item authorized by a law which has been passed, and we have been informed that the approval of the Budget to it will be immediately sent in.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 112, after line 13, it is proposed to insert the following:

Walter Reed General Hospital: For construction and installation of buildings, utilities, and appurtenances thereto at Walter Reed General Hospital, District of Columbia, as authorized by the act entitled "An act to authorize appropriaions for construction at military posts, and for other purposes," approved May —, 1928, including also the engagement by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, $300,000, to remain available until expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BINGHAM. I desire to submit an amendment.

Mr. WARREN. I may say that the amendment submitted by the Senator from Connecticut may be considered as a committee amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 78, after line 17, it is proposed to insert the following:

Twenty-third International Congress of Americanists: For the contribution of the United States toward defraying the expenses of the Twenty-third International Congress of Americanists, to be held in New York City during the week beginning September 17, 1928, as authorized by public resolution approved May 23, 1928, fiscal year 1929, $5,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I send to the desk a further committee amendment and ask for its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 115, after line 3, it is proposed to insert the following:

INVESTIGATION AND SURVEY FOR A NICARAGUAN CANAL

For every expenditure requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, to remain available until expended, $150,000.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Harris	McNary
Barkley	Curtis	Harrison	Mayfield
Bayard	Cutting	Hawes	Metcalf
Bingham	Dale	Hayden	Moses
Black	Deneen	Heflin	Norris
Blaine	Dill	Howell	Nye
Blease	Edge	Johnson	Oddie
Borah	Fess	Kendrick	Overman
Bratton	Fletcher	Keyes	Phipps
Brookhart	George	King	Pine
Broussard	Gerry	La Follette	Pittman
Bruce	Gillett	Locher	Reed, Mo.
Capper	Glass	McKellar	Reed, Pa.
Caraway	Greene	McLean	Robinson, Ark.
Copeland	Hale	McMaster	Robinson, Ind.
Sackett	Smith	Thomas	Walsh, Mont.
Schall	Smoot	Tydings	Warren
Sheppard	Steck	Tyson	Waterman
Shipstead	Steiwer	Vandenberg	Wheeler
Shortridge	Stephens	Wagner	
Simmons	Swanson	Walsh, Mass.	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Wyoming on behalf of the committee.

Mr. COPELAND. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The amendment will be restated.

The CHIEF CLERK. On page 115, after line 3, it is proposed to insert:

INVESTIGATION AND SURVEY FOR A NICARAGUAN CANAL

For every expenditure requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, to remain available until expended, $150,000.

Mr. COPELAND. Mr. President, may I ask the Senator from New Jersey when it would be expected to begin the survey proposed by this amendment?

Mr. EDGE. Mr. President, the appropriation will become available at once. I can not answer the Senator from the standpoint of the actual practical operation of the engineers. I presume the work will be begun within a reasonable time, because it is the desire of the War Department and the Navy Department and the State Department, all three, that this survey shall be commenced as early as it is possible to commence it.

Mr. COPELAND. Mr. President, when the troops were sent to Nicaragua I felt very much disappointed as a citizen that the President had seen fit to send them there. However, after they actually went to Nicaragua my attitude was and is that we have undertaken to carry out a definite pledge, and that the marines must be left there until we have kept faith with that country.

When we had the report that Mr. Marshall, a citizen of my State, had been killed, I expressed great indignation that such a thing should take place. He was a private citizen of this country in Nicaragua on an entirely peaceable mission. He was there as superintendent of a mine. He had a perfect right to be there. It was my judgment then, and is still, that Mr. Marshall and every other American citizen is entitled to protection wherever he is. I would have the strong arm of government reach out to any part of the earth where an American citizen is and see that he is given protection.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. COPELAND. Certainly.

Mr. HARRISON. I have not studied this amendment; but does it provide that this survey is to be made by our soldiers while they are down there now policing the country, or does it provide that the surveyors or engineers who make this survey shall have a bodyguard while they are doing it?

Mr. COPELAND. I assume that every lineman, every surveyor, every carrier of a chain, would have a troop of marines to guard him. It is the only way it could be done in safety, I take it.

Mr. President, the Congress at some time must face the question of what we are going to do about the canal; whether we are going to widen the Panama Canal and increase its capacity or whether we are going to go to Nicaragua and build the canal which Senator Morgan contended for so vigorously in the long ago. There is a great question of national policy which must be determined, and perhaps before we can determine it there must be a survey made; but I wonder if this is the time for us to talk about making a survey or sending any civilians down to Nicaragua.

I am not conversant with any reports that may have been made as to the attitude of Government officials regarding the question of the canal, whether there should be an improvement and an increased capacity of the present canal, or whether this particular canal should be constructed. Perhaps the Senator from New Jersey in due time will enlighten us about it; but my judgment is that this is not the time for the American Congress to make any other move in Nicaragua. When peace has been established, when amicable arrangements have been entered into between our Government and a stable government in Nicaragua, when we can go there as welcome visitors, it may and probably will be a perfectly proper procedure.

I would not have the Senator from New Jersey or any other Senator think that I am opposed to an increase of the capacity of our canal arrangements across the continent. I think I should vote now for an enlargement of the Panama Canal if we should determine that that could be properly done.

Mr. OVERMAN. Mr. President, the Senator of course is aware that the Panama Canal is subject to be bombed and destroyed in case of war, whereas if we had a sea-level canal there would be no trouble. I appreciate the Senator's position exactly. He does not think this is the time to take up the question of a Nicaraguan canal because of the conditions that exist there; but when the Senator comes to think about it he will be in favor of a Nicaraguan canal, because we want a sea-level canal there which will be free from danger of attack by an enemy. We need it for commercial purposes. The ships can not get through the Panama Canal now. It can not accommodate the ships that desire to pass through it at this time. We must have another canal. That seems to be settled.

Mr. COPELAND. Mr. President, I honor the Senator from North Carolina. He never speaks to me across the Chamber or privately but that I feel flattered and pleased; and perhaps I am in agreement in a general way with the Senator about the advantages of a Nicaraguan canal.

I came here as a young man and sat somewhere in one of those galleries one morning at 1 o'clock in the night and heard Senator Morgan. They kept him on his feet until 2 o'clock, and he said, "It is not right that these young Senators should keep an old man here so long"; but they made him keep on with his talk. I listened with the greatest interest, and from that time to this I have had in the back of my head that perhaps it would have been wise if we had had what the Senator from North Carolina now refers to as a sea-level canal; but this is my point——

Mr. EDGE. Mr. President, may I interrupt the Senator there? When he had the great privilege of listening to Senator Morgan, if Senator Morgan was discussing this subject, as I infer he was, he was approving quite heartily of a Nicaraguan canal, was he not?

Mr. COPELAND. Oh, yes. I do not know whether he was the father or the grandfather of the Nicaraguan route, or what he was, but he certainly sustained some very important relationship to it.

Mr. SIMMONS. Mr. President——

Mr. COPELAND. I yield to the senior Senator from North Carolina.

Mr. SIMMONS. I think the Senator can very well say that Senator Morgan was the father of the Nicaraguan route. When I first came to the Senate, in 1900, Senator Morgan was constantly delivering some of the greatest speeches I ever heard upon the Nicaraguan route for a canal. He seemed to have become so interested and wedded to that project that he lost sight of everything else that was before the Senate, and almost every week he would come in with something to say about that route, and it was always illuminating. I think he had thoroughly convinced the Senate that that was the only feasible route at that time; but just before there was a vote Senator Hanna, who had recently come to the Senate, made one day a very strong plea for a change of the plan upon which the Senate seemed to have agreed up to that time from the Nicaragua route to the Panama route. There was suddenly a very great change in the attitude of the Senate, and Senator Morgan was beaten.

I do not know anything about the present controversy; but at that time I was rather convinced that the Nicaragua route was the better of the two. If the Government can afford to spend the money, I do not know but that it would be very well to have two canals—one by way of Nicaragua and the present canal at Panama. I must confess, however, that I have not given the question very serious consideration. It has been a long time since we acted upon it; but it occurs to me that there may be possibly good reasons why we should have another canal.

Mr. COPELAND. I thank the Senator for what he has said.

Mr. KING. Mr. President, will the Senator yield, before he resumes his remarks?

Mr. COPELAND. Yes.

Mr. KING. The junior Senator from North Carolina [Mr. OVERMAN] stated a few moments ago, if I understood him correctly, that the present Panama Canal is inadequate for the needs of commerce.

Mr. OVERMAN. That is what I have been informed.

Mr. KING. May I say to the Senator that I have read the reports, and the information which I have derived is entirely different from that which the Senator has received.

Mr. OVERMAN. The traffic is constantly increasing every year; is it not? The prediction is made that the increase will be so great that finally, in order to carry on our commerce, we will be compelled to build another canal.

Mr. KING. But the report shows that with some improvements the present canal can be made to accommodate all the traffic that is anticipated for 50 years.

I thank the Senator.

Mr. COPELAND. Mr. President, I do not think I am out of harmony with the Senator from North Carolina. I do believe that the time will come when we shall have to make a survey of the Nicaraguan route. We have spent our money upon it, and we have certain rights there. But this is the point: This is not the time for the United States Government to take any step which might further inflame the minds and sentiments of the people of Nicaragua and adjoining countries. I do not want to go so far as to say that we are in a state of war with Nicaragua, but if we are not in a state of war with Nicaragua we are at least having a war in Nicaragua. I do not want to have anything done at this time that will excite the good people of that country or lead them to believe that we have ambitious plans which perhaps will run counter to some of theirs. If there were no marines in Nicaragua, if there were no internal strife in that country, I would join with the Senator from New Jersey in passing this amendment and providing for the survey, because as the junior Senator from North Carolina has pointed out there are great advantages, of course, in a sea-level canal. I have been through the Panama Canal; I know passage through it exhausts time, and in time of fog I remember we waited several hours outside of the canal for the fog to rise before we could enter, and there was a jamming of vessels there, and we were delayed by reason of the narrowness of the canal.

Furthermore—I have no doubt the junior Senator from North Carolina had thought about this—that if we made our entire development on the Isthmus it is like putting all of the eggs in one basket, and one 16-inch shell dropped on that basket, or on the canal, would destroy all our means of transportation across the Isthmus. So I am not in opposition to the general plan, I am not in opposition to the survey being made at some time, but my thought is that this is not an opportune time, that it would be unwise for us now to take any step in the Congress that would indicate to the people of Nicaragua that we have other plans relative to that country. Let us get rid of this disease, let us clean up this mess, let us get our doctors out of there, and then at some other time we can undertake to deal with this problem.

My position is that at some time, yes; but not now. I think this is the wrong time to take such a step as the amendment to the bill to provide for this survey.

Mr. EDGE. Mr. President, I will speak very briefly on the pending amendment. As has already been stated, the amendment has been presented by the Committee on Appropriations, and is a committee amendment. It has been budgeted by the Bureau of the Budget, and approved by the President in the usual way, carrying $150,000.

As I have followed him, the Senator from New York does not oppose a survey. I am sure every Senator will recognize that before any determination can be made by Congress, a survey must be made; but the Senator from New York suggests that this is not the opportune time to make a survey, because of disturbed conditions in Nacaragua.

Mr. President, I want to dissociate this proposal absolutely, from the disturbed political conditions existing in Nicaragua, as it should be dissociated; one is a domestic difficulty, which is appalling, and in which the United States has followed a policy which we have already discussed at length on the floor of the Senate, but this survey proposal should have absolutely no relation to that whatsoever. A survey is simply the next step in carrying out the treaty made during the administration of President Woodrow Wilson, known as the Bryan-Chamorro treaty, under the terms of which we paid $3,000,000 in order to have a right of way across Nicaragua for the purpose of constructing a canal.

We have invested that $3,000,000. That was some 14 years ago, if I remember correctly. In the meantime, the business of the Panama Canal, as demonstrated by the reports of the administrator of the canal, Governor Walker, has increased year by year, until in 1927 the transits through the canal were 5,475, as against only 758 in 1916, eleven years before. In other words, the increase of business through the Panama Canal from its opening, in 1915, to 1927, has been over 500 per cent.

Instead of it requiring 50 years, as the Senator from Utah suggested, before we would need further canal facilities, Governor Walker in his last report has indicated that in from 10 to 15 years the Panama Canal will have reached its capacity.

Mr. KING. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. KING. The Senator misunderstood my observation. I stated that the present canal, with some enlargement, would last for 50 years and would meet the demands. I did not state that there would not need to be additional facilities.

Mr. EDGE. I am sorry I misunderstood the Senator. However, the Senator states now clearly that with some improvements the canal would, in his judgment, meet the demands for the next 50 years. He may refer to these changes simply as "enlargements." The only possible enlargement which would increase the capacity of the Panama Canal would be, naturally, the construction of another lock; in other words, widening the waterway in an effort, as I understand it from an engineering standpoint, to increase the capacity by one-third. At the same time, the engineers of the War Department—no special board being set up at all—while investigating the practicability and feasibility of the Nicaraguan Canal, will investigate the practicability and feasibility of increasing the size of the Panama Canal.

Very much enters into this beyond the mere constructing of additional locks. The matter of the water necessary to flow through the canal so that it would be navigable if increased one-third in size is a most important engineering problem. At the present moment, with the present capacity, the Government has appropriated money to build a dam upon the hills beyond Panama in order to increase the water supply for the present canal. The supply is not sufficient for the present needs, and it is obvious that if the canal is to be increased one-third, further devices to obtain water must be made.

The only object of this amendment is to provide Congress with all this necessary information so that when we are faced with the necessity of determining either to increase the capacity of the Panama Canal or to build the Nicaraguan Canal, taking advantage of the $3,000,000 option we have, Congress will have the necessary information to act intelligently.

To me the amendment is parallel with resolutions introduced almost daily asking for information from some department in order that Congress may legislate upon whatever problem may be covered in the resolution. It is simply seeking information which every Member of Congress must admit we must have some time, and until we do have it we will not be in position to dispose of this problem, which, as surely as we are in this Chamber to-day, will face us in a reasonably short time.

Then, we must take into consideration the fact that we can not construct either a new canal or reconstruct the Panama Canal short of 10 or 15 years. Add the 10 or 15 years of construction time to be consumed to the two or three years that will probably be required to finish a survey, and we will be beyond the time when commerce and trade require additional facilities to carry our goods from the Atlantic to the Pacific, and vice versa. In passing this amendment we would be simply acting as discreet business men, protecting an investment we have made and be properly equipped to decide at some time how we will proceed to increase our trade. That is all this amendment provides, and to confuse the amendment with political difficulties in Nicaragua appeals to me to be carrying the question into a field in no way justified.

Mr. COPELAND rose.

Mr. EDGE. I might say right there—if the Senator will pardon me, and I would not use this as an argument at all if political conditions had not been introduced in the discussion—that the passage by this Congress of this amendment authorizing a survey might have a very helpful poltical effect upon the present situation existing in Nicaragua. It is perfectly reasonable to assume that the Nicaraguans, with whatever party they may be associated in their own political divisions, would be mighty glad to see this great Government come to Nicaragua and expend the large amount of money which will be necessary to build this great public work across the country of Nicaragua.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. VANDENBERG. I simply want to state, as a result of seven and eight intimate winters in the Pan American zone, that I wholly indorse the observations the Senator is now making to the Senate.

Mr. EDGE. I thank the Senator. As an illustration, I might call attention to the situation existing in Panama. Before we went into Panama and completed the construction of the Panama Canal they had had many revolutions, as I recall. To-day our relations with the countries of Colombia and Panama, as everyone knows, are peaceful. Our occupation there has helped both of those countries to greater prosperity, as well as being of proper advantage to us.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. COPELAND. I wonder if the Senator from Michigan, when he had the seven or eight intimate seasons in that section of the world, was there during a revolution?

Mr. VANDENBERG. Yes; I was.

Mr. COPELAND. However, that is neither here nor there. I want to say this to the Senator from New Jersey, first, that he is to be applauded for his great enthusiasm and his study, and the education he has given the American people in the matter of the canal. I honor him for what he has done and what he has in mind. But to my mind it would be bad business. The Senator has referred to it as a business proposition. I do not think any business house would seek to undertake a survey under such conditions as exist there now. We are to build a canal for all time. The Senator says it will take 10 or 12 years to build the canal anyhow. It will not make any difference in the long run whether we make the survey this summer or next summer or in a couple of years. I plead with the Senate not to reject the idea of a survey, but to reject the idea of a survey just now.

Mr. EDGE. Mr. President, right on that point, this authorization does not in any way direct the Engineer Corps to go to Nicaragua at any stated time. We simply give the War Department the authorization when, in their judgment, it is a wise thing to do, to get this information which Congress must ultimately have, and which the Senator from New York and the Senator from North Carolina agree we must have. Congress, through this amendment, simply says to the Engineer Corps, "You now have $150,000, budgeted in the regular way, to make these studies of Panama and Nicaragua when you deem it wise." We are not sending the engineers to Nicaragua.

Mr. COPELAND. That is true, but the Senator has said that the political effect of this might be to better conditions. On the other hand, if the Senator will permit me to say it, the political effect might be disastrous.

Mr. EDGE. I simply suggested what I did in answer to a previous observation of the Senator.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. EDGE. I yield.

Mr. BLAINE. We have several hundred marines in Nicaragua at the present time, I understand. The Senate is now making deficiency appropriations of over $3,100,000 for those marines. I want to ask the Senator how many United States marines will be required to go down to Nicaragua to protect and guard the surveyors who are going to be sent down there in view of the present very serious disturbances in that Republic?

Mr. EDGE. If the Senator from Wisconsin had honored me with his presence during the early part of my remarks, he would have been familiar with my view as to that point. I can not see any real reason to associate the continuation of our constructive public works in furnishing interoceanic canals for our own country and commerce and trade with an unfortunate situation that exists in Nicaragua. I again say, as I replied to the Senator from New York, that I am quite prepared to be satisfied with the judgment of the Chief of Engineers, who has been in charge of the great study of the Mississippi flood control and who would be in charge of this matter, to use his judgment as to when engineers should undertake the survey and upon what conditions.

Mr. WALSH of Montana. Mr. President, I would like to say a word with respect to the question addressed to the Senator by the Senator from Wisconsin.

Mr. EDGE. I yield to the Senator from Montana for that purpose.

Mr. WALSH of Montana. My understanding is that the present disturbances in Nicaragua are confined to a section of the country quite removed from the line of the proposed canal. The operations against Sandino are up in the mountainous section of Nicaragua adjacent to the Honduran border. It seems quite unlikely that any of the surveyors whose work is contemplated by the appropriation would be called upon to be in that part of the country at all.

With respect to the region to be traversed by the proposed canal, it is my understanding that both of the contending factions of Nicaragua, both the Liberals and Conservatives, profess, and profess very emphatically, their very great desire to have the canal constructed. We can very readily understand that the people of that country would be equally interested and sympathetically interested in the construction of the canal.

The growth of commerce through the Panama Canal has been so great that it has been very seriously considered in recent years whether it would not be necessary to conduct very extensive work in the upper regions of the Chagres River for the purpose of providing a greater supply of water in the lakes. We certainly ought to look forward to a very great development of that commerce.

It becomes a very serious question, then, as to whether some $100,000,000 more or thereabouts should be spent in increasing the facilities of the Panama Canal or whether it would be more economical to make the necessary venture in the construction of a new canal. It does seem to me the time has arrived when we ought to get possession of all the certain facts with reference to the matter to guide our future actions, because certainly within the next 10 to 15 years we must either undertake to expand the facilities of the Panama Canal or we must undertake the construction of a new canal.

Mr. WARREN. Mr. President, the studies of the committee have been along the lines the Senator from Montana has so well set forth.

Mr. JOHNSON. Mr. President, will the Senator permit an inquiry?

Mr. EDGE. I yield to the Senator from California.

Mr. JOHNSON. I am far from any intention to interfere with any desire on the part of the Senator from New Jersey, but I would like to inquire how his amendment is in order? On what theory is this amendment, which is contemplative and speculative at the present stage of the legislation, in order? How does it come to be in order at the present time?

The reason why I ask the question is that I have an amendment which I am going to submit and which I expect the chairman of the committee will feel it his duty to object to. But it is an amendment whereby an authorization for an appropriation already made for barracks at Sawtelle, which are in a delapidated condition and require immediate attention, whereby a part of the appropriation that has already been authorized will be permitted to be expended, so that we will not have to wait until the next session of Congress. As I understand it, there has thus far been no congressional authorization for the expenditure of any money in respect of what the Senator from New Jersey desires. Am I not correct?

Mr. EDGE. The Senator is correct.

Mr. JOHNSON. There has thus far been no legislation authorizing any such activity as the Senator from New Jersey desires. Am I not correct?

Mr. WALSH of Montana. I think the Senator is not quite correct there, because we have already paid $3,000,000 for our rights there, and of course that is in the nature of legislation looking to the construction of the canal.

Mr. DILL. But there is a bill pending on the calendar to authorize——

Mr. WALSH of Montana. I do not argue the question as to whether it is appropriate upon the deficiency bill.

Mr. JOHNSON. Let us concede what the Senator suggests, with which I was not entirely familiar. Nevertheless, even though the head of the Budget hustles it down here when he will not hustle down an amendment for an appropriation which has already been authorized for the construction of barracks for disabled soldiers—even under such circumstances this kind of an appropriation is not in order on a deficiency bill, because the authorization has not yet been made. Am I not accurate in that regard?

Mr. EDGE. I do not think so.

Mr. WARREN. We have our rights in Nicaragua, of course, under treaties existing, and we have an authorization under which the department is working.

Mr. JOHNSON. Very well. Then let me submit to the Senator this question. Just let me call attention to this case.

Mr. KING. Mr. President, I want to call attention to the rule. I am going to make the point of order against the amendment.

Mr. JOHNSON. Just a moment, if the Senator please. House bill 6690 passed the House January 26, 1928. It passed the Senate April 17, 1928. It was approved by the President April 23, 1928. That bill provides for the authorization of $2,000,000 for the erection of 12 barrack buildings at Sawtelle, a Pacific Branch of the Old Soldiers' Home. It authorizes that appropriation because no man can tell how long those old soldiers will be safely housed under the present conditions at Sawtelle.

I come here with the amendment that I desire to submit, authorizing the expenditure not of new money but of $300,000 of this appropriation in the interim between now and December next in order that the work may proceed and the old soldiers be protected. But I am perfectly frank in saying to the chairman of the committee that the head of the Budget Bureau declined to send an approval down here. Under these circumstances, I call attention to the peculiar way in which the situation presents itself.

In the one instance, with an authorized appropriation for a purpose that is undoubtedly not only sound but absolutely essential for the protection of old soldiers, the head of the Budget declines to send his approval down here. In the other instance, where there has been no authorization at all, he sends down here an amendment to the bill for a survey in Nicaragua. That is not quite playing the game on the level in the case so far as the Budget is concerned, and that is the reason why I have made the suggestion which I have made. I am not, of course, complaining of the chairman of the committee. He understands that.

Mr. WARREN. I understand that. That is entirely all right. Of course, it is within the power of the Senate and the Congress to override the Budget at any time we feel it necessary. Now, as to the bill which the Senator speaks of, I have not seen it, or at least, if I have seen it, I have not had an opportunity to study it. It occurs to me that there may be conditions in connection with the bill which require some approval or something of the kind in connection with its consideration by the Budget Bureau.

Mr. JOHNSON. I want to be frank with the Budget. The information that is given me is that General Lord has said that he intends to send a man out there to investigate, and for that reason he does not want to give an appropriation at this time. But the Congress has authorized the appropriation. The work was determined to be essential for the protection of the old soldiers, and yet we must await General Lord's investigation in respect to the matter.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. EDGE. I yield to the Senator from Missouri.

Mr. REED of Missouri. I just desire to ask the Senator from California what he thinks of the situation where the Congress of the United States has the sole control of appropriations, and yet an individual called the Director of the Budget presumes to certify or not to certify, according to the report of some man he sends out to find out whether Congress has done the right thing?

Mr. JOHNSON. It would be a difficult thing for me, in language that is appropriate in this body, to express my opinion of that situation. [Laughter.]

Mr. REED of Missouri. I simply want to take this occasion to say that I voted against the creation of the Budget scheme. It was at war with the whole history of our theory of government, was a foolish proposal to begin with, and every day that it is working it is more and more demonstrated that the committees of Congress can attend to the business of the Congress better than some gentleman who arbitrarily assumes an overlordship in the country. I just want to emphasize this. I heard this gentleman over the radio, something like three or four weeks ago, lecturing the Government employees who had been brought together. I heard him talk to them about the "woodpecker's club." He boasted that they had saved $2.50 by making the employees wear their lead pencils down to stubs. Then he spent about 15 minutes detailing how they were going to inaugurate another glorious reform by stopping the girls employed down there from using paper clips for hairpins. [Laughter.] That is the kind of a mind that is to-day undertaking to dictate to Congress.

Mr. KING. But he approved of the appropriation of money for use in Nicaragua to keep the marines there and to keep the marines in Haiti, to carry on an economic, if not a military, imperialism in various parts of the world. Therefore, the Senator ought to commend General Lord for his meticulous care with reference to hairpins and woodpeckers.

Mr. REED of Missouri. It will take a long time to save enough on paper clips to offset that appropriation.

Mr. CARAWAY. Mr. President, I am curious about this matter. I did not know the girls wore hairpins any longer.

Mr. REED of Missouri. Let me enlighten the Senator from Arkansas. The paper clips, I gathered from General Lord's remarks, though I know nothing about it myself, seem to be adopted for the control of bobbed hair. [Laughter.]

Mr. KING. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. KING. I think in all fairness I ought to state to my friend from New Jersey that I shall raise the point of order against the amendment under one of the subdivisions of Rule XVI, which reads:

> The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill.

It is general legislation upon an appropriation bill, and is therefore subject to a point of order, which I shall not take the Senator from the floor to make but shall urge at the proper time.

Mr. EDGE. Mr. President, if the Senator from Utah desires to make the point of order I am prepared to resist it, because

I feel reasonably sure that the amendment is not subject to the point of order; but if the Senator will withhold his point of order and permit the amendment to be debated as may be desired, that is all I ask.

Mr. KING. I withhold the point of order.

Mr. LA FOLLETTE. Mr. President, I submit that if a point of order is to be made it should be made and the matter should be decided. There would be no point in discussing this subject two or three hours and then finding that the amendment is not in order.

Mr. EDGE. I understood the Senator from Utah was not going to make the point of order.

Mr. KING. I said I would not take the Senator from New Jersey from the floor to make the point of order. That would be unfair to the Senator.

Mr. EDGE. I yield the floor.

Mr. KING. The Senator having yielded the floor——

Mr. SWANSON. Let me ask the Senator a question: Was this amendment presented and referred to the committee at least one day before being considered?

Mr. EDGE. An amendment covering a similar subject matter was submitted some time ago.

Mr. SWANSON. I mean this item of appropriation.

Rule XVI provides that amendments adding new items of appropriation shall be referred to the committee at least one day before they are considered.

Mr. EDGE. The matter was brought to the attention of the committee four or five days before the amendment was considered.

If the Senator from Utah raises the point of order, I wish to discuss it very briefly.

Mr. KING. I raise the point of order that the amendment offered—I am not sure whether the amendment is offered by the Senator from New Jersey or by the chairman of the Committee on Appropriations—is obnoxious to Rule XVI, which I read a moment ago, and which, in the interest of brevity, I shall not again read.

I also insist that it is subject to the point of order, for the reason that it has not been reported in the proper and usual way by the Appropriations Committee, has not been referred to the Appropriations Committee, and does not come here after having had proper consideration by that committee, and that it was not referred to the committee one day in advance of its consideration, as required by the rule to which the Senator from Virginia [Mr. SWANSON] just called attention.

I insist, however, that the first provision of the rule which I read, the amendment being general legislation upon an appropriation bill, is controlling, and under that part of the rule as it has been construed the Chair, it seems to me, must hold that the amendment is subject to the point of order.

Mr. WARREN. I will say as to that that the amendment is entirely within the rule, because it comes from the Budget, as the law provides.

Now, as to having been presented one day before it was considered by the committee, the amendment was so presented to us three days previously, for that matter, and comes within the rule in that respect.

I will leave it to the Senator from New Jersey, who has already spoken, to discuss the point further if he so desires.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. LA FOLLETTE. I make the point of order that debate on the motion is not in order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. KING. If I may make one suggestion to the Chair that I did not previously make, I desire also to suggest that any estimate must be based upon law, and there is no law authorizing the estimate.

The PRESIDING OFFICER. The Senator from Utah raises a point of order on the amendment, which the Chair sustains. Are there further committee amendments?

Mr. WARREN. There are no further committee amendments, but I believe there are several Senators who have amendments which they wish to submit.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. THOMAS. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator from Oklahoma offers an amendment, which will be stated.

The CHIEF CLERK. On page 36, after line 18, it is proposed to insert a new paragraph, as follows:

The limitation on the amount which may be expended for the purchase of land for the establishment of a fish-cultural station in the State of Oklahoma is hereby increased from $5,000 to $9,000.

Mr. WARREN. Mr. President, I am sorry the matter embraced in the amendment did not come to our notice earlier, but I am not going to object to the amendment. It may be inserted and go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. BRATTON. Mr. President, I send forward an amendment, which I ask may be stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from New Mexico will be stated.

The CHIEF CLERK. On page 2, after line 5, it its proposed to insert the following:

To enable the Secretary of the Senate to pay to Natalia S. Jones, widow of Hon. Andrieus A. Jones, from the appropriation for mileage of Senators, fiscal year 1928, $839.20 for mileage of the said Hon. Andrieus A. Jones, late a Senator from the State of New Mexico.

Mr. WARREN. I make no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. VANDENBERG. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 112, after the amendment already agreed to, commencing after line 13, it is proposed to insert the following:

For an additional amount for completion of hospital, including utilities and appurtenances thereto at Selfridge Field, Mich., as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May —, 1928 (H. R. 11134, 70th Cong.), $50,000.

Mr. WARREN. Mr. President, I understand that amendment to be in order under the rules, and I will make no objection to it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JOHNSON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 121, after line 9, it is proposed to insert the following:

Pacific Branch, Soldiers' Home, Los Angeles County, Calif., $300,000.

Mr. JOHNSON. Mr. President, I repeat what I said a short time ago. This amendment does not provide a new appropriation, nor does it ask for any moneys that have not already been authorized. Already a bill has been passed and signed by the President authorizing the erection of 12 barrack buildings at Sawtelle, and the design of this amendment is to permit the work to be done between the adjournment of the present session of Congress and the convening of the next session of Congress; that is all. The situation is such at the barracks that it is necessary to begin the work, I am advised, at the earliest possible moment, for to delay it until the next session would be a hardship upon the men that are there at Sawtelle.

Mr. WARREN. Mr. President, we have just had the question about rules brought up, and some remarks from the Senator from Missouri [Mr. REED] about the Budget. I was not one of those who voted in favor of creating the Budget Bureau, but the Budget system was adopted by the Congress, and if we are to follow the rules we are bound by it. With all due respect to the civil service, I think the operations of the Civil Service Commission and the Budget Bureau are somewhat alike in that when we need something very badly they are obnoxious; but both the civil service and the Budget, nevertheless, seem to work out pretty well; they take a great load off the Congress. I will say to the Senator that I should have no objection to his amendment except that it does transcend the rules, and therefore I shall have to make a point of order against it. I am sorry to have to do so.

The VICE PRESIDENT. The point of order is sustained.

Mr. GLASS. Mr. President, I send to the desk an amendment which, frankly, is subject to a point of order.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 119, after line 8, it is proposed to insert the following:

Plans for Wakefield, Va., the birthplace of George Washington: For preparation of plans and estimates for the improvement of the birthplace of George Washington at Wakefield, Va., $6,500.

Mr. WARREN. Mr. President, has there been any legislation passed authorizing the expenditure of money at Wakefield?

Mr. GLASS. I may state to the chairman of the committee that a bill introduced and sent to the War Department appropriates the sum of $150,000 for the improvement of Wakefield, but the bill has not been acted upon by either House of Con-

gress, and therefore the proposed amendment is subject to a point of order.

Mr. WARREN. Mr. President, I shall have to make a point of order against the amendment because there is no authorization for the proposed appropriation.

Mr. SWANSON. Mr. President, if the Senator will permit me, I think an estimate was made for an appropriation of $150,000 in order to do the work contemplated at Wakefield. However, it was thought better before that amount was appropriated to determine whether it was sufficient or too much. We desire a survey and an estimate to be made for the improvement.

Mr. FESS. Mr. President, will the Senator yield?

Mr. SWANSON. Yes.

Mr. FESS. To refresh the Senator's memory, when the Bicentennial Commission was considering it there was a communication from General Lord stating that he was ready to make the recommendation, awaiting any action that Congress might take. As I understand, while the commission has taken no action, the item does not in any way interfere with the plans of the Budget.

Mr. GLASS. Not at all; on the contrary, the War Department itself has approved a proposed appropriation of $150,000.

Mr. SWANSON. If the Senator who has charge of the bill will permit me, I should like to say that, in my opinion, it would be in order to offer an amendment carrying $150,000, as has been estimated for. This project has been under way for a great many years.

Mr. EDGE. Let me ask the Senator how does it differ from other amendments which have been ruled out? Does it not propose new legislation to be introduced into the appropriation bill?

Mr. SWANSON. Not at all, because it has already been approved; the monument has already been erected, and so forth. We thought, however, there ought to be a survey before the full money was appropriated. This is an enterprise that has been, as I have said, under way for some time.

Mr. EDGE. By Government appropriation?

Mr. SWANSON. Of course; the monument has already been erected. We thought, as I have said, that there ought to be a survey before final determination that the amount should be $150,000. We did not know whether that would be enough or whether it would be too much; we wanted to do what was right. All we ask is a survey rather than to ask for the entire amount of $150,000. I hope the Senator will not make any objection when we have been so generous in matters of this kind.

Mr. WARREN. Mr. President, I simply make the point of order and will let the Chair decide it. Of course, we are going to be interfered with from day to day by the rules in the consideration of items of this kind, but we have made the rules and now let us undertake to follow them.

The VICE PRESIDENT. The point of order is sustained.

Mr. GLASS. Mr. President, I send to the desk a proposed amendment to come in on page 65.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. After the word "for" and the period, in line 21, page 65, it is proposed to insert:

And the sum of $5,000 for such a survey and investigation as will enable the Secretary of the Navy to report whether and where there is available on the east coast of the United States a proper site for a central eastern ammunition depot corresponding to the one herewith provided for at Hawthorne, Nev.

Mr. WARREN. I have no objection to that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. HAYDEN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 41, line 17, after the word "only," it is proposed to insert the following proviso:

Provided further, That any lands purchased under authority of this act within the State of Arizona shall be subject to the annual payment of an amount equal to the taxes levied by said State, or any county thereof, on lands of similar character and value; and the Secretary of the Treasury is hereby authorized and directed, upon the recommendation of the Secretary of the Interior, to pay such amounts to said State or counties from the fund on deposit in the Treasury to the credit of the Navajo Tribe.

Mr. WARREN. Mr. President, I understand that to be an amendment to a House paragraph. Is that correct?

Mr. HAYDEN. That is correct.

Mr. WARREN. And that the House paragraph contains language that would bring it within the rule. At least I will not object to it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAYDEN. I ask leave to insert in the RECORD a letter from the chief of the Navajo Tribe of Indians relative to this matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

ST. MICHAELS, ARIZ., *December 9, 1927.*

The Hon. CARL HAYDEN,
Washington, D. C.

HONORABLE AND DEAR SIR: I am sorry that I did not get to meet you when you passed through Gallup on your way to Washington, because I was very anxious to speak to you concerning our land problem. Since the appropriation for $1,000,000 for the purchase of lands for the entire tribe did not go through last January, I have concluded that it would be best after all that we work for our own jurisdiction.

The Navajos living off the Fort Defiance jurisdiction to the south, as you perhaps know, have been leasing for many years approximately 200,000 acres from the Santa Fe Railroad, and I believe the best plan would be to ask Congress to appropriate annually $100,000 for the purchase of these lands until the entire 200,000 acres shall have been bought. I am sure, too, that you understand that we are not asking for more lands; we are only trying to buy, with our own money realized from oil, lands which members of our tribe have been occupying and using from time immemorial; the Navajos were living there long before any white man ever came here; then later on, when the railroad received its extensive land grants in 1872, our people who were living on these very lands were not at all considered. Now the railroad company is prepared to sell large parcels of these lands to whoever can pay therefor, and thus there is great danger that a good deal of the land will slip away from us. For this reason I am convinced that delay or postponement will prove disastrous to us and I must ask you to do what you can for us so that this land problem, which is the most urgent problem confronting our tribe at the present time, be solved, and that as soon as possible.

My dear Senator, you have always been a true friend to us Navajos and I know you will be glad to help us in this matter, just as you have done so often before. I especially appreciate your kind and successful efforts in placing Executive order reservations on the same basis as treaty reservations, and I shall be very thankful to you for whatever assistance you might render toward the successful issue of the plan which I have mentioned above.

Thanking you for your kind interest in our behalf, I am

Very sincerely yours,

CHEE DODGE.

Mr. KING. Mr. President, I have presented to the members of the committee some amendments relating to an item which was under discussion yesterday.

On page 31, line 19, I move to amend by adding, after the word "established" and before the word "shall," the word "as," and after the word "shall" by striking out the word "thereafter."

On page 31, line 18, I move to strike out the words "unless the" and insert in lieu thereof the words "and then only in such."

And on page 31, line 20, I move to strike out the words "in each year."

So that, as amended, it would provide for the State to make the 50 per cent contribution.

Mr. WARREN. Mr. President, I understand that that is in the line of reducing expenses. Therefore I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I desire to inquire of the chairman of the committee about pages 65 and 66, the deficiency appropriation for the Marine Corps. The total amount proposed, in round numbers, is $3,200,000. As I understand, that is about double the amount reported by the Secretary of the Navy when the naval appropriation bill was before Congress, at least double the amount that the Secretary reported as expended for the marines in Nicaragua.

Mr. HALE. No; I think the figures are just the same as the figures which were given at that time when the bill was up. I think they are exactly the same.

I gave the figures in the Senate one day. I do not recall the exact date, but they were exactly the figures that are given now. At that time it was understood what the estimates would be for the deficiency, and I so announced in the Senate.

Mr. BLAINE. Then the cost of maintaining the marines in Nicaragua was $3,200,000?

Mr. HALE. No; that includes China as well as Nicaragua. The amount for Nicaragua was $1,365,010, and the amount for China was $1,852,074.

Mr. BLAINE. Then this $3,200,000 includes the amount expended for the marines in China and Nicaragua?

Mr. HALE. In China and Nicaragua; that is correct.

Mr. WARREN. Mr. President, may I say to the Senator who makes the inquiry that, of course, this is the House language and comes to us from the House, and I take it for granted that it comes duly certified from the department. The Senator from Maine, who is the chairman of the Naval Affairs Committee, which includes the Marine Corps, may answer that question.

Mr. BLAINE. The point to which I am directing my remarks is that we are spending, over and above the regular appropriation for the United States Marine Corps, $3,200,000 for the marines in foreign countries. That is my understanding.

Mr. HALE. That is correct.

Mr. BLAINE. So we are paying, in addition to the regular appropriation for the marines, $3,200,000 to interfere in the affairs of other countries, and particularly Nicaragua.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. BINGHAM. The Senator knows that most of these marines are in China. A large part of this expense is in connection with the state of affairs in China. We are not interfering in Chinese domestic affairs at all. No one familiar with the situation can claim that. We have several thousand American citizens there, missionaries, business men, and officials, who need protection at this period of Chinese history, when a civil war is going on, and when there are thousands of soldiers, badly disciplined, who have repeatedly, by their actions in the Yangtze Valley, in Nanking, and recently in Tsinan, shown their inability to be controlled by their own officers, and their willingness to loot, murder, steal, and do anything to foreigners, no matter of what nationality. Surely the Senator does not begrudge any money that may be spent to protect the lives and property of American citizens very properly resident in China who are endangered by the presence there of this great civil war.

Let me assure the Senator that we are in no way interfering with the affairs of the Chinese, but are merely endeavoring to protect our own nationals in a way which this Government always has done for more than a hundred years.

Mr. BLAINE. Mr. President, I am very happy at this moment to find that the Senator from Connecticut in no way undertakes to excuse the President in sending the marines to Nicaragua.

Mr. BINGHAM. Mr. President, that is a question which we debated before. The Senator knows my position on that question perfectly well.

Mr. BLAINE. The Senator justifies the presence of the marines in China. I am not discussing that. I am endeavoring and have been endeavoring to ascertain how much money, over and above the regular appropriation, we are expending for the armed forces in foreign countries, particularly Nicaragua.

Mr. WARREN. Almost $2,000,000 of the amount, according to the information we have.

Mr. HALE. I have already given the figures to the Senator exactly.

Mr. BLAINE. Mr. President, I can not understand the anxiety of the Senator from Maine over this situation. I for one want to protest against the appropriation of the money of the taxpayers of the United States for the support of armed forces in Nicaragua. It appears that they are making no headway in Nicaragua except to continue the loss of American boys, and for what purpose? One faction in Nicaragua refuses to comply with the demand that was made by the special representative of the President, Mr. Stimson, and the leader of that faction chose to take up arms in defense of the liberties of the people of Nicaragua. Another faction in Nicaragua at a later date refused to join with the faction supported by the armed forces of America to provide for legislation to carry out an election in Nicaragua for the election of a President.

It seems to me that the United States in Nicaragua is engaged in supporting factions. Those factions change from day to day. No one knows whom we may be supporting in Nicaragua to-morrow.

The presence of the armed forces in Nicaragua is denying the liberties of the people of Nicaragua and striking a blow at the very principle that made it possible for us here in America to have a republic.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BLAINE. I am not yielding now. Not only is it resulting in the loss of life of American citizens, but as well in the loss of lives of hundreds of native Nicaraguans in no manner engaged in any banditry or any violation of good order; but we are in Nicaragua to dictate and demand and command because, perchance, some one, some adventurer, has gone down there with the prospect of exploiting the natural resources of Nicaragua.

Mr. President, if there is any justification whatever for armed forces to occupy the territory of Nicaragua there is the same justification for sending our marines, our Army, and our Navy into Russia. Why, sir, has the administration failed to go into Russia to demand for American citizens the same things it is claiming to demand for American citizens in Nicaragua? The answer is plain. The administration knows that the force of Russia is sufficient to beat back any invasion of their country; but the territory of this small, weak, defenseless nation is to be occupied by this superior force, the liberties of the people of Nicaragua are to be denied, and their right to set up their own government in their own way and live their own life is being destroyed by the employment of force.

I think the most serious thing involved in the whole Nicaraguan situation is the denial of liberty. The time may come, and not far distant, when, with these weaker and smaller nations feeling keenly the injustices to which they have been subjected, we will find ourselves in a position where we can not fail to recognize, but altogether too late, that we have unjustly, improperly, and I believe unlawfully gone into those Republics to the south of us to dictate and command to them the kind of government they shall have.

So, Mr. President, I direct these remarks to a protest against the inclusion in any bill of any appropriation for the support of an unlawful and unjustifiable invasion that has been directed by the administration either in Nicaragua or in any other Republic to the south of us in Central or South America.

Mr. GLASS. Mr. President, may I appeal to the chairman of the committee not to insist upon his point of order against this little item of $6,500 for a survey and for plans for Wakefield, Va.?

Mr. WARREN. Mr. President, I have looked the matter up since it was first presented. I have no objection to it.

Mr. GLASS. Then I offer the amendment.

The VICE PRESIDENT. The Senator from Virginia offers an amendment, which will be stated.

The CHIEF CLERK. On page 119, after line 8, it is proposed to insert:

Plans for Wakefield, Va., the birthplace of George Washington: For preparation of plans and estimates for the improvement of the birthplace of George Washington at Wakefield, Va., $6,500.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. HOWELL. Mr. President, I send to the desk an amendment which I offer.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 11, line 13, after the word "obligations," insert the words "except stenographic reporting service."

Mr. WARREN. Mr. President, there may be some question in regard to that that we may fix afterwards. I do not object to it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House, and that the Vice President appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

TELEGRAM COMMENDING SENATOR SIMMONS

Mr. HEFLIN. Mr. President, I send to the desk a telegram addressed to the senior Senator from North Carolina [Mr. SIMMONS], and I ask to have it read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

BALTIMORE, MD., *May 24, 1928.*

Hon. F. M. SIMMONS:

Please permit me to extend my hearty congratulations upon that superb statement you made in the Senate yesterday as to your reasons for opposing Governor Smith. I am sure that in the mind and heart of every right-thinking person you have placed yourself on a higher pinnacle than ever before by the courage and judgment displayed.

RICHARD H. EDMONDS,
Editor Manufacturers Record.

Mr. HEFLIN. Mr. President, just one word. The Manufacturers Record is perhaps the most popular and reputable business magazine in the United States; and the editor, Mr. Ed-

monds, is one of the very first citizens of the country—a very distinguished gentleman, a man of great ability, a fine scholar, a great and good American.

LOAN OF AERONAUTICAL EQUIPMENT TO MUSEUMS, ETC.

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

DAVID A. REED,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the report.

Mr. KING. What is the subject matter of the report?

Mr. REED of Pennsylvania. The conference report is on a bill allowing the loan of aeronautical equipment without expense to the Government where it is necessary for experimental purposes. The House amended the bill to change the words in the proviso that the loan of the equipment should cost the Government nothing to read that the transfer and delivery should cost the Government nothing. It merely safeguards the Government against freight charges.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MUSCLE SHOALS—CONFERENCE REPORT

Mr. NORRIS. Mr. President, I ask that the conference report on Senate Joint Resolution 46, relating to Muscle Shoals, be taken up by the Senate for consideration.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, I suggest the absence of a quorum.

Mr. NORRIS. Will not the Senator wait until the conference report is laid before the Senate?

The VICE PRESIDENT. The Chair lays before the Senate the conference report on Senate Joint Resolution 46. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McLean	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	George	Mayfield	Steck
Black	Glass	Metcalf	Steiwer
Blaine	Greene	Moses	Stephens
Blease	Hale	Norris	Swanson
Borah	Harris	Nye	Thomas
Bratton	Harrison	Oddie	Tydings
Brookhart	Hawes	Overman	Tyson
Broussard	Hayden	Phipps	Vandenberg
Bruce	Heflin	Pine	Wagner
Capper	Howell	Pittman	Walsh, Mass.
Caraway	Johnson	Reed, Pa.	Walsh, Mont.
Copeland	Kendrick	Robinson, Ark.	Warren
Couzens	Keyes	Robinson, Ind.	Waterman
Curtis	King	Sackett	Wheeler
Cutting	La Follette	Schall	
Dale	Locher	Sheppard	
Dill	McKellar	Shipstead	

Mr. CURTIS. I desire to announce that the Senator from Illinois [Mr. DENEEN] is necessarily detained from the Senate in attendance in committee.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, there is a quorum present.

Mr. NORRIS. Mr. President, I have no desire to take up time in debate. I want to say, just briefly, that the last report of the conference was agreed to after the conferees had taken the other report and provided that all the operations of this board for the manufacture of fertilizer shall be for fertilizer purposes. It was necessary to make several changes in the report in order to bring that about.

In the main, as far as I know, as far as any objection was made in the Senate which we attempted to cure at all, that is all the change there is. We changed the section about patent rights, at the suggestion of the Commissioner of Patents, providing that cases involving patent rights should be sent to the district courts of the United States instead of to the Court of Claims. On account of changes for the purpose of eliminating the manufacture of fertilizer except for experimental purposes, it has been necessary to change some of the numbers of the subsections, because one subsection we struck out entirely. Unless there is some question, I do not care to take up time in debate.

Mr. McKELLAR. What reasons did the conferees submit for making the change as to fertilizer production?

Mr. NORRIS. In a general way, the opposition that appeared in the Senate in the debate that went on here and what Senators said in regard to it, it was quite evident that a majority of the Senate, under the circumstances, was opposed to the conference report, and we conceded that.

Mr. McKELLAR. Why did the conferees insist upon putting Cove Creek into the bill?

Mr. NORRIS. There was no attempt made, so far as the conferees were concerned, to take it out. Every one of the conferees, both of the House and Senate—and that included one from the State of Tennessee—was most heartily in favor of keeping it in the bill.

Mr. McKELLAR. Then, as it is now, the bill has been changed from its form as it passed the Senate so as virtually to prohibit the manufacture of cheaper fertilizer for the farmers of the country, and merely provides for experimentation in that respect, and the result is the production of cheaper nitrates, which will benefit the fertilizer people of the country, but will not benefit the farmers.

Mr. NORRIS. It provides only, as far as fertilizer is concerned, for its manufacture for experimental purposes. Those sections of the bill which provided for experimentation in the production of fertilizer, in conjunction with agricultural colleges and agricultural agencies and experiment farms, in State, county, or district, are in the measure just as they were before, but they provided for experimental activities then. The Senate and House conferees did, I will say to the Senator from Tennessee, what it is necessary for conferees to do when they find they must yield some of the things they want in order to get a bill that will be favored by the Senate or the House, as the case may be.

Mr. COPELAND and Mr. FLETCHER rose.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from New York, who, I think, rose first.

Mr. COPELAND. I should like to ask the Senator from Nebraska if he will be good enough to turn to page 4.

Mr. NORRIS. Of what conference report?

Mr. COPELAND. The new one. On page 4, paragraph (e), the fifth line down, "The fixed nitrogen provided for in this act shall be in such form." Does the Senator find that place?

Mr. NORRIS. Yes.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. How does this conference report come before the Senate at this time?

Mr. FLETCHER. It has been laid before the Senate.

Mr. NORRIS. I asked that it be taken up. The Vice President asked if there was any objection, and there was none, and he laid it before the Senate.

Mr. MOSES. Mr. President, a parliamentary inquiry.

Mr. McKELLAR. I was not here at the time——

Mr. NORRIS. There was nothing irregular about taking it up.

The VICE PRESIDENT. The conference report was laid before the Senate at the request of the Senator from Nebraska.

Mr. MOSES. Was unanimous consent given to proceed to the consideration of the report?

The VICE PRESIDENT. Unanimous consent was not given.

Mr. MOSES. Then I call for the regular order.

Mr. NORRIS. I understood that unanimous consent was given.

The VICE PRESIDENT. No; unanimous consent was not given.

Mr. NORRIS. The Chair laid the report before the Senate.

The VICE PRESIDENT. The Chair laid it before the Senate.

Mr. NORRIS. I will repeat my request, then.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR. I object.

Mr. NORRIS. Mr. President, I submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state the inquiry.

Mr. NORRIS. If the conference report is taken up on motion, will it displace the unfinished business?

The VICE PRESIDENT. It will not displace it. The Chair would so hold.

Mr. ASHURST. Mr. President, I appeal from that decision. If the conference report is taken up on motion, with great deference to the Chair, I respectfully submit it would displace the unfinished business, because neither in parliamentary procedure nor in philosophy can two things occupy the same place at the same time.

The VICE PRESIDENT. Consideration of a conference report is privileged. The Chair looked up the precedents and is prepared to rule on the question.

Conference reports have always been regarded by both Houses as highly privileged matters, upon the theory that they tend to adjust differences of the two Houses in regard to legislation and thus bring them into an agreement, and except in certain specified instances may be presented at any time, taking precedence over pending legislation.

Because of such privileged status the consideration of a conference report does not, in the opinion of the Chair, have the effect of permanently displacing whatever matter might be pending before the Senate at the time it was taken up, but simply suspends further action thereon until the report is disposed of.

Mr. ASHURST. Mr. President, do I understand the Chair to hold that if by a majority vote the Senate proceeds to the consideration of the conference report it does not displace the unfinished business?

The VICE PRESIDENT. Thereupon the matter previously suspended by its consideration again comes before the Senate in no way prejudiced by the consideration of the conference report, unless it be matters coming up in the morning hour, which upon the expiration of that period could not be longer considered.

Mr. ASHURST. From what is the Chair reading? Is he reading a rule or from the opinion of the Chair?

The VICE PRESIDENT. He is reading from a statement which has been prepared on this particular point of order. The question has been raised by several Senators.

Mr. ASHURST. I have such respect for the fairness of the Chair, he has demonstrated so often his desire to be fair, that although to my mind it is not a logical ruling, I am content if the Chair takes that view.

The VICE PRESIDENT. The Chair desires to read the remainder of his statement.

Thereupon the matter previously suspended by its consideration again comes before the Senate in no way prejudiced by the consideration of the conference report unless it be matters coming up in the morning hour, which, upon the expiration of that period, could not be longer considered.

The privilege possessed by a conference report is on a parity with that accorded to messages from the President or the House of Representatives, as set forth in Rule VII, paragraph 7, which provides that any question pending at the time of taking up said message for consideration shall be suspended for that purpose.

Mr. NORRIS. Mr. President, I desire to make a motion.

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Maryland will state the inquiry.

Mr. TYDINGS. The conferees brought in a certain report, which was laid before the Senate a night or two ago. Since that time the Senate has taken no action upon that conference report. I would like to know by what authority the conferees went out and now bring in another report when one conference report was still pending before the Senate.

The VICE PRESIDENT. The previous conference report was recommitted to the committee of conference.

Mr. TYDINGS. I did not so understand.

Mr. NORRIS. Mr. President, I now move that the Senate proceed to the consideration of the conference report on Senate Joint Resolution 46, the Muscle Shoals measure.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. JOHNSON. Mr. President, just before the vote is had, let me say that nobody is more interested in the determination of the Muscle Shoals matter than I am. I recognize the importance of it. I recognize that it represents more than 10 years of active labor on the part of the distinguished Senator from Nebraska [Mr. NORRIS]. I want him to have every opportunity, of course, that can be accorded by this body in order that his 10 years of effort may see their fruition; that his efforts may be determined by this body one way or the other. I recognize also that the matter now comes to us as legislation passed by both Houses of Congress upon a conference report, the very last stage of legislation.

But I do not wish, sir, that the pending business shall be suspended; I mean by that that the business which is now before the Senate undetermined, the Boulder Dam bill, shall not be superseded by any other business or any other matter whatsoever. The ruling of the Chair protects the unfinished business and, protecting the unfinished business, I presume that after a reasonable time of debate this afternoon upon the Muscle Shoals matter, it will be concluded, and that we may then proceed with the unfinished business. In view of the ruling of the Vice President upon that question, and the fact that the unfinished business will be proceeded with when the debate shall this afternoon be concluded, while I shall vote against the motion, it is apparent that the Senate desires to proceed to the consideration of the conference report on Muscle Shoals and that further debate upon the question would be futile.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. BRUCE. Mr. President, I simply desire to say that I hope every Member of the Senate who is hostile to the Muscle Shoals measure will vote against the motion.

Mr. MOSES. Let us have the yeas and nays.

Mr. McKELLAR. Mr. President, I desire to have something to say at this time.

Mr. LA FOLLETTE. Mr. President, I make the point of order that the motion is not debatable under Rule XXVII, which provides with reference to conference reports:

> When received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. EDGE. When can the debate take place on the conference report if that is the rule?

Mr. LA FOLLETTE. After the motion to proceed to its consideration shall have been determined favorably.

The VICE PRESIDENT. The Chair will hold that the motion is not debatable.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BINGHAM. May we have the question stated again?

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska that the Senate proceed to the consideration of the conference report on the Muscle Shoals measure, Senate Joint Resolution 46.

Mr. MOSES. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote, I withhold my vote. If permitted to vote I would vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from West Virginia [Mr. NEELY] and vote "nay."

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He not being present, I withhold my vote.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. If the motion to take up the conference report is adopted and the conference report is laid before the Senate, does that displace the unfinished business?

The VICE PRESIDENT. It does not. The Chair has ruled that it does not displace the unfinished business.

Mr. CURTIS. I desire to announce that if the senior Senator from South Dakota [Mr. NORBECK] were present, he would vote "yea."

I also desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Idaho [Mr. GOODING] with the Senator from New Jersey [Mr. EDWARDS]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Missouri [Mr. REED].

Mr. SMITH (after having voted in the affirmative). I have a general pair with the Senator from Indiana [Mr. WATSON]. Not knowing how he would vote, I must withdraw my vote.

The result was announced—yeas 46, nays 28, as follows:

YEAS—46

Barkley	Brookhart	Cutting	Harrison
Bayard	Broussard	Dill	Hawes
Black	Capper	Fess	Heflin
Blaine	Caraway	Fletcher	Howell
Blease	Copeland	George	La Follette
Borah	Couzens	Glass	Locher
Bratton	Curtis	Harris	McMaster

McNary	Robinson, Ark.	Steiwer	Walsh, Mont.
Mayfield	Robinson, Ind.	Stephens	Waterman
Norris	Schall	Thomas	Wheeler
Nye	Sheppard	Vandenberg	
Pine	Shipstead	Wagner	

NAYS—28

Ashurst	Greene	McLean	Sackett
Bingham	Hayden	Metcalf	Shortridge
Bruce	Johnson	Moses	Simmons
Dale	Kendrick	Oddie	Steck
Edge	Keyes	Phipps	Tydings
Gerry	King	Pittman	Tyson
Gillett	McKellar	Reed, Pa.	Walsh, Mass.

NOT VOTING—20

Deneen	Gooding	Norbeck	Smoot
du Pont	Gould	Overman	Swanson
Edwards	Hale	Ransdell	Trammell
Frazier	Jones	Reed, Mo.	Warren
Goff	Neely	Smith	Watson

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the joint resolution and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows: In lieu of the language put in by the House, insert the following:

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the 'Muscle Shoals Corporation of the United States' (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the 'Muscle Shoals act of 1928.'

"SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"SEC. 4. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

"(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them, and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SEC. 5. The board is hereby authorized and directed—

"(a) To operate existing plants for experimental purposes, to construct, maintain, and operate experimental plants at or near Muscle Shoals for the manufacture of fertilizer or any of the ingredients comprising fertilizer for experimental purposes.

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program.

"(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

"(d) To cooperate with national, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

"(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

"(f) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

"(g) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities.

"(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(i) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

"(k) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

"(l) To produce, distribute, and sell electric power, as herein particularly specified.

"(m) No products of the corporation shall be sold for use outside of the United States, her Territories, and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"SEC. 6. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby entrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"SEC. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"SEC. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by the General Accounting Office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"SEC. 9. The board is hereby empowered and authorized to sell the surplus power not used in its operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years and in the sale of such current by the board it shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

"SEC. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

"SEC. 12. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporation, after deducting the cost of operation, maintenance,

depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

"SEC. 13. The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"SEC. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for the fixation of nitrogen for agricultural purposes in time of peace.

"SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

"SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be entrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River, and in the Clinch River.

"SEC. 17. The corporation, as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access to pending applications for patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient thereof, and any patentee whose patent rights may have been thus in any way copied, used, or employed, by the exercise of this authority by the corporation, shall have as the exclusive remedy a cause of action for any damages claimed to be instituted and prosecuted for the recovery of reasonable compensation on the equity side of the appropriate district court of the United States. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"SEC. 18. The Government of the United States hereby reserves the right, in case of war, or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract, for the purchase of electric power or fixed nitrogen or its ingredients, is hereby violated after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

"SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or wrongfully and unlawfully to defeat its purposes, shall on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed $2,000,000 shall be made available with which to begin construction of Cove Creek Dam during the calendar year 1929.

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved."

And the House agree to the same.

CHAS. L. MCNARY,
G. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

Mr. MCKELLAR. Mr. President, I desire to propound the following parliamentary inquiry: Is it in order at this time to move to recommit this report to the conferees with instructions to strike out sections 15 and 16?

The VICE PRESIDENT. The motion is in order under Rule XXII.

Mr. MCKELLAR. I move that the report be recommitted to the conferees with instructions to the conferees on the part of the Senate to insist upon striking out sections 15 and 16 as contained in the conference report. I desire to read those two sections. They are as follows:

SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks,

highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River and in the Clinch River.

Mr. President, there is also contained in this joint resolution authority to expend $2,000,000, which I need not include in my motion, I take it, because if the motion carries it will, as a matter of course, strike out the appropriation.

When the joint resolution passed the Senate those two provisions were not contained in it. The Senators from Tennessee did not ask that they be inserted. So far as I know, no one in Tennessee, unless it be the member of the committee of the House of Representatives from Tennessee has asked that these provisions go into the joint resolution.

Mr. President, it is well known that for years I have supported a measure to deal with the dam that has been built at Muscle Shoals in the way that it was dealt with by the joint resolution as it passed the Senate. Now, however, under the conference report it is proposed that the Federal Government shall go into my State and order the condemnation of lands the area of which may equal that of an average county in Tennessee, to take away from the State and put into the hands of the Government not only the lands themselves, but all railroads and railroad corporations and public utilities that may be on those lands, electric-light plants that may be on the lands, and all other property, including cities and towns—anything else that may be on those lands—to take villages and farms and residences away from Tennessee, over the protest of Tennessee, without any invitation from Tennessee. To my mind such a proposal is incomprehensible.

Mr. COPELAND. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I shall do so in a moment. Some say that the Government has already done that in Alabama. I deny that the Government has done that in the case of Alabama. When the dam was built in Alabama every single State officer, every member of the legislature, every Member of the Congress of the United States from Alabama, including both of the Senators from Alabama, petitioned Congress to take that action. I have here, Mr. President, which I shall read at this point, a joint resolution adopted by the Legislature of Alabama asking that the Government erect and maintain the plant at Muscle Shoals. I read from the joint resolution adopted in the Senate of Alabama on September 16, 1915, and adopted by the House of Alabama on September 20, 1915, as follows:

House joint resolution

Whereas the navigation improvement of the Tennessee River by the United States is now in the last stages of completion between Muscle Shoals and the Ohio River; and

Whereas the inadequate canal plan for the navigation improvement of the Muscle Shoals stretch of the Tennessee River was begun by the Federal Government more than 85 years ago, this improvement costing in construction more than $3,000,000 and in cost of operation and maintenance more than $1,500,000, and the yearly cost of the operation and care of this canal being in excess of $50,000 per annum; and

Whereas the United States engineers, after nearly eight years of study and investigation, have recommended to Congress a new plan at Muscle Shoals for the joint improvement of navigation and development of water power on a very large scale, as shown on Document No. 20, Sixty-third Congress; and

Whereas this new project for navigation improvement and development of water power as recommended by the Government engineers will not only practically complete the navigation improvement of the Tennessee River from the Ohio River to the upper stretches of the Tennessee, but will also develop power on such a large scale as to make it possible to operate great factories for the fixation of the nitrogen of the atmosphere as a fertilizer and for the manufacture of explosives, and thus make the United States no longer wholly dependent, as at present, upon the country of Chile for sodium nitrate, or Chilian saltpeter, necessary for the manufacture of explosives and for fertilizers; and

Whereas the United States should not longer be dependent for its nitrogen supply upon any foreign country, but should produce its own nitrogen supply by the conservation and utilization of the water powers now going to waste in the navigable streams of the country: Therefore by this joint resolution be it

Resolved by the Legislature of the State of Alabama—

1. That the adoption by Congress of the Muscle Shoals project as recommended by the Government engineers is a matter of national concern and one directly affecting the question of preparedness and national defense.

2. That the fixation of the nitrogen of the atmosphere as a fertilizer to meet the needs of the farmers of the country, and especially the southern farmers, who are the greatest buyers of fertilizers in the Nation, and whose fertilizer bills are now annually nearly $100,000,000, is a matter of national interest and importance equal to the national interest and economic importance of the great irrigation projects in the States of the arid West, which projects have received assistance from the Federal Government in excess of $116,000,000.

3. That recent successful scientific achievements have placed at the disposal of agriculture in this country chemical compounds which allow the production of a complete or universal fertilizer.

I digress here long enough to say that instead of a complete commercial fertilizer being authorized by this report, as was authorized by the joint resolution as it passed the Senate, what is proposed to be done is to provide cheaper nitrates for the Fertilizer Trust of this country. The farmers would be left out of the equation entirely. I continue the reading of the joint resolution of the Alabama Legislature:

With cheap water power, these scientific discoveries promise to revolutionize our present system of fertilization.

4. With cheap water power, the importance of these scientific achievements and their effects upon the cotton and food crops of the country, and upon the question of national defense and the preparedness of the United States in times of war, are so far-reaching and of such unusual national interest at the present time, that the adoption of the Muscle Shoals project by Congress, and its encouragement by the President and the Secretary of War can be regarded as no less than a patriotic duty.

5. That the president of the senate and the speaker of the house of representatives shall appoint a joint committee of five members from the senate and five members from the house of representatives, as a joint legislative committee, and the president of the senate and the speaker of the house shall be each a member of these respective committees, and the governor of the State shall be the ex-officio chairman of these committees and, also, that the governor of the State is hereby requested to select and appoint 12 representative citizens from the State of Alabama, not members of this legislature, to join the legislative committees hereby created, and without expense to the State, these legislative committees and citizens' committee are requested by the legislature of the State to visit Washington during the early days of the first session of Congress, assembling in December, and present a copy of these resolutions to the President of the United States, to the Secretary of War, to the Secretary of Agriculture, to the chairman of the Commerce Committee of the Senate, to the chairman of the Committee on Rivers and Harbors, and to each United States Senator and Representative in Congress from the State of Alabama, and pressingly urge upon them the national importance and, indeed, the Nation's necessity that the Muscle Shoals project be adopted by the Sixty-fourth Congress, and during its first session.

Adopted by the senate September 16, 1915.

Adopted by the house September 20, 1915.

Mr. President, there is no semblance of similarity between the two situations—the one at Muscle Shoals and the one by which the Government goes down and seizes this great property in the State of Tennessee. In the first place, substantially an entire State—members of the legislature, the governor, citizens' committees. Members of Congress, Senators—united in committing the State of Alabama to this project. On the other hand, here is the State of Tennessee, unanimously opposed, with one exception so far as I know, to the seizure of this property within its borders.

Mr. COPELAND. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. May I ask the Senator a question? Of course, this action that we take to-day, if we should adopt this report, wou'd not build the dam.

Mr. McKELLAR. Why, of course it would.

Mr. COPELAND. All we have to do is to ask the Senator from California [Mr. JOHNSON] how long it takes to build a dam. This is merely an authorization, and the whole matter would be brought here and thrashed out in Congress.

Mr. McKELLAR. Oh, no!

Mr. COPELAND. If it takes proportionately as long as it does to pass the Boulder Dam bill, I think the Senator need not worry about its being done in our time. Of course, the Senator from Tennessee is a young man and he is likely to be here still, but I do not think I will be alive when it is completed.

Mr. McKELLAR. The reasoning of the Senator from New York is like the reasoning of my good friend the Senator from Nebraska [Mr. NORRIS] the other day, when I protested against including this dam. He told me that he thought it was not right to take this property from the State of Tennessee. By the way, before I get to that part of it, let me go one or two steps further.

Not only does this proposal take these lands, these villages, these homes, these railroads, these roads, this average county in area from the State of Tennessee, and deprive it of any taxation upon that property from now on—it is just the same as if it were owned by another government, and it will be, with no power of the State of Tennessee over it—but it has been estimated by no less a personage than Mr. Henry Ford that this Cove Creek property in its present state of nondevelopment is worth in actual money something like $50,000,000. It takes that $50,000,000 away from the State of Tennessee, with no power to tax it, no power to control it, no power at all over it. It deliberately goes down and takes one of the 95 counties of Tennessee, and then, in addition to that, takes this great water power from the State, with no compensation to the State.

Mr. BRUCE. Mr. President——

Mr. McKELLAR. Will the Senator wait just one moment? Then I shall be delighted to yield to him.

Mr. BRUCE. Certainly.

Mr. McKELLAR. The other proposition is that in the third place it takes every particle of State regulation away from this great project. It is not right. Can any man justify it?

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. McKELLAR. I promised to yield first to the Senator from Maryland. Then I will yield to the Senator from Nebraska.

Mr. NORRIS. All right.

Mr. BRUCE. I was going to say that the Senator, while he was enumerating the injuries that would be inflicted on the State of Tennessee by this bill might have mentioned, it seems to me, the fact that, of course, any power generated under this bill could be transmitted to any point in the United States, anywhere.

Mr. McKELLAR. Why, of course. I will say to the Senator that it is provided in this very bill that a transmission line shall be built to Muscle Shoals, by which every kilowatt of it could be sent to Muscle Shoals if this corporation desired to do it.

Mr. BLACK. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Yes.

Mr. BLACK. Does the Senator remember a few months ago, when I was arguing about equitable distribution of power——

Mr. McKELLAR. Ah, Mr. President——

Mr. BLACK. Let me finish.

Mr. McKELLAR. The Senator from Alabama is in an entirely different situation from the Senator from Tennessee.

Mr. BLACK. I see. I live in Alabama and you live in Tennessee; that is all.

Mr. McKELLAR. Oh, no! The Senator from Alabama is estopped from taking this position, because every representative of Alabama at that time favored what was proposed, including the senior Senator [Mr. HEFLIN]. I can hear his eloquent voice now, pleading with the Government to come down to build the Muscle Shoals Dam. The Senator is estopped from making any claim of that kind and I am not estopped, because the State of Tennessee is virtually a unit against the taking of this property out of her borders.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. McKELLAR. Yes; I yield to the Senator.

Mr. NORRIS. I want to ask the Senator several questions.

Mr. McKELLAR. I shall be glad to answer them if it is possible for me to do so.

Mr. NORRIS. Does the Senator know that below Cove Creek Dam there are six dams or dam sites on the Tennessee River, in the State of Tennessee, and that the building of Cove Creek Dam and using it as it is proposed by the Government as a flood-control and navigation proposition will increase the value and the output of every one of those six dams in Tennessee by over 100 per cent, and that it will decrease the unit cost of all the electricity generated by those six dams in Tennessee by more than three-fourths? Does the Senator realize that?

Mr. McKELLAR. Mr. President, there are two or three answers to that. There is one concern there that has already built a dam. The others are unbuilt. With Cove Creek taken out of it, whether they will ever be built by private capital I do not know. Whether they will ever be built by the Government I do not know; but there is still another answer to that. What good is it going to do to the people of Tennessee generally——

Mr. NORRIS. Why, it will more than double the horsepower, and cut the price in two.

Mr. McKELLAR. What good is it going to do to the people of Tennessee generally to add to the profit of an electric company that is already there, or to manufacture nitrates, as provided in this bill, for the Fertilizer Trust of the country? In other words, the Fertilizer Trust has a great, big lobby here sending petitions out to Congress every day, appearing every morning in the paper, addressed to the Congressmen, for what purpose? For the purpose of protesting against any other use of this dam except to make nitrates for the fertilizer companies of the country—not for the farmers, but for the fertilizer companies—and they are fixing prices now.

It has been only a short time since I presented facts to the Senate showing how they fixed the price of fertilizer in my State, admittedly. They admitted themselves that they fixed it from $3 to $5 a ton more in Tennessee than in the adjoining States. Are we just going to turn this great power over to the fertilizer companies for the purpose of manufacturing nitrates cheaper for them? If that is what we are doing, we are doing a very poor thing, in my judgment. I do not subscribe to it, and I am not going to support this if I can prevent it.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. I yield to the Senator.

Mr. FLETCHER. I want to say to the Senator that another compensation and benefit which Tennessee obtains by the expenditure of some $37,000,000 by the Federal Government in this dam is that you will obtain some 60 miles, I have been told—and I think perhaps that is about right—of navigable waterway, reaching and extending to the coal fields of Tennessee. You will gain a reservoir there, and a navigable waterway for some 60 miles. Am I not right about that? It seems to me that is a very desirable thing. You get this addition to your power and your other dams all at Government expense.

Mr. McKELLAR. Mr. President, evidently the Senator from Nebraska does not agree with the Senator from Florida. I went to see the Senator from Nebraska and asked him to leave out Cove Creek. I took this position with the Senator from Nebraska: I had helped him, as everyone in the Senate knows and many people outside of it, in every way to pass the Muscle Shoals bill. Certain southern Senators got together, and we worked on this bill faithfully. They authorized me to suggest a number of amendments by which we could all support it. The Senator from North Carolina was the leader in that matter, and was good enough to suggest that I be selected to offer the amendments, and I did; and practically all of them were adopted and put in the bill. We agreed upon a bill that the Senate passed with quite a majority; and after that, when it came back making these inroads on the State of Tennessee, introducing questions here that it seemed to me were better left out, introducing here entirely extraneous matters outside of the one that we had been trying to settle for seven years, I went to the Senator from Nebraska and asked him not to agree to that part of the amendment. I said to him then that it was not right to take all of this property away from the jurisdiction of the State of Tennessee; and, as I understood him, he agreed to that proposition, and this is what he told me:

He told me that hereafter, perhaps at a succeeding session of Congress, he would introduce a bill and do his best to get it through to give the State of Tennessee—and, by the way, he included the State of Alabama, although they were estopped to ask it—a reasonable percentage of the gross profits, something like 5 per cent, in lieu of taxation. That would help some; but that was not reported.

Mr. NORRIS. Mr. President, the Senator must know that we could not put that in a conference report.

Mr. McKELLAR. I think it could have been put in the conference report.

Mr. NORRIS. Oh, no! Let me ask the Senator a question, now. The Senator wants to be fair.

Mr. McKELLAR. Oh, entirely so. Certainly, if I wanted to be unfair, I would not select the Senator from Nebraska.

Mr. NORRIS. To be fair, it must be stated that this conference report would have been subject to a point of order if such a provision had been inserted in it—everybody knows that—because that provision was in neither the Senate bill nor the House bill.

Mr. McKELLAR. Well, the Senator regarded that as a fair proposition. The Senator felt that it was not right to take the property of the State of Tennessee without any compensation or he would not have made that suggestion to me.

Mr. President, under those circumstances, it being admittedly wrong to despoil the State of Tennessee of this property without her consent—if she were here asking for it, it would be a different thing, but she is not here asking for it—so far as I know, every official except one is opposed to it——

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. McKELLAR. Yes.

Mr. NORRIS. I understand that this provision was put in the bill in the House mainly by the efforts of the Representatives from Tennessee.

Mr. McKELLAR. No; one Representative from Tennessee. I understand that Mr. REECE is for it.

Mr. NORRIS. Another Representative from the House has been over to see me to-day, and he is enthusiastically in favor of keeping this in the bill.

Mr. McKELLAR. Perhaps there is a difference of opinion, then; let it go at that; but certainly the State by its legislature, by its governmental authority, has never been here demanding it. They have made no request for it; and why, without their consent, should this be done? Is that the way the Federal Government is going to treat one of its States—to come here and take, without its approval, without its consent, and over its protest, its property in this fashion? Are you going to take its property in that way, one ninety-fifth of it? There are 95 counties in my State and I imagine this would be about the size of an average county. Is that what Congress proposees to do?

Senators, I do not believe you are going to do it. I just do not believe you are going to do it when these facts are presented to you. Are you going to take this enormous property, all the lands that are under this water?

The Senator from Florida says, "Why, it will give you a long line of river transportation."

Mr. FLETCHER. Sixty miles.

Mr. McKELLAR. Sixty miles of river transportation. The Senator from Florida has never been down there. It would be between the mountain peaks on either side. How could we utilize it? It could be utilized for park purposes; it might be utilized for fishing purpose; it could hardly be utilized for residential purposes. I do not know what would be the result.

Mr. FLETCHER. It could be used for the transportation of your coal.

Mr. McKELLAR. How can you transport things where people do not live, on the tops of mountains? They do not cultivate crops on the tops of mountains. They cultivate their crops and they live in the valleys below, and those valleys will be taken by this bill. You have got to have the valleys, and you take them all. You submerge an immense amount of land there, and you take it away from the taxation of both the counties and the State; and not only that, but you take away the best power that we have. We have no control at all over it. We can not have transmission lines built. There may be a hundred companies that want to settle in that neighborhood, and they could not do it unless this commission gave them the right to do it. It is not fair and it is not just, and I hope this motion will be agreed to. I have protests here from practically everybody in the State, which I have not filed.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. ASHURST. For more than four years past the responsible officials of the State of Arizona have been calling attention to the fact that the Federal Government, for the benefit of California, was attempting to come into Arizona, capture one of Arizona's greatest resources, and over Arizona's protest convey the same 250 miles away to be used in California. We have said that if Arizona were the only State that might ever be thus invaded and thus exploited; if Arizona were the only column supporting the Federal Union to be blasted away, the Union would survive; but we say that so sure as you blast away one column, you will soon be blasting away at another column and another State will be exploited. Usurpation grows by what it feeds upon. No foreign power will overwhelm the United States, but the dry-rot of political and internal corruption and destruction of the States may overwhelm the Federal system. The time is at hand to oppose and to resist this unconstitutional Federal aggression and to stand for the rights of the States. Tennessee's cause of to-day may be your cause to-morrow. Those who would use the great shield of the Constitution as their defense must not deny that same use of it to others.

I congratulate the Senator from Tennessee [Mr. McKELLAR]. In all his career he has never done a greater service to say that, "No matter what material wealth may come to my State, she will not sell herself for 'prosperity,' or for material welfare." The Senator has made a valuable contribution to statesmanship by his refusal to listen to the siren song sung by those who say, "Prosperity will come to your State if you violate the Constitution." Arizona stands steadfastly by that sturdy doctrine.

Arizona's reply to all invasion and all usurpation is, "Arizona scorns all bribes and wears no chains."

Mr. McKELLAR. Mr. President, I want to thank my splendid friend from Arizona for the complimentary statement he has made about me.

Proceeding further, I want to talk to Senators seriously here this afternoon. Would Senators want that done in their States?

Mr. ASHURST. The Senator may rest assured they would not.

Mr. McKELLAR. Is there a man here who would like to have a county of his State turned over to the Federal Government under these circumstances?

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HOWELL. In the State of Nebraska, in the southwest section, we have a great reservoir site, and we have been begging the Government to come there and erect the necessary dam to conserve the waters of the Platte River, so that they might be of benefit to the State. I have no doubt in my mind, but possibly if Tennessee thought that the Government would do this ultimately, it would be willing to pass around the hat to induce the Government to do it.

Mr. McKELLAR. If the Senator is in a situation so that he can invite the Government to do that in Nebraska, that is all right, and if the Senators from Nebraska come here and ask for my aid, if they think it is an aid to their people and their State, and their State wants it, that is another matter. But that is not what we are doing. Here is a proposal to take this vast amount of property away from the State of Tennessee without any compensation. We have no right to tax those lands, we have no right to tax the power that is generated there. An offer was made in the House to give Tennessee certain rights in the matter, but the House voted it down. Is it right to take Tennessee's property without due compensation? That is what is proposed. The proposal is to take her property without any compensation at all. The senior Senator from Nebraska admits that she ought to be compensated for it. Are we to come after the thing is done, are we to come after the property has been taken, are we to come with our hats in our hands and beg Congress? My colleague and myself will have to introduce claims against the United States Government; by the way, claims that would come before the committee presided over by the handsome junior Senator from Nebraska [Mr. HOWELL]. I am afraid that if those claims for many millions of dollars on the part of the State of Tennessee have the same fate that a claim for a paltry $1,750 has had before him for some years, we will have to keep our hats in our hands a long time asking for the proper compensation from the Government to the State of Tennessee.

Mr. FLETCHER. Mr. President——

Mr. McKELLAR. Just one moment. In the constitution of every State in this Union there is a provision that a citizen's property shall not be taken without due compensation. Is there a Senator here who will say that in his State there is not such a constitutional provision, that the citizen's property shall not be taken without compensation? Yet the result will be the taking of one ninety-fifth of a State's property without any compensation, when the author of the resolution admits that it is entitled to compensation. Now I yield to the Senator from Florida.

Mr. FLETCHER. I do not understand that the Government is to go right in and exercise the right to take the property without compensation. It is to exercise the right of eminent domain.

Mr. McKELLAR. The Senator from Florida confuses the two proposals. The constitution of Tennessee does provide that you can not take the citizen's property without compensation, just and adequate compensation, and of course the bill would be unconstitutional, or it would be of no effect, if it did not have a provision for compensation to the individual owner. But the proposal is to go to Tennessee and take away from her this enormous property, taxable property, belonging to the State of Tennessee, without the slightest compensation, and it is not right. The Senator from Florida would not stand for it, and no other Senator would stand for it, in my judgment.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. The Senator has spoken frequently of taking the property of the State of Tennessee. How do they propose to take it, and for what purpose? Is it for the purpose of flooding it and establishing reservoirs?

Mr. McKELLAR. To establish a reservoir. It is estimated it would take 75 to 100 acres of land, and maybe more. I think the Senator from Nebraska yesterday estimated that it would take 100 square miles. The Senator made a statement about it.

Mr. NORRIS. A little over 85 square miles of territory.

Mr. SIMMONS. That land belongs to the State of Tennessee?

Mr. McKELLAR. Oh, no; it belongs to individuals, but the State of Tennessee now has jurisdiction over it. It is now taxing that land. It is now receiving an income from that land. There are two counties down there that are now taxing that land, that are now receiving the taxes from that land.

Mr. SIMMONS. Does the Senator mean that the resolution provides for the payment of the individual owners of that land?

Mr. McKELLAR. Yes.

Mr. SIMMONS. And his contention is that the State of Tennessee is deprived of the right of taxation?

Mr. McKELLAR. Yes; and the counties are. There are two counties which would be taken. I am not so sure what effect it would have on those two counties. If the lands are flooded to the extent I think they will be, it will virtually destroy two counties in my State. Certainly one will be substantially destroyed.

To do that without compensation to the counties or the State, and then, in addition to that, to take power that is estimated to be worth in its present undeveloped state something like $50,000,000 without compensation, it seems to me is such an unfair proposition that it ought not to be tolerated for a moment.

Mr. NORRIS. Mr. President, will the Senator give the Senate the names of the two counties that are going to be taken?

Mr. McKELLAR. Anderson County and a part of Campbell County.

Mr. NORRIS. Will it take all of Anderson County?

Mr. McKELLAR. No; it will not take all of either of them.

Mr. NORRIS. How large are those counties?

Mr. McKELLAR. It is difficult for me to say from memory. I think either one of them would be larger than the area that is proposed to be taken. They can not estimate exactly how much is to be taken.

Mr. NORRIS. The counties in Tennessee, especially in that end, are a good deal larger one way than 9 miles, are they not?

Mr. McKELLAR. Some of them are, and some of them are not.

Mr. NORRIS. Eighty-five square miles would be a little over 9 miles on either side.

Mr. McKELLAR. I estimated it would take a county 10 miles square. In Tennessee we have some counties larger than that; a great many larger than that, and some counties smaller than that.

Mr. NORRIS. There are none smaller than that in that part of Tennessee, are there?

Mr. McKELLAR. Yes; the county of Unicoi, 50 miles away, is smaller.

Mr. NORRIS. It will be safe if it is 50 miles away.

Mr. McKELLAR. Unicoi County perhaps would be, but it would take a great deal of the territory of Hancock County, 30 miles away.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED of Missouri. I am not trying to take part in this debate, but I want to get the Senator's viewpoint.

Mr. McKELLAR. I will be glad to give the Senator any information I can.

Mr. REED of Missouri. Does the Senator think that the right of a State or municipality to levy a tax is a property right within the meaning of the Constitution which prohibits taking property without due process of law?

Mr. McKELLAR. No; I do not, but it is a property right, and the highest kind of a property right that a State can have. The right to tax, in my judgment, is the highest right that any government can have, whether national government, state government, county government, or municipal government.

Mr. REED of Missouri. The Senator says it is not a property right within the meaning of the Constitution.

Mr. McKELLAR. Of the State constitution; no. I doubt whether it is.

Mr. REED of Missouri. I undertake to say it is not a property right at all. It is a power of sovereignty.

Mr. McKELLAR. The Senator may call it what he pleases; that is immaterial.

Mr. REED of Missouri. I want to follow this a little further.

Mr. McKELLAR. I will be glad to have the Senator do so.

Mr. REED of Missouri. Suppose a railroad were to build across a State and to take the property of private individuals under the power of eminent domain. It would be doing exactly what the Federal Government is doing here, would it not?

Mr. McKELLAR. Yes.

Mr. REED of Missouri. Speaking now not with reference to property rights, but with reference to an ultimate possible injury to the State in its ability to collect taxes, of course, if property is taken for a public use it is no longer taxable.

Mr. McKELLAR. Yes.

Mr. REED of Missouri. But the money that is paid in compensation becomes immediately taxable.

Mr. McKELLAR. Yes; perhaps so, and perhaps not.

Mr. REED of Missouri. If the Federal Government were to take this great body of land—I am not saying it ought to take it, but I am discussing this one question——

Mr. McKELLAR. I understand.

Mr. REED of Missouri. If it were to take this great body of land and pay what the land is worth, it would still remain taxable by some public authority somewhere—the same amount of property.

Mr. McKELLAR. No, sir; it is not taxable at all.

Mr. REED of Missouri. The money is taxable.

Mr. McKELLAR. The money might be.

Mr. REED of Missouri. The proceeds are taxable. That is to say, if the Government were to take a piece of land worth $10,000, and now taxable as land, and were to pay that to the Senator, a citizen of Tennessee, and he remains a citizen of Tennessee, the $10,000 in his hands would be taxable by the State of Tennessee. If he moved some place else, of course, it would be taxable somewhere else if he did not lose it. If somebody else got it away from him, it would be taxable in the other man's hands.

Mr. McKELLAR. It might be if it were money, and it might not be. That is relatively true, of course; but let me call the Senator's attention to this fact: If it is within the power of the United States Government to go down into Tennessee and, by condemnation, against the will of the State of Tennessee, take one county of the 95 of that State, it would have like power to take a second county and a third county, until finally it could take the entire 95 counties.

Mr. REED of Missouri. That is an entirely different question.

Mr. McKELLAR. If we start out in that direction there is no telling where it may stop. They may want it for another purpose down there in Tennessee.

Mr. REED of Missouri. That is not the question I am discussing. I might have great sympathy for the Senator on that question.

Mr. McKELLAR. I am sure the Senator would have. I think, if I know the Senator at all—I have always had the highest admiration for him—that he would not ever subscribe to anything that was wrong. I do not think the Senator would cast his vote to say that the Government of the United States, against the will of the people of Tennessee, shall go down there and take this property regardless of the wishes of the people of that State.

Mr. REED of Missouri. The only question I was interested in was the claim that it was taking the property without process of law and the further question of the right to levy taxes as a property right. I do not agree with the Senator upon either of those propositions.

Mr. McKELLAR. Just before the Senator takes his seat let me ask him a question. The State has roads in that territory and the counties have roads in that territory. Does the Senator say that the Government should have the right to go in and condemn those roads?

Mr. REED of Missouri. I know it would not have any just right to do that, but whether it had the legal power is still another question. I only rose to try to get the Senator's views on these two questions. If the Senator is discussing the proposition from the broader standpoint that the Federal Government ought not to go into a State under the claim of navigation and expend that power to improve navigation, not really for the purpose of improving navigation, but for the purpose of creating water power, and that the State has greater rights to control the water within its borders, he would be discussing a question with which I might have very much sympathy.

Mr. McKELLAR. That is the very question I am trying to discuss. When the Government went down to take this property, it would have the right to give compensation and take the land of private individuals, but the State of Tennessee was in no such position. It had to submit, unless it went to war about it—and of course it could not do that—to what the superior Government did. It would have to do it without compensation, because confessedly the great rights that the State of Tennessee has in the property, the right to tax the land itself, the right to tax the power that is generated, the right to regulate the power that is generated—all of those rights are taken away from the State of Tennessee under the proposed bill, without

compensation, without any regulation of any kind. They could remove every kilowatt of the power out of Tennessee without the slightest regulation. That is not fair. I agree with the Senator from Missouri entirely. It is a higher question of what is right. Should this great Government, simply because it has the power to do it, go down there and take what does not belong to it?

Mr. REED of Missouri. Mr. President, if the Senator will permit another statement rather than an interrogation——

Mr. McKELLAR. I am glad to have the views of the Senator from Missouri. I have the greatest respect for them, as I have for him.

Mr. REED of Missouri. I am very much inclined to the view, although my mind is not settled upon it, that if in good faith, in a desire to promote the navigability of the stream or to control the waters of the stream so they would not destroy life and property along its banks, the Federal Government were to build a dam which incidentally generated some power, at least there might be a serious question as to whether the Federal Government ought not to be allowed to control the power that is generated and which came, as an incident, from the good-faith attempt at navigability.

Mr. McKELLAR. The Senator knows that has never been passed upon by the Supreme Court, but I quite agree with him that it is a great question.

Mr. REED of Missouri. But I have been opposed consistently—I hope consistently—since I have been a Member of this body, to the Federal Government exercising a power granted for one purpose in order to accomplish an entirely different end than that which was in contemplation when the power was granted. We have had some examples of that. We had it when we granted Mr. Hoover the right to license concerns engaged in grain dealing in order to prevent hoarding. We found it exercised for the purpose of regulating the prices of the products. There are plenty of examples of that kind in our country, and I have never voted for such an abuse of power as that.

Mr. McKELLAR. I am glad to have the views of the Senator. I would like to have him study the question, because I know that when he puts his great mind upon it, as other Senators should put their minds upon it, he will not vote to take away these rights from the State of Tennessee and from the counties of Tennessee certainly without giving proper compensation in the same bill, certainly without protecting the rights of the State of Tennessee. That is all I ask.

We went before the Senate committee; we went before the House committee; we went before the House itself; and we asked for compensation. We asked to retain State jurisdiction over the matter. We asked to retain State power of taxation. We asked even for a portion of the net proceeds of the matter. All were denied us, and have been denied us constantly, until I have reached the state of mind that I can not give my consent to the passage of the bill.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I yield.

Mr. CARAWAY. In computing the right of the State, was it the Senator's idea that they ought to collect enough out of the power plant to equal the amount that they were realizing by taxation on the land?

Mr. McKELLAR. I can not say that I have given that enough consideration to know, but I feel that something should be put in the bill that would guarantee to Tennessee her regulatory powers over the matter, guarantee to her the right of State sovereignty in regard to the matter, and give her something in lieu of taxation.

Mr. CARAWAY. Is it the Senator's idea that the State of Tennessee ought to regulate the power that is generated in the dam?

Mr. McKELLAR. It ought to have some power over it. I do not know just what particular power it should have. Under the Federal water power act it is a combined authorization, and something like that ought to be worked out in this bill.

Mr. CARAWAY. Would the Senator say that the dams at Muscle Shoals and Cove Creek, so far as regulation is concerned, ought to be the same?

Mr. McKELLAR. No. I do not think so, for the reason that the State of Alabama came in and urged the Congress to build the dam at Muscle Shoals without making any conditions about it. By their own acts they induced the building of that great dam there, and I do not think that they are in the same position with those of us in Tennessee who are standing here protesting against the taking of this great property from the State of Tennessee without compensation.

Mr. CARAWAY. I am not hostile to the Senator's position.

Mr. McKELLAR. I am quite sure the Senator is not.

Mr. CARAWAY. Here is what I have in mind. I do not believe a State can surrender its sovereignty even though it tried to do it, and therefore I do not think that Alabama could ever abandon any part of her territory.

Mr. McKELLAR. That may be true.

Mr. CARAWAY. I am not arguing that. Would the Senator be willing to prepare an amendment, so that we could ratify the conference report with his amendment providing what he thinks would be a fair compensation to the State of Tennessee?

Mr. McKELLAR. I do not know about the fair compensation. If the Senator would be willing to include in that a State regulatory power and the other matters to which I have referred, I would be willing.

Mr. CARAWAY. I think power transmitted into any State ought to be under the control of the commission of that State. I should say that Alabama ought to have the right to say that she has the right to regulate power generated at Cove Creek which is transmitted into Alabama.

Mr. McKELLAR. I want to repeat, as I said to the Senator from Nebraska when talking to him about it, and he agreed with me entirely and, indeed, said that we were both agreed on it absolutely, that any proposition of that kind should treat the State of Alabama, although she had waived her absolute right to it, in exactly the same way.

Mr. CARAWAY. I doubt whether Alabama could waive any rights.

Mr. McKELLAR. Perhaps that is so.

Mr. BLEASE. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Carolina.

Mr. BLEASE. Does the bill give the Federal Power Commission the right to fix all rates?

Mr. McKELLAR. Oh, yes; of course.

Mr. BLEASE. Does not that take away State rights from the State?

Mr. McKELLAR. Absolutely. The State has no power or right, not a scintilla of power or right, regulatory or otherwise, under the bill.

Mr. BLEASE. The Republican Party would do that, of course.

Mr. McKELLAR. Oh, I would not say that.

Mr. CARAWAY. Mr. President, will the Senator yield again?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. I am not trying to force the Senator's hand.

Mr. McKELLAR. I know that.

Mr. CARAWAY. But if we are going to try to ratify the conference report, and the Senator believes it ought to be done with certain reservations, does it not appeal to the Senator that he ought to reduce to writing the reservation that he thinks the conference report should have incorporated in it in order that we may ratify it?

Mr. McKELLAR. I shall be very happy to do it.

Mr. CARAWAY. I do not know what would meet the approval of the Senator from Nebraska, but if it is possible to be perfectly fair and perfectly just and finally get Muscle Shoals put to work we ought to do it.

Mr. McKELLAR. I agree with the Senator.

Mr. CARAWAY. But I shall oppose any agreement that does not treat the States of Alabama and Tennessee exactly alike.

Mr. McKELLAR. I want first to thank the Senator from Arkansas for his suggestion. I shall be very happy by tomorrow morning to prepare an amendment along the lines he has suggested.

I want to say just this about the legislation. I have been in this body and the body at the other end of the Capitol for 17 years. I was the first to offer any proposal to develop Muscle Shoals. I was a member of the Committee on Military Affairs of the House at the time and offered an amendment to an appropriation bill, providing $20,000,000 to start this great project at Muscle Shoals. I am earnestly in favor of the Government utilizing that property in accordance with the original plan. That plan was to manufacture explosives in time of war for the protection of our Republic in time of danger. The other plan was to manufacture fertilizer in time of peace.

Those two things have been uppermost in my mind in regard to this matter all the way through. I think every Senator here will bear witness to that fact. I have fought for it in season and out of season. We finally got a bill passed which provided for those things in the very best way. It was the greatest thing in the world to me, after those months and years of labor, to help to bring this about for the benefit of our Republic in time of war and for the benefit of our farmers through the medium of the manufacture of fertilizer in time of peace, to give those around the Shoals an opportunity to have cheaper current, light, and power in times of peace. All of those things were

provided for in the Senate bill. I never was so happy in my life as when we got that bill passed.

But now we have it all spoiled by, first, a conference report that takes away from Tennessee this vast property at Cove Creek and joins it up with the Muscle Shoals proposition, introducing a new phase, introducing a new issue, introducing new questions, introducing new powers, introducing new purposes all along the line. It has been the greatest disappointment in the world to me. When the report went back yesterday to the committee I thought it was going back for the purpose of removing the Cove Creek proposition. I had no idea the conferees would bring back the Cove Creek proposition in it again. But instead of that, what has happened? Instead of manufacturing fertilizer for the farmers and giving them cheaper fertilizer, what does the joint resolution now propose to do? It proposes simply to manufacture cheaper nitrates—for whom? For the farmer? How in the world can the farmers get cheaper nitrates from the Fertilizer Trust? There is no power conferred by this measure to sell a mixed fertilizer. The farmers can not use nitrates just as they are manufactured. It is chemically and physically impossible; it can not be done. What is proposed is simply to manufacture cheaper nitrates for the Fertilizer Trust—that trust which has been for fixing the prices, which in Baltimore a short time ago was fined, I believe, upon its own admission, $100,000 for fixing fertilizer prices to the farmer; yet Senators talk here about legislating in favor of the farmer.

The amount of fertilizer which would have been manufactured at the Muscle Shoals plant, if the joint resolution as it passed the Senate had gone through, would have stabilized the price, it is true, it would have brought about cheaper fertilizer prices to the farmer, but when there is substituted for fertilizer the term "nitrates" it will not result in producing a cheaper fertilizer for the farmer; but, I repeat, in producing cheaper nitrates for the Fertilizer Trust.

My friend from South Carolina [Mr. SMITH], who is one of the most accomplished men in the knowledge of chemistry whom I know, will tell Senators that nitrate constitutes about 90 per cent of the completed fertilizer; it is the principal ingredient. The potash in fertilizer is virtually immaterial in cost. Phosphoric acid is likewise somewhat immaterial. When it comes to the cost of the fertilizer the greatest part of the cost is in the nitrate. The joint resolution as now framed, instead of providing cheaper nitrates in the way of fertilizer for the farmers of the country, provides cheaper nitrates for the Fertilizer Trust, and will have no possible effect on the prices of fertilizer. The trust can charge the same price as before. Is not that true? I ask my friend from South Carolina if he does not agree with that proposition.

Mr. SMITH. The joint resolution, as now framed, provides that the nitrates which shall be manufactured at Muscle Shoals shall be put in such form as to be available to the individual farmer for application to his crops and to the soil. The intent of the conferees and the framers of this measure was that the nitrates should be in a form, if not similar to, at least as easily available to farmers as nitrate of soda which we import from Chile.

Mr. McKELLAR. That is only saying in another way what I have said. The Senator from South Carolina knows that the farmers can not use nitrates in the form in which they will be manufactured; in that form they will be of no service to him.

Mr. SMITH. They will have to be under the terms of the joint resolution.

Mr. McKELLAR. Let us see whether or not it will. I will read the provision and will appeal from the Senator to the joint resolution itself:

(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients—

In combination with other ingredients—

and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

Ah, Mr. President, how is that combination made? It is made only by the fertilizer manufacturers. It is not under the joint resolution to be permitted to be made by the Government, and so long as there is no provision that the Government shall make it or that the proposed corporation shall make it, the result will be that it will not be made. We all know that.

Mr. SMITH. Will the Senator from Tennessee allow me one other word?

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. McKELLAR. I shall be glad to allow my friend from South Carolina to say what he likes.

Mr. SMITH. The idea is that it is necessary to have a carrier for the nitrogen. The nitrate of soda has a sodium carrier, which is not deleterious to the soil and has no fertilizer in quantities, but does keep the nitrogen in a very available form for plant food. As soon as it is applied to the earth in the presence of moisture it dissolves and the nitrogen is readily assimilated by the plant. One can not take pure nitrogen in itself in any form whatever and make it available for ordinary agricultural purposes; but it is very easy, comparatively speaking, or chemically speaking, to combine it with a carrier that would make it easy of handling, easily available, and at the nitrate fixation or experimental station here they have quite a number of samples. I wish I had brought them here, for they sent me down a cabinet containing various forms of fixed nitrogen that could be readily used without any other fertilizer ingredient, but with simply a carrier to hold in a fixed form the nitrogen extracted from the air. That was the purpose of that amendment.

Mr. McKELLAR. Mr. President, the Senator is entirely mistaken about it. The purpose is just the contrary of what the Senator says. I wish to read it to him, because I know he has not read this particular provision in the conference report:

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials—

The purpose is not to deal with the farmers, as provided in the joint resolution as passed by the Senate, not to deal with the associations of farmers, and not to deal with cooperatives, but to deal with the Fertilizer Trust, with the manufacturers of fertilizer. That is the purpose under the joint resolution as now reported by the conferees.

Mr. SMITH. If the Senator will allow me, I will say the object of that paragraph he has just read was to get from the fertilizer people or from any chemical-production plant certain elements that might be necessary with which to experiment. For example, there is a new method of producing phosphoric acid; a process is being developed by which very low-grade phosphate rock can be used. The iron in the rock neutralizes the effect of sulphuric acid under the old method. The Government has developed a new process, and it was thought wise to put in a provision that would enable the use of some of this old material that was on hand for further experimentation in the effort to find a better process than the one now employed.

Mr. McKELLAR. There is not any doubt that what is proposed, so far as the farmers are concerned, is to take this vast property there and experiment with the farmers.

I wish to ask the Senator from North Carolina a question or two, if he will permit me.

Mr. SMITH. Certainly.

Mr. McKELLAR. Under the joint resolution as passed by the Senate the corporation to be created would have had the right to manufacture and sell a completed fertilizer to cooperatives, to farm organizations, to individual farmers. Is not that true?

Mr. SMITH. Yes.

Mr. McKELLAR. That provision has been eliminated from the conference report, has it not?

Mr. SMITH. Yes.

Mr. McKELLAR. Why was it taken out? It can not be taken out and left in; it can not be left in for the purpose of getting this measure through, and taken out for the purpose of taking away from the farmer the right that he should have. Why was it done? Why did the conferees take away the right of the corporation to be created, after it shall have manufactured fertilizers, to sell them to the farmer, or to farm cooperatives, or to farm organizations? Why was it done?

Mr. SMITH. If the Senator has asked me that question in good faith——

Mr. McKELLAR. I have.

Mr. SMITH. Let me say that I took considerable time the other night to try to explain to my colleagues that, outside of nitrogen, there are only two other ingredients known to the world, so far as I am aware, that constitute plant food. The other two are potash and phosphoric acid. There is such an ample supply of phosphoric acid at such an extremely low price—and the same thing is true of potash—that if the farmer can be furnished with an available form of nitrogen the problem is practically solved.

Mr. McKELLAR. Yes; and that is just what has not been done. The conferees have provided for the manufacture of nitrogen according to the conference report, but they have prohibited the sale by the proposed corporation of nitrogen to a farmer or to farm organizations. The conferees have arranged the provisions of the joint resolution so that the nitrogen can not be sold to anybody except the fertilizer people, and everyone knows that they are in a combination; everybody knows that they have a great organization right here in Washington, and are using every endeavor to obtain this particular provision. Why? Because it provides for the manufacture of cheaper nitrogen for them, and nitrogen is the principal ingredient of fertilizer.

Mr. SMITH. I do not think the Senator's inference is justified. If it is, I am very much mistaken in what has been done. I do not understand that there is any restriction on the manufacture and sale of nitrogen. There may be as to fertilizer; but I do not think there is any particular restriction on the sale of nitrogen.

Mr. McKELLAR. The joint resolution as agreed to by the conferees provides for the sale to manufacturers of a completed fertilizer. If the Senator were a member of the proposed board of three he would have no right to sell to farm organizations, he would have no right to sell to cooperative associations; he would have no right to sell to bodies of farmers or to individual farmers anywhere.

Mr. SMITH. Oh, yes; I think under the bill it could be sold if the corporation so desired.

Mr. McKELLAR. Will the Senator point out such a provision?

Mr. SMITH. I have not the measure before me.

Mr. McKELLAR. I will give the Senator a copy and let him point it out.

Mr. SMITH. I do not think there is any restriction.

Mr. McKELLAR. But the board must have authority. It is not a question of restriction; the board can not do it according to the terms of the conferees' report.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. What good would it do to sell nitrates to the farmer? What he wants is fertilizer.

Mr. McKELLAR. It would not do a particle of good, and the joint resolution as now framed prohibits the sale of nitrates to the farmer.

Mr. BARKLEY. What could he do with them if he got them?

Mr. McKELLAR. He could not even handle them.

Mr. SMITH. Mr. President, may I answer that question?

Mr. McKELLAR. I will be very glad to have the Senator do so.

Mr. SMITH. If the farmers in the State of the Senator from Kentucky and my State and in every other State where they raise grain can be given nitrates, they can get otherwise phosphoric acid and potash.

Mr. BARKLEY. I am asking the question for information.

Mr. SMITH. I am trying to give the Senator information.

Mr. BARKLEY. I am wondering whether the ability to secure nitrates unmixed would be of any advantage to the farmer?

Mr. SMITH. That is the way he uses it now. I use it every year, the farmers of my State and the farmers of every State on the Atlantic seaboard use pure nitrogen, if they can get it in a form which they can use. The best they can get is nitrate of soda imported from Chile in sacks. It comes often in shiploads already in the sacks and is sent directly to the farm. I take it out and use it on all crops that I make. It constitutes the greatest plant food. It is necessary in strengthening the cotton fiber. The use of phosphoric acid is indicated on some land and also potash; potash is not indicated on any red soil. The presence of red clay in land indicates that it is rich in potash.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. BROOKHART. I ask unanimous consent to submit a report from the Committee on Post Offices and Post Roads on Senate Resolution 144.

Mr. NORRIS. I object.

Mr. SHORTRIDGE. Mr. President, will the Senator yield to me for just a moment?

Mr. McKELLAR. I have no objection to yielding, but the Senator from Nebraska may have. I yield if I can.

Mr. NORRIS. What does the Senator desire to do?

Mr. SHORTRIDGE. To correct the RECORD.

Mr. NORRIS. I object.

Mr. McKELLAR. I am willing to yield, if I can do so without losing the floor.

The PRESIDING OFFICER. Objection is heard.

Mr. NORRIS. There is a filibuster on.

Mr. McKELLAR. Mr. President, I am still waiting for my friend from South Carolina to point out the provision of the bill under which this board could sell nitrates to the farmer, to individual farmers or organizations of farmers. I am not asking that question facetiously.

Mr. SMITH. I am satisfied that they have that power in the bill.

Mr. McKELLAR. Well, it is not provided in the bill. I do not believe a corporation organized as this one is organized could go outside of the four corners of the bill and do any act. I do not believe that would be one of the implied things, for the reason that under the terms of this bill all of the completed fertilizer that it can manufacture is for experimental purposes. It is confined to experimental purposes.

The Senator from Nebraska had that view in the beginning. When his original bill was first presented to the Senate, during the early part of the session, it provided simply for experimentation. It was at the earnest request of southern Senators—the Senator from North Carolina [Mr. SIMMONS], the Senator from South Carolina [Mr. SMITH], the Senators from Georgia [Mr. GEORGE and Mr. HARRIS], and various other Senators from the South, where fertilizers are absolutely necessary in order to make reasonable crops—that the Senator yielded on that proposition, and permitted fertilizers to be manufactured. The Senator from South Carolina will remember the various conferences, and our earnest insistence that the farmers should have a completed fertilizer.

Now it is said that that comes in competition with private industry, with the private companies already established. In a sense that is so; but the amount manufactured by the Government would be exceedingly small, and the only effect of the Government entering into this sphere of private business to the extent that it does would be to stabilize the price of fertilizers and probably reduce them a little to the farmers of the country.

I think it is a time when we should do that. I think, instead of legislating to turn over this great plant to the Fertilizer Trust, as we will do if this conference report is agreed to, that we ought to utilize it for the benefit of the people. It ought not to be given over to a private company.

I have contended here on this floor, in season and out of season, that this plant at Muscle Shoals should be used for the benefit of all the people—for the Government first, for the farmers in the second place, and in the third place for the users of electric current, as many as could use it at a lower price. It can be done, and it ought to be done.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. Does the Senator believe that large quantities of power are needed for the making of fertilizer?

Mr. McKELLAR. No; I do not. I think the Senator from Nebraska is probably right, that under the synthetic process of manufacturing fertilizers a smaller amount can be used; but what will result if this bill passes? Great volumes of nitrates will be manufactured down there, and if a cheaper process can be found, these nitrates will be reduced in price, not to the farmer but to the fertilizer people. Now, the fertilizer people fix their price. We have just had an example of that a short time ago. The Senator will recall that there were complaints from my State that the fertilizer people had fixed the prices down there from three to five dollars a ton more than they did right across the State line in the same field; and, of course, it is immaterial whether the fertilizer people get their ingredients cheaper, as long as they are capable of fixing the price to the farmer. We are not doing anything for the farmer in that way.

Mr. COPELAND. If the Senator will permit me to say so, I think he is unduly exercised about the situation down there. In the first place, the dam at Cove Creek will not be built in this generation. I would not worry about that if I were in his place. When we come to the matter of fertilizer——

Mr. McKELLAR. You appropriate $2,000,000 in this very bill in order to start it; and, if I know anything about it, the moment it is appropriated a division will be started up here in the War Department and will begin to work on it. Of course, they are going to do it. Two million dollars will start any kind of a dam in this country; and it is all right. If Tennessee is permitted to have her rights over it, as suggested

by the Senator from Arkansas, I am perfectly willing that it be built.

Mr. TYDINGS. Mr. President——

Mr. McKELLAR. I must yield first to the Senator from New York. I interrupted him. I will yield to the Senator from Maryland in a moment.

Mr. COPELAND. I am sure the Senator from Tennessee has confidence in the Senator from Nebraska, who has made a long-time study of this problem of fertilizer development. If the Senator from Nebraska has done anything in this particular problem that is noteworthy above all other things, it is that he has instructed the Senate regarding the methods of fertilizer manufacture, and what can be accomplished at Muscle Shoals in that direction; and he has made it clear to me, if it is not clear to the Senator from Tennessee, that this plant is not suited for the manufacture of fertilizer.

Apparently the Senator is disappointed. A little while ago I thought he was going to shed tears. I really waited for a moment in anxiety, thinking he was going to burst into tears with sorrow.

Mr. McKELLAR. I might not do that, but I am greatly disappointed at the turn this bill has taken. I will say to the Senator—this new question that never should have been interjected into this bill, either one of them.

Mr. COPELAND. The bill, as we passed it here in the Senate, was a nonfertilizer bill.

Mr. McKELLAR. Oh, the Senator had not read it if he thinks that, because it provided not only for manufacturing the completed fertilizer but for selling it at the lowest possible prices to the farmers of the country.

Mr. COPELAND. Let us wait just a moment. I am talking about the original bill that we passed in the Senate.

Mr. McKELLAR. I am talking about the same bill. If the Senator will read the bill, he will find how utterly mistaken he is.

Mr. COPELAND. We came back from the House with a bill which provided for the manufacture of fertilizer at a plant and with surroundings absolutely unsuited for the making of fertilizer.

Mr. McKELLAR. Oh, no; it was exactly the same as provided in the Senate bill, precisely; and, by the way, I think the Senator voted for that bill.

Mr. COPELAND. Oh, I voted for this bill always, and I am hoping to be able to vote for it now; and I hope I can do it to-day.

Mr. McKELLAR. I doubt if the Senator can do it to-day, but I hope that it will be so amended that both the Senator and I can vote for it. I should like the best in the world to vote for the bill in substantially the same form that it was passed by the Senate.

Mr. President, the Senator speaks of the Senator from Nebraska [Mr. NORRIS]. He says that he has done a wonderful work. I subscribe to that. My only regret is that the Senator from Nebraska should have taken this step after he had won his seven years' fight. He has been working on this for seven years, just as I have. He had won the seven years' fight. It was impossible to defeat this bill as it passed the Senate. There was not a reason in the world why it should not have become law. The Senate had no fear of a presidential veto, in my judgment. After he had been successful in his long fight, I do not see why he should have injected into the bill and put into the bill a rape of Tennessee's rights, a taking away of Tennessee's property, going out of his way to take that and attach it to the bill when it ought not to have been attached to it, and the Senator from Nebraska himself thought it ought not to be attached to the bill when it was before the Senate. To take that and put it on this bill was to put in serious jeopardy the bill that he had tried so hard to get through here for so long a time. It is a great disappointment to me. I greatly regret that this new issue was put into it.

Senators, I have said to you about all that I can say on the subject. I hope you will not vote to take away Tennessee's rights in this matter. I do not think you should do it. I hope the Senator from Nebraska will be willing to accept the amendment I have offered, to strike out the two sections and let the conferees report this bill. I should dislike to vote for the bill with the fertilizer provision as it has been reported; but I would rather accept that than to have it loaded down with this provision to which I can not agree, and I do not believe anyone in the Senate in a similar position would agree to it.

MESSAGE FROM THE HOUSE—FINAL ADJOURNMENT

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 41) authorizing the President of the Senate and the Speaker of the House of Representatives to close the first session of the Seventieth Congress by adjourning their respective Houses on May 29, 1928, at 5 o'clock p. m., in which the concurrence of the Senate was requested.

Mr. CURTIS. I move that the concurrent resolution providing for final ajournment just received from the House be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that to-day, May 24, 1928, the President approved and signed the following acts:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 2823. An act amending the statutes of the United States with respect to reissue of defective patents;

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; and

S. 4401. An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md.

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINES

The PRESIDING OFFICER (Mr. TYDINGS in the chair) laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled, "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1927.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 24, 1928.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House having proceeded, in pursuance of the Constitution, to reconsider the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War, the said bill was passed, the objections of the President to the contrary notwithstanding, two-thirds of the Members agreeing to pass the same.

MUSCLE SHOALS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer and for other purposes.

Mr. BLEASE. Mr. President, I agree fully with the Senator from Tennessee [Mr. MCKELLAR]. The greatest war that this country has ever known was fought to save the very principle which the Senator from Tennessee has just been advocating upon this floor. I am surprised to find some men signing this report who came from the South, men whose fathers believed that a man's property belonged to him, and who went on the battle fields of Virginia and other battle fields of this country and fought to keep the rights of the sovereign States from being stolen by the United States Government, just as is being tried by this bill.

You can not make anything else out of it. You can whip it around as you please, and change it as you please; but when you come down to the last analysis, it means but one thing.

That is that the United States Government intends to go into the State of Tennessee without the permission of her constituted officials, without the consent of her legislature, and say, "We are going to take not only the property of Tennessee, but we are going to take the individual property, the homestead."

I heard the Senator from North Carolina yesterday make one of the prettiest pleas I have ever heard, almost enough to make the tears come to any man's eyes, when he stood here and spoke of the old colonial home where his father was born and reared, and where his mother reared him, so dear and so sacred to his heart. The humblest home in Tennessee is just as sacred and just as dear to its occupants as that home is to the distinguished Senator from North Carolina.

Why should the Government of the United States say, "We will take your little home, we will take your graveyards and your cemeteries, we will put them any distance under the water we please. We will destroy your land, we will destroy your taxable property."

Mr. TYDINGS. Mr. President, will the Senator yield to me?

Mr. BLEASE. Certainly.

Mr. TYDINGS. I would like to submit to the Senator this proposition. As a matter of principle, if we can by legislative enactment here take a small piece of land for any purpose, carrying out that principle to its extreme, we can take a whole State.

Mr. BLEASE. The Senator from Tennessee I think explained that very thoroughly a while ago, saying that if the Government can go down into Tennessee and take a county, just bodily take it, why can it not take another county, and after a while take the entire State of Tennessee? But somebody will say it is necessary for public improvement. That argument has been used so long that thieves even have begun to use it. Common, everyday thieves, will tell you that they had to steal something because they were hungry, that they had to steal something because it was for the public good. Even the bootleggers will tell you that some of these officers who seize their liquor, seize it and sell it because they are violating the law selling it all around the country.

No man who has ever stood for State rights can vote for this resolution honestly and conscientiously. I would feel I was a disgrace to my daddy, who was a soldier in the Confederate service, if I should vote to allow the United State Government to usurp such authority and steal from the State of Tennessee her property in this manner.

What is the reason for this? Alabama came here and said, "Take it," and that is all right. I have not one word to say about that. If the State of Nebraska were to come here and say, "We want to surrender our State sovereignty and turn ourselves over to the United States and just be a little Territory or just be some kind of a little squatter land up here," I would not say a word; that would be their business. If they want to surrender their rights, they can do so. But when a sovereign State like Tennessee comes here by her representatives and says, "We object to your doing this," I will not stand for it.

What is the purpose of it? I have in my desk and will be glad to furnish to the Senate I do not know how many but a very large stack of telegrams from fertilizer people in South Carolina and some from other States protesting against the passage of this measure as it was, and I have not received a telegram from any State, even my own, from any fertilizer company since the measure has been changed so that they can further rob the farmers of this country. Here is a large bunch of telegrams, a sackful of them, protesting against the measure that was before us last night. Since the measure has been changed not a single telegram has come from my State or any other State to me saying, "We protest against the passage of that measure." Why? Because the measure now fixes it so that they can further rob the farmer, further rob the people who must have fertilizer in order to make the bread and meat that they eat in their homes. I never saw such a monstrosity.

How much further do they go, Mr. President? In the State of South Carolina there is now being constructed the largest dam in the world. It will back water 75 miles. That dam is being constructed by a corporation, and there are in my State other power companies which put their own money into these things.

When I was the governor of my State I pleaded with my legislature to pass laws regulating and taking control of these corporations, because I was afraid of this Power Trust. I am afraid of it to-day in South Carolina. But while I am afraid of it, I do not propose to vote to allow the Federal Power Commission, who I know are the enemies of the people, who I know have not a drop of blood in their bodies but what is subservient to the Republican administration, as corrupt as it is to-day—never will I cast my vote to allow them to go into the State of South Carolina and fix the power rates of that State.

The first thing I did when I came into the Senate was to introduce a resolution to investigate the Power Trust in South Carolina. The Senator from Washington [Mr. JONES] objected to my resolution. It was referred to the Committee on Commerce, and they hacked it all to pieces. They brought it back here and finally passed it in some shape so that it was not worth a snap of your finger. The Federal Power Commission sent down to South Carolina under my resolution to investigate that company and came back here with as white a lie as was ever put into the RECORD. They, or the agents they sent to South Carolina, lied about conditions there, and to-day gradually the power company in that State is putting its hands stronger and stronger upon the throats of the people of my State, and I am fighting there now. But I do not want to fight them by appealing to members of a Federal board to fix rates in my State that I know has already proven themselves incompetent and unworthy of the positions they hold on that board.

Mr. President, I could take this measure and go through it, but I do not care to do that. I have something more important to me and more important to my people than to make Tennessee's fight for her. I am standing right here on the same principle on which John C. Calhoun stood here and on which Robert Y. Hayne stood here, and that Jeff Davis stood here and advocated, for the same principles that caused Jeff Davis to resign and leave the Senate, for the same principle that made Robert E. Lee the greatest general that the world has ever known. I stand for what they stood for. I stand for the principles my father fought for, and I am surprised that southern men will approve a measure, along with people from other sections of this country who have not any use for the South. What use do you suppose the Senator from Nebraska [Mr. NORRIS] has for South Carolina? What use do you suppose the Senator from Nebraska has for Alabama and Tennessee? The Senator from Nebraska is working for the Republican Party, and I do not propose to allow him or any other man to pull the wool over my eyes and cause me to vote against what I know to be the best interests of one of the Southern States of this Union—Tennessee—or support any such measure or any such action. Love the South? Yes; he loves it!

What I mainly want to speak about is the Federal land bank at Columbia, S. C. I want to present to the American people some more proof of the hypocrisy and deceit of one Andrew W. Mellon and his crowd. I hold in my hand a marked copy of the report, Calendar No. 1165, Federal Land and Intermediate Credit Banks of Columbia, S. C. I read:

> The Committee on Banking and Currency, to whom was referred the resolution (S. Res. 159) directing this committee to make an investigation of the affairs of the Federal Land and Intermediate Credit Banks of Columbia, S. C., having considered the same, report adversely thereon with the recommendation that the resolution be indefinitely postponed.
>
> The purposes of the resolution, as stated therein, are (1) to conclude a controversy alleged to exist; (2) to determine the exact condition of the Federal land and intermediate credit banks at Columbia, S. C.; and (3) to determine what loss the Government has sustained. The preamble recites among other things, that "certain" officials of this bank are involved by the testimony adduced in criminal proceedings at which three of the defendants were convicted in the Federal court held at Columbia, S. C., in February, 1928; that there is "much talk" of mismanagement, carelessness, and irregularities on the part of the Columbia bank officials, resulting "it is rumored" in hardships to the farmers of various sections of that locality; and further alleging that carelessness, negligence, and willfulness have been shown on the part of the bank's officers in handling the funds of the Government. The resolution contemplates that on account of the foregoing, the committee should further investigate the bank's affairs and make report to the Senate.

That is not true. The resolution had no such contemplation. The resolution itself states what it is for. The resolution was for the purpose of having an investigation made down in this State where the bank is located, by a special committee to be appointed for that purpose. I had more sense than to think that the Committee on Banking and Currency, as composed in the Senate, would make a fair investigation of any matter in the Senate as a whole.

> The impression might be gained from reading the preamble that the defendants mentioned were connected with the Columbia bank, which is not the case.

That is not true. Here are the records, which will show that these men, while they were directly in the bank at Beaufort, S. C., were connected directly with the Columbia land bank.

The information presented to the committee in connection with the consideration of the resolution consists of the following:

(1) Certain letters and correspondence furnished by its author.

(2) A written report to the committee by Farm Loan Commissioner Meyer.

Listen to that! That is beautiful! The man I am asking them to investigate, the man who I say is at the head of this stealing, this rascality that is going on in South Carolina, is the man they sent to South Carolina and allowed to make a written report. This is part of his written report:

Of course, some responsibility attaches to the management of the Columbia bank for these occurrences, particularly its failure more successfully to checkmate the conspirators.

That is Meyer's language—

But since then the personnel of the bank has been strengthened, certain remedial measures have been put in effect, and others will be adopted as time and opportunity permit.

That is signed by Eugene Meyer, farm loan commissioner.

A written report to the committee by Farm Loan Commissioner Meyer, under date of April 19, 1928, together with the oral statements before the committee of Commissioner Meyer and certain representatives of the Federal Farm Loan Board.

Not testimony by witnesses in the case, not testimony from men connected with the bank, not testimony from people to whom they were referred, witnesses like Hon. Robert A. Cooper, who is an ex-Governor of the State of South Carolina, who was appointed on this Farm Loan Board, who came here to the Senate and offered to go before the Committee on Banking and Currency and tell everything in the world he knew in connection with this matter, and who was virtually shoved off of the board by Mr. Mellon and President Coolidge. They both sent for him, they both had talks with him, they both informed him that he was not in accord with the administration, and they both almost, you might say, removed him from his position because he was trying to do the honest thing by the farmers of this country.

Mr. President, Governor Cooper said, "Yes; I will be glad to go before the committee; I will be glad to give the committee any information I have." He is right here in Washington. He is practicing law with Douglas & Obear. He could have been reached over the telephone in five minutes. Have they made an effort to get him? No; they sent for Eugene Meyer.

They sent for Judas Iscariot instead of having honest men. Certain representatitves of the Federal Farm Loan Board and representatives of the Department of Justice, the very people I was asking to have investigated, the very people the resolution said I wanted to investigate, were the people they sent for as witnesses before the committee, and here is their report. What would any Senator think of a court, when an indictment was returned by a grand jury against certain people for conspiracy, if the court, instead of bringing in witnesses and taking charge of them and having lawyers to look after the matter—what would Senators think, I repeat, of a court if the court would bring the defendants, the conspirators themselves, into court and let them be the only witnesses examined, and then find a verdict, as the Committee on Banking and Currency has done?

One Senator said to me that I ought not to push the investigation, that it might step on the toes of an administration ahead of this one. I have not anything to do with that. If the Democratic administration under Mr. Woodrow Wilson, when CARTER GLASS was Secretary of the Treasury, did anything that might cause its friends to be afraid that I would step on his toes, then CARTER GLASS ought not to have served on this committee. If he was interested in it he should have gotten up and said, "I decline to serve on this committee, because I was once Secretary of the Treasury, and this thing may touch my interests." Therefore I do not think it did touch CARTER GLASS's administration at all. I do not believe that he was the least bit interested in the matter from that standpoint. I think that was simply a subterfuge to keep the resolution help up. I believe that if CARTER GLASS had been interested in it or had been afraid the investigation might bring out anything against his administration he is man enough to have said, "I decline to serve, because this may touch me." Therefore I do not pay any attention to the suggestion not to press my resolution because it might go further back than this administration.

Rather than take the time of the Senate to read all of this report, I shall refer only to certain parts of it.

On page 2, last paragraph, reference is made to the fact that under the law the Federal intermediate credit bank has no authority to loan directly to individual borrowers. Evidence was brought out in the trial in Columbia that the Intermediate Credit Bank of Columbia had ceased to be a bank of rediscount and had become a bank of discount and was making loans and passing on applications for loans to borrowers, in the first instance, contrary to law and regulations.

This evidence was uncontradicted by any official of the intermediate credit bank, but the court held that the violation of law of the intermediate credit bank was not a defense available for the defendants; that Mr. Arnold and Mr. Daniel were not on trial at that time and that could come later.

The intimation is given on page 3, next to last paragraph, that the Federal Farm Loan Board was not notified until early in August, 1926, of the situation, and then held a special examination of the Intermediate Credit Bank of Columbia by experts.

On the contrary, the Federal Farm Loan Board, or some of its officers, did have knowledge of the situation existing in Beaufort County; and in the spring of 1926 Mr. Thomas, executive assistant of the Farm Loan Board, accompanied by officials of the intermediate credit bank, went to Beaufort County and inspected the situation there and reported that they were satisfied with the situation.

On page 4, first paragraph, the statement is made—

Cash funds from the sale of crops which should have been applied to farmers' notes held by the Columbia bank went to Richardson's Beaufort bank.

Depositing these funds in the Beaufort bank was at the express direction of the Federal intermediate credit bank, as shown by their written letters and orders. They forbade the credit company or the farmer to deposit money in his own name and insisted that the proceeds of the notes for farming purposes and the payments made by the borrowers in the harvest season should be put in one fund in the bank to the credit of the credit company.

In the fourth paragraph on page 4 the statement is made that it was later found that the Columbia bank held $4,000,000 of the irregular paper. This so-called irregular paper consisted of papers in the blanket credit of $400,000, credit of the Truckers' Supply Co. of $250,000, credit to H. B. Macklin, of Coffee County, Ga. Evidence in the Columbia trial showed that these large credits were ones which the officials of the intermediate credit bank were forbidden by law and regulations of the Farm Loan Bureau to make—in that they were not allowed to discount for any one borrower, firm, or corporation an amount exceeding one-fifth of the capital stock of the agricultural credit corporation submitting the paper.

At the instance of Arnold, these large credits were cut up into smaller notes and employees on the farm and other accommodation signers signed the note and the actual borrower, Truckers' Supply Co. and H. B. Macklin, indorsed, and Mr. F. H. Daniel has already testified in a proceeding of the bankruptcy court in the eastern district of South Carolina that the intermediate credit bank did not look to the maker of the notes, but looked solely to the indorser, the Truckers' Supply Co., and, in fact, regarded these notes as an expromission of the Truckers' Supply Co.

When confronted with the official record of this testimony, he denied having so testified, and it became necessary to get the stenographer, who took down his testimony in the bankruptcy court, who went on the stand and impeached Daniel's testimony and identified the record and told how he remembered his using the word "expromission," recalled the circumstance of his writing the word in long hand, and, when transcribing his notes, recalled asking another Government witness, Mr. S. T. Everett, to look same up in the dictionary. Mr. Everett, a Government witness, was put on the stand by the defense and confirmed the stenographer's statement.

This stenographer was Mr. A. V. Mace, of Marion, S. C. While he was waiting to testify in this case he was twice approached by Mr. T. A. Donaldson, an agent for the Department of Justice, and advised to leave town and go back to Atlanta where he came from or he would get in trouble, and threatened that if he went on the stand and impeached Mr. Daniel, the assistant manager of the intermediate credit bank, that the Government would make it hot for him.

At the bottom of page 4, the statement is made that the Columbia bank did not suspect any irregularities until shortly prior to the closing of the Beaufort bank. Mr. F. H. Daniel, the assistant manager then and now manager of the Federal intermediate credit bank, testified under oath in the hearing above referred to that he first suspected irregularities and something wrong in the situation as early as the first part of October, 1925.

On page 5, second paragraph, it is stated that while it can well be admitted that if the Columbia bank had been more alert the losses

sustained would not have been so heavy, the clear fact of the matter is that the Columbia bank was imposed upon by those who received its accommodation.

Evidence brought out in the trial in Columbia, which is borne out by the record, is that officials of the intermediate credit bank were constantly back and forth to Beaufort County, S. C., and that practically all of the capital, which was then $2,000,000 of the Federal intermediate credit bank had been loaned out in loans on mortgages and to a company operating in the town of Columbia and at Beaufort, S. C., and on mortgaged securities less than four hours' ride from Columbia.

In the third paragraph of page 5, it is said:

It must not be overlooked that these defendants with others must still face trial under 211–B of the Federal farm loan act, and indictments which are pending will probably be called for trial at a special term of the Federal court, which will be held in Columbia, S. C., this summer.

The actual facts are that there are no indictments pending against the defendants under section 211–B of the Federal farm loan act. There has been no special term of the Federal court ordered to be held at Columbia, S. C., nor is it even intimated that there will be. And this statement is evidently a veiled threat that the Department of Justice cooperated with the intermediate credit bank in the further attempt to intimidate people having knowledge of the violations of law of the intermediate credit bank and prevent them from testifying before congressional committees.

On page 6 the statement is made in the first paragraph—

that Arnold was exonerated by the Federal district judge.

The statement is incorrect. On the contrary the Federal district judge said that he would not allow Arnold's actions to bind the intermediate credit bank, or the whole United States and the fact that Arnold and Daniel had conspired that the law be violated was not a defense available to the defense and refused to allow further evidence to prove that. He also repeatedly through the trial made the statement that Arnold and Daniel "are not on trial now."

The letter of Eugene Meyer to the chairman of the committee is full of misstatements which are so numerous that it is impractical to take them up now, though I may at a later time.

I wish now to mention another fact. I was informed a few days ago that Mr. McFADDEN, of the Banking and Currency Committee of the House of Representatives, had made the statement to Congressman STEVENSON that the reason why they did not proceed in the House to investigate this bank matter was because they had been unable to obtain a transcript of the testimony; that they had requested it from the department which was supposed to have control of it, and the department said they could not get it.

Mr. President, I hold now in my hand a transcript of the testimony. It was completed in February last. The United States Government has had it. Mr. McFADDEN could have gotten it. The Senate Committee on Banking and Currency could have gotten it. It has been, since February last, ready for delivery and has been delivered. Here it is. I offer it to-day to Mr. McFADDEN and his committee. I offer it to-day to the Senate Committee on Banking and Currency. Here is the testimony which I am informed Mr. McFADDEN said they could not get. Here it is now open to the inspection of any Senator who desires to walk over and examine it.

The Committee on Banking and Currency of the House over a month ago called on the Department of Justice to furnish them with a complete transcript of the proceedings in the trial of Richardson et al., in the Federal District Court of South Carolina. So far the committee has been unable to get any of this evidence and the Department of Justice is giving the reason that the same is not available.

The fact as shown by the affidavit of Miss Waring, court stenographer, is that her transcript which contains the testimony of Arnold and Daniel has been in the possession of the district attorney for over three months. The other stenographer as late as last week stated that she had never received any order from the district attorney or the Department of Justice for a transcript of her notes, nor had there been any intimation from the said department or district attorney that a copy would be desired.

Let me say right there that that stenographer, by a coincidence, is named McFadden—Miss Margaret McFadden, of Columbia, S. C., who, as my colleague will bear testimony, is not only a very capable and competent stenographer, but one of the finest young women in the entire State of South Carolina. She states that there had never been any demand made upon her for such testimony as she took in that case.

Four-fifths of the testimony has already been transcribed and is now here in Washington, available to me, despite the fact that the Department of Justice is still advising the committee that it is not available.

It was not only available to me when this was written, but is actually now lying on the desk of the Senator from Georgia [Mr. GEORGE], where I have just placed it.

The following is a letter from Miss Waring:

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF SOUTH CAROLINA,
Charleston, April 21, 1928.

United States *v.* Richardson et al.

Mr. R. C. HORNE, Jr.,
Care Messrs. Travis & Travis,
Savannah, Ga.

DEAR MR. HORNE: Pursuant to your telegram of to-day, stating that you have sent me by registered mail, New York exchange for $179.60 to cover cost of testimony, $130.80, and charge, $48.80, I am to-day sending you by registered mail to Savannah, Ga., care Messrs. Travis & Travis, in three packages, judge's charge, and testimony, 327 pages in two sections.

I suppose I will receive the New York exchange to-morrow or Monday. I leave to-morrow afternoon for Florence, S. C., to be there about 10 days or two weeks.

This is written by the stenographer of the court:

In regard to sending you a certificate as to correctness and authenticity, I have never been called upon to do this, and I am not prepared to swear that there are absolutely no errors in the testimony. I may say, however, that none have been called to my attention by the district attorney's office, which has been in possession of a copy of my transcript for about two months or more.

Yet they say they could not get it. Here is this young lady's letter—the stenographer for a Republican judge, not a Democratic judge trying to shield something for another Democrat, but a Republican judge, confirmed by a large majority of the present Members of the Senate—

I will state, however, that as to the testimony it is a careful and, in my belief, a correct transcript of my notes taken as court stenographer at the trial of the case. The same applies to the judge's charge; but in addition to this the judge has gone carefully over every bit of the charge himself, and made such corrections as he saw fit, in my transcript.

Yours very truly,

MARY A. WARING.

Mr. President, I will read another affidavit, as follows:

Affidavit—United States of America—Eastern district of South Carolina—
State of South Carolina, County of Charleston

Personally appeared before me Mary A. Waring, who, being duly sworn, says:

"That she took the beginning of the testimony in the case of the United States *v.* W. E. Richardson, et al, and that she completed the said testimony and could have furnished the same to the defendant had they applied and offered to pay for the same prior to the termination of the trial of the case at Columbia.

"That this deponent has had the testimony transcribed ever since the early part of February, 1928.

Yet the Department of Justice says it can not get it; Mr. McFADDEN, of the House committee, says he can not get it; the Senate Committee on Banking and Currency did not get it because it was alleged that it had not been transcribed, and here is this lady's testimony saying she has had it ready since the latter part of February—

"but that the said testimony was not obtained from her until on or about the 21st day of April, 1928."

MARY A. WARING.

Sworn to before me this 4th day of May, 1928.

[SEAL.] RICHARD W. HUTSON,
Notary Public for South Carolina.

Mr. Hutson was the clerk of the United States court where this trial took place and where this testimony was taken. Yet these committees of Congress and the Department of Justice could not get it.

This affidavit, used by the district attorney in resisting the motion to allow time to file bill of exceptions, which, if successful, would have made it impossible for the record to be transcribed or to be made available to Congress.

There is the record. What I have read is not a Senator's statement; it is not the statement of some man who does not know what he is talking about; it is the statement of the

young lady who, I believe, was stenographer in the United States court in the State of South Carolina under Judge Smith and continued to hold her office under the incumbent, Judge Cochran. I have practiced law in the courts where she is stenographer; I have been there with a great many other lawyers, and I never heard any man speak of her ability as a stenographer but in the highest terms and praising her for the splendid work which she does. There is her affidavit. Not only is there her affidavit, but here [exhibiting] is the testimony, these great, bulky packages, I do not know how many of them—seven, I think—and the Senators can see for themselves what they are. That testimony has been in the hands of the Department of Justice since the latter part of February; and yet Mr. MCFADDEN tells Representative STEVENSON that he could not get it because the notes had not been transcribed. The Senate Banking Committee does not try to get it because the notes have not been transcribed. I want the American people to read the facts in the case. I do not care anything about it personally.

My friend from Maryland suggests that I print the testimony in the RECORD, but there is too much of it, Mr. President; I would not make that request; but I offer it and exhibit it here to-day to the chairman of the Senate Committee on Banking and Currency and to any other Senator who wishes to see it, or Mr. MCFADDEN, of the House Banking Committee, can have it if he wants it.

Now what excuse has the committee for not proceeding with this investigation? Oh, the Senator from South Dakota has a reason. What is his reason? He has a written reason in the report which he has submitted, but my idea is his reason is that when Andrew W. Mellon told him to ease up, to slow down, like many others, when Andy says that, the slowing down process is put into operation.

On page 2 in the report submitted by the committee it is stated:

> In the consideration of the facts in this case, it must be kept in mind that under the law a Fedreal intermediate credit bank has no authority to loan directly to individual borrowers.

There [exhibiting] is the testimony that they did so. There is the testimony that they not only did that, but that they passed a regulation to the effect that the truck grower who borrowed money never could handle all that money, but that they would forward that money to be deposited in the bank at Beaufort and the bank at Beaufort would take that money as custodian for the intermediate credit bank in the city of Columbia. That bank was the direct agent of the intermediate credit bank. If that is true—and here is the testimony—then I ask the Banking and Currency Committee of the Senate why it was improper to investigate the intermediate credit bank at Columbia?

The other day I offered a resolution asking Mr. Mellon to comply with the law, which he should have complied with without being requested to do so. That resolution requested him to submit his report as required by law to Congress before it should adjourn. What did he do? He sent it in here, I think, on Monday. It was taken out of the vaults of the Treasury and sent to the cemetery over which the Senator from South Dakota [Mr. NORBECK] stands guard. The dead body was transferred from Mellon's vaults to NORBECK's cemetery. Of course, he is not going to let it come out of there; certainly not. Why should he when Congress is expecting to adjourn next Tuesday? And I suppose it will, and really hope that it will. That is all they have done. They took the corpse out of the Mellon vault and carried it down and put it into NORBECK's cemetery; and the Banking and Currency Committee says that the Columbia Land Bank should not be investigated; that there is no reason to investigate it, despite all of this testimony—pages and pages of it—showing the fraud and rascality of that bank. Here it is [exhibiting]. Read it; it has been transcribed. There is not a juryman on earth, who is honest, who would not convict on the evidence that it affords. The Sinclair jury would have convicted on this testimony. Instead of singing "Bye, Bye, Blackbird," I think they would have sung, "Good-by, Andy Mellon, and the balance of your coconspirators in robbing the people of South Carolina."

I have told the Senate what has been done; and yet this great Government—it is called "great"—stands behind that thievery, and Eugene Meyer's statement is practically all that is considered. Yes; the conspirators are to blame.

But what did we do? We turned a few of them out of the bank and put some others in their places. Does that change the condition of affairs in the bank? Why were the members of the Committee on Banking and Currency afraid of the investigation which was proposed? Why are they afraid for the truth to come out? "Know the truth, and the truth shall make you free." I know why that testimony is in the hands of Attorney General Sargent. He has had this testimony read; he knows that it will convict these men for their rascality in the Columbia Land Bank; and he says, "Conceal it; hide it." When MCFADDEN asked for it he sent him word he had not got it, when it is right there in his office, as sworn to by the young lady to whom I have referred. Here it is [exhibiting]. Where did I get it? I wish I had had it when I first introduced the resolution, but I could not get it; it was in the hands of the bank folks, but two of them came up here the other day and brought it to me.

They brought in some other papers. They sat right there in this gallery, two of the officials, and wanted to come before the Senate committee. Have they been invited? No. They are here yet. If the committee wants them, I will telephone the Commodore Hotel and they will come with this record and others. If any Senator wants to talk to them, I will have them come to his office—two of the very men who were in this stealing, willing now to tell the truth. I have always heard it said that when thieves fall out, honest men would get their due.

Now let the Committee on Banking and Currency send for these two witnesses. One of them is sitting up here now. The other one did not come this afternoon, but he is ready to come, ready to tell the truth, even though Mr. Sargent puts him in the penitentiary, even though the district attorney of South Carolina indicts him and puts him in the penitentiary. They are here ready to tell of these transactions, and to swear that the farmers of South Carolina have been robbed of thousands and thousands of dollars by this intermediate credit bank in Columbia and its officers. Yet this committee says "there is nothing to investigate!"

Some people are going to hear from this in a way that they will not like. Do not you believe that the papers in the West are not publishing all this stuff! Right in South Dakota, right where the chairman of this committee comes from, the editor of the only daily newspaper in the State is handling this stuff in his paper. Already, as I put in the RECORD the other day, he sent me a letter in which he congratulates me on my fight, and says, "Go ahead." There is his letter; and, if you do not mind, some Senators when they get home and come up for reelection this fall are going to find this very same intermediate credit bank situation looking them right in the face. If you do not mind, some of the Senators right in this body are going to be asked that question on the stump: "Why did you not help to get an investigation of this Federal land bank business, not in Columbia, S. C., but in the Nation? Why do you conceal it?"

It is bound to come out. It is bound to be known. You may conceal it now; but the day is coming, and it is not far distant, when it will be just like the oil transactions, just exactly. They hid them a long time. Fall and Doheny and Sinclair had a big time. They rode in their big automobiles. They flew mighty high; but there never has been a bird yet that flew so high that he did not have to light, no matter how high he flies; and there has never been a man yet that did not have pay day. He may spend, and he may go, and he may run for a long time; but, do not you forget it, pay day is coming, and this thing is coming out.

All this material that I have been putting in this RECORD has been sent not only to those who receive the CONGRESSIONAL RECORD but hundreds of copies of it have been sent all over this country in order that certain people who are interested in this matter might know just exactly the condition that is going on here to-day, and which is being concealed by a committee of the United States Senate.

In October, 1925, the Federal Intermediate Credit Bank, by its general counsel, R. H. Welsh, prepared a crop-mortgage form in anticipation of having all agricultural-credit corporations use this form and no other. The tentative form was sent around to the different corporations, with the request that any suggestions or criticisms on it be made to the general counsel of the Federal Intermediate Credit Bank and Federal Land Bank, of Columbia. In response to this request, the following correspondence passed between R. C. Horne, jr., president of the South Carolina Agricultural Credit Co., and Mr. R. H. Welsh, general counsel of the Federal Intermediate Credit Bank, of Columbia.

Letter from South Carolina Agricultural Credit Co. to R. H. Welsh, general counsel Federal Intermediate Credit Bank, dated October 5, 1925

Mr. R. H. WELSH,
General Counsel Federal Intermediate Credit Bank,
Columbia, S. C.

DEAR SIR: We have examined the printer's proof of the proposed South Carolina production note and mortgage which you sent us, and

same seems to cover the grounds and give the necessary protection, with one possible exception.

In the line just preceding the description of the land in the body of the mortgage on the first page, the words "All the crops planted by the mortgagor during the year of the date hereof and grown on the following-described lands," etc., seem to give the necessary protection for any staple crop or crops planted after January 1. But some of our loans are made in the lower part of the State on truck farming, and as it is the custom to plant and raise two or three crops on 1 acre of ground down there, we have found it desirable to have our paper cover any crop planted in the fall, which would be "the year of the date hereof," and also cover any succeeding crop planted on the same land after January 1 during the life of the loan. This has been accomplished by leaving a blank after the word "years."

It is possible that this protection is already accorded by the amendment to the crop mortgage law passed by the last session of the legislature. We are merely calling it to your attention for what it is worth.

We feel that having one form for all agricultural credit corporations will be a great convenience both to the credit corporations, the Federal intermediate credit bank, and the clerks of court.

Very truly yours,

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
By R. C. HORNE, Jr., *President.*

Letter from R. H. Welsh, general counsel Federal intermediate credit bank, to R. C. Horne, jr., president South Carolina Agricultural Credit Co., Columbia, S. C., dated October 6, 1925

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C.

Attention of Mr. R. C. Horne, jr., president.

GENTLEMEN: I have your letter of the 5th in the above matter and beg to thank you for it. I note the suggestion in the second paragraph of your letter. The wording of the mortgage to which you refer is based strictly upon the act of 1925, found on page 91 of the acts of 1925, as No. 57. It specifically says:

"The provisions of this act shall not be held to defeat any lien in writing given over a crop or crops of truck or grain, planted or to be planted in one year and maturing in the ensuing year, if such crop or crops of truck or grain shall be specifically described in such instrument of writing with the name of the product or products and the year of planting set forth in such description."

Crops planted after the 1st of January are not covered by a mortgage taken during the preceding year. The amendment that I drew—

Now, that is the bank lawyer—the intermediate credit bank lawyer—

to the crop mortgage law of this State would have permitted the giving of the mortgage in the fall of the year for all crops planted within a year from the date of the mortgage. The "wiseacres" of the general assembly, however, took their own course and what we have as a result is the act of 1925, above referred to. There is no way that I have been able to figure out by which you can take a mortgage in the fall of the year and have it cover all crops planted during the remainder of that year, as well as those planted in the next year; on the contrary, I have been forced irresistibly to the conclusion that crops planted after the 1st of January will have to be specifically covered by their own crop mortgege separate and distinct from those planted before January 1.

Very truly yours,

R. H. WELSH, *General Counsel.*

General counsel of whom? General counsel of the intermediate credit bank at Columbia, S. C.; and this report of the Senator from South Dakota [Mr. NORBECK] says that there is no connection! Here is the attorney appointed by the Department of Justice in Washington as the general counsel for the Federal land bank in Columbia writing to these people and telling them how to handle this money. That is connection enough. Certainly the bank is responsible for the acts of its own attorney.

On November 16, 1925, the following letter was sent out by the Federal intermediate credit bank to the South Carolina Agricultural Credit Corporation, signed by J. D. Bell, manager:

SOUTH CAROLINA AGRICULTURAL CREDIT CORPORATION,
Columbia, S. C.

GENTLEMEN: We have had prepared and printed by our attorney a financial statement and note and mortgage forms which we require to be used by all credit corporations discounting with us, and upon request from you we will forward a supply to you at actual cost.

For your information, we wish to say that it will be useless to use any other forms, as we will accept only those prepared by our attorney.

FEDERAL INTERMEDIATE CREDIT BANK,
By J. D. BELL, *Manager.*

In spite of the flaw of illegality and unenforcibility of these crop-mortgage forms, the Federal intermediate credit bank arbitrarily refused to allow any other form to be used and loaned out over $1,000,000 worth of loans on this form, and issued debentures which were sold to the public and investing banks, when the Supreme Court of South Carolina has held that a crop mortgage given in the fall has no binding force after the 1st of January, sustaining the position taken by the Agricultural Credit Corporation.

Mr. TYSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. TYSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Fletcher	McLean	Sheppard
Bingham	Gerry	McMaster	Shipstead
Black	Glass	McNary	Simmons
Blaine	Hale	Metcalf	Smith
Blease	Harris	Norris	Steiwer
Bratton	Harrison	Overman	Stephens
Brookhart	Hayden	Phipps	Swanson
Bruce	Heflin	Pine	Tydings
Capper	Howell	Ransdell	Tyson
Copeland	Johnson	Reed, Mo.	Vandenberg
Couzens	Kendrick	Reed, Pa.	Walsh, Mass.
Curtis	Keyes	Robinson, Ark.	Walsh, Mont.
Dale	La Follette	Robinson, Ind.	Waterman
Deneen	Locher	Sackett	
Fess	McKellar	Schall	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. NORRIS rose.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Just a moment. The Chair will state to the Senator from Nebraska that the Senator from South Carolina was speaking when the absence of a quorum was suggested.

Mr. BLEASE. Mr. President, after the bank had had this correspondence with these gentlemen, after the bank's own attorney had sent this letter to these men giving his legal opinion in reference to the legality of this form of mortgage, they still continued to loan, and, as this statement which has been furnished me shows, loaned over a million dollars, when the Legislature of South Carolina had already passed an act saying that those forms were no good, that they were null and void after the 1st of January. Yet they loaned this money on that illegal paper, and still the Committee on Banking and Currency of the United States Senate says that does not need looking into, that that should not be investigated.

I am just as satisfied as I am that I am on this floor that the members of the Committee on Banking and Currency of the United States Senate did not inform themselves about conditions in that bank. They certainly could not have had this record before them and read it, and have said that there was no necessity for an investigation. There is the bank's attorney, the attorney of the Federal farm-land bank, writing to these people and saying, "You can do thus and so." He speaks of the members of the Legislature of South Carolina with contempt as "wiseacres," and in the very face of that evidence these people go on and lend out a million dollars unlawfully. Yet the Committee on Banking and Currency of the Senate says that is not a matter to be looked into.

Mr. President, I reckon it is a good thing they did not order an investigation. Otherwise I would not have had anything to take up this time with. Now I read a letter dated November 23, 1925, as follows:

THE FEDERAL INTERMEDIATE CREDIT BANK OF COLUMBIA,
Columbia, S. C., November 23, 1925.

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C.

GENTLEMEN: Kindly forward us at your earliest convenience all original crop and chattel mortgages in connection with loans rediscounted for your account.

Very truly yours,

FEDERAL INTERMEDIATE CREDIT BANK,
By FRANK H. DANIEL, *Assistant Manager.*

That shows the bank was connected with it. I read it again:

Kindly forward us at your earliest convenience all original crop and chattel mortgages in connection with loans rediscounted for your account.

Very truly yours,

FEDERAL INTERMEDIATE CREDIT BANK,
By FRANK H. DANIEL, *Assistant Manager.*

Did this committee send for Frank H. Daniel? No; they sent for Eugene Meyer. Now, I read from a letter on the letterhead of the Federal intermediate credit bank of Columbia, marked "Confidential."

Mr. RANSDELL. Mr. President, will the Senator yield to me to submit a report?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Louisiana.

Mr. BLEASE. With pleasure.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Nebraska?

Mr. NORRIS. No; I do not ask anyone to yield. The Senator from Louisiana has no right to submit a report except by unanimous consent.

Mr. RANSDELL. I ask unanimous consent.

The PRESIDING OFFICER. The Chair sustains the point made by the Senator from Nebraska.

Mr. NORRIS. I am sorry, but I can not properly fight and oppose the filibuster that is now on, and allow any other business to be transacted.

Mr. RANSDELL. I came from a sick bed to submit two reports that have been authorized.

Mr. NORRIS. I have had two dozen similar requests made. The reports can go in when there is a time. This delay does not interfere with them in any way. There is plenty of time to submit the reports.

Mr. RANSDELL. If I could stay here, it would be all right, but I have to go back and to bed.

Mr. NORRIS. The Senator does not have to stay here to do that.

Mr. RANSDELL. Can I offer the reports? I wish merely to present two reports.

Mr. NORRIS. I have had seven or eight Senators who wanted to do the same thing. The Senator realizes that we can not properly oppose and fight a filibuster if we let those things in. If the Senator will give me his reports, I will put them in just as soon as we get through with this conference report.

Mr. RANSDELL. With that understanding, if the Senator will put in these two reports for me——

Mr. NORRIS. I shall be very glad to do it. I can not yield to the Senator unless I yield to other Senators.

Mr. BLEASE. Mr. President, this is marked "Confidential," and reads:

(Confidential)

THE FEDERAL INTERMEDIATE CREDIT BANK OF COLUMBIA,
COLUMBIA, S. C., *March 31, 1926.*

Subject: Security of deposits, Beaufort bank.

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C.

GENTLEMEN: The Federal Intermediate Credit Bank of Columbia has been unable to secure a surety bond covering deposits with the above-named bank, heretofore named by you as one of your depositories. This bank has been compelled to adopt the firm policy of requiring that a deposit not only by itself but also by an agricultural credit corporation must be secured, preferably by a surety bond or Government obligations and farm-loan bonds, but in the event these are not available, then by acceptable collateral, such as bills receivable, which may be approved by this bank.

Since the bank has been unable to secure a surety bond covering this particular depository, it begs to state the matter should be handled as follows:

First. Government obligations or Federal land-bank bonds in the amount named above may be deposited by the bank in question with the Federal Intermediate Credit Bank of Columbia, or, if such are not available, then bills receivable acceptable to the bank for one and one-half that sum. In the event that Government obligations or bills receivable are so deposited, then the inclosed form must be duly executed by the depository bank, after its board of directors have regularly authorized the same by an appropriate resolution spread upon the minutes of the bank.

Second. Should the bank in question be unable or decline to execute the inclosed form and deposit the required security, then you should at once cease to deposit in such bank the funds derived from rediscounts of farmers' obligations by the Federal intermediate credit bank or funds paid to you by the borrowing farmers in payment of such obligations.

Third. You should at once, when a situation arises as discussed in the second paragraph above, select another depository which can either be bonded or is able to and will deposit the required security as discussed in paragraph 1 above; and thereupon all funds on deposit with the bank in question must be forthwith withdrawn and deposited with the bank securing the same either by surety bond or acceptable collateral.

As these regulations are intended not only for the protection of the Federal Intermediate Credit Bank of Columbia but also for that of the agricultural credit corporations and the borrowing farmers as well, it is not only hoped but expected that there will be hearty and effective cooperation in enforcing the same on your part.

Very truly yours,

FEDERAL INTERMEDIATE CREDIT BANK,
By FRANK H. DANIEL, *Assistant Manager.*

Mr. President, there again in that letter, written and sent out marked "confidential," ties the Beaufort bank and the Federal land bank in Columbia just as closely together as two institutions could be tied together. It shows beyond a shadow of a doubt that the Federal land bank, the Federal intermediate credit bank, and the Beaufort bank were working as one, in harmony, side by side. But we find what? We find the United States Government saying, "We can not afford to prosecute these men of the Federal land bank. If we do we will show that the Federal land bank is corrupt. We will show that officials of the Federal land bank are stealing from the farmers of South Carolina. We will show that Gov. Robert A. Cooper, former Governor of South Carolina, who is now a member of the farm loan board, was right and that we were wrong when we forced him to resign because he would not be the political henchman of Andrew W. Mellon, indorsed by Calvin Coolidge. The Republican Party can not afford to indict anybody in our own bank. We will simply remove Robert A. Cooper from this board, the South Carolina member, to help hide this stink and this rascality. Then, when we get Robert A. Cooper removed we will go down to South Carolina, we will go down to Beaufort, we will take up two little fellows down there, and drag them into the courts and make the goats out of those two little fellows, and we will let the big bankmen go."

That has been going on in this country for many years, just like the big liquor drinkers. You do not bother them. It is the little fellow with a half pint that gets into trouble. It is almost an honor to steal from a bank now. If a man goes down and steals a million dollars, he pays a fine of $100,000 and goes free. We believe him to be a big man, then, and he and his wife get to be society leaders—big society folks, now, because they have stolen enough money to get into society. He says, "I have my automobiles for my wife and friends to ride in. I have my liquor for my friends to drink." The newspapers speak of them in the society column as "society leaders." They are not in great disgrace. The only man who is disgraced now is the little fellow who steals only a little something, but the man that has an opportunity to steal enough to pay a few lawyers and a couple of fines is considered a society leader. His wife is a big woman. She can wear silk and diamonds. They are big folks in society. "They done stole something big."

The bootleggers are getting to be pretty big society people nowadays. They sell liquor and fool around until they get money enough to get into society, and then they quit selling liquor and their daughter marries some fellow with a title of some kind and we read in the society column "Ex-bootlegger's daughter marries Mr. So-and-so." That is the way we are running this country, and that is the way Andrew W. Mellon and John G. Sargent are running this bank. "We can not afford to indict anybody in our bank. They are ours."

It reminds me of what a man in politics down in South Carolina said one time. Senator Tillman went to him and said—and by the way, both of them used to be members of this body—"Herbie, I can't stand any longer for this so-and-so." He said, "That man is a rascal." He said something stronger than that but I will just use that term. Herbie said, "Tillman, I know that, but, damn it, he is our rascal." That is the way with Mellon and Sargent. They knew these rascals were in this bank. Both of them knew it and I have the proof here to show it if the Committee on Banking and Currency will let me do it. But, no, "They are our rascals," as Herbie told Tillman, only he said something stronger than that.

"Oh, we will take these two little Beaufort men," and they did take them and indict them and tried to convict them. They tried to get them into the penitentiary. Then what did Eugene Meyer say? He said, "We will do like the United States Senate did. We will follow them up. They can not help themselves. We have a judge here charged with a whole lot of rascality." So they got hold of him and he came up and said, "I am guilty, but I am sorry." The Senate said, "We will pardon you; just resign." So Mr. Meyer said to these fellows, "We will pardon you; just resign." He just let them get out in that way.

Do you believe if those men had been ordinary citizens and had gone into the Treasury and stolen all that money they ever would have been let go when they were found out? No, indeed. But let some poor fellow working in the United States Treasury to-night steal a dollar and they would put him in the peniten-

tiary. They would say, "Oh, yes, we have to put him in the penitentiary because it will be such a lesson to the other people who work there." But because a man robs the people and steals their money, and a lot of it, they must not put him in jail because "They are our thieves and we must not let the public know that we have thieves working for us."

Now let me submit a little more testimony:

THE FEDERAL INTERMEDIATE CREDIT BANK OF COLUMBIA,
Columbia, S. C., April 14, 1926.

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C.

GENTLEMEN: Inclosed herewith statement in connection with depository bond. Please give this statement your usual prompt attention.

We have settled with the bonding company charging your account with the amount as shown by this statement. Under the terms of the depository bond you are called upon to pay one-half of 1 per cent on the amount of the bond in advance. At the expiration of the year, provided it can be shown that your deposit averages an amount less than the amount of the bond, a refund will be arranged with the bonding company. In no event will the refund exceed one-fourth of 1 per cent, the minimum charge being one-fourth of 1 per cent on the amount of the bond issued. The bond only covers funds on deposit in the name of your corporation and any and all funds transmitted by your corporation to this bank, or funds transmitted by us to your corporation not exceeding the face of the bond. Therefore, it is essential that all partial payments due the borrower remain on deposit in the name of your corporation.

The blanket depository bond under which coverage is issued is dated March 1, 1926, and will expire March 1, 1927.

Yours very truly,

FEDERAL INTERMEDIATE CREDIT BANK,
By FRANK H. DANIEL,
Assistant Manager.

Mr. President, there is a list of the officers of the Federal land bank. Howard C. Arnold, president of the Federal intermediate credit bank. I have just read a list of the officers. Here is a letter signed. What more evidence does anyone want to connect these men and the Beaufort bank? They are writing to the Columbia bank saying the money was on deposit there being held for them. Does not that make them the agents? For God's sake, what is an agent? I confined my law practice mostly to criminal business and damage cases, but I have good sense enough to know what a contract is. There is the manager of the bank, writing to these people as their agent that the money is there, calling for a bond. Why would they be writing to those people these letters marked "confidential" if it was not a confidential contract between the two banks? Yet the Banking and Currency Committee of the Senate has said, "We need no investigation." Of course, Andrew W. Mellon was not going to let them say they needed one. He did not want them to be exposed.

Need no investigation? I want to show something to some Senators who were not here a while ago. Mr. MCFADDEN, of the House Banking Committee, said he could not get the testimony. I have it here now on my desk before me. It has been transcribed by the stenographer since the last of February. I now offer it to Congressman STEVENSON, who happens to be sitting here in the Senate Chamber, and I ask him to please give it to Mr. MCFADDEN, of the Banking and Currency Committee of the House, and tell him with the compliments of the junior Senator from South Carolina that I furnish him not only with this evidence, but two living witnesses to prove that they have thieves in the bank in Columbia, S. C. I have put this transcript of testimony in the hands of a good custodian. I know MCFADDEN will get it, because there is one of the best men that ever sat in either end of this Capitol, and I know he is honest and conscientious in the discharge of his duties, and that is why I have asked him to deliver this testimony to MCFADDEN.

Now, let us go to the courthouse. We have come mighty near getting there already.

United States of America, Eastern District of South Carolina, in the district court. United States *v.* W. E. Richardson, R. C. Horne, jr., Beulah B. Harvey, N. P. Bryan, H. B. Macklin, Harry Bowers, commonly known as H. Bowers, and W. R. Eve, jr., defendants

Defendants made timely offer in evidence of the following letters, a letter from the South Carolina Agricultural Credit Co. to Mr. R. H. Welch, as follows:

OCTOBER 5, 1925.

Mr. R. H. WELCH,
General Counsel, Federal Intermediate Credit Bank,
Columbia, S. C.

DEAR SIR: We have examined the printer's proof of the proposed South Carolina production note and mortgage which you sent us, and same seems to cover the grounds and give the necessary protection with one possible exception.

In the line just preceding the description of the land in the body of the mortgage on the first page, the words: "All the crops planted by the mortgagor during the year of the date hereof and grown on the following described lands," etc., seem to give the necessary protection for any staple crop or crops planted after January 1. But some of our loans are made in the lower part of the State on truck farming, and as it is the custom to plant and raise two or three crops on one acre of ground down there, we have found it desirable to have our paper cover any crop planted in the fall, which would be "the year of the date thereof," and also cover any succeeding crop planted on the same land after January 1 during the life of the loan. This has been accomplished by leaving a blank after the word "years."

It is possible that this protection is already accorded by the amendment to the crop mortgage law passed by the last session of the legislature. We are merely calling it to your attention for what it is worth.

We feel that having one form for all agricultural credit corporations will be a great convenience both to the credit corporations, the Federal intermediate credit bank, and the clerks of court.

Very truly yours,

S. C. AGRICULTURAL CREDIT CO.,
By R. C. HORNE, Jr., *President.*

And the answer thereto, as follows:

FEDERAL INTERMEDIATE CREDIT BANK OF COLUMBIA,
Columbia, S. C., October 6, 1925.

Subject: Crop mortgage in South Carolina.

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C.

(Attention of Mr. R. C. Horne, jr., president)

GENTLEMEN: I have your letter of the 5th in the above matter and beg to thank you for it. I note the suggestion in the second paragraph of your letter. The wording of the mortgage to which you refer is based strictly upon the act of 1925 found on page 91 of the acts of 1925 as No. 57. It specifically says:

"The provisions of this act shall not be held to defeat any lien in writing given over a crop or crops of truck or grain, planted or to be planted in one year and maturing in the ensuing year, if such crop or crops of truck or grain shall be specifically described in such instrument of writing with the name of the product or products and the year of planting set forth in such description."

Crops planted after the 1st of January are not covered by a mortgage taken during the preceding year. The amendment that I drew to the crop mortgage law of this State would have permitted the giving of the mortgage in the fall of the year for all crops planted within a year from the date of the mortgage. The "wiseacres" of the general assembly, however, took their own course and what we have as a result is the act of 1925 above referred to. There is no way that I have been able to figure out by which you can take a mortgage in the fall of the year and have it cover all crops planted during the remainder of that year as well as those planted in the next year; on the contrary, I have been forced irresistibly to the conclusion that crops planted after the 1st of January will have to be specifically covered by their own crop mortgage separate and distinct from those planted before January 1.

Yours very truly,

R. H. WELCH, *General Counsel.*

having first proven the transmission by due course of mail and receipt, respectively, of the said letters and the authenticity of the signatures. The court excluded said letters from evidence, to which ruling the defendants then and there excepted. Said exception being duly noted. Defendants assign error upon the exclusion of said evidence upon the ground that said letters were material and relevant and their exclusion contrary to law and harmful to these defendants, because the witnesses for the Government, Arnold and Daniels, having testified that no crop mortgage had ever been accepted by the Federal intermediate credit bank, where there was any question as to its validity, said letters were impeaching in their character, showing that all crop mortgages executed in the late fall of 1925 to cover crops to be planted in 1926 were known by the Federal intermediate credit bank to be invalid under the law.

III

Defendants made timely offer in evidence of the following two letters, to wit:

FEDERAL INTERMEDIATE CREDIT BANK OF COLUMBIA,
Columbia, S. C., December 17, 1925.

Mr. W. E. RICHARDSON,
Chairman Board of Directors South Carolina
Agricultural Credit Co., Beaufort, S. C.

DEAR MR. RICHARDSON: We are now ending up the year 1925, and we are carrying considerable past due paper for corporations which have rediscounted with us. For their information and guidance we wish to advise that no new applications will be considered until all of this

year's notes are paid, except in a few sections where they had exceedingly dry weather and absolutely did not produce enough to pay their loans. In this case the loan must be adequately secured, and in most instances a mortgage over the borrower's real estate is required, even if it is a second lien. We would suggest that these people make application to the local secretary of the Federal land bank and try to get a long-time loan.

We must have a final settlement and be in position to know the financial condition of the corporations before we begin a new year. We do not rediscount over a certain line of credit for corporations, taking into consideration their unimpaired capital and surplus, and with thousands of dollars in past-due paper that has not been attended to it is impossible for us to make an estimate of their losses. We, therefore, positively will not rediscount any further until these papers are satisfactorily arranged.

Very truly yours,

FEDERAL INTERMEDIATE CREDIT BANK,
By J. D. BELL, *Manager*.

There is the connection between the banks again. "In this case the loan must be adequately secured, and in most instances a mortgage over the borrower's real estate is required." Why was this bank in Columbia giving such information if they did not have anything to do with the Beaufort bank in loaning this money?

I have here another letter to Mr. Richardson, which reads:

FEDERAL INTERMEDIATE CREDIT BANK OF COLUMBIA,
Columbia, S. C., March 27, 1925.

Mr. W. E. RICHARDSON,
President Beaufort Bank, Beaufort, S. C.

DEAR MR. RICHARDSON: At the close of business to-day your rediscounts with this bank show around $1,025,000—

Think of that! That is what they had in the bank—

and we feel in justice to your company and ourselves that this being your first year's operation in the various sections of the State, and until your capital is materially increased, that you have about the line of credit that we would be willing to allow you. And we know it would be embarrassing to you to go out in the field and solicit applications for loans and not be able to handle them.

Yours very truly,

FEDERAL INTERMEDIATE CREDIT BANK,
By ——— ———, *Manager*.

Mr. President, I repeat why was that letter of the 27th of March, 1925, sent to Mr. W. E. Richardson, president of the bank at Beaufort, stating then that it owed the bank at Columbia $1,025,000 if the Beaufort bank had no connection with the bank in Columbia? Any lawyer in the world, any jury in the world, would take those two letters, without any other proof, and connect these two banks, having first proved their authenticity and receipt by due course of mail, which said letters the court excluded from the evidence and to which said ruling the defendants then and there excepted and said exceptions were duly noted.

Mr. President, there is another matter that we might as well consider right there. Why was it when Attorney General Sargent went to Columbia that they made such an exhaustive examination of the bank at Beaufort but skimmed over the bank at Columbia; and why was it when the reports came back here they were kept so secret that nobody could see them?

I understand there are times when the United States Government is privileged, and rightly so; of course, there are communications in the department of the Secretary of State that he would be foolish to allow anybody except his most trusted men to see; of course, the same policy applies to the Department of Justice, especially in its secret work; but, Mr. President, can you or any other Senator upon the floor of the Senate tell me why, when an open piece of thievery is charged, and a man who is sent here to the United States Senate to represent his State—and when he is sent here not by any money clique, not by any bought, tied-up convention, but by the vote of the ballot box and by a large majority of the white people of his State and with the expenditure of less than $1,000 in his campaign, certainly he must be the choice of his people—when that man comes here and goes to one of the departments and asks to be allowed to see certain statements and certain records the department says, "No; we can not let you see them"?

There is but one reason for such action, and that is that that department knows that that stealing was going on; that department knows that the records and examinations which they had made showed thievery. They are conniving at it, and are just as guilty as is the man who stole the dollar out of the truck-grower's pocket.

I do not care what job he holds, from President of the United States down, a man who will conceal a thief is no better than the thief. The man who will take a report, be he Attorney General or President or Secretary of the Treasury, or any other man, and read thievery and rascality all through it, and conceal it, and not indict the men who are guilty of it, is no better than the men who did the stealing. That is what the judges charge in the courts, and that is what I state on the floor of the United States Senate. If a man to-night should steal a gold watch and take that gold watch to some other man and that man concealed it, knowing it was stolen, when the two are tried in the courthouse, there is not a judge in America but would charge the jury that the man who received the stolen property and concealed it was just as guilty as was the man who did the stealing. And I charge Andrew W. Mellon, Secretary of the Treasury of the United States, and John G. Sargent, Attorney General of the United States, with being particeps criminis to one of the greatest pieces of rascality that has ever been perpetrated in this country; one that practically drove from office ex-Governor Cooper, of South Carolina, and kept him from telling them and the world what was going on in that matter.

I dare the Senate to order an investigation and summon Cooper and other men whose names I have put in the RECORD, men who have written letters, men who have sent affidavits here, even men who are sitting in this gallery now who helped in the stealing but are ready to go before the committee and tell all about it. Yet the committee sees nothing to investigate. Well, we have had an investigation, thank God. I have filled the CONGRESSIONAL RECORD full of exhibits and, as I said a while ago, there are more people interested in reading it than some Senators think, not only in one State but in a great many other States. I think when they read this record that I have made to-day and what is yet to follow; when they find out that Mr. McFadden said he could not get the record here because it had not been transcribed; when they see that I proved by a young lady, the court stenographer, the official stenographer of a Republican judge, that the testimony has been in the hands of the Department of Justice since the last of February they will understand what is involved in this case. I think any jury that could know of the facts or read the CONGRESSIONAL RECORD would come to the conclusion that somebody has been stealing in South Carolina.

We may talk about the oil business. An effort was made to hide that, was there not? Some people think that they tried to hide it by putting poor President Harding where he could not tell of it. I have even heard that hinted, and I have reason to believe it, because I notice that for five years they maintained a guard over his tomb. I do not know what the reason was, but I am inclined to think it was, because they were afraid that if they would allow the body to be taken up and a proper examination made it would be found that he had been poisoned by some of the very crowd that had been stealing and disgracing his administration. I am not the only one who believes that; there are many others who believe it.

Now, are we doing any better under the other man than we did under Harding? Let us see. If there are many instances like that of the Columbia land bank, there are some people who are not any better than Harry Daugherty, and they are still in office; there are some people who are not any better than Fall, and they are still in office; there are some people who are not any better than Sinclair and Doheny, and they are still parties to the robbing of the Government; and the Senate is shielding them by refusing a proper investigation.

Oh, some one may say that the Department of Justice made an examination. Yes; the department examined itself. That is like sending a man to make an examination about one of his own family.

It may also be said that the Treasury Department made an examination. Yes; they made an examination of their own institution. Eugene Meyer, the head devil of all of them, made that investigation. He is the man to whom the committee listened. It was such witnesses as he that the committee had before it. It did not call a man from the bank of Columbia, not a man from the bank of Beaufort, not a witness whose name I put in the RECORD, not even Governor Cooper, a member of the Farm Loan Board, who offered to come and give his testimony. No; they shut the door in their faces. They took Meyer and his crowd, and then they say, "We do not need any further investigation." Well, I am willing to leave it to the American public who read the CONGRESSIONAL RECORD as to whether the bank down there and all the other farm-loan banks of this country should be or should not be examined into.

Now, Mr. President, let me go a little further into some of the aspects of the trial. I will refer now to the assignments of error. The assignments of error were read over and corrected by Judge Cochran himself, and are now a part of the appeal record. A young man the other day who was talking to me had a letter from the stenographer in which she said

that it was corrected by the judge. I thought I had the letter, but it seems I must have mislaid it.

In not excluding all witnesses from the court room on motion of counsel for the defense—

That, of course, is a small matter.

In excluding from the evidence a letter shown to have been written to R. H. Welch, general counsel of the Federal intermediate credit bank, by the South Carolina Agricultural Credit Co., by R. C. Horne, jr., president, bearing date October 5, 1925, and the answer thereto.

I shall not read all of this, Mr. President, but I shall ask to have the entire 10 pages printed in the RECORD as part of my remarks.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it is so ordered.

(The assignment of errors is printed at the conclusion of Mr. BLEASE's references to it.)

Mr. BLEASE. Mr. President, I am doing this for the purpose of showing that when the case was tried the attorneys in the case endeavored to link these two banks together. They had the evidence, as I have presented it here this afternoon; they had the letters; but the judge stubbornly sat on the bench and ruled them out. He is a Republican, do not forget that; I do not know whether he got any orders from Marse Andy or not, but he must have got them from somebody, in view of the way he ruled in that case.

In refusing to direct a verdict of not guilty in favor of the defendants, upon motion at the conclusion of all the testimony, in that there was no relevant and competent testimony offered in the case that tended to show that any false statements were made in violation of section 211 (b) of the agricultural credits act of 1923.

* * * * * * *

In excluding from the consideration of the jury all evidence tending to show a mutual knowledge on the part of H. C. Arnold, president of the Federal intermediate credit bank, and any defendant or defendants submitting said financial statements that they were untrue * * *.

I am informed that every time some of the attorneys offered a letter, every time they offered any testimony to show the connection of Arnold and the other officers of the bank in this matter, the judge would immediately rule it out, just like Mellon ruled it out, just like Sargent ruled it out. The very minute, I am informed, that a letter was offered to connect Arnold, the president of this bank and the ex-superintendent of the Atlanta Penitentiary—where he ought to be now, and would be if it were not for John G. Sargent and Andrew W. Mellon—every time there was any testimony offered or one of Arnold's letters submitted—his own letters—this judge would say, "No, Mr. Arnold is not in this; Mr. Arnold has got nothing to do with it."

In excluding from the consideration of the jury all evidence tending to show a mutual knowledge on the part of H. C. Arnold, president of the Federal intermediate credit bank, and any defendant or defendants submitting said financial statements, that they were untrue, and that each one of the said parties had full knowledge that the other had knowledge thereof—

Then—

In charging the jury that if H. C. Arnold, president of the Federal intermediate credit bank, actually knew of the falsity of the statements alleged in the indictment to have been the object of the said conspiracy, and to have been made for the purpose of obtaining from the said bank an advance in money, in influencing the action of the bank thereof in making such advance, as alleged, and the defendant or defendants making said statements also knew that the president had this knowledge; that is to say, that each fully knew the truth concerning the matters embraced in the alleged false statements, said mutual knowledge thereof, known by both at the time, would not be a defense to a charge of conspiracy to violate the provisions of section 211 (b) of the agricultural credits act of 1923—

And would not connect Mr. Arnold with it.

Why, the United States Government did not have need for any lawyer at this trial. They had a lawyer on the bench. They had a prosecuting attorney sitting up there in the form of a Republican judge—a smart one, too—who no doubt had been communicated with from Washington before ever this case was started. I believe he was. I do not believe anything else, being a lawyer myself, and reading this kind of stuff that he put in on these people.

All through this paper which I have submitted you find things like this—

In charging the jury that if H. C. Arnold, president of the Federal intermediate credit bank, actually knew of the falsity of the statements alleged in the indictment to have been the object of the said conspiracy, and to have been made for the purpose of obtaining from said bank an advance in money, or influencing the action of the bank thereof—

That could not be referred to. It could not be mentioned. Whenever you said anything about the intermediate credit bank, I am informed, at this trial, every time this bank was referred to, what happened? "I object."

(A Member of the House inquired of Mr. BLEASE, in a whisper, if he might take a certain paper.)

Mr. BLEASE. Yes, sir. I want you to take it over there and give it to Mr. MCFADDEN. Tell him he said he could not get it, but I found a man who could get it, and tell him he could have gotten it if he had asked for it.

"I object." "Objection sustained." Ruled out.

When the trial came up the judge charged the jury that Mr. Arnold had nothing to do with this matter. He charged the jury that the Federal land bank had nothing to do with this matter—not a thing, Mr. President.

All the way through, all the way down the line, the intermediate credit bank and its officers have been protected by the district attorney, by the judge, by the examiners of the Treasury Department, and the Attorney General's department, by Mellon, and by Sargent.

(The assignment of errors heretofore referred to by Mr. BLEASE is as follows:)

United States of America, Eastern District of South Carolina, in the district court. United States *v.* W. E. Richardson, R. C. Horne, jr., Beulah B. Harvey, N. P. Bryan, H. B. Macklin, Harry Bowers, commonly known as H. Bowers, and W. R. Eve, jr., defendants

ASSIGNMENTS OF ERRORS

Now come the defendants, W. E. Richardson, R. C. Horne, jr., and Beulah B. Harvey, in the above-entitled case, who respectfully submit that his honor, the presiding judge, erred in the following particulars in the trial of the cause:

"1. In not excluding all witnesses from the court room on motion of counsel for the defense, in that more than 100 witnesses were present at the trial, a great number of whom testified adversely to the defendants and many of them to the same general effect, each witness having an opportunity to hear the testimony of other witnesses upon the same general subject matter to the prejudice of the defendants.

2. In excluding from the evidence a letter shown to have been written to R. H. Welch, general counsel of the Federal intermediate credit bank, by the South Carolina Agricultural Credit Co., by R. C. Horne, jr., president, bearing date October 5, 1925, and the answer thereto, bearing date October 6, 1925, in that said letters were relevant and competent to contradict Government Witnesses Arnold and Daniels, who testified to the effect that no crop mortgages were ever accepted by the Federal intermediate credit bank when there was any question as to their validity.

3. In excluding from the evidence letters bearing date December 17, 1925, and March 27, 1925, directed to the defendant, W. E. Richardson, chairman board of directors, South Carolina Agricultural Credit Co., in that said letters were relevant and material and tended to show that the Federal intermediate credit bank, regarded W. E. Richardson as being in entire charge of the Beaufort office of the South Carolina Agricultural Credit Co. and in entire control of loans upon truck crops handled by the said company.

4. In refusing to direct a verdict of not guilty in favor of the defendants, upon motion at the conclusion of all the testimony, in that there was no relevant and competent testimony offered in the case that tended to show that any false statements were made in violation of section 211 (b) of the agricultural credits act of 1923.

5. In refusing to direct a verdict of not guilty in behalf of R. C. Horne, jr., upon motion made at the conclusion of all the testimony, upon the additional ground that there was no relevant, competent testimony offered to show that the defendant had any connection with or was in any way involved in any conspiracy to make false statements, knowing them to be false for the purpose of obtaining money from, or influencing the action of the Federal international credit bank in making certain advances in money, and that the evidence submitted did not exclude every other reasonable hypothesis except that of his guilt.

"6. In excluding from the consideration of the jury all evidence tending to show a mutual knowledge on the part of H. C. Arnold, president of the Federal intermediate credit bank, and any defendant, or defendants, sumbitting said financial statements, that they were untrue, and that each one of the said parties had full knowledge that the other had knowledge thereof, except to impeach the credibility of the witness Arnold in other matters, in that such evidence was relevant and competent and tended to negative any intent of purpose to make such statements for the purpose of obtaining an advance in money from said bank, or influencing its action in making an advance in money as alleged.

"7. In excluding from the consideration of the jury all evidence tending to show a mutual knowledge on the part of H. C. Arnold, president of the Federal intermediate credit bank, and any defendant, or defendants, submitting said financial statements, that they were untrue, and that each one of the said parties had full knowledge that the other had knowledge thereof, except to impeach the credibility of the witness Arnold in other matters, in that such evidence was relevant and competent and tended to negative any wrongful or criminal intent on the part of any defendant making said statement.

"8. In excluding from the consideration of the jury all evidence tending to show a mutual knowledge on the part of H. C. Arnold, president of the Federal intermediate credit bank, and any defendant, or defendants, submitting said financial statements, that they were untrue, and that each one of the said parties had full knowledge that the other had knowledge thereof, except to impeach the credibility of the witness Arnold in other matters, in that such testimony was relevant and competent evidence and tended to show that no reliance was put on said financial statements by the Federal intermediate credit Bank, and that there was no intention on the part of the defendants, or any of them, making said statement to obtain an advance thereon, or thereby influence the action of said bank.

"9. In excluding from the consideration of the jury all evidence tending to show a mutual knowledge on the part of H. C. Arnold, president of the Federal intermediate credit bank, and any defendant or defendants, submitting said financial statements, that they were untrue, and that each one of the said parties had full knowledge that the other had knowledge thereof, except to impeach the credibility of the witness Arnold in other matters, in that such testimony was relevant and competent, and tended to show that such financial statements were not reasonably calculated to deceive said bank.

"10. In charging the jury that if H. C. Arnold, president of the Federal intermediate credit bank, actually knew of the falsity of the statements alleged in the indictment to have been the object of the said conspiracy, and to have been made for the purpose of obtaining from the said bank an advance in money, or influencing the action of the bank thereof in making such advance, as alleged, and the defendant or defendants making said statements also knew that the president had this knowledge; that is to say, that each fully knew the truth concerning the matters embraced in the alleged false statements, said mutual knowledge thereof, known by both at the time, would not be a defense to a charge of conspiracy to violate the provisions of section 211 (b) of the agricultural credits act of 1923.

"11. In charging the jury that if H. C. Arnold, president of the Federal intermediate credit bank, actually knew of the falsity of the statements alleged in the indictment to have been made the object of the said conspiracy, and to have been made for the purpose of obtaining from the said bank an advance in money, or influencing the action of the bank thereof in making such advance, as alleged, and the defendant or defendants making said statements also knew that the president had this knowledge; that is to say, that each fully knew the truth concerning the matters embraced in the alleged false statements, said mutual knowledge thereof, known by both at the time, would not be a circumstance to be considered by the jury in determining whether the defendants had any wrongful or criminal intent in making said statements if they were made by any one or more of them.

"12. In charging the jury that if H. C. Arnold, president of the Federal intermediate credit bank, actually knew of the falsity of the statements alleged in the indictment to have been the object of the said conspiracy, and to have been made for the purpose of obtaining from the said bank an advance in money, or influencing the action of the bank thereof in making such advance, as alleged, and the defendant or defendants making said statements also knew that the president had this knowledge, that is to say, that each fully knew the truth concerning the matters embraced in the alleged false statements, said mutual knowledge thereof known by both at the time would not be a circumstance to be considered by the jury in determining whether or not any reliance was put by the said bank on said alleged statements, and whether there was any intention in submitting the same to obtain thereon an advance in money or thereby influence the action of the said bank.

"13. In charging the jury that if H. C. Arnold, president of the Federal intermediate credit bank, actually knew of the falsity of the statements alleged in the indictment to have been the object of the said conspiracy, and to have been made for the purpose of obtaining from the said bank an advance in money, or influencing the action of the bank thereof in making such advance, as alleged, and the defendant or defendants making said statements also knew that the president had this knowledge, that is to say, that each fully knew the truth concerning the matters embraced in the alleged false statements, said mutual knowledge thereof known by both at the time, would not be a circumstance tending to show that such statements were not reasonably calculated to deceive said bank.

"14. In charging the jury that even if the bank was a bank of rediscount and not a bank of discount, yet false financial statements of tenants and individual farmers, used in securing loans direct from said bank were in violation of section 211(b) of the agricultural credits act of 1923.

"15. In charging the jury to the effect that even if H. C. Arnold, president of said bank, had an understanding with any of the defendants to permit the use, as a matter of form, of false financial statements, of whose falsity he and each of them had full knowledge, such mutual understanding would not be available in this case as a defense or as a circumstance bearing on the question of criminal intent or on the materiality of such statements made as such statements might come before others for action in making said loans, in that H. C. Arnold assumed all responsibility for passing on these loans, and the testimony is uncontradicted that other members of said board merely approved his recommendations, and that there is nothing to show that the defendants or any of them had any knowledge that anybody other than H. C. Arnold, president of the bank, had made an agreement with any of the defendants to permit the use, as a matter of form, of false financial statements, of whose falsity he and each of them had full knowledge, such agreement or understanding would not be available in this case as a defense or circumstance bearing on the question of criminal intent, or on the materiality of said statements, as said statements would or might come before others for action in making said loans in that said Federal intermediate credit bank was, and is, a private corporation, and that H. C. Arnold was, and is, the chief executive officer of such bank, and as such, had full authority to bind said bank.

"17. In charging the jury in substance as follows, you have the right to consider the fact that R. C. Horne, jr., was president of the Agricultural Credit Co., in determining whether Richardson would have presented any false financial statement without advising Horne of the falsity thereof, the error being that no inference could properly be made from the mere fact of Horne being president that Richardson would communicate the information to him.

"18. In charging the jury in substance as follows, to wit: The jury has a right to consider the fact that Horne indorsed these checks from the Federal intermediate credit bank in determining whether he had guilty knowledge, the error being that neither presumption nor inference of guilt or knowledge as to the falsity of a financial statement can be drawn from the indorsing of the checks referred to.

"19. In refusing to charge the defendants' seventeenth request to charge as follows:

"'17. The jury should not convict the defendants, or any one of them, under this indictment, even though there may have been an understanding between two or more of them to make statements, known to be untrue, if such statements were also to be made with the understanding that sole reliance was to be placed by the bank upon other securities in making an advance in money to the parties as alleged, in the event that such statements were presented to the bank.'

"The said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case.

"20. In refusing to charge the defendants' eighteenth request to charge as follows:

"'18. The defendants can not be convicted if the officer or officers of the bank making, or authorized to make, advances in money under the law, actually knew the truth of the transaction, and each one of the parties knew, at the time, that each fully knew the truth concerning the matters embraced in the alleged false statement, or statements, even though there may have been an understanding between any two or more of defendants to make such statements.'

"The said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case.

"21. In refusing to charge the defendants' nineteenth request to charge as follows:

"'19. Even though a knowledge by the bank, through its authorized officials, of the falsity of any statement alleged to have been made to it for the purpose of obtaining, or influencing it in the making of, an advance in money to the persons charged, may not be regarded as an affirmative defense to a charge of conspiracy to violate the act in the particulars alleged, yet such knowledge on the part of the bank, through its officers in the course of their employment, is a circumstance, if the fact of such knowledge be also known by the person making the statement, and mutually understood, to be considered by the jury in determining whether the accused was prompted in making such false statement with the intent or purpose to obtain thereby, or to influence the said bank in making, an advance in money.'

"the said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case.

"22. In refusing to charge the defendants' twenty-fifth request to charge as follows:

"'25. Under the act amending what is known as the Federal farm loan act, whereby additional credit facilities were provided for the agricultural and livestock industries of the United States in the establishment and operation of the Federal intermediate credit banks, such banks have only the power to make loans or advances direct to any cooperative association organized under the laws of any State, composed of persons engaged in the production or the production and marketing

of staple agricultural products or livestock, when notes or other obligations representing the loan are secured by warehouse receipts, shipping documents, or mortgages on livestock, and has no legal power to discount or purchase any note, draft, bill of exchange, debenture, or other such obligation, except from a national or State bank or trust company, savings institution, cooperative bank, incorporated livestock loan company, cooperative credit or marketing association of agricultural producers, agricultural credit corporations, or another intermediate credit bank, with its indorsement, and only from these when the proceeds have been advanced or used in the first instance for any agricultural purpose, or for the raising, breeding, fattening, or marketing of livestock. And if advances are made direct to individual farmers upon their notes, crop mortgages, and financial statements, or any other form of security, such advances are illegal, and the bank and its officials are presumed to know the law and charged with a knowledge of such illegality. In such cases the law would not permit the bank or its officials to say that money was obtained from it, or that its action was influenced in making an advance, by such financial statements in violation of the law, and statements of this nature, even though offered or made for the purpose of obtaining an advance in money, or influencing the action of the bank, are not in violation of the statute.'

"the said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case.

"23. In refusing to charge the defendants' twenty-sixth request to charge as follows:

"'26. At the times charged in the indictment the law expressly prohibited the Federal intermediate credit bank from discounting any obligation presented to it by the South Carolina Agricultural Credit Co., where the proceeds from such obligation had not already been advanced or used in the first instance for agricultural purposes, or for the raising, fattening, breeding, or marketing of livestock, and the penalty provision of section 1122 of the United States Code, Annotated, is not intended to protect the said bank from making illegal loans, and the financial statements offered in evidence are not such statements as are contemplated by the statute.'

"the said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case.

"24. In refusing to charge the defendants' thirty-third request to charge as follows:

"'33. Defendants request the court to charge as to each of the overt acts specified in the indictment severally and collectively as to this overt act there has been a material variance between the allegations in the indictment and the proof offered.'

"the said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case.

"25. In refusing to charge the defendants' thirty-fourth request to charge as follows:

"'34. There has been a material variance between the allegations in the indictment and the proof as to each of the overt acts alleged in the indictment except overt acts 24, 26, 29, and 34.'

"the said request containing a sound proposition of law and applicable to the issues and the testimony offered in the case."

For which errors the defendants, W. E. Richardson, R. C. Horne, jr., and Beulah B. Harvey, pray that the judgment of the United States district court rendered and pronounced herein be reversed and a new trial granted.

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Attorneys for W. E. Richardson, R. C. Horne, jr., and Beulah B. Harvey.

FEBRUARY 16, 1928.

Mr. BLEASE. I can take these men to Richland County, where this bank is located; I can let them pick their own jury, if they will not pick men who are working for them, and convict them in the Richland County courthouse. I know I can do it.

Nor is this all. There are other farm-loan banks in this country that are in just as bad shape as the Columbia Bank is in. They know it. The farm-loan bank system has been a failure. I do not care who created it or where it came from. Instead of loaning the farmers money at a lower price, by the time the farmer pays the lawyer who draws the papers, pays some fellow to go out and look over the land and appraise it, and has to take $500 worth of stock in the bank in order to get a loan, which they promise him interest on and never pay him a cent, and make his trips to Columbia to get his money, he would have been a long way better off if he had gone to his local bank and mortgaged his little stuff and gotten money from home.

Talk about this bank being to help the farmers! I told them when they started it—I can show you the speech printed in a newspaper—that it was going to be a farce and a humbug, just another opportunity for somebody working for the Government to steal from the poor devil back home who can not help himself. That is all it has been. That is all the whole system has been, and we know it.

Now, going back for just a few minutes to Muscle Shoals, the Senator from Nebraska [Mr. NORRIS] said, a while ago, that he could not yield to anything on account of a filibuster. He never made a worse mistake in his life. When I start to filibuster it will not be about something that I am as much interested in as I am in the Columbia Bank. I may do a little bit of that kind of business before we adjourn here, if I have to, to help out some of my friends.

I think I have pretty well shown the fact on this floor that I can do it if necessary. I think I can do some of it pretty effectively, too; but I have not made this talk for any purpose of filibustering, I will assure the Senator from Nebraska. I made this talk to show up the rascality that is going on in the Republican Party, certain parts of it, that will not give me an opportunity to expose it, and are still stealing from my farmers, the poor fellows who went to the polls and voted for me, driving the little one-horse wagons, and some of them walking to send me here. I am speaking for them this evening, and I am speaking against the dirtiest gang of thieves that ever infested Washington, Harry Daugherty and his gang not excepted. That is what I spoke for. What I said on Muscle Shoals was merely incidental.

My position on Muscle Shoals is very short. Since I have the floor, and promised to keep it until 15 minutes of 7, I will do it. Charge that up to a filibuster; mark that down "No. 1."

I should like to see Muscle Shoals developed. I have heard about Muscle Shoals. My summer home in the upper part of the State is about 150 miles from it. I have some very close kinspeople who live in the little town of Florence, right near Muscle Shoals. They are very anxious to get the property to work, because they say the town is about broke, and they are just about broke with it. If they are not broke, they are badly bent; and they want to get some enterprises that will help them get some money, and build up their property there, and their business. But, Mr. President, I want it done properly.

I have no objection to their making fertilizer there and handling that fertilizer in the proper way; but I do object to a Federal power board in this city telling the city of Columbia, S. C., and the other great cities of my State and the small towns of my State what they shall pay and what shall be their price for power. I want South Carolina and South Carolinians to say what price corporations in my State shall charge for things. I want a bill that will take charge of this property and make it beneficial to all the people of the United States and not simply to farmers. I want to see it benefit all the people of this country. I want to see it built up, and built up in the proper way; but I shall never vote for any bill that allows a Federal power board to say what the people in South Carolina shall pay for power. I never expect to as long as I live.

I shall not vote for any bill that will give the United States Government the right to further rob the farmers of South Carolina. What would this fertilizer business mean out there? Why, they would make it, but the farmers would not get it any cheaper—not a bit in the world. They would not get fertilizer and cheaper than they are getting it to-day. They would not get power as cheaply as they are getting it to-day.

My State has just begun to become an industrial State. In the last few months we have had cotton mills move from Connecticut and Massachusetts both into the State of South Carolina. We are having mills come down there because they are getting closer to the cotton fields. We have the largest mills to-day in the United States of America. We have more spindles and looms running under one roof in the Olympia Mill in Columbia, S. C., than in nearly any other mill in the world. We have our home—native people working in those cotton mills—not the foreign element; not people from across the water who do not love America. The boys and girls who will get up to-morrow morning and respond to the whistles of the cotton mills in my State are the blood and bone and sinew of South Carolina.

There are working in the cotton mills of my State to-day men who are as good, as honest, as clean, with as fine characters, and men with as good blood flowing through their veins as there are anywhere in the American Nation. We do not have any trouble with our cotton-mill people. We never have any strikes. We do not have any big fights. I doubt very seriously if there have been five men who work in a cotton mill tried for murder in the courts of South Carolina in the last 25 years. They are home folks. They are our folks. They did not come here from Italy, or Greece, or some half-nigger country.

One reason that we do not have any trouble with the nigger in the cotton mill is this, and it is the truth:

Once they said they were going to work the darkey in the cotton mills. I told them it was not any use to try it; they could not do it; but they built a mill in the city of Charleston

and put colored people to working in it, and every dog-gone one of them went to sleep. The hum of the machinery in the cotton mill puts a nigger to sleep. Therefore we have no competition with him. He does not worry us a bit.

That is the reason we never see one of them working as a railroad engineer. He can get up on the engine and as long as you keep the darkey firing the engine he will work, and he is all right; but you put him up there and give him that throttle and tell him to watch the road, and the first thing you know you look up and you will see the engine going down the track with a nigger sitting up asleep at the throttle. He can not help it. God made him that way. So that is the reason we have no trouble with our cotton mills.

We are just beginning to develop this industry. We are just beginning to bring them in. Why should we go to work and break down our power companies, destroy the very power and the very strength that is bringing this taxable property and these people and this money and these pay rolls into my State?

We are not going to do it. I want to regulate those power companies. I see their finger in South Carolina politics now. I see where they are organizing down there a power trust. They are reaching around different parts of my State. In 1930 they are going to have their candidate for governor down there. They have picked him out. They are going to try to get control of the South Carolina Legislature. They are picking out certain people now to do that very thing. But that is South Carolina's business. I do not want the Federal Government going down there and interfering in it. We will take care of it; and in 1930 we will beat their men for the legislature, and we will beat their man for governor just like we beat them in the State convention the other day. We know them; we have got them spotted; and we do not need any Federal assistance to take care of our situation.

I do not propose to vote for it in this bill. I made my campaign for the Senate on State rights. Every speech I made in South Carolina was on the question of State rights, State sovereignty.

I was born that way; I was reared that way. I believe in that principle, and I never expect to vote in the Senate or anywhere else to the contrary. I am opposed to the United States Government going into any business except where it takes the Army of the United States to enforce it.

We could do away with the Postal Service. Several men could form a corporation to conduct that service, but they would steal the mail, we all know. An individual corporation could not get proper protection. Therefore it is absolutely essential that the United States Government do hold control of the mail service. It takes the power of the Government to run it and protect it. Therefore I am in favor of the Government controlling that. But I am absolutely opposed to the Government going into any business in competition with its own citizenship unless, as I have said, it is necessary for the military forces of the United States to carry on that business to success.

With that opinion, and with my views as I hold them in reference to this report, I shall vote against it, and I hope that the Senators here who are interested in Muscle Shoals will let the joint resolution go back, and see if they can not get together on it in order that something may be made of it. But I say, Mr. President, that when it comes to going into a State and taking a county, as the senior Senator from Tennessee [Mr. MCKELLAR] described here a while ago, bodily, if they could do that, when we get our big dam finished, with these gentlemen in New York who are spending millions of dollars to build that dam, buying thousands of dollars' worth of property, I suppose at the next session of the Senate all that would be necessary would be for somebody to come up here and introduce a bill stating that it is essential to get power in certain parts of this country, that the Government must take over this dam, and take over the power plant, take these people's property away from them, and then say, "We need so much of South Carolina territory; take it away from them," and leave us cold-bloodedly and deliberately up in the air.

Mr. President, I stand for individual liberty, I stand for the freedom of the States, I stand for State sovereignty, and I believe that the Senate as a whole recognizes that, and recognizes the fact that any State in this Union has a right to preserve its power, and that nobody can take it away from a State legally or rightfully, although they may wrongfully do so, by force. But there has never been an instance in this world yet where might made right.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926;

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 1931. An act for the relief of Daniel Mangan;

H. R. 2272. An act for the relief of William Morin;

H. R. 2472. An act for the relief of Emile Genireux;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*

H. R. 4652. An act for the relief of Charlie R. Pate;

H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street;

H. R. 9380. An act for the relief of Frank E. Shults;

H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;

H. R. 10702. An act for the relief of Elbert L. Cox;

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near a point 2 miles south of the town of Tornillo, Tex.;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12063. An act for the relief of the widow of Surgeon Mervin W. Glover, United States Public Health Service, deceased;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La.;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12894. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13143. An act to adjust the compensation of certain employees in the customs service;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.;

H. J. Res. 47. Joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased United States Marine Corps;

H. J. Res. 77. Joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio; and

H. J. Res. 292. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928.

MUSCLE SHOALS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I move to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR] to recommit the conference report with instructions.

Mr. BLEASE. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	McMaster	Shipstead
Barkley	Deneen	McNary	Simmons
Bayard	Fletcher	Metcalf	Smith
Bingham	George	Moses	Steck
Black	Hale	Norris	Steiwer
Blaine	Harrison	Oddie	Swanson
Blease	Hayden	Phipps	Thomas
Bratton	Heflin	Pine	Tyson
Brookhart	Howell	Pittman	Vandenberg
Broussard	Johnson	Reed, Pa.	Wagner
Bruce	Kendrick	Robinson, Ark.	Walsh, Mont.
Capper	Keyes	Robinson, Ind.	Waterman
Copeland	La Follette	Sackett	Wheeler
Couzens	Locher	Schall	
Curtis	McKellar	Sheppard	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, there is a quorum present. The question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR] to recommit.

Mr. McKELLAR. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Texas [Mr. MAYFIELD], and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from West Virginia [Mr. NEELY], and vote "nay."

The roll call was concluded.

Mr. NORRIS. I desire to announce the necessary absence of the Senator from North Dakota [Mr. NYE]. If present he would vote "yea." He is paired on this question with the Senator from Massachusetts [Mr. GILLETT].

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Louisiana [Mr. RANSDELL] with the Senator from Maine [Mr. GOULD];

The Senator from North Dakota [Mr. FRAZIER] with the junior Senator from New Jersey [Mr. EDWARDS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS].

Mr. GEORGE. On this motion the Senator from Georgia [Mr. HARRIS] is paired with the Senator from Rhode Island [Mr. GERRY]. If present, the Senator from Georgia would vote "yea."

The result was announced—yeas 38, nays 16, as follows:

YEAS—38

Barkley	Deneen	Metcalf	Simmons
Bingham	Hale	Norris	Smith
Black	Heflin	Oddie	Steck
Blaine	Howell	Phipps	Steiwer
Brookhart	Johnson	Reed, Pa.	Wagner
Capper	Kendrick	Robinson, Ark.	Walsh, Mont.
Copeland	La Follette	Robinson, Ind.	Waterman
Couzens	Locher	Schall	Wheeler
Curtis	McMaster	Sheppard	
Cutting	McNary	Shipstead	

NAYS—16

Ashurst	Bruce	Keyes	Sackett
Bayard	Fletcher	McKellar	Thomas
Bratton	George	Moses	Tyson
Broussard	Hayden	Pine	Vandenberg

NOT VOTING—40

Blease	Gerry	Jones	Reed, Mo.
Borah	Gillett	King	Shortridge
Caraway	Glass	McLean	Smoot
Dale	Goff	Mayfield	Stephens
Dill	Gooding	Neely	Swanson
du Pont	Gould	Norbeck	Trammell
Edge	Greene	Nye	Tydings
Edwards	Harris	Overman	Walsh, Mass.
Fess	Harrison	Pittman	Warren
Frazier	Hawes	Ransdell	Watson

So Mr. McKELLAR'S motion to recommit was laid on the table.

Mr. TYSON. Mr. President, we have been for a long time trying to settle the question of Muscle Shoals and the conferees of the House and Senate have at last turned in a report that is unanimous.

I voted for the Senate joint resolution 46 when it passed the Senate, and though it was not entirely satisfactory to everyone it was the best bill that could be had, and after so long a time it seemed that this great property of the United States should no longer be permitted to lie idle, and feeling that this was the very best that could be done under the circumstances I voted for what is known as the Norris Resolution.

The bill which we sent to the House was a fairly good bill and one that was reasonably fair to the power interests of the country, to the fertilizer interests, and to the farmers and to the people generally, but the House was not satisfied with the Senate bill and substituted a very different bill, and now the conference report that has been brought back to the Senate and which is before us now is practically a new bill and so scrambled that no one knows exactly what it does and does not provide for, and is certainly not satisfactory to many who voted for the Norris bill as it passed the Senate.

Laying aside any criticism I may or may not have of any other features of the bill reported by the conferees, the objection I shall address myself to is the provision it makes for coming into my State of Tennessee and taking possession of the most important and valuable power site in Tennessee without any consent or negotiation with the State.

For a long time the development of the water power resources of the State of Tennessee, on the Tennessee River and its tributaries, has been held up because of the failure of the

United States Congress to pass a bill providing for the operation and disposition of Muscle Shoals.

The distinguished Senator from Nebraska [Mr. NORRIS], who has worked so hard to present a bill to this Senate which could be passed, for a long time had the idea of building the Cove Creek Dam on the Clinch River, a tributary of the Tennessee River in the State of Tennessee, and linking it up with the Muscle Shoals proposition. This dam site is on Cove Creek in Tennessee, in another State and situated some 450 miles by river from Muscle Shoals.

The failure of the Federal Power Commission to grant permits to build the Cove Creek Dam and other dams in Tennessee to private parties has held up development of the Tennessee River in the State of Tennessee for the last two or three years, as not a single permit was given on the Tennessee River below Cove Creek by the Federal Water Power Commission during that time, due to the fact that certain elements in Congress were attempting to connect up the Cove Creek Dam and two or three prospective dams in Tennessee with Muscle Shoals, and for that purpose the Federal Water Power Commission had an arrangement with certain Members of Congress by which it would grant no permits on the Tennessee until Muscle Shoals was disposed of.

Mr. President, I feel that the Federal Power Commission had no right under the law to delay granting permits in my State, as it has done for the last two years. When Senate Joint Resolution No. 46 was passed at this session of Congress and sent to the House it carried no provision for connecting Cove Creek Dam with Muscle Shoals. Those of us from Tennessee thought we had at last succeeded in divorcing the Cove Creek Dam proposition from Muscle Shoals. Therefore it was with great regret that I found that the House had passed a substitute for the Senate Joint Resolution No. 46 carrying the linking up of Cove Creek with Muscle Shoals, without the consent of the State of Tennessee; and it is with still greater regret that I find the conferees on the part of the Senate have accepted the substitute of the House in the conference report for making Cove Creek a part of the Muscle Shoals project as reported, without any provision for compensation to Tennessee.

While the bill carries authority for an appropriation of $2,000,000 to begin operations on Cove Creek Dam, there is no assurance that the dam will be built nor that it will not be held up, as it has been for the last several years.

Mr. President, as one of the Tennessee delegation I feel that the way in which this matter has been handled is a great injustice to Tennessee. All but one of the Tennessee delegation in the House stood firmly against the incorporation of the Cove Creek Dam in this Muscle Shoals bill and offered amendments to preserve the rights of Tennessee, but four of the delegation finally voted for the bill.

I want to read here an amendment offered by one of the Tennessee delegation in the House which, if it had been incorporated in the bill, in my judgment, would have preserved the rights to Tennessee and would have enabled me to vote for the conference report. The amendment was offered by Mr. GARRETT of Tennessee, and reads as follows:

> Page 8, line 20, after the figures "1928," insert: "And the corporation herein created shall be subject to all the laws of the States in which it operates in the same manner and to the same extent as would a private corporation engaged in such enterprises, and when the Cove Creek Dam and power plant hereinafter provided for shall have been constructed by the United States Government the laws of the State of Tennessee and the regulations of the constituted authorities of Tennessee shall apply in full force and effect to the sale, lease, distribution, or other disposition of the power produced and the water released for power developing purposes at all downstream plants or projects, to the imposition of taxes and tolls on all the properties, and to the regulation and control of all rates and charges: *Provided*, That the provisions of this section shall not apply to navigation locks nor the operations concerned therewith."

This amendment was voted down by the House.

I am heartily in sympathy with the stand which the Tennessee delegation took in the House and their efforts to keep Cove Creek from being incorporated into this bill, except under proper and fair conditions to Tennessee.

Mr. President, of course we in Tennessee are anxious to have our water powers developed. We are anxious to develop our State. We are very glad of any help that the Government may properly give us. We appreciate the fact that the Government of the United States has spent money in surveying the Tennessee River and its tributaries in Tennessee, and we are willing to cooperate in any fair and just measure and we will be very glad for the Government to build this dam under fair and proper conditions to our State, but I feel that the way in which this Cove Creek Dam has been taken, under the terms of this bill, without any consultation whatever with the authorities of Tennessee, without proper hearings by the committees of the Senate and House, or opportunity for us to present our views in regard to Cove Creek Dam, is but little less than spoliation.

This bill provides for the erection of a dam at Cove Creek, which will produce a great deal of power at an expenditure of a large sum of money.

Mr. President, the Government of the United States comes into the State of Tennessee, in a time of profound peace, without any consultation whatever with its constituted authorities, and proposes to erect, under the terms of this bill, this great dam without giving any compensation whatever to the State of Tennessee; and proposes to regulate the rates which are to be charged for the power which is to be generated at the Cove Creek Dam without regard to the laws or authorities of the State of Tennessee.

It must be admitted that every State is entitled to its own natural resources and to any advantage which may accrue to that State by the utilization of such resources. Unless there was some great emergency for war purposes the State of Tennessee should have the prior right to build this dam. She has not been consulted as to whether she desires to build this dam, and I deny that there is any emergency that would warrant the United States in taking possession of this dam site without consulting the State of Tennessee.

The State of Tennessee has considered this Cove Creek Dam a great natural resource; a resource from which it might obtain a large revenue during all the years to come.

A water-power proposition, as you know, is very different from any other proposition that we know of. It is a perpetual resource, and a developed water power is one of the surest means of revenue of anything to be found. It is something which will go on if properly cared for forever, and notwithstanding all this the United States Government is proposing to come into the State of Tennessee and take charge of this vast natural resource and use it perpetually entirely for the benefit of the United States Government without one penny of contribution to the State.

Mr. President, the taking of the Cove Creek Dam in this way may be legal under the present strained interpretation of the laws, but we of Tennessee do not believe it to be true; we believe that the people of Tennessee have some rights in the streams which pass through its borders, and we do not believe that the United States Government should come in and take the resources of the State in this way without our consent.

There has been no request on the part of the people of Tennessee for the United States to build this dam, and the United States Government is not building this dam especially in the interest of or for the benefit of or by the request of the people of that State. Under the power given to it under the Constitution to control navigation on the navigable waters of the United States, the Congress is proposing to build this dam ostensibly in the interest of navigation and flood control.

As a matter of fact, Mr. President, everyone knows, and no one will deny, that this is not a navigation project; it is not a flood-control project; it is purely a project for the purpose of increasing the power at Dam No. 2 at Muscle Shoals, at a plant owned by the United States Government, and it is to be constructed solely for the purpose of benefiting the United States Government in enabling it to produce more power for sale, and to produce more fertilizer and nitrates for sale, at Muscle Shoals. Incidentally there will be increased or better navigation between Cove Creek and what is known as Dam No. 3, just above Dam No. 2, at Muscle Shoals, in the State of Alabama.

If this was a bona fide navigation project authority should have been given and an appropriation made to erect a dam at Dam No. 3 in the State of Alabama and also at Riverside in the State of Alabama, for the reason that unless these two dams are built navigation on the Tennessee River will be of no great advantage to anyone, because there is no practicable advantage in having navigation bettered between Cove Creek and Dam No. 3, as but little if any more freight or trade will be carried along this part of the river than is carried now, because Dam No. 3 and a dam at Riverside are necessary before the Tennessee can be made navigable to the Ohio River.

It is true there will be some advantage in the matter of flood control below Cove Creek Dam if this dam is built.

Furthermore, in the matter of navigation, Mr. President, this dam will absolutely prohibit any navigation of the Clinch River from points below the dam to those above the dam, as, of course, there can be no lock built which could accommodate the passage of boats because the lock would have to be 225 feet high, and I assume everybody will admit this would be impracticable.

It will be admitted by all that the beds of the navigable rivers belong to the States, and are held in trust for the people of the States. The water which is in the river within a State for the time being belongs to the people of a State. The water which comes down upon all the land and watersheds contiguous to the Tennessee River in Tennessee is supplied from the land owned by all the people contiguous to the river, and this water is as much the property of the people who live upon its banks.

We have observed the great fight which has been made here for the waters of the Colorado River. We have seen seven States contiguous to the Colorado River trying to get together to determine to distribute equitably the waters of the Colorado River, and they have undertaken to form a compact for the purpose of determining an equitable distribution of the waters of that river and its tributaries, thereby indicating their belief in their rights to the waters of that river, and the Congress of the United States has now before it a bill to try to help those States to determine the equitable way in which the waters of that river shall be distributed among those States, thus recognizing the sovereign rights of those States in the matter in controversy.

But the United States comes along and takes the waters of the Tennessee River in the State of Tennessee at Cove Creek without consultation with the authorities of the State and proposes to convert the waters of Tennessee to its own use without any compensation to the State.

The laws of the United States give the United States the right of eminent domain to condemn property at its value and to pay for the same, and yet it comes and proposes to take the bed of the Tennessee River in the State of Tennessee and the waters of that river for its own benefit without paying the State a cent.

Mr. President, I ask what is the just and right thing to do in this matter? Is it right and fair and just for the United States to take this position with reference to Cove Creek?

The question of the rights of a State seem to be in such confusion that no one knows exactly what are the rights of a State or what are the rights of the United States.

I submit, Mr. President, before this matter was undertaken to be settled a proper law should have been enacted by the Congress of the United States determining so far as practicable what were the rights of the States and of the United States in the navigable waters of the United States.

The Federal water power act sets out the method by which private parties may secure a permit to build a dam across a navigable stream. The constitutionality of that act has been questioned by some of the most able lawyers in my State. That act provides that no permit shall be given to any private party or parties until they have complied with all the laws of the State in which they are applying for a permit, and yet the United States comes along and proposes to take these same rights without saying a word to the people of the State of Tennessee.

When the Associated Power Co.'s proposition was before the Senate some two years ago, as I remember it, in their bid they offered to pay the United States some $72,000,000 more for Muscle Shoals if they were permitted to build a dam at Cove Creek. This amount was to be extended over a period of 40 years, thereby indicating the great value which they estimated the dam at Cove Creek would be to Muscle Shoals.

In other words, something more than $1,750,000 per year would be given because of this dam at Cove Creek, all of which would accrue to the United States; and yet the United States Government under this bill proposes to come into the State of Tennessee and build a dam and get the entire benefit of this vast property for all time without giving to the State of Tennessee a single dollar.

The people of Tennessee own the land upon which falls the water, and it is to be stored up for the benefit of the United States Government. This dam will be tax exempt and the State of Tennessee will forever be deprived of a single dollar from this great natural resource which their people thought they owned.

Furthermore, Mr. President, this bill proposes to condemn for reservoir purposes something like 54,000 or 55,000 acres of land in Tennessee, which, when it gets into the hands of the United States Government, will be released from taxation from the State of Tennessee. This large area of 54,000 acres of land is nearly 90 square miles and the taking of this land and exempting it from taxation and precluding it from production will be another loss to the State of Tennessee.

Now, Mr. President, if this dam could not have been built by anyone else but the Government and had we asked the Government to build it, that would have been another thing, but, as a matter of fact, repeated efforts have been made on the part of corporations to get a permit to build a dam at Cove Creek, where large amounts of money would have been expended and where the dam, if it was built by private parties, would have been subject to taxation by the State of Tennessee and where the State would have had actual taxation control of the property and of the distribution of the power generated there and where the State would have had the regulation of the rates which were charged for this power.

Under the present plan of this bill all the taxes which the State of Tennessee would have received if private parties had built the dam will be lost, and the control and disposition of the power will be lost, and the United States Government may send it where it pleases, to Muscle Shoals or elsewhere, and the United States claims the right to distribute this power in the State at any rates which the Government may deem best, thereby creating a dual system of rates in the State which may result in great confusion by having two sets of authorities making rates in our State.

Such a law will actually override the sovereignty and independence of our State.

Mr. President, of course, Tennessee can not assert any rights which the Constitution does not give her and no law which we can pass can take away from her any right which the Constitution gives her if she asserts that right in a proper manner before the Supreme Court of the United States, and while I have no authority to speak for any of the authorities of my State, I wish to say that in my judgment this bill will lead to litigation.

Notwithstanding the large amount of money to be expended in the State, I do not believe that the people of the State will submit to this proposition without having their rights determined before the Supreme Court of the United States.

The Legislature of the State of Tennessee has not been in session for something over a year, but it will be in session again next winter; and at that time, if this bill shall have been passed and signed by the President, I have no doubt that the Legislature of Tennessee will take such action as may be necessary to preserve whatever rights the people of our State have under the Constitution of the United States.

The matter involved here is one of tremendous importance, and is not only one in which the State of Tennessee is interested but in which every other State of the Union is interested; for if the United States can come in and take possession of the Cove Creek Dam without any negotiations or any consent or any arrangement with the State of Tennessee, it can take every dam site on every navigable river in any other State of the Union without compensation.

The extraordinary injustice of this thing, it seems to me, is shown by the fact that the United States Government, in the great forest reserves which have never belonged to the States but to the Federal Government, when they have been set aside as such forest reserve, has as a matter of equity granted 25 per cent of the license and other fees and sale of timber to the States in which the reserves have been established.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. TYSON. I will yield if I do not lose the floor.

Mr. COPELAND. I simply want to ask this question of the Senator: Does he believe that this dam will ever be built?

Mr. TYSON. I believe, Mr. President, that it will be built by the United States Government ultimately, if this bill should pass and the President should not veto it; but I believe that the President will veto it. I also believe that if the United States Government does not build it, it will be built by some one else. There have been parties trying to get an opportunity to get a permit to build this dam for three years. I do not know what the situation is now, but I assume that it is the same now as it has been in the past.

Mr. COPELAND. Mr. President, certainly the Senator has observed the endeavor of the Senator from California [Mr. JOHNSON] to secure the passage of a bill for the building of a dam at Boulder Canyon. The Senator will not live long enough, there will not be a man left alive who is now in this Chamber, to see this dam built. This is simply an authorization; and it must come back to Congress to determine whether the money shall be actually voted.

I think myself that the Senator is unduly exercised. I would share his apprehension if the dam were actually to be constructed if this bill passes; but I do not believe that the dam will ever be built.

Mr. TYSON. Mr. President, I should like to see the dam built, and I am willing to see the United States Government build it, provided it recognizes what I consider the rights and equities of the State of Tennessee. I have no objection, if that is done, to the United States Government building this dam. I

do not care who builds it. The only thing I want is to see that the equities and rights of the State of Tennessee are cared for and recognized.

Mr. COPELAND. Mr. President, if the Senator will yield further, as long as the Senator's State is so well and ably represented as it is at present the Senator need have no anxiety, because before the dam can be built the actual voting of money will come before Congress, and the conditions then can be set up, so that the rights of the State of Tennessee can be preserved.

Mr. TYSON. I am not quite so optimistic about that as is the Senator. I want to see the dam built, and I think ultimately it will be built. It is too valuable a property to remain idle, as it has been. It is a great property, one of the greatest resources of the State of Tennessee, one that the State of Tennessee has been expecting to get revenue from; and I am not willing to see anything done that does not preserve our rights and our opportunities to get a fair and just amount of revenue out of this great natural resource.

Furthermore, the United States Government permits the paying to the States of 37½ per cent of the royalties from oil from the public domain of the United States for oil from lands lying within the borders of States, as a matter of equity and fair dealing, in lieu of the taxes which the State would get if the lands were sold.

I ask, Should the United States Government, simply in the interest of increasing the power at Muscle Shoals—for a claim that it is in the interest of navigation can not be considered as bona fide—treat the State of Tennessee with less consideration than has been given to States in the Union in which there are public lands?

I am opposed to the conference report for the reasons I have set out; and, while I shall be glad for the United States to build a dam at Cove Creek under proper conditions, I do not want a dam built at Cove Creek by the United States Government unless it will recognize the just rights and laws of the State of Tennessee, and will give her an interest in this dam commensurate with what is fair and just to the sovereign State of Tennessee under all the circumstances.

In order that my position in the future may be clear, and that no rights of the State of Tennessee may be jeopardized by any action which shall be taken here, I want to say that I am against this conference report, as I believe there may be litigation in this matter, and that the State of Tennessee will attempt to ascertain and assert whatever rights the Constitution gives her; and I am unwilling, Mr. President, to place myself in a position which will in any way indicate that I admit that this bill properly recognizes the sovereign rights of the State of Tennessee.

If Congress will recognize the rights and laws of Tennessee, as provided in the amendment submitted by Mr. GARRETT, of Tennessee, a copy of which I have already had read, I will vote for this conference report.

I understand that my colleague, Senator MCKELLAR, submitted this proposition to the conference committee, but that it took no action upon his request.

Mr. President, in order to show that this dam site is not necessary except as a matter of increasing the power at Muscle Shoals, and that this is not a bona fide navigation or flood-control project, I desire now to read into the RECORD an extract from the hearing on the Muscle Shoals bill which was had in the House on Tuesday, March 1, 1927, which is very applicable to what is being done now.

This is the statement of Hon. Hubert Work, Secretary of the Interior. It shows how the State of Tennessee has been deprived of the opportunity of having its natural water-power resources developed by virtue of the fact that bills have been repeatedly introduced into Congress, and the water-power resources of Tennessee have been delayed by virtue of the fact that they were waiting to see whether these bills could be passed here before we were allowed to have a permit to develop any water power on the Tennessee River from the Cove Creek Dam all the way to the Alabama line.

Mr. JAMES, of the House, asked Mr. Work this question:

Mr. Secretary, we still have Muscle Shoals with us, as we did when you were before the joint committee. We had several private bids at that time, and we have several private bids at this time. But our committee of seven men are unanimous in the opinion that we can not accept any one of those bids at the present time. Our committee is also unanimous in the opinion that we ought not to consider any bid that does not contain a forfeiture clause in regard to the manufacture of fertilizer, to the effect that if the bidder ceases to manufacture fertilizer we will get back our property.

We may have to come to Government operation, or we may have better bids the next time, as far as the forfeiture clause is concerned.

In the meantime, we are very much interested in the matter of Cove Creek Dam, now pending before the Federal Power Commission. According to Mr. Leighton, the vice president of the East Tennessee Development Co., Dams Nos. 2 and 3, if completed, will give about 109,000 primary horsepower, and with the Cove Creek Dam completed, it will make 134,000 horsepower more.

It is figured that it will cost about $76,000,000 for Dams 2 and 3, and only $20,000,000 for the Cove Creek Dam.

In other words, by spending about one-fourth the amount of money we will get far more horsepower than by spending the other amount.

Our committee is unanimous in the opinion that we would like to have no permit granted for the Cove Creek Dam until we have a chance next fall to try to get a private bid that is acceptable, or, if not, to go to Government operation. So we thought it would be a good thing to have the different members of the Federal Power Commission tell us what their views are.

We thought that there was not any doubt about Cove Creek Dam not being taken up until such time as Congress disposes of Muscle Shoals. But when the secretary of the Federal Power Commission, Mr. Merrill, was here he said there was nothing in the proceedings of the commission to show that they had ever taken up the matter of that action before the commission. I think you will remember that I brought the matter up at a meeting of the joint committee, and Secretary Jardine said "until disposed of." I was wondering whether you had had any meeting of the commission lately.

Secretary WORK. We probably would not write anything in the proceedings of our meeting that would appear to stand in conflict with the law. We are organized under the law of Congress, and we are supposed to proceed on that basis.

Mark you, he says, "we are supposed to proceed" on the basis of the law.

Assuming that we did want to delay it, we would not write that in the proceedings.

Mr. JAMES. You will remember when you were there what the Secretary of War said, and he was interrupted by Secretary Jardine, who said, "until the matter was finally disposed of."

Secretary WORK. Speaking unofficially, you do not want the dam constructed until Muscle Shoals is disposed of, on the theory that the power market will be supplied and the value of Muscle Shoals will be lost?

I want to call your attention to the fact that these gentlemen are simply and purely putting up Cove Creek Dam as a power proposition for Muscle Shoals, and fearing that the value of Muscle Shoal will be lost without Cove Creek Dam. I want to give you that, so that you may get an idea of the enormous value of the Cove Creek Dam.

Mr. JAMES. No; it is not that. If we are going to have a private bidder down there for Muscle Shoals—for instance, the bid of the Cyanamid Co. was contingent upon getting the Cove Creek Dam. If we do not have the Cove Creek Dam we would only get 1,000,000 tons of 2-8-2 fertilizer, whereas if we get the Cove Creek Dam we would get 2,000,000 tons, or a difference of 1,000,000 tons of fertilizer, if we do have the Cove Creek Dam.

Mark you, Mr. President, this is purely for fertilizer and power. Nothing whatever is said about navigation or flood control.

In case we have to go into business ourselves and operate plant No. 2, if we can have the Cove Creek Dam we will have 134,000 more horsepower for $20,000,000, whereas we only get 109,000 horsepower for $76,000,000. In other words, if it is a revenue getter it will give us more power down there at about one-fifth the cost.

Think of it! Undertaking to go up into Tennessee and get a dam site worth all that vast amount of money, and not saying a thing to the State of Tennessee, and then not being willing to give a single dollar to the State of Tennessee for this vast resource which they are proposing to take, not for such public purposes as are necessary. This is not a national-defense matter at all. It is purely a power proposition, to sell more power and more fertilizer, to make more money for the United States Government at the expense of the State of Tennessee.

Secretary WORK. Then the theory is that this dam has a definite value in relation to Muscle Shoals?

Mr. JAMES. Absolutely.

Secretary WORK. And if the Government is going to keep Muscle Shoals, they want to keep that subsidiary dam so as to enhance the value of Muscle Shoals?

That is the idea. Think of it, Mr. President, taking the resources of Tennessee to enhance the value of Muscle Shoals. This is the Military Affairs Committee of the House questioning the Secretary of the Interior, and these are the questions by the chairman of the committee and the answers of the Secretary:

Mr. JAMES. Yes; and for two reasons. If we have to operate it ourselves, we will get 134,000 additional horsepower for $20,000,000. Every witness who has testified before us has said that in case somebody else besides the Government built the Cove Creek Dam, and we have Muscle Shoals, the power can be regulated up there so as to interfere with our property at Muscle Shoals. In other words, they could practically destroy the value down there.

Secretary WORK. They would compete with you in the market?

Mr. JAMES. Not only that, but they could so regulate the water up here so that we could not get the full power down there [indicating].

Mr. MCSWAIN. Does the Secretary understand that Cove Creek is not primarily a local power project? It is a storage project, and the manner of regulating the discharge of water at the storage dam determines the continuity of the power below.

Secretary WORK. I can see where it will be an advantage to the Muscle Shoals Dam, of course. But we own the Muscle Shoals Dam now, and if we go ahead and complete the Cove Creek Dam, or allow it to be completed, that will detract from the value of our property.

Mr. JAMES. If we allow somebody else to do it, it will detract from the value of our property, and in addition to that, if we have to manufacture fertilizer down there ourselves, we can get 134,000 horsepower for an expenditure of $20,000,000, whereas now it is going to cost $76,000,000 for only 109,000 horsepower.

In other words, Mr. President, there was a difference of $56,000,000 between what it would cost to get 109,000 horsepower and what it would cost to get 134,000 horsepower.

We are afraid we can not get a private bidder if the Cove Creek Dam is built by anybody except the Government. The American Cyanamid Co. will only give us 1,000,000 tons of fertilizer instead of 2,000,000 tons if anybody else builds that dam.

On the other hand, if we have to build it we will be turning over the most valuable part to somebody else, but we would not get any revenue.

Indicating that they are in this business to build Cove Creek Dam for revenue; that is the idea—revenue for the United States Government, not for any great national purpose, not for navigation, not for flood control, but for revenue.

The Secretary of Agriculture has a proposition by which all of the revenue from power would go to him for the manufacture of fertilizer, and if we do that, we will have that much more money to turn over to him for experimentation. There are other dams up there, but the key dam is the Cove Creek Dam, which is a storage reservoir.

In addition to that, the committee, being unanimous on that proposition, we are going to ask the Secretary of War, in order not to delay the borings, to spend a part of the money he has for the borings, and if at any time it is turned over to a private bidder, he will get his money back. So it will not delay those people in getting action on the Cove Creek Dam, because the boring has to be done, either by the Government or private individual. But we would rather have it done by the Government, so as not to lose any time.

Secretary WORK. So the two men most interested are the Secretary of War and the Secretary of Agriculture, for the two reasons you give?

Mr. JAMES. Yes.

Secretary WORK. You just want us to mark time?

Mr. JAMES. We would like to have you do that for the reason that we figure we can not dispose of the property to advantage to a private bidder, and we would be at a great disadvantage if we operate it ourselves and somebody else has the key dam.

Secretary WORK. Those people who want to build the dam urge us to build it on the theory that anything we can do will enhance the value of the Muscle Shoals Dam. That is their argument, and the only one they have.

Mr. JAMES. We do not agree on that.

Secretary WORK. It would if one person owned both.

Mr. JAMES. Yes; if one person owned both, it would. But to turn it over to power companies there, and to turn over Muscle Shoals to a private bidder, would not work out.

Secretary WORK. I see the point.

Mr. WRIGHT. In other words, Mr. Secretary, our investigations demonstrated the fact that the construction of the dam at what is known as Cove Creek, on the Clinch River, which is the key dam, would mean that considerable water power would be generated by the construction of the dam, but its principal feature and its chief value would be that it would serve as a reservoir, by which the water between this dam, which is about 400 miles from Dam No. 2 at Muscle Shoals, would regulate the flow of the water all the way down. If that dam should fall into the hands of adverse interests, who would not allow the water to flow as it should, it might materially cripple the Muscle Shoals property, already owned by the Government.

Secretary WORK. I understand that the Tennessee people think it is none of the Federal Power Commission's business.

Mr. WRIGHT. We are proposing a plan by which we really expedite the development at Cove Creek, because we believe the War Department will have its preliminary survey and borings completed quicker than any private concern would do it. We are not trying to impede progress of the section where the people are complaining to you. We are trying to help them.

We feel it would be a very grave mistake for a temporary permit to be granted to private interests until such time as Congress can act in reference to the disposition of Muscle Shoals, and we are not going to act at this session.

Secretary WORK. We will have a meeting of the Federal Power Commission on Thursday morning. I am one of the members of that commission, and we will take up the matter.

Mr. JAMES. We will not ask you at the next session of Congress to delay it because if we do not have a good private bid by the 1st of next December, as much as I dislike Government operation, we will have to have temporary Government operation.

Secretary WORK. You have a plant there, and if you can not sell it you will have to operate it or lose money.

Mr. President, that goes conclusively, it seems to me, the object, because this Cove Creek Dam proposition came from the House, it was not put in when the bill was in the Senate. The Senator from Nebraska [Mr. NORRIS], as I have said, undertook to get the Cove Creek Dam provision in the bill a long time, and our power propositions were held up down there; and finally the Senator thought for some reason, I do not know why, that it should not be put in; and the last bill which was presented to the Senate, and which we passed, did not have the Cove Creek Dam provision in it; but the powers that be in the House wanted the Cove Creek Dam in the bill, as Senators can very well see, and for reasons which are well known, and therefore they insisted on putting in this great, valuable property, but not in the interest of navigation; there was not a single thing said in this hearing about navigation or flood control. It is all in the interest of increasing the power and the revenue at Muscle Shoals.

Mr. President, I ask, in all seriousness, in all candor, in all good faith, is it right and proper and just that a property that is worth at least $100,000,000 to the State of Tennessee should be taken away from her without a single cent of compensation? The public utilities commission of our State is refusing any private power company a permit in our State unless they are willing to pay a license fee of from a quarter of a mill to 1 mill per kilowatt-hour for all power that may be produced. At least 100,000 primary horsepower can be produced at Cove Creek Dam if it is built in a proper way and not built too high, and if the State of Tennessee could get 1 mill per kilowatt-hour, the income to the State of Tennessee would amount to six or seven hundred thousand dollars a year for all time. The State of Tennessee ought to have the right to build that dam if it wants to, but it has had no opportunity to say whether it wants to build it or not. If the dam were built, every dam site below would have its water power greatly increased, and the State of Tennessee could get an additional revenue from every single dam built below the Cove Creek Dam. We estimate that this property is worth anywhere from one million to two million dollars in revenue to the State of Tennessee every year.

I am appealing to Senators, in all justice and fairness, not with any idea of trying to hold up this measure; if Cove Creek is taken out of the measure I shall vote for it, but I could not feel that I was doing the right thing to stand here and permit the Senate of the United States, without my protest, to go into my State and to take this great natural resource that we have there, which, when developed, will be a resource for all time.

The Senator from Nebraska [Mr. HOWELL], as I understand it, said he would like to have the Government come to Nebraska and build a dam there. As I understand it, that dam would be built for the benefit of the State of Nebraska, and would be turned over to Nebraska. I do not know whether that is true or not. We are not asking the United States Government to come and build a dam at Cove Creek for us. We can get other parties to do it, and it can be a source of very great revenue to us. I submit that the United States Government should not come there without our consent, without negotiating with us, and determining upon what is the proper and right thing to do by us, and take this great natural resource from us.

Mr. COPELAND obtained the floor.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. FESS. I ask unanimous consent to have inserted in the RECORD——

Mr. NORRIS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. NORRIS. I will not object after we have disposed of this conference report. Here is another Senator here ready to make a request. If I had yielded in this instance, he would

have been right on my back. I am not going to yield for anything of that kind as long as I can prevent it.

Mr. COPELAND. Mr. President, night before last, speaking regarding this measure, I voiced a protest against the building of the dam at Cove Creek. If I had my way, I would omit from the conference report all reference to Cove Creek.

Mr. McKELLAR. Mr. President, may I ask the Senator, then, if that is true, why he voted against directing the committee to omit it a few moments ago? The Senator had an opportunity to vote that the committee should omit it, but he did not join with those of us who wanted to have it omitted.

Mr. COPELAND. If the Senator will rest his soul in peace for about one minute, I will tell him why. I was about to give the reason.

When I came to study the bill to-day with reference to Cove Creek—and I hope the Senator from Nebraska will not be far away, because I want to resume a colloquy I started with him about five hours ago——

Mr. NORRIS. I am not leaving the Chamber.

Mr. COPELAND. When I came to study the bill, I found that both the Senators from Tennessee, as I view it, have no cause for worry. I have not been in the Senate as long as has the senior Senator from Tennessee [Mr. McKELLAR]. I have been here a little longer than has the junior Senator from Tennessee [Mr. TYSON], but I have been here long enough to know that there is a great difference between an "authorization" and an "appropriation."

I was disturbed during the speaking of the senior Senator from Tennessee, and was almost converted, because he brought out at the time—that is, I thought he made the statement—that $2,000,000 has already been appropriated for this work.

Mr. McKELLAR. Oh, no; authorized to be appropriated in this bill.

Mr. COPELAND. I discovered that that is the case. If I had found that $2,000,000 had actually been appropriated, I think I should have been obliged to vote for the Senator's amendment, but in the face of the proposed legislation, Cove Creek Dam is not going to be built in this generation. If it is built during the next 50 years, it will not be a matter of surprise to me, because I will not be on earth, but it will be a surprise to a lot of people living in Tennessee at that time.

The senior Senator from Tennessee knows very well how heartbreaking it is to get an appropriation for something. I heard the Senator from California [Mr. JOHNSON] this afternoon begging the chairman of the Committee on Appropriations to add an appropriation to the pending appropriation bill to carry out a project which was authorized, no one knows how long ago.

All in the world that the bill before us now does, so far as Cove Creek is concerned, is to authorize an appropriation hereafter to be made available by the Congress to construct a dam across Clinch River.

Mr. McKELLAR. If the Senator thinks that is a perfectly futile thing and that the dam will not be built even after the authority is given, why is he willing to vote to do a perfectly futile thing? If the Senator thinks this means nothing, and I understand his argument, is that the authorization of the full dam which will cost $37,000,000 and the authority for the appropriation of $2,000,000 at this time is of no avail and means nothing, why is not the Senator willing to strike it out of the bill, especially when he says he thinks it ought to be stricken out?

Mr. COPELAND. I can answer the Senator's question. I am unwilling to ask for another conference report because I want to see the bill pass. It is too late in the session for a further conference.

Mr. McKELLAR. Does not the Senator think it would stand a great deal better chance to pass without a new project of $37,000,000 tacked on it than it would with it?

Mr. COPELAND. Not if the Senate has a chance to vote upon it. If the Senate has a chance to vote, it will pass the bill. Whether or not there is a filibuster in process which will delay it, the Senator from Tennessee knows better than I. But to be frank about the authorization, I do not think it is worth the paper it is written on.

Mr. McKELLAR. Does the Senator mean to say that he is going to solemnly cast his vote for an amendment which he does not think is worth the paper it is written on? I do not see how it is possible for the Senator from New York to cast his vote for a proposition of that kind.

Mr. COPELAND. If the Senator will wait until I have a chance to cast my vote, he will see. I am going to vote for the bill provided the answers given by the Senator from Nebraska [Mr. NORRIS] pretty soon are satisfactory. I am not disturbed about this particular feature of the bill, the Cove Creek Dam, because it is such an unimportant part of it. As I have said, I have no belief that in this generation will that dam be built.

Night before last I urged two objections to the then pending conference report. The first one related to Cove Creek. That I am satisfied now is of no consequence. The other was that I objected to the Government going into the fertilizer business.

As the conference report comes back to us it seems eminently satisfactory in every respect save one. To that I shall refer.

Five hours and 45 minutes ago I asked the Senator from Nebraska a question which he did not have any opportunity to answer. I will ask him now if he will be good enough to turn to page 4 of the report. On page 4, subparagraph (e), line 5, I find these words:

> and in combination with such other ingredients.

When I read this proposal in connection with the original report it seems perfectly clear to me that there is no intent on the part of the conferees at present to combine nitrogen in a form to make it a fertilizer. In that same paragraph in the original report it said:

> The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients—

And so forth.

May I ask the Senator from Nebraska, do the words "and in combination with such other ingredients" contemplate the actual making of fertilizer?

Mr. NORRIS. In my judgment, they do not.

Mr. COPELAND. And that is not their purpose?

Mr. NORRIS. No.

Mr. COPELAND. So when we go into court, as the junior Senator from Tennessee [Mr. TYSON] has suggested, we will know that the intent of the author of the bill and the one who is presenting it was that no fertilizer should be made except for experimental purposes.

Mr. NORRIS. I think that is right.

Mr. COPELAND. And this particular reference to "fixed nitrogen provided for in this act and in combination with such other ingredients" is not meant such a combination as is ordinarily sold as fertilizer?

Mr. NORRIS. It does not mean making a completed fertilizer. Of course, I ought to say to the Senator, so there will be no misunderstanding, that nitrogen, as the Senator knows, is one of the three ingredients in fertilizer.

Mr. COPELAND. I understand.

Mr. NORRIS. There are certain soils probably that need nitrogen only and need no potash and need no phosphorous. Ordinary fertilizer that is sold is composed of those three ingredients. But the Senator might have a farm that needed only one. If he had some way of applying that one ingredient it might be said that it was a fertilizer. Fertilizer is not sold that way, as the Senator knows, and there was no intention of putting the Government into the business of making fertilizer in any way.

Mr. GLASS. In other words, the purpose of the last conference report is to take the Government out of the business?

Mr. NORRIS. Exactly.

Mr. COPELAND. And the Senator from Nebraska understands this report does take the Government out of business?

Mr. NORRIS. Yes; I so understand it.

Mr. COPELAND. Then so far as the fertilizer business is concerned the purpose of the act is to permit nothing more than experimental work—that is, the making of experiments to develop higher grades of fertilizer?

Mr. NORRIS. Yes.

Mr. COPELAND. And there is no intent on the part of the framers of the bill to make fertilizer and put the Government in the fertilizer business?

Mr. NORRIS. The Senator is right.

Mr. COPELAND. I thank the Senator.

Mr. NORRIS. I would like to say, so that I will not be misunderstood, that the conferees acted in a representative capacity. The action that we took does not necessarily mean that I, personally, or any one of us, was favorable to it.

Mr. COPELAND. Oh, I understand.

Mr. NORRIS. I do not want some one afterwards to say that I wanted to do so-and-so. I did that because I believed it to be my duty as a member of the conferees to come to the wishes of the body which I represented.

Mr. COPELAND. The Senator was convinced that, so far as the Senate is concerned, it did not want to put the Government in the fertilizer business?

Mr. NORRIS. Exactly.

Mr. COPELAND. And the Senator in all good faith went back with the conferees and has brought us a bill which takes the Government out of the fertilizer business?

Mr. NORRIS. Yes, sir.

Mr. COPELAND. I think we clearly understand each other. The third objection which has been urged against the joint resolution is that it originally provided that the Secretary of War do certain things and the Secretary of Agriculture should do certain things, but the conferees accepted the House provision and have provided a board of directors.

I am right, am I not, in assuming that if the Secretary of War were directed to do certain things under a measure passed by Congress, he would carry out the direction just exactly as a board of directors would and in no different way; that if the Secretary of Agriculture were asked to do something, he would do it?

If this is true, I can not see any difference whatever who operates the property and administers the enterprise, whether it is one way or the other. Does the Senator from Nebraska see any difference?

Mr. NORRIS. There may be a difference, but the principle is absolutely the same. We might disagree as to whether this method or that method was the best, whether we ought to paint the house green or whether we ought paint the house white, but if we painted it we would have accomplished the good result which comes from painting.

Mr. COPELAND. And sometimes we might paint it green with white stripes.

Mr. NORRIS. Yes.

Mr. COPELAND. So far as I am concerned, after this explanation, I want to congratulate the conferees. I think they brought us a measure two days ago that was a bill which could not be supported. They put the Government into the fertilizer business through that bill. But now they have taken out that proposal and brought us a bill which will permit the use of Muscle Shoals in a way to permit us to carry out our original promise to the American people to have this plant operated in time of war for the making of explosives and in time of peace for the development of fertilizer.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. Does the Senator consider Cove Creek, Tenn., a new expenditure of $37,000,000, a part of his compliance with our original resolution about Muscle Shoals?

Mr. COPELAND. I do not.

Mr. McKELLAR. I can not understand why the Senator is willing to jeopardize this bill, which is an excellent one in other respects.

Mr. COPELAND. Shall I say it over again for the benefit of the Senator?

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. Certainly.

Mr. NORRIS. I hope he will not take up time in saying it over again. That is what the Senator from Tennessee wants. He is asking these questions just to have the Senator from New York take up time.

Mr. McKELLAR. Mr. President, I expect to leave no stone unturned to defeat this bill as long as Cove Creek is in it. Let there be no misunderstanding about that. It is a matter of such vast importance that I propose to leave no stone unturned to defeat the bill. If it is a matter of physicial endurance, it is going to be a matter of physical endurance. I am going to use every ounce of energy of which I am possessed to defeat the bill unless Cove Creek is taken out of it.

Mr. COPELAND. I will say frankly that I think the Senator is fighting windmills.

Mr. McKELLAR. He may be, but he is going to fight them. I will say that to the Senator from New York and all others who are interested.

Mr. COPELAND. So far as the authorization is concerned, that is all we have in the bill. There can be no dam at Cove Creek, there can be no dam across the Clinch River, until the matter is brought here to the Congress and the appropriation made. If that time ever comes the able Senators from Tennessee will be here to fight that appropriation.

Mr. McKELLAR. Yes; and the Senator from New York will be on the side of those who are undertaking to despoil Tennessee of her property. I have no doubt when it comes to appropriations to help that spoliation the Senator from New York would do then just what he is doing now—undertake to despoil Tennessee of her property. So far as I am concerned, if it is possible to prevent that step I am going to prevent it.

Mr. COPELAND. Does the Senator from Tennessee think he was entirely just in making that statement?

Mr. McKELLAR. I think so. I looked at it this way. I looked at it from the standpoint of the effort that is being made here to despoil Tennessee of her property——

Mr. NORRIS. Mr. President, I rise to a point of order. The Senator from Tennessee has already made two speeches and is now making the third. I make the point of order that he is not entitled to do that in one legislative day.

Mr. McKELLAR. I have not got the floor. I have a perfect right to interrupt as long as there is no objection.

Mr. COPELAND. I want to say to the Senator from Tennessee that I shall never vote for any money to build a dam at Cove Creek unless the State of Tennessee is satisfied.

Mr. McKELLAR. Why vote to authorize it?

Mr. COPELAND. When he says that I will be on the side of those seeking to despoil Tennessee, he says that which is purely a figment of his imagination.

Mr. McKELLAR. I am glad to hear it. I hope the Senator is correct. I hope the Senator will not vote to do it to-night or at any other time.

Mr. COPELAND. So far as the measure before us is concerned I can cast my vote for it in good conscience and with great pleasure, because I think it will further the interests of the people of the United States.

Mr. BRUCE addressed the Senate. After having spoken for some time——

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. BRUCE. I do, provided I do not lose the floor.

Mr. BINGHAM. I move that the Senate adjourn.

Mr. NORRIS. Mr. President, I want to call the attention of the Senate——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. Of course, if the Senate wants to adjourn I am not filibustering and I have no intention to filibuster.

Mr. BINGHAM. I moved that the Senate adjourn. That motion is not debatable.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn.

Mr. ASHURST. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SMITH (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Texas [Mr. MAYFIELD] and vote "nay."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the junior Senator from Utah [Mr. KING] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from New Mexico [Mr. CUTTING] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from Rhode Island [Mr. GERRY] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 14, nays 50, as follows:

YEAS—14

Ashurst	Broussard	Fess	Pine
Bayard	Bruce	Hayden	Waterman
Bingham	Dale	McKellar	
Blease	Edge	McLean	

NAYS—50

Barkley	Fletcher	Locher	Sackett
Black	Gillett	McMaster	Schall
Blaine	Glass	McNary	Sheppard
Borah	Hale	Metcalf	Shipstead
Bratton	Harris	Moses	Smith
Brookhart	Harrison	Norris	Steiwer
Capper	Hawes	Nye	Tyson
Caraway	Heflin	Oddie	Vandenberg
Copeland	Howell	Phipps	Wagner
Couzens	Johnson	Reed, Mo.	Walsh, Mass.
Curtis	Kendrick	Reed, Pa.	Wheeler
Deneen	Keyes	Robinson, Ark.	
Dill	La Follette	Robinson, Ind.	

NOT VOTING—30

Cutting	Gould	Pittman	Thomas
du Pont	Greene	Ransdell	Trammell
Edwards	Jones	Shortridge	Tydings
Frazier	King	Simmons	Walsh, Mont.
George	Mayfield	Smoot	Warren
Gerry	Neely	Steck	Watson
Goff	Norbeck	Stephens	
Gooding	Overman	Swanson	

So the Senate refused to adjourn.

Mr. BRUCE. Mr. President——

Mr. NORRIS. Mr. President, I make the point of order that, the Senator from Maryland having yielded for a motion to adjourn and that motion having been acted on by the Senate, he has lost the floor.

Mr. BRUCE. I did not yield so as to lose the floor.

The VICE PRESIDENT. The point of order is well taken.

Mr. BRUCE. The Senator from Connecticut made the point that he had the right, and the point was uncontested that he had the right, to interpose his motion to adjourn whether I yielded or not.

The VICE PRESIDENT. The Chair will recognize the Senator from Maryland for a second speech. The Senator from Maryland lost the floor when the motion to adjourn was put.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to present a unanimous-consent request?

Mr. BRUCE. The Senator from Pennsylvania will see that I stand on rather treacherous ground now; otherwise I should gladly yield.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. ASHURST. He can not answer it without yielding.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state the inquiry.

Mr. HARRISON. If the Senator merely yields for a question, does the Senator lose his right to the floor?

The VICE PRESIDENT. The Senator can yield for a question.

Mr. HARRISON. The question is, Would not the Senator yield if the Senator from Nebraska [Mr. NORRIS] will yield for a unanimous-consent request that we may call up the conference report on the revenue bill, provided the Senator from Maryland does not lose the floor?

Mr. BRUCE. Provided I do not lose the floor. That is the essential question now.

Mr. NORRIS. I object to the conference report coming up.

Mr. BRUCE. I expect I had better go on, because the suspicion of filibuster might attach to me the first thing I know. [Laughter.] I would not like to incur a disgraceful suspicion like that.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. BRUCE. I would prefer not to do so.

Mr. REED of Pennsylvania. I certainly would not take the Senator off the floor. I ask it in all good faith.

Mr. BRUCE. I will ask the Senator to keep down the interrogation point just now.

Mr. REED of Pennsylvania. I will make it very brief. I want to ask the Senator from Nebraska if he will not consent to a vote without debate on the publicity amendment to the tax bill? It is the sticking point in the way of a complete agreement.

Mr. ASHURST. Mr. President, I rise to a point of order. The Senator from Maryland declined to yield. If he yields, he will lose the floor, and I wish him to be notified of that fact.

Mr. REED of Pennsylvania. I am not asking the Senator to yield except for a question.

Mr. ASHURST. If he yields at all he will lose the floor. He can not yield the floor and hold it.

Mr. REED of Pennsylvania. If he yields for a question he would not lose the floor.

Mr. BRUCE. Mr. President, I expect I had better steer right on.

The VICE PRESIDENT. The Senator from Maryland will proceed.

Mr. BRUCE. Mr. President, I can honestly say that I do not rise for the purpose of participating in any filibuster, if any is pending looking to the retardation of the passage of this joint resolution. To tell the truth, I am afraid that I am very poorly qualified for the office of the filibusterer. I lack the fertility of suggestion and the ready resource that are essential to the character of an effective filibusterer. Indeed, I am afraid that if I were to attempt to filibuster my mental product would very soon run out into hopeless intellectual degeneracy.

I rise to make some observations on the conference report that has been submitted to us, because I am committed, heart and soul, by the profoundest convictions that I am capable of forming, to inflexible opposition to the resolution. I am opposed to it, first of all, because, so far as some of the powers that it attempts to confer upon the Federal Government are concerned, I believe that Congress has no constitutional authority to bestow them upon the Federal Government.

The plant at Muscle Shoals was established as the result of the part that we took in the great World War, and I would not undertake for a moment to deny that in the exercise of its war powers the Federal Government would be empowered to establish a plant at Muscle Shoals or at any other point in the United States for the purpose of producing the nitrates which are of such a high degree of military importance in time of war; but I deny that even if the purpose of the Government in part were to produce nitrates at Muscle Shoals for war purposes, it would have the right, under the guise of producing nitrates for such a purpose, to produce them upon an enormous or even a great scale for purely commercial purposes. If it were to attempt to pervert its power to produce nitrates for war purposes to their production for commercial purposes on a large scale, it would be simply engaged in a fraud that the Supreme Court of the United States would not be long in striking down.

But, be that as it may, where is there a lawyer, familiar with the rudiments of law, who is prepared to contend that the Federal Government has any constitutional power whatsoever to produce commercial fertilizer or electric power?

We might as well talk about the Government having the power to go into the business of producing boots and shoes, or hats and caps, or coats and trousers, or pig iron, or automobiles, or harvesting machinery, or any other product of a purely industrial nature. There is not one word in the Federal Constitution to which can be logically or reasonably referred the power of the Government to embark upon any ordinary industrial enterprise or upon any ordinary industrial business. I defy any lawyer in the Senate, I care not how subtle the operations of his mind, or how exquisite his ability to split hairs, to find the slightest color of authority in the Federal Constitution for the Federal Government to produce commercial fertilizers or electric power at Muscle Shoals.

It might be contended by a sound lawyer that the Government in the exercise of such powers as it has relating to the field of agriculture would have the right to set up an experimental plant at Muscle Shoals for the purpose of experimenting in the production of fertilizers merely as a matter of demonstration; but we all know that nothing but a comparatively small plant is necessary for such a purpose, and I say that if the Government instead of setting up a comparatively small and bona fide plant at Muscle Shoals for the purpose of experimenting in the production of fertilizers should go into the business on a large scale at Muscle Shoals of producing fertilizers in great commercial quantities, in that instance, too, it would be engaging in a fraud that the Supreme Court of the United States, to repeat my language of a few moments ago, would not be long in striking down.

So just as certainly as can be said of anything—mark my words—if this measure shall go into effect attempting to confer upon the Federal Government the authority to produce power at Muscle Shoals, it will be declared in that respect by the Supreme Court of the United States to be an absolutely nugatory, unconstitutional, and void thing. And that, as I have intimated, would be just as true if the resolution still, as it unquestionably did a few hours ago, boldly attempted to confer upon the Federal Government the power to produce commercial fertilizers for sale to public patrons. So, except to a very limited extent, this measure, I say, endeavors to clothe the Federal Government with powers with which the Congress is powerless to clothe the Federal Government under the limitations imposed upon its scope by the organic law of the land.

If the Federal Government can go down to Muscle Shoals and engage in the business of producing power, why can it not go down there for the purpose of producing any one or more of the thousand and tens of thousands commodities that enter into trade exchanges?

If the Federal Government can do that, it can go down to Alabama and cultivate its soil on a large scale in competition with the farmer himself for whose benefit these nitrates are supposed to be about to be created; and it can go down there, as I have already said, and begin to turn out by the ton, or by the thousand, or the million pieces any and all merchantable commodities of every sort that are produced through private agencies for the comfort or the pleasure of mankind.

Is it not, therefore, as plain as anything can be—as plain as the moon when she is riding through the heavens on a cloudness night—that, so far as this bill attempts to confer upon the Federal Government the power to produce power at Muscle Shoals, it is but the first step in the direction of what might ultimately become a complete scheme of State socialism,

a form of civil polity under which all industrial energy would be monopolized by the State, and all industrial agencies of every kind would be concentrated in the State?

That is where I part company with my friend the Senator from Nebraska, for whom I have such a great respect; and when I speak of my great respect for him I am not simply speaking of his talents. Talent is something quite common in public life; but the Senator from Nebraska has those attributes of character that are not so common in public life—that is to say, a keen sense of justice, fair-mindedness, and incorruptibility in all its more refined as well as robust forms. But, of course, his political philosophy in dealing with such measures as the pending bill is one which is hopelessly repugnant to mine and to that of not a few other Members of the United States Senate.

As we all know, the junior Senator from Nebraska [Mr. HOWELL] has the same faith in Government operation that a small child has in the omnipotence of his father; and it almost seems to me as if the senior Senator from Nebraska [Mr. NORRIS] has the same faith in Government operation that in the seventeenth century human beings had in the power of the king's touch to cure what was called the "king's evil," or scrofula.

The senior Senator from Nebraska, like so many other individuals at the present time, seems to think that all that it is necessary to do either to secure pecuniary profit for or to confer a material blessing upon a community is to turn everything, whether of a private or a public nature, over to the management of the Government. He wants it to take charge of the electric light and power industry. Apparently he wants it to take charge of every public utility of every kind. In his enthusiasm apparently he is not disposed to set any limits of any sort to what he conceives to be the beneficent workings of Government operation as respects those provinces of human effort that in the past history of the United States have been left to individual initiative, enterprise, and energy.

That is not my philosophy at all. I believe that this great country has been built up upon the foundations of individual initiative, enterprise, and energy, and that America never would have become the industrial miracle that she has become if this Government operation of industrial enterprises which is now almost incessantly held up to our faces for our admiration had been interfering in the past with private business as it is now seeking to do.

I was amused at some of the suggestions which the Senator from Nebraska made as to the importance of safeguarding inventions that might be conceived by Government officials or officeholders of even lower grade in connection with the production of fertilizers, or power, or anything else at Muscle Shoals. Why, you can count almost upon the fingers of one hand the inventions which have been made by Government officials or officeholders. Everybody knows that the effect of governmental red tape or bureaucracy is to kill inventive genius, and that such genius is almost exclusively found in those domains of private activity in which it is left freely to work out its splendid results.

In my judgment, the meanest business in which the Government can be engaged, the meanest, the most ungenerous, the most ignoble—short of bloody tyranny—is that of competing with its own citizens in business.

Take some of my constituents in the city of Baltimore! I turn to telegrams which they have sent to me, and in which they exhibit the deep-seated anxiety, not to say distress, with which their souls have been filled by the menace of the pending measure.

Here is the firm of G. Ober & Sons Co.

Here is the Virginia-Carolina Chemical Co.

Here is the Central Chemical Co.

Here is the American Agricultural Chemical Co.

Here is the Davison Chemical Co.

These are all companies of the finest standing, of the very highest degree of commercial prestige in the business world. They send these telegrams to me, deploring the threatened annihilation by the Federal Government—their Government as well as my Government, or the Government of the Senator from Nebraska—of their business, and the utter financial ruin, that that result would bring upon them.

Among these companies is, as I have said, the G. Ober & Sons Co. I am particularly familiar with the history of that great fertilizer company. I am particularly familiar with its operations. They extend throughout the length and breadth of the South, at any rate. Its business has been maintained practically by one family now for three generations, if I am not mistaken. It began with the father, came down to the sons, and now has come down to the grandson.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. BARKLEY. The conference report, which is now under consideration, brought in last night, as I understand, eliminates that part of the joint resolution which authorized this corporation to manufacture fertilizer for commercial purposes and only authorizes it to produce fixed nitrogen for experimental purposes. In what way, in the new form, does it bring the Government into competition with the products of any of the chemical companies to which the Senator has referred?

Mr. BRUCE. In my opinion, it does nothing of the sort. I am not saying that it was not the intention of the framers of the conference report to give it that effect; but in the report we see the rudiments of the author's original creation just as plainly as we see in the vertebral column of a human being the vestiges of the caudal appendage that was once attached to it, or as we see in the appendix vermiformis evidence that at one time it was an active, useful organ.

For instance, on page 4 I find this language:

> The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients—

Let the Senator from Kentucky heed that language—he need not heed the caution that my friend the Senator from Nebraska is now whispering to him. I have no disposition, as I said, to filibuster about this measure. I am simply pouring out the unstudied thoughts that have come into my mind as I speak.

Mr. BARKLEY. I had not assumed, I will say to the Senator, that he was filibustering; but it was my understanding that the argument which he is now making might have applied to the bill as it was reported by the conference committee first.

Mr. BRUCE. It still applies, though not to the same aggravated extent.

Mr. BARKLEY. I am wondering what provision of this measure authorizes the manufacture of commercial fertilizer.

Mr. BRUCE. On page 4 the Senator will find that the conference report still states that—

> The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

Mr. BARKLEY. But nitrogen, as I understand, is not a fertilizer within itself, except as it may be applied to a limited number of crops, a very limited number, too.

Mr. BRUCE. Nitrogen, of course, is not a complete fertilizer. It must be blended with potash and phosphoric acid to make a whole fertilizer. I have raised too much tobacco not to know that; and that could be done by this Government corporation under the provisions of this report.

I will return for a moment to where I was when I was interrupted. That language, of course, is ample to warrant the Federal Government, when it gets to work at Muscle Shoals, in blending anything that it pleases, I care not what it may be—phosphoric acid, potash, or anything else—with nitrogen.

Mr. FLETCHER. "For experimental purposes."

Mr. BRUCE. Suppose it is for experimental purposes; does the Senator suppose that I will allow my mind to be imposed upon for a moment by any such verbal limitation as that?

I will not say it is willfully deceitful, that it is purposely dishonest, but the Senator knows as well as I do that the Senator from Nebraska would not feel the interest he does in this measure if he thought that this plant at Muscle Shoals was to be used simply for the purpose of carrying on a few comparatively paltry experiments as a mere matter of agricultural demonstration work. The real idea is, under the semblance of experimentation, to turn out great quantities of commercial fertilizers for sale, because, whether commercial fertilizers are turned out at Muscle Shoals by way of experimentation merely or not, they will certainly, when produced, not be thrown into the Tennessee River or be turned to any purposes except those of sale.

The fact that, experiment or no experiment, the real idea of this conference report is still to turn out at Muscle Shoals commercial fertilizers in large commercial quantities is shown by another paragraph of the report. Listen to this: Nothing could more clearly tend to show how hollow the idea is that the original thought of producing commercial fertilizers has been altogether abandoned by the framers of the report.

Among the powers conferred upon the Federal Government in this conference report as it now stands is the power "to contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants." In other

words, what this conference report contemplates is that, experimentation or no experimentation, the Government will need to produce fertilizers in such great quantities at Muscle Shoals that it may even find it necessary to call on private producers of fertilizers for such excess fertilizers as its great fertilizer business may render proper.

So I say that, in my judgment, the Senator from Nebraska erred in opposing the motion to recommit this conference report to the conferees, if for no other reason because adhering to this report still are the highly objectionable fertilizer features that characterized the Norris resolution itself and the first conference report.

I say to the Senator from Kentucky, however, that even if that were not so I was justified in resorting to the business of producing commercial fertilizers when undertaken by the Government, as demonstrating, by way of analogy, the total lack of constitutional power on the part of the Government to engage in the production of electric power.

Even if this conference report is to be taken as involving an abandonment of the idea of producing commercial fertilizers except for the purpose of experimentation at Muscle Shoals, it still indicates on its face an express, an avowed, intent to produce enormous quantities of electric power; and I say that the Central Government has no more constitutional authority to produce electric power at Muscle Shoals than it has to produce commercial fertilizers at Muscle Shoals; no more power, to repeat myself, than to produce boots and shoes, caps and hats, coats and trousers, pig iron, automobiles, or harvesting machinery at Muscle Shoals.

As John Randolph of Roanoke said upon one occasion, so far as the pending measure seeks to confer upon the Government the right to produce electric power at Muscle Shoals, it has the sardonic grin of death upon its countenance, that sardonic grin which would soon be converted into the absolute repose of death by the Supreme Court of the United States.

Let me get back to the line of observation that I was pursuing when I was interrupted by the Senator from Kentucky. I say that this great Government should blush with shame at the thought of entering into business rivalry with any of its citizens who are engaged in an industrial line of business, whether that business be the business of producing commercial fertilizers or electric power, and working their ruin.

The officers of all these companies to which I have referred fully realize what it means for any private individual or any private corporation to enter into relations of business competition with the General Government, with its overflowing Treasury and its unlimited power to tax its own citizens for the purpose of replenishing that Treasury whenever it is necessary to replenish it.

(At this point Mr. BINGHAM moved an adjournment, and the Senate, on a yea-and-nay vote, refused to adjourn.)

Mr. BRUCE. Mr. President, the destructive significance of the pending measure will be realized by the Members of the Senate, I am sure, so far as the State I have the honor to represent in part is concerned, when I mention the fact that no less than $25,000,000 of capital is invested in the fertilizer business in the State of Maryland, and there is one single electric light and power company doing business in Maryland, with a plant on the Susquehanna River, that has a capital of upwards of $60,000,000. Indeed, it must have a capital far in excess of that, because the dam which it has recently constructed across the Susquehanna River involved an outlay, I am told, of $60,000,000. So it will be realized by the Senate, I am sure, just what my State, to say nothing of any State represented by any other Member of the Senate, has at stake in this measure.

I say again that I can not conceive of a more reprehensible thing in which the Government of this country could be engaged than that of competing in private business fields with its own citizens.

Just think what the pending resolution means to those fertilizer concerns in the State of Maryland that I have enumerated. In each instance some individual or group of individuals, beginning in a more or less humble way, had by his or their energy, enterprise, and integrity built up a thrifty business. The original sponsors of those enterprises and their successors have discharged, both in peace and in war, the obligations that they owed to their Government. The chief spirit of one of those concerns was one of the gallant soldiers that left our shores to battle for his country in the World War. Among the duties that those concerns have discharged to the Government has been the duty of punctually and scrupulously performing their tax obligations.

Now, the Government comes along, and, as I read the conference report, threatens them with irretrievable pecuniary disaster, utter destruction of all that corporate wealth, all that great business activity, all that extraordinary business prestige and standing which they have built up, in one instance, at any rate, as I have said, built up in the course of no less than three generations of men. What can be more unfair, more unjust than business competition between the Government and one or more of its own citizens?

If it conducted a private business as the ordinary individual does, there might be no cause for complaint. But everyone knows how hopelessly handicapped an individual or private corporation is when it undertakes to enter into relations of business rivalry with the Government.

The Government has no tax to pay. In its audits it need care nothing about depreciation. It does not care whether items are properly or improperly charged up to operating expenses or capital; in other words, all those things that one business man competing with another business man has to keep the very closest watch over the Government does not necessarily have to pay any heed to at all. When it undertakes the management of a private enterprise, electric or otherwise, and incurs a deficit, all it has to do is to tax its citizens a little more onerously than before to make it up. I have over and over again challenged any Member of this body to cite one single solitary instance in which the Federal Government has ever undertaken to carry on any private business of any sort and has not carried it on at a pecuniary loss.

So, in the very nature of things, when the Government and the citizen come to competitive grips with each other the citizen must perforce go to the wall. If the Government were at a loss for any other means for driving him to the wall all it would have to do would be to be more and more lavish and to incur larger and larger deficits from year to year, and render competition with itself wholly impossible. So this measure is a measure fraught with injustice to the individual citizen, to the honest, industrious, enterprising, useful citizen who has through long years of faithful energy and patient effort built up a livelihood or more than a livelihood for himself.

The great concerns to which I have referred have erected structures of material prosperity that would topple to the ground like houses of cards were the Federal Government to go on with the plans that it now has under way to produce fertilizers at Muscle Shoals. In other words, the pending measure will operate as nothing less than spoliation on a gigantic scale of individuals and private corporations who are engaged in the fertilizer business and in the business of producing electric power.

But not content with despoiling individuals this tyrannical ruthless measure contemplates nothing less than the spoliation of whole States, as the senior Senator from Tennessee [Mr. MCKELLAR] and the junior Senator from Tennessee [Mr. TYSON] have so clearly pointed out. What would the city of New York have thought in its early history if the Government had come to New York, and by setting up a colossal business of its own in different parts of the United States, deprived the private merchants and shippers of New York of the benefits of their superb port. Suppose the Federal Government should come to Baltimore and, in the same way, rob it of the great privilege which it enjoys in being so close to the great West. And yet it is just that sort of thing that the pending measure proposes to do as respects the State of Tennessee and the State of Alabama.

There ever since the divine fiat created the sea and the land that superb river, the Tennessee River, with its splendid tributaries, has been pouring its vast tide from the Alleghenies to the sea. In the processes of time that river has become a material asset of surpassing importance to those two States. As time goes on the power furnished by it might through the instrumentality of private capital become a source of almost incalculable wealth to those two States. No other States of which I know have any single asset of such vast value. And now the Federal Government is to go down to the Tennessee River, spend millions of dollars of the taxpayers' money there, and by building transmission lines in every direction, under its obligation according to the terms of this conference report equitably to distribute the power created at Muscle Shoals among the States, strip the States of Tennessee and Alabama almost entirely of the natural advantages derivable by them from the power of the Tennessee River.

In this instance, therefore, as I have said, we not only have an effort on a scale of immense magnitude to despoil individual business men and private corporations, but to despoil whole communities, whole States of natural benefits that belong to them. I do not hesitate to say that if I were a citizen of Tennessee or a citizen of Alabama when I contemplated the extent to which the Federal Government proposes to divert the

natural resources of those States from them, my heart would be filled with the bitterness of gall.

And, Mr. President, there is no occasion for it. I have just called attention to the fact that the State of Maryland without any difficulty found a corporation willing to build a dam across the Susquehanna River at a cost of $60,000,000, for the production of light and power, and I have not the slightest doubt that, if only these oppressive schemes of Government operation could be abandoned, private capital would flow in rich abundance to the Tennessee River as the potential seat of great industries of one kind or another.

If the States of Alabama and Tennessee were only left alone there would be a great influx of capital into them, and the power of the Tennessee River would not be transmitted to points hundreds of miles, perhaps, away from those States, but would be utilized by the States of Tennessee and Alabama to make those States blossom as the rose.

As I see it, so far as the production of power is concerned, the Government has no constitutional authority whatever to produce power at Muscle Shoals for fertilizer or for other purposes, for that matter. The only constitutional power that it has there of an industrial nature is to produce war munitions, or, in the exercise of its ordinary proprietary power as a mere property holder, to lease the Muscle Shoals plant to private lessees. The latter it could readily do if any real serious, honest effort were made to do it. I do not hesitate to say that it would be better for the Government to sell these plants, with proper reservations as to the production of nitrates in time of war, than to retain them to be conducted under the blighting, paralyzing influence of Government operation.

We all know what the Government corporation, if it shall be formed, will come to. It will be the same sleepy, sluggish, lethargic thing that every Government agency that undertakes to carry on a business enterprise is. It will be loaded down with officers and employees imposed upon it by political patronage. Only a few weeks ago the Senator from Florida [Mr. FLETCHER] testified to the fact that the Shipping Board had at one time no fewer than some 2,400 employees, when 600 would have answered every purpose; that is to say, some 2,400 employees saddled upon the Shipping Board by the influence of Senators and other Federal officials and of Federal and State politicians of low or high degree; and that is the fate that would befall this Government corporation. It would be as inefficient as the ordinary Government corporation is. It would be overloaded with political favorites and personal dependents, as every Government corporation is.

At the end of every year there would be a pecuniary deficit that would have to be met by the taxpayers of the country generally; and all this at the expense, the daily expense, of the honest, upright, industrious, enterprising individual citizens of the land engaged in the power business or the fertilizer business; and these results are to be brought about largely in consequence of this demagogic cry about the Power Trust.

I should just like to know what form of power there is that does not tend to abuse. Not more certainly do our animal propensities tend to abuse than power in any form, whether vested in the individual or in the corporation or in the public official, does. It is the business of government to keep such abuses in check; and as long as it is not diverted from its true functions it has proved itself to be entirely adequate to the task.

To quote John Randolph of Roanoke again, the only thing that can limit power is power; and if government is honestly and efficiently administered, it should always be competent for it, with its power of legislation, to keep the Power Trust or any other trust within the bounds of the law. So far as electric power is concerned, if the States of Tennessee and Alabama are doing their duty at the present time there would be no trouble about keeping within lawful bounds any power generated at Muscle Shoals. Those States, I take it for granted, have public-service commissions empowered to regulate the rates and administrative practices of electric light and power compan[illegible]; but this bill proposes to have the Federal Government wipe those public-service commissions out of existence, and itself to take over the function of regulating rates for electric power at Muscle Shoals. In other words, not content with working the spoliation of entire States, not content with working the spoliation of the individual citizen and the individual business corporation, this bill undertakes to thrust its oppressive hand into the internal political organizations of these States, and to bring to an end the very tribunals that they have set up for the purpose of regulating the rates and administrative practices of public-utility corporations.

When I think of the ruin, the havoc, of individual and corporate prosperity that the pending resolution, if it goes into effect, will operate, it is pictured to my mind as a kind of vast, conscienceless caterpillar tank set in motion for the purpose of crushing under its pitiless wheels some of the most important private industries in the land.

I know that my words are in vain. I know that the philosophy I am preaching is an effete philosophy. I know that all those old Jeffersonian ideas that have been the very vital breath of my existence are becoming obsolete. I see them violated every day, not only by Republican Members of this body—who have never professed any especial allegiance to them—but by my own colleagues. But so long as I live I shall uphold them; I shall contend for them; I shall insist upon their application to every exigency that arises in the life of the Nation.

Government, on the whole, in its own place is all that it should be. Leave it to its police and other functions, and there is no fault, generally speaking, to be found with it. But a large part of all the evils and abuses of our time originates in the constant encroachments of the Federal Government upon the domain of private business, and its incessant interference with the private affairs, rights, and duties of its own citizens.

We should stop that thing. The path along which the zealous, disinterested, and able Senator from Nebraska is taking us is a path that leads straight to State socialism. That fact doubtless has no terrors for him, because his faith in the beneficence of Government operation seems to be practically unlimited; but it has fears—direful, tragic fears—for me, because the ultimate result of this idea of having the Government take over one great private industry after another will be, as has been so often said, to kill, to deaden, to paralyze all those great spiritual forces to which our people owe their strength and our country its grandeur.

Destroy the spirit of individual energy, initiative, and enterprise in this country, make the private business of this country feel that there is no longer any security for it against governmental interference or competition, and, take my word for it, you will do nothing less than completely subvert the solid foundations upon which the prosperity and the greatness of this country have heretofore always rested.

So I trust in my very soul that this conference report will not be adopted; that it will be rejected, not in scorn, not in contempt—I would not say that—but in the spirit of true wisdom, based upon the long course of economic experience that this country now has behind it.

Mr. SACKETT. Mr. President, I do not want to speak long upon the subject of Muscle Shoals. I have already addressed the Senate several times upon the matter; but we have here tonight a conference report which came to the desk to-day at noon in its final form, and has not been submitted to the country as a whole. We can not know what the people of this country think of the method by which we to-day undertake to dispose of the Muscle Shoals problem, and I feel that the Senate should have the advantage of such an analysis of the conference report as it is possible to make at this time.

I do not want to take part in any filibuster. I am not interested in that feature; but I do believe that there are matters in this conference report that ought to be thoroughly understood by the Members of the Senate.

It is about seven or eight pages long, and in the whole conference report there are only three or four sections of prime importance in order to understand what it is that we are expected to do.

If the Members of the Senate will read carefully sections 5, 6, 9, 15, and 16, and section 11 in particular, they will get the whole meat of this effort to dispose of Muscle Shoals.

It makes no difference to the country at large, I take it, whether the institution is to be run by the Secretary of War or whether it is to be run by a private corporation, and a large part of the report is taken up by a provision for the setting up of the method by which it shall be administered. But the adoption of this report does bring about a new era in governmental methods in the United States, in that it adopts one of the principles of State socialism which we have not heretofore entered into on any such scale as is here provided for.

I am not an opponent, a "bitter-ender" of Government operation in every particular, and I do believe there is a place for it, and limitations which should be set to that place. Wherever private initiative is willing to undertake the business of this country, I think the business should be reserved for private initiative. Whenever the needs of the country require a new development and private initiative is not willing or able to undertake it, then I think we reach the place where it is proper for the Government of a great country like this to step in and blaze the trail and provide the means by which this country can go forward in that particular.

I think we have instances where it has been a great benefit to this country to have the Government step in. But when you offer to put the Government into a part of the business enterprise of this country which is already occupied, and fully occupied, by private initiative, then I think you bring about a new state of State socialism for which this country is not ready, and which the people of the country will not support.

I make that premise because I want to call to the attention of the Senate that this is essentially a proposition which has been set before us for a number of years by the Senator from Nebraska, through which he seeks to bring the Government into the electrical business of the country, in order to arrive at certain results which he believes will follow from the Government's entrance into that business, and that is a regulation through Government competition of the rates charged for electric energy throughout the country. In order to do that he had before the Committee on Agriculture when I first came to the Senate a proposition that the Government should take over the full electrical development of all the numerous dams which could be created upon the Tennessee River. Those of you who know the Tennessee River will recall that there are a dozen different places where electric power can be created from water power where dams should be built, and the amount of electrical energy which would be firm power on that river is probably the greatest to be found on any river in the eastern section of the United States. It was the Senator's idea—and I do not quarrel with him at all upon that idea, except to say that I disapprove it—that the United States Government should undertake the development of each of those power sites, and should go into the business on a tremendous scale.

That effort of the Senator from Nebraska was not successful, and we still have the problem of Muscle Shoals. But the conference report which the committee brings in to-day does go into the problem of Government ownership of the entire Tennessee River with a grip that I do not believe can ever be broken. Owning the Muscle Shoals Dam at the western end of the power development, it now seeks to develop the eastern end of the power development in the Cove Creek Dam. Between those two dams there will be ten or a dozen additional sites. With the enormous reservoir of waters that would be created at the eastern end of the river, at Cove Creek, no private initiative, in my judgment, would ever be willing to develop the intermediate dams, because the Government at each end of the stream would so control the flow of that river that it would have it in its power to defeat any efforts to create a great power service from any of the intermediate dams, and no private capital in any such amount as is going to be needed to build dams across that stream, with the power houses, can ever be induced to put themselves between the two jaws of Government ownership on the Tennessee River.

For that reason, I think that before Senators take a vote upon the conference report Senators should consider that they are locking the Tennessee River up against private development, not only taking the two places which are mentioned in this conference report, but taking hundreds of thousands of additional horsepower which may be developed at intermediate dams, and the ultimate result must be, if they are ever developed, that they must be developed by the Government of the United States.

We have ample power through the South for its needs to-day. It has been provided by private initiative. The Tennessee River is the great resource of the future, and it ought to add to the reservoir of power which has already been created, as and when it is needed. There is ample capital in private hands to do that work if the people of the United States will that it should be so done. The number of applications that have been filed upon that river by private capital to-day show that that is true, and that there is no need for the Treasury of the United States to be tapped for the purpose of causing that development.

Another thing I wish to call to the Senate's attention is this: That this measure requires an expenditure by the United States Government of at least $60,000,000 in its development under this bill, and I believe that it will be found before it is through that it will far exceed that amount of money.

I make that prediction for this reason: Two years ago, when the experts came before the committees that were examining this river, it was estimated that the Cove Creek Dam would reach to twenty or twenty-two million dollars. Last winter when they appeared before the House committee which had charge of this question, that estimate had been raised to $37,000,000. There have not to-day been sufficient data accumulated or surveys made to enable us to know in a definite way that $37,000,000 will cover the cost at Cove Creek.

It is provided in this conference report that there shall be transmission lines built in any direction that is required from Muscle Shoals by the Government of the United States. There is no limit to the number that may be built or the cost of those transmission lines.

It is provided in this report that when the Government comes into the fertilizer business it must have a capital of $10,000,000. We could not finish nitrate plant No. 2, which authority is given to finish, for less than $10,000,000 and make it a proper producing plant. The power is given under this measure to this corporation to make nitrogen under any other plan, and you can not build a plant using the synthetic process to-day for less than eight or ten million dollars, and you have not much production in a plant that can be built for that amount of money.

So I say that this measure, in the form in which it comes to us now, is a $60,000,000 drain upon the Treasury of the United States at the least amount, and what is going to be obtained from that drain? You are going to increase to some extent the power now available as primary power at the Muscle Shoals plant. You are going to have more electricity there to distribute as firm power. You are going to have a small amount of firm power to distribute from the Cove Creek Dam when it is finished, but if it is going to be used by a storage reservoir, that great amount of 200,000 horsepower, which the joint resolution provides shall be placed in that dam, is bound to be idle much of the time after that dam has been built.

You are going to build that dam upon the Clinch River, 50 miles from its mouth, a river that is not much more than a good-sized creek. The reports of the War Department for year after year surveying, with the idea that that river can be improved for navigation, will show the type of river it is, running between high hills, and when they tell you that it can be improved for navigation to the depth of a foot and a half, you see the type of river it is proposed to dam here at Cove Creek.

In this report that comes to us to-day for the first time we find that it is claimed that this dam is valuable for navigation and for flood control. There have been no floods coming down the Clinch River in the past that warrant an expenditure for flood control, because there is nothing to destroy. It is a wilderness country, with but very small settlements. That river runs through narrow valleys and gorges, and is not subject to overflow. The total amount of water which comes down the Clinch River in low-water periods is 750 second-feet. It is not a river of such size that if it is not dammed and every drop of water that comes out of it can freely flow that its volume could be felt upon the gauge at the city of New Orleans.

It is not a flood-control problem in any sense. There is not a particle of evidence before any committee of the Senate or of the House that I have seen—and I have seen most all of it—that brings forward the damming of the Clinch River as an element of flood control.

The building of Cove Creek Dam will not add to the navigation of the Tennessee River materially, for this reason: The Tennessee River is no different from the Ohio or any of the similar rivers that run far into the interior. In order to make them navigable there have to be dams built every short stretch of the river, say 50 miles, and those dams shut back the water, and through the locks the boats are let down into the next pools. Those rivers running in that territory, when they are locked and dammed, from those slack pools, and river navigation continues all through the low-water season. Similar rivers without large storage reservoirs give low-water navigation when properly locked and dammed.

If you had this enormous reservoir storing water on the Clinch River which, by the way, is only a small tributary of the Tennessee—if you had that enormous amount of water there it would not be necessary to let it down for navigation of the Tennessee. So it is not a flood-control problem, it is not a navigation problem, it is not a real power problem, but Cove Creek Dam will increase the power at Muscle Shoals and give to the corporation a greater amount of power to spread over the country in the eastern part of Tennessee and across the mountains into North Carolina.

It has been stated on the floor of the Senate to-night that if the Government did not build the Cove Creek Dam it would not be built. But I refer Senators to the contract which the Air Nitrates Corporation offered 2 years ago and submitted to the Senate, in which they reserved the right to build the Cove Creek Dam before the Government should have an opportunity to build it. Under all the engineering information which they then had they felt that as a matter of private ownership it was sufficiently valuable to reserve that right to them before the Government should take hold.

It is carrying out the idea of the Senator from Nebraska that when the Government distributes the electricity which is produced at this dam and at Muscle Shoals they will be able to

compete in municipalities of various sections of the country with electric power privately owned, because they can sell at a cheaper rate than the present electric companies sell it.

I want to say to the Senate that these dams are within the Appalachian coal region. They are close at hand to the coal mines of that country. The difference in cost of production at the dam, when we consider the cost of the dam and the auxiliary plants that are necessary, and the cost of production at a steam plant close to mines within striking distance of the dam, is so small that that difference could not be translated into a consumer's bill. We can produce electricity at this dam at the shoals for about four-tenths of a cent per kilowatt. The modern steam plant, built in that same neighborhood, to-day produces its electricity at five or six tenths of a cent per kilowatt. That is one-fifth of a cent per kilowatt, and when we try to translate that amount of money into a consumer's bill who pays 5 or 6 cents a kilowatt we find there is no possibility of giving him the benefit of any great saving.

The high cost of that electricity to the consumer lies in the charges made for the distribution of it. If the city of Birmingham, Ala., which is built practically upon a coal mine, desires to give municipal electricity to its people, it would be cheaper under present conditions for that city to build a great steam plant within the limits of the city of Birmingham than it would be to transmit electricity from Muscle Shoals, 75 or 80 miles away. It could do it and produce it for as little money. It has had that opportunity from the very beginnings of the city. It has tried it. It does not continue it. The cost of the distribution which has to take place from the time it leaves the plant until it reaches the user is the great element of cost. The distribution would be common to both plants.

There are a number of things in the report to which I wish to call the attention of the Senate. It gives the power to this board to sell electricity to States or municipalities, corporations or partnerships, or individuals, according to the policies that are set forth, for a period of 10 years. But under section 11 it is provided that if any city, county, municipality, or other public or cooperative organization not organized or doing business for profit but for the purpose of supplying electricity to its own citizens desires, it shall have the opportunity of purchasing this electricity for 15 years.

That is simply an instance of the effort here to distribute electricity in competition with the present electric power companies by companies who shall not make a profit, and in that particular be more able to compete with the existing companies.

If it should so happen—and it is a thing I think the Members of the Senate should take into consideration—that municipalities did not require all this power, then this company is authorized to sell it to corporations and individuals who are engaged in the power business; but in section 11 it is provided that it can not be sold except under Federal regulation; that is, that the rates to be charged must be approved by the Federal Power Commission. The effect of that provision is this: Every one of those States has a State regulatory board; but the conference report sets aside every State's right of regulating their own charges for electricity, and, in spite of their laws, it puts it into the hands of the Federal Power Commission. I wonder what the men in this body, who seem to be so desirous of maintaining State rights in every particular, think of a provision of that kind which sweeps aside the State's opportunity to regulate its own rates and puts the power rates of this institution in the hands of the Federal Power Commission.

As I said in the beginning, it is not my purpose to try in any way to prevent a vote upon this measure, but I do wish to call the attention of the Senate to the fertilizer provisions which have been put into the conference report and to say to the Senate that we have not yet heard from the people of the country upon those fertilizer provisions. Neither from those producers who will be in competition with this Government operation at Muscle Shoals nor from those who shall be the consumers of the fertilizer that is made in this country. I think they should be given time to give their views upon the subject.

There are two horns to the fertilizer dilemma here. In the course of a colloquy this afternoon between the Senator from Nebraska [Mr. NORRIS] and the Senator from New York [Mr. COPELAND] I understood the Senator from Nebraska to say that the change in the report now indicated that this Government corporation would not be in the fertilizer business but would be making nitrogen which could be sold to the fertilizer companies. Mr. President, have we forgotten the thousands of pages of speeches made in this body, where the Members have said that the great thing to be gained by Muscle Shoals was to make cheaper fertilizer for the farmers?

In this report, under that construction, there is not one big dollar of advantage to the farmers of the country. It provides for the manufacture of nitrogen. It is only for the manufacture of nitrogen, that is an element which goes to the extent of less than 10 per cent into a ton of fertilizer. There is nitrogen enough to-day to furnish all the commercial mixed fertilizer that is sold in the country. If all we are going to do is to create more nitrogen than we have to-day, the only savings to the farmers who use commercial fertilizer is going to be in the slight reduction of cost which these Government experiments may be able to bring about in the production of that 10 per cent of the ton.

If the other construction of the fertilizer provision that has been put upon it in this body is the true construction, and we are going to add to nitrogen the other ingredients that go into fertilizer, then we do not satisfy the people that make fertilizer in the country any more than the first conference report satisfied them, because it leaves this Government institution in competition with them.

It was the hope of those of us who have sat through the hearings before the committees that out of this Muscle Shoals there might come the creation of a new type of fertilizer that should be possible of distribution to the farmers of the country in ever-decreasing cost, a concentrated type which must be studied and fixed and provided for use upon the farm. But there is not a single thing in the bill under the interpretation that has been given to it on the floor of the Senate to-night that would add to the value of or reduce the cost of the fertilizers which are going to be made at Muscle Shoals for the farmers of the country.

Mr. McKELLAR. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. SACKETT. I yield for a question.

Mr. McKELLAR. I want to ask the Senator if in any of the hearings before the committee the question of the inclusion in the bill of the Cove Creek Dam was ever considered by any witness appearing before the committee?

Mr. SACKETT. Yes; I think there was. I recollect that there was. It will be noticed that in the Air Nitrates Corporation bid one of the provisions was that they should have the opportunity of building the Cove Creek Dam.

Mr. McKELLAR. That was the bid, but were there any hearings about it?

Mr. SACKETT. There were hearings about it, quite extensive hearings. In the event that they did not wish to build it, then it was a condition precedent to the acceptance of their bid that the Government should build it. The Cove Creek Dam site is 350 miles from Muscle Shoals. Muscle Shoals power can be transmitted economically not more than 300 miles. Cove Creek Dam, 350 miles farther east, is 150 miles from the center of the industrial district of North Carolina, and when Muscle Shoals is tied up with a provision that Cove Creek Dam must be built, the only conclusion I could reach after studying the situation was—and it was backed by the fact of an existing contract selling to the Union Carbide Co. half the power of Muscle Shoals because they could not use it—that they wanted Cove Creek Dam because it was 150 miles from the industrial situation on the eastern slope to which point power could be economically transmitted.

There are things in the bill that must be thoroughly understood before an intelligent vote can be cast.

Mr. McKELLAR. Then all of this power or current would be transmitted to North Carolina under the terms of the bill?

Mr. SACKETT. The power from the Cove Creek Dam would be within transmission distance of the industrial section on that slope of the Alleghenies.

Mr. NORRIS. Mr. President, I make the point of order that the Senator from Kentucky has lost the floor by yielding to the Senator from Tennessee not for the purpose of asking a question but for the purpose of making a statement.

Mr. SACKETT. I think the Senator asked me a question.

Mr. NORRIS. But the last interruption was not a question, and the Senator yielded the floor.

Mr. SACKETT. I did not yield for a statement; I yielded for a question.

The PRESIDING OFFICER. The point of order is not well taken. The Senator from Kentucky will proceed.

Mr. SACKETT. Mr. President, I want to say to the Senator from Nebraska that I am not finding fault with his advocacy of this measure; I am not trying in any way to prevent a vote on it; I am simply trying to analyze the joint resolution in order that Senators may know exactly what they are to vote upon.

I wish to say to the Senators from Alabama that I do not know whether they have thoroughly read the provisions as to

the operation of the Muscle Shoals fertilizer plants. There will be found in section 5, paragraph (e) this provision:

The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen.

There is no requirement in the conference report that the public corporation to be created shall operate at any time nitrate plant No. 2 at Muscle Shoals. The option is given to it either to operate the present plants or to build plants for the production of atmospheric nitrogen by new and different processes. I think the argument made by the Senator from Nebraska at the present session of the Senate can not be refuted when he told us that plant No. 2, adapted to the cyanamide process, is now out of date; and that if the production of atmospheric nitrogen were to be undertaken by business men who knew the job, it would be produced under the synthetic process.

In the conference report the option is given either to run the existing plants or to build new plants for the production of nitrogen by the synthetic process. Every scientist who has come before the committee in whose judgment credence could be placed has said without equivocation that the nitrogen of the future would be made under the synthetic process; and under this joint resolution I venture the prediction that it will all be made in that way, and that plant No. 2 and plant No. 1 and all the plants to-day at Muscle Shoals for nitrogen production will lie idle, because no business organization would feel, unless required by substantive law, that it was right for it to spend the millions that will be necessary to rehabilitate those plants and put them in operation for the manufacture of nitrogen that could be used satisfactorily in fertilizer.

Furthermore, I want to say to the Senators from Alabama that one of the great hopes of the people near Muscle Shoals, as told to me in conversations, was that a great industrial community might rise in that neighborhood; but under the joint resolution as now framed by the conferees, which requires the electricity to be produced there to be distributed equally among the States and to be sold first to municipalities and counties and aggregations of individuals in cooperative enterprises, there will be almost no chance of building up an industrial community to be served by the great power plants of Muscle Shoals which could furnish power to run the mills that might employ the citizens of that district. That is something that will be heard from in the future, if it is not heard to-day.

There are many reasons why this conference report will not serve the best interests of the growing industrial section of the South. If the Government is going to make electricity cheaper than the price for which distributed to-day, there will be required additional drains upon the Treasury of the United States, for the reason that the cost of production in the Muscle Shoals plant can not be materially less than the cost of production in any competing plants. The only way in which a saving can come to the people of the country must be from the cost of distribution. If the cost of distribution is too high, it can be met by competition in the cost of distribution from any steam plant built at any crossroads in the great industrial centers of the South.

There is an opportunity in that direction alone materially to reduce the cost of electricity to the people of that section. That can be done without the Government operating Muscle Shoals or Cove Creek Dam or tying up industrially in public ownership every dam that lies between Cove Creek and Muscle Shoals, and compelling private initiative to work between the jaws of the great Government juggernaut which this joint resolution builds against the development of that Valley.

I have spoken as I have in the hope that it will cause some of the Senators more carefully to read the provisions of the conference report, and to realize that we are embarking upon a new scheme of Government ownership and operation of public utilities to which this country has not been accustomed and which does not, in truth, hold out to the people of any section the promise that they will be benefited. It does encourage a fear in the people of the country as a whole that this dip into the Treasury of the United States must be reflected in the taxes of every man, woman, and child.

Mr. President, I do not speak in behalf of any power interest or in behalf of any fertilizer interest. I have not seen a single man connected with either of those industries. I simply read the provisions of the joint resolution as presented in the conference report and judge it by the experience I have had in examining and hearing examined the witnesses who have appeared before the Senate committee in exposition of this subject and to set forth their views.

I see the force of many arguments which have been made; I have tried to treat this as a great governmental question, with a view of determining in my own mind whether it would be wise for the Government to go into the business to the extent of some $60,000,000 in addition to what we have already spent at Muscle Shoals in time of emergency incident to the war, or whether we shall with good foresight turn Muscle Shoals over to the individual who will pay the highest for the privilege of using the power plants at Muscle Shoals. We can employ the money which thus accrues to the Government to develop a new chemical industry in the production of concentrated fertilizer, which holds out the only hope of increased crops and cheaper production to the farmers of the United States.

Mr. President, I am ready now to close. I hope I have not taken more time than a pure exposition of the joint resolution would warrant; but I hope that the Senate will realize before it acts that it has before it a novel proposal which has only been on the desk since 12 o'clock to-day and of which the country has not as yet heard.

[TO BE CONTINUED]

HOUSE OF REPRESENTATIVES

THURSDAY, *May 24, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Out of the dark of the night have come the radiance and the promise of the day. We praise Thee, O Lord, for Thou art the source of all our earthly hopes. Thy plans unfold like the springtime blossoms that reveal hidden beauty and wonder. Hold us to patient service, so that conscience may never censure. As we look up, aspire, and resolve, let us count it grandly true that these are not in vain. They lift us up from the maze of just things, and from where the throng is not dense and the touch is not rough. Come, Father of love, to all our homes, and keep them in tune with the things that are divinely beautiful. Then shall we come and go like happy children playing among the flowers. Bless us with a living, glowing joy that shall never fade away. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 1406. An act granting six months' pay to Lucy B. Knox;
H. R. 1616. An act for the relief of Carl C. Back;
H. R. 1931. An act for the relief of Daniel Mangan;
H. R. 2272. An act for the relief of William Morin;
H. R. 2472. An act for the relief of Emile Genireux;
H. R. 2477. An act for the relief of Joseph S. Carroll;
H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;
H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*
H. R. 4652. An act for the relief of Charlie R. Pate;
H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);
H. R. 4954. An act for the relief of Thomas Purdell;
H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;
H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;
H. R. 7268. An act for the relief of John Hervey;
H. R. 7708. An act for the relief of John M. Brown;
H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street;
H. R. 9380. An act for the relief of Frank E. Shults;
H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;
H. R. 10702. An act for the relief of Elbert L. Cox;
H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the notherly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12031. An act to extend the time for commencing and completing the construction of a bridge across the Rio Grande at or near a point two miles south of the town of Tornillo, Tex.;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. L. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River, at or near Starks, La.;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13143. An act to adjust the compensation of certain employees in the Customs Service;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.;

H. J. Res. 47. Joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps;

H. J. Res. 77. Joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio; and

H. J. Res. 292. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1142. An act amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma auxiliary project, Arizona;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1831. An act to authorize the President to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes;

S. 1958. An act for the relief of William J. Cocke;

S. 2462. An act for the relief of John F. Walker;

S. 2505. An act granting increase of pensions under the general law to soldiers and sailors of the Regular Army and Navy and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty;

S. 2519. An act for the relief of Robert W. Miller;

S. 2751. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia;

S. 2989. An act for the relief of John B. Moss;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3136. An act creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes;

S. 3258. An act to amend section 300 of the World War veterans' act, 1924, as amended;

S. 3453. An act to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy;

S. 3484. An act for the conservation of rainfall in the United States;

S. 3569. An act to equalize the pay of certain classes of officers of the Regular Army;

S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;

S. 3637. An act to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes;

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age;

S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;

S. 4376. An act for the relief of Harry M. King;

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes;

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida;

S. 4457. An act authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Innerarity Point, in Escambia County, Fla., to the mainland of Baldwin County, Ala.;

S. 4461. An act to provide for the policing of military roads leading out of the District of Columbia;

S. 4474. An act authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.;

S. 4487. An act authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry connecting Montgomery and Jeff Davis Counties, Ga.;

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.;

S. J. Res. 80. Joint resolution authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River;

S. J. Res. 91. Joint resolution authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at or near the town of Yankton, in the State of South Dakota; and

S. J. Res. 161. Joint resolution authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928.

The message further announced that the Senate agrees to the amendment of the House of Representatives to the bill S. 3593, entitled "An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries; and

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ADJUSTMENT OF THE NORTHERN PACIFIC LAND GRANTS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 318) amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

The Clerk read the joint resolution, as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, as amended by joint resolution approved March 3, 1927, be, and the same is hereby, amended as follows:

"That wherein said joint resolution approved June 5, 1924, as amended by the said joint resolution approved March 3, 1927, there appears the word and figures June 1, 1928, the same shall be amended to read June 30, 1929."

SEC. 2. That the joint committee provided for in the above resolution approved June 5, 1924, shall have leave to report at any time by bill or otherwise.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LETTER FROM NATIONAL AUTOMOBILE CHAMBER OF COMMERCE

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the National Automobile Chamber of Commerce, by its president, Roy D. Chapin, calling upon the car manufacturers to fulfill signed pledge to reduce delivered price of motor vehicles by amount of tax, if proposed repeal measure is passed, as contained in the revenue bill; in other words, to strike the tax from the delivered price of all motor cars sold.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter is as follows:

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
New York, May 1, 1928.

PRESIDENT CHAPIN CALLS UPON CAR MANUFACTURERS TO FULFILL PLEDGE TO REDUCE DELIVERED PRICE OF MOTOR VEHICLES BY AMOUNT OF TAX IF PROPOSED REPEAL MEASURE IS PASSED

To Members:

1. By unanimous vote the members of the Senate Finance Committee have recommended repeal of the motor excise taxes. It is hoped the measure will be passed upon by the Senate within the next 10 days

2. During the discussion which preceded the committee vote, the charge was made by Undersecretary of the Treasury Ogden Mills that the industry would absorb the tax reduction and that the consumers would not receive any benefit in the form of a lowered delivered price for cars or busses.

3. Answering this statement before the committee, the undersigned, speaking as president of the National Automobile Chamber of Commerce, said: "I wish to reiterate the signed pledge of the entire motor industry that if this tax is repealed it will immediately be deducted from the delivered price of all motor cars."

4. The pledge referred to was made in the form of individual letters signed by the presidents of all the motor-car manufacturing companies of the United States. These letters were filed with the Ways and Means Committee of the House and are a matter of public record.

5. The Finance Committee accepted my statement, as is demonstrated by its vote.

6. This bulletin is sent you as a reminder of your obligation (your letter filed with committee) and with the request that, immediately upon word that the tax has been repealed, you notify all your representatives to strike the tax from the delivered price of all cars sold.

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
ROY D. CHAPIN, *President.*
H. H. RICE (*General Motors*), *Chairman,*
A. R. ERSKINE (*Studebaker*),
GEORGE M. GRAHAM (*Willys-Overland*),
F. J. HAYNES (*Dodge Bros.*),
ALVAN MACAULEY (*Packard*),
PYKE JOHNSON, *Secretary,*
Taxation Committee.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 5, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the figures "$12,989,284" and insert in lieu thereof "$13,268,284"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That there is hereby authorized to be appropriated not to exceed $6,499,500, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Albrook Field, Canal Zone: Hangars, $200,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; radio, parachute, and armament building, $25,000; gasoline and oil storage, $75,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $600,000.

"France Field, Canal Zone: Hangars, $80,000; operations building, $30,000; photo, radio, parachute, and armament buildings, $61,000; air-depot shops, $160,000; air-depot warehouse, $200,000; improvement of landing field, $103,000.

"Hawaiian Department, Wheeler Field: Hangars, $240,000; Air Corps field warehouse, $45,000; Air Corps field shops, $81,000; headquarters and operations building, $40,000; photo,

radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $15,000; paint, oil, and dope warehouse, $5,000; improvement landing field, $110,000.

"Bolling Field, D. C.: Hangars, $160,000; gasoline and oil storage, $12,000; paint, oil, and dope warehouse, $5,000; improvement landing field, $100,000.

"Chanute Field, Ill.: Hangars, $120,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; school building, $80,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

"Crissy Field, Calif.: Hangar, $40,000; photo building, $36,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000.

"Duncan Field, Tex.: Hangars, $80,000; air-depot shops, $243,000.

"Fairfield air depot, Ohio: Air depot shops, $243,000.

"Fort Sam Houston, Tex.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; improvement landing field, $20,000.

"Marshall Field, Kans.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $15,000.

"Maxwell Field, Ala.: Gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $13,000.

"Mitchel Field, N. Y.: Hangars, $80,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

"Post Field, Okla.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000.

"Rockwell Field, Calif.: Hangars, $160,000; Air Corps warehouse, $45,000; headquarters and operations building, $40,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

"Rockwell air depot, Rockwell Field, Calif.: Air-depot shops, $243,000; air-depot warehouses, $500,000.

"San Antonio Primary Training School, San Antonio, Tex.: Hangars, $440,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; wing headquarters building, $60,000; photo, radio, parachute, and armament buildings, $61,000; school building, $40,000; gasoline and oil storage, $9,500; paint, oil, and dope warehouse, $5,000; improvement of landing field, $150,000.

"Selfridge Field, Mich.: Air Corps warehouse, $45,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $50,000."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the Secretary of War is hereby authorized to cause condemnation proceedings to be instituted for the purpose of acquiring certain tracts of land in the vicinity of Fort Kamehameha Reservation, Territory of Hawaii, hereinafter described, for use as a flying field, and that a sum not exceeding $1,145,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee-simple title to said land either by purchase or condemnation, to wit: That portion of the Queen Emma and Damon Estates lying directly north of and adjoining Fort Kamehameha Reservation, east of the Fort Kamehameha-Puuloa Junction Road, south of the plantation road just north of Loco-Lelepaua and extending to the Rodgers Airport and Keehii Lagoon on the east consisting approximately of 1,434 acres, at a cost not exceeding $420,000, and also a portion of the Halawa district consisting of about 862 acres and immediately adjoining the Queen Emma and Damon Estates at a cost not exceeding $725,000."

And the Senate agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the total carried in the bill and substitutes the total brought about by the changes agreed to by the conference committee.

On No. 2: This amendment provides for officers' quarters and noncommissioned officers' quarters at Fort Douglas, Utah, in the amounts of $75,000 and $54,000, respectively.

On No. 3: This amendment adds an additional $48,000 to the bill for the construction of noncommissioned officers' quarters at Camp McClellan, Ala.

On No. 4: This amendment merely changes the total authorized for officers' quarters at Selfridge Field, Mich., so that $250,000 will be authorized for barracks and $50,000 for completion of the hospital.

On No. 5: This amendment provides an authorization for $126,334 to complete the new cadet mess hall, etc., at West Point. This authorization was passed by the House in H. R. 11623 on May 16, 1928.

On amendment No. 6: This amendment brings into H. R. 11134 the provisions of H. R. 12688, which passed the House on April 16, 1928. It provides for the construction of technical buildings and utilities required for the development of the five-year Air Corps program.

On amendment No. 7: This amendment brings into H. R. 11134 the provisions of H. R. 11847, which passed the House on May 12, 1928. It provides for the acquisition of portions of the Queen Emma and Damon estates and a portion of the Halawa district in the vicinity of Fort Kamehameha, Hawaii.

As agreed to by the conference committee the measure contains a total authorization of $20,912,784, made up of $13,268,284 in the provisions of H. R. 11134 proper, $6,499,500 in H. R. 12688, made a part of H. R. 11134, and $1,145,000 in H. R. 11847, made a part of H. R. 11134.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. BYRNS. Mr. Speaker, may I ask the gentleman if this is a unanimous report of the conferees?

Mr. JAMES. Yes.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LOAN OF AERONAUTICAL EQUIPMENT

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1822 having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 1822, an act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, submit the following written statement explaining the effect of the action agreed on by the con-

ference committee and submitted in the accompanying conference report:

There was but one amendment in disagreement, that of the House to the Senate measure, striking out the word "delivery" and inserting the words "transfer or loan," in the proviso protecting the Government from loss, so that the proviso as agreed to by the conference committee will read: "*Provided further*, That no expense shall be caused the United States Government by the transfer or loan or return of said property."

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. MCSWAIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

COL. WILLIAM L. MARLIN AND THE VETERANS' BUREAU

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of legislation with respect to the Veterans' Bureau.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THOMPSON. Mr. Speaker, I wish to rise, as it were, to a question of personal privilege. In dealing with the Cleveland Veterans' Bureau, of which Col. William L. Marlin is regional manager, I have had considerable trouble during my terms in Congress. I have had numerous cases in the past 10 years and I have always endeavored to be kindly and sympathetic with the ex-service man when he applied to me for help, but at no time did I go outside of my office to solicit veterans. All the cases that have come to me, and they have been numerous, have come voluntarily. I did the best I could for them.

The Julius C. Rothman case, C-641456, of which Dr. C. O. Beardsley, the commander of the American Legion Post of Ottawa, Ohio, had a statement of protest in the CONGRESSIONAL RECORD on December 15, 1926; the Clarence R. Kaser case, C-157888, of Edgerton, Ohio, with whom I have had dealings for many years and who has been subjected to a set of snoopers; the Herman J. Kraegel case of Holgate, Ohio, C-465051; the Raymond C. Giesige case, C-145872; the S. J. Joost case, of Holgate, Ohio, and numerous other cases which I could mention, form a list of indictments against the official record of the Veterans' Bureau at Cleveland under the management of Col. William L. Marlin.

These men had appealed to me for relief and some were not receiving anything from a supposedly grateful Government. They had used every resource at their command to receive recognition from the bureau at Cleveland and in each instance had been turned down as not eligible for compensation. These veterans and many others came to me personally to ask for assistance in securing compensation for the injuries they had suffered during the late war. After careful investigation I found every case worthy of the best the Government has to give to wounded and disabled men, and carefully brought all facts in these cases to the authorities of the Veterans' Bureau at Cleveland, which owes its existence to the needs of these men and not to the needs of arbitrary and ambitious officers of the regional office at Cleveland.

I worked patiently for several years without result in some of the most worthy cases, and fully believing these cases to come within the law, I became aggressive and made insistent demands on the regional manager at Cleveland to give these men, not charity, but such compensation as they are entitled to under the laws passed from time to time by Congress. This action on my part seems to have aroused the ire of William L. Marlin and he has shown this to me repeatedly in discourteous and curt letters of refusal to grant my pleas. I now have the proof. I have received the pronounced enmity and open hostility of the regional manager at Cleveland in my efforts on behalf of these men, which I consider part of my duty as their Representative in Congress. Personally I have nothing to gain, but I do have the greatest sympathy for these veterans and their families and have cast my vote in this House time and time again for appropriations vast enough to cover the needs of every veteran for disabilities received in the line of duty.

Just why officials in charge of the regional offices make special efforts to deny these men compensation is hard to understand. They make the burden of proof on these soldiers beyond all reason, and in many cases badly disabled men are unable to receive any measure of relief for the reason that they can not assemble proof demanded. The veteran himself may be living proof, physically and mentally, of the ills he has suffered and yet on some trivial technicality he is denied every right that the Government wants him to have.

I think it is time some of these officials were called upon for an accounting. After all proof has been produced and accepted the veterans are subject to call for physical examination at any time, always with the view of having their compensation cut down, rather than increased. If veterans are too ill or too badly disabled to appear when called, nurses or snoopers are sent to the veterans' places of residence at Government expense, and following these visits, many times, compensation is arbitrarily cut down or off. I frequently fight for recognition of cases of this kind where I know the veterans to be worthy of every cent they get from the Government.

Persons who uphold the actions of regional officials will point out the many splendid hospitals and homes that this Government has established in an effort to do justice to ex-service men. This is all true, and it would seem that every soldier who fought under the Stars and Stripes who is now disabled and unable to compete in the duties of the world, should have every possible care; however, if this matter is carefully gone into, it will be discovered that these spacious institutions seem to be more in the interest of officials and attendants in charge than for the common soldier. I have repeatedly had veterans tell me they would rather die than to be returned to these places for physical examination and so-called "treatment."

If, for these reasons, Mr. Marlin chooses to oppose me for Congress and possibly retire me from Congress, I am willing to meet the issue, but not until the truth is known about his official acts.

Finally, I wish to protest against this man's pernicious political activity. He has gone so far as to stir up strife at my home town of Defiance by the removal of a captain of a company of the Ohio National Guard over which he is a colonel, a year or two ago, because the captain would not bow the knee to this dictatorial Colonel Marlin in his treatment of ex-service men of my vicinity.

He entered the local American Legion camp at Defiance one day when there was not a quorum present, and had a resolution passed indorsing his action on a certain case in which I had been active.

He has threatened to put a force of men in the coming campaign for the nomination to defeat me at the primary in August. He has an ex-service man as a candidate for nomination now, although he may deny it. It is nothing for him to misrepresent to his superior officers of the Veterans' Bureau concerning his political activities. I felt this activity in the last campaign and knew something was wrong, but I did not suppose that a man under civil service and a regional manager of a Veterans' Bureau office would stoop to seek to defeat a Member of Congress for being loyal, as he sees it, to the ex-service men who so badly need attention.

He has now embarked on the political seas of activity, regardless of his civil service status, and if he defeats me for the nomination, it can be attributed largely to the arbitrary methods and militaristic rule of the regional office at Cleveland. The employees are all supposed to do his will and execute his orders. He is a colonel and his orders must be obeyed, and he does not seem to have much sympathy for ex-service men or civilians, or even Congressmen. I understand he made the boast once upon a time that letters from Senators or Congressmen did not receive any special favor from him, that it was just as well for a veteran not to have senatorial or congressional influence behind him.

Since when has the regional manager at Cleveland become so mighty that he can afford to build up a political machine in his district with his army of employees, not only to defeat Congressmen whom he dislikes but also to show ex-service men in his district that he is "the boss" and that they have no claims which he is bound to consider. He is arbitrary, dictatorial, dangerous, and unsympathetic. When the United States Veterans' Bureau was decentralized I voted for such action, deferring to the wishes and arguments of the American Legion somewhat against my better judgment. I doubted at the time that it was a wise move, and I am forced to say that subsequent events have not proved to me that I was wrong.

Before there was one fountainhead of administration and action; after there was established many and various branch offices, appeal boards, and so forth, throughout the country, each with its quota of authority and power. It became extremely difficult to force an issue at any one place on any one claim or to follow a case through the channels and find out exactly where there was any distinct authority to hand out swift justice.

After decentralization in line with a desire for economical administration—which was possibly brought about by the greatly increased overhead expense of the added regional of-

fices—a strict policy came into existence which, in particular claims that came to my attention, seemed to me and to others also to work injustice. I naturally took up the cudgels vigorously in behalf of these cases at the regional office concerned—which in my district is the regional office at Cleveland, Ohio, presided over by Col. William L. Marlin. Very often I took Colonel Marlin to task severely in my letters on particular cases. I have no apologies to offer for that. There were no personalities considered in my actions but only a desire for the cutting of red tape and the quick relief of claimants who deserved same.

Now, as an example of one weakness of the regional system, I call attention to the fact that Colonel Marlin, regional manager at Cleveland, Ohio, became personally affronted at my efforts, conceived a personal dislike for me, and as a result, according to certain evidence I possess it is actually a handicap to an ex-soldier's claim now if I intervene in his behalf. It is certainly no help to him. Time and again word has come back to me of constituents of mine who have apparently been received with less courtesy when the regional office at Cleveland learned I was interested in the case.

Mr. Speaker, I have a case just in Washington now on appeal, Henry J. Schuette, C-280-132, Defiance, Ohio. It has gotten nowhere in Chicago or Cleveland. One of the officials of the Veterans' Bureau here in Washington, after looking at the "dummy" file of records on the case kept here, said he thought the case on appeal would receive the award contended for, on the basis of facts before him.

Other cases I can mention, that have dragged out and delayed and received no substantial action until the time and trouble was taken to bring them here to Washington on appeal. To be specific, I refer to one Clarence R. Kaser, C-1157888, Edgerton, Ohio. I have been active in this case for years, and just within a few months it had to be brought to Washington to the director to save the boy's compensation and attendant allowance.

Mr. Speaker, I mention these cases—and I can mention others—simply to show the trouble, delay, and inconvenience—yes, and suffering, that can be caused, apparently in the regular routine of business, in one of these regional offices. And I submit, Mr. Speaker, that any officer who makes it difficult for these ex-service men in connection with their cases, simply because they are represented by a man personally disliked by that officer, is unworthy of his position.

Another thing about establishment of these regional offices. It brings the various managers in closer contact with the people—the area in which they work is restricted, and consequently an alluring field is opened for political activity. Regional managers are under civil service and supposed to be outside politics. But here, again, the weakness of the system is shown. In addition to the activities relative to veterans' claims, which I have shown above, as a result of incurring the personal dislike of the regional manager by calling him to task, I have been made the target of adverse political activity. The regional manager, being a military man and a leader in the National Guard of Ohio, has, through his officers and other connections in my district, fostered a good deal of enmity toward me politically among the very class I have supported—the veteran class. Two years ago many of his subordinates, who had always been my supporters, were against me. For the coming campaign he is alleged to have persuaded an ex-soldier to oppose me in the primary. To certain people he has made statements—not knowing they were my friends—that he would use every effort to defeat me in the primary; and if I were successful then, would redouble his efforts in the general election.

Thus does a regional manager of the United States Veterans' Bureau, under civil service, seek to intimidate a Member of Congress and defeat a Member of Congress who has dared to call him to task in line of duty and with reference to the regional manager's duty. Thus, also, does he play loosely with the claims of innocent veterans who dare to seek my aid in prosecution of their claims.

Mr. Speaker, since so much evidence of discrimination in veterans' cases and undue political activity directed at Members of Congress is being accumulated in my files against the regional manager at Cleveland, Ohio, I desire to state that during the summer I intend to brief this evidence for the consideration of Congress at the next session and then request, by resolution, an investigation of this situation by a special committee of the House appointed for this purpose.

IMMIGRATION VISAS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

Mr. SNELL. Is that the resolution we passed here just the other day?

Mr. JOHNSON of Washington. Yes; it was passed without a roll call.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 5), with House amendments, insist on the House amendments, and agree to the conference asked. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JOHNSON of Washington, JENKINS, and BOX.

PENSION BILL

Mr. KNUTSON. Mr. Speaker, I call up the conference report on the bill (H. R. 12381) granting pensions and increase of pensions for certain soldiers and sailors of the Regular Army and Navy, their widows, etc., and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12381) granting pensions and increase of pensions for certain soldiers and sailors of the Regular Army and Navy, their widows, and so forth, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 8, 9, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "$100"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows:

"Page 2 of the Senate engrossed amendments in the case of David J. Menard, strike out the figure '30' and insert in lieu there the figure '20.'

"Page 2, in the case of Lawrence Waterhouse, strike out the following language, 'said increase to date from February 17, 1927.'

"Page 3, in the case of John Rose, strike out the figure '25' and insert in lieu thereof the figure '17.'

"Page 4, in the case of Tillie M. Foley, strike out the figure '30' and insert in lieu thereof the figure '20.'

"Page 5, in the case of Henry Buck, strike out the following language: 'the name of Henry Buck, civilian employee, quartermaster department, Nez Perce Indian war, and pay him a pension at the rate of $12 per month.'

"Page 6, in the case of George W. Cleveland, strike out the figure '30' and insert in lieu thereof the figure '20.'

"Page 6, in the case of Leon P. Chesley, strike out the following language: 'the name of Leon P. Chesley, late of the One hundred and twenty-first Company, United States Coast Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.'"

And the Senate agree to the same.

HAROLD KNUTSON,
J. M. ROBSION,
JNO. W. MOORE,
Managers on the part of the House.
PETER NORBECK,
HENRIK SHIPSTEAD,
DANIEL F. STECK,
Managers on the part of the Senate.

STATEMENT

The managers on part of the House on H. R. 12381 show by way of explanation that 132 House bills were included in said bill.

The committee of conference carefully examined the merits of each individual case over which any difference of opinion existed and mutually agreed to restore all bills of meritorious character.

The Senate amendment contained the names of 27 beneficiaries. The House disagreed with the Senate on 28 items and made 14 corrections as amendments.

The Senate took exception to 21 of the 132 House bills and agreed to the retention of 7 of them.

HAROLD KNUTSON,
J. M. ROBSION,
JNO. W. MOORE,
Managers on the part of the House.

The conference report was agreed to.

FARM RELIEF

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on farm relief.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, equality and justice are basic elements of democratic government. American representative democracy especially exalts these two vital principles. The Declaration of Independence emphasizes the equality of men and the Constitution asserts in its preamble that our laws are designed to promote justice.

We presume these fundamental principles maintain between groups and industries as well as between individuals. Government therefore should be the equal servant of all. Uncle Sam should play no favorites.

In times of great necessity industry and business have many times come to the Federal Government for special consideration. The infant industries were among the first to ask protection. The taxing power of the Federal Government was appropriated to levy tariffs, not for revenue but to create a barrier against foreign merchandise. Industries are no longer infants but they still claim protection as a fixed, vested policy.

The railroads, feeling the need for governmental aid and observing how manufacturing was being favored, also claimed kindred in the family of Uncle Sam and had their claims allowed. They are now operating under rates that guarantee them a fixed earning. Transportation is a prosperous child of government, coming under the commerce clause of the Constitution. They have the special privilege of a commission to fix rates and the benefits of a revolving fund to stabilize earnings. With this as a precedent no one should become overagitated if agriculture asks to use the same commerce clause and a revolving fund to control the exportable surplus of farm products, all of which must enter the channels of commerce for disposition.

Again, observe how the public utilities are the child of the State and have their earnings guaranteed, often on inflated valuations.

Labor being able to organize and act collectively has impressed the Congress with its demands. Hours have been reduced to 8 per day with a 48-hour week, while the farmer still labors 72. Compensation laws to cover injuries and legislative machinery to settle disputes between employer and employees have been provided. Congress is also being asked to legislate to curb the courts in the arbitrary use of injunctions in labor disputes. This reform will likely be accomplished. Then labor will no longer be denied a trial by jury. As a Representative who believes in helping the workingman, I was glad to support the laws restricting immigration. The American workingman should be protected from the competition of foreign, cheap, and unskilled labor.

All of these instances but emphasize the many groups and industries that have come with petitioning hands to Congress and have been graciously received. The farmer observes these acts of parental love, and as a child of government feels that he has been crowded out of the family circle. He has worked longer and harder than any of his brothers and has received the smallest portion of the income. While prosperity prevails in industry, with stocks and bonds ever soaring higher and higher, farm values are shrinking and agriculture is in bankruptcy.

Does anyone doubt there is a farm problem?

In the year 1910 mortgage indebtedness on farm lands totaled $3,500,000,000, and in 1920 it had increased to $12,450,000,000, and now it is even greater. During the period since 1920, while other values were growing, farm lands shrank from $63,000,000,000 to less than $45,000,000,000, the most enormous loss ever sustained by any group. During this period of depression, caused mainly by a vicious deflation policy adopted by the Federal reserve banking system, credits were curtailed and foreclosures increased as never before. There have been 171,000 farms sold at forced sale, and bank failures are totaled at 3,941. It is estimated that almost 1,000,000 people have been forced to leave the farms because of these sales and failures. The depletion of the farms, with an exodus of the people to the industrial centers, constitutes our greatest and most menacing problem. Already more than 50 per cent of our population live in cities and towns under conditions that neither improve their health, their happiness, nor their morals.

Farming is our biggest business. It is the most important. Life itself depends upon the production of food and clothing. The disadvantage of low prices of farm products and the low comparative value of the farmer's dollar arises from the disparity of the farmer in relation to these other favored groups. These are able to control prices on their products. A table inserted herein and comment thereon shows how the farmer is mulcted out of wealth by exorbitant tariff rates which are built to rob the consumer and favor the manufacturer.

It has always been emphatically declared by some political economists that high protective tariff schedules spell prosperity. It is time for the farmer to come out of this deceptive delusion. For his benefit let him study this table, compiled by the Agricultural Department, as to the comparative purchasing power of the farmer's dollars for the last 35 years and keep in mind which party was in power. The years and figures are from the department and the insertion of the party are my own. This table places political responsibility by administrations. It clearly demonstrates that agriculture is much the better off under a low, or Democratic, tariff:

	Cents		Cents
Republican Party:		Republican Party:	
1890	83	1908	93
1891	89	1909	100
1892	87	1910	96
Democratic Party:		1911	97
1893	87	1912	101
1894	85	Democratic Party:	
1895	85	1913	100
1896	81	1914	105
Republican Party:		1915	103
1897	86	1916	97
1898	88	1917	107
1899	83	1918	112
1900	86	1919	112
1901	92	1920	96
1902	95	Republican Party:	
1903	88	1921	84
1904	93	1922	89
1905	90	1923	61.3
1906	88	1924	62.4
1907	90	1925	60.3

I have no desire to discuss the theory of the tariff. Suffice to say that I am not a free trader, neither do I believe in using the taxing power of the Federal Government as means of robbery of the many for the benefit of the few. I do not care to talk about the ancient doctrine of infant industries that do not now exist. Nor to refute the argument about tariff for the benefit of labor, when the return goes into the pocket of the capitalist, who never renders an accounting to labor for this legislative trust fund. I merely want to show the farmer he is worse off under a high than under a low tariff, and for this purpose I am inserting another table showing relative costs of necessary articles on the farm, and how much more he is expected to pay now with a cheap farm dollar than he did in 1 under a Democratic administration, when his dollar, as shown by the former table, was worth a dollar and more:

Implements	1914	1928
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14 inch	14.00	28.00
Harness, per set	46.00	75.00

While many of these finished articles are on the free list, yet the component parts are highly protected. The raw mate-

rial is therefore controlled, the output is limited, and the price fixed at a fancy figure. Our great natural resources of raw materials, our patent laws protecting inventions, the genius of American business and the ability of the American workman to produce, in most instances should be sufficient protection. There is no necessity for the use of the Federal taxing power to permit the exploitation of the American consumer.

In this age of rampant commercialism I may appear a little old-fashioned, but I can not escape the conviction that the Federal taxing power has been perverted from its original constitutional purpose of raising revenue for the administration of a Government economically conducted. Instead of assisting beginning and undeveloped industries until they can stand alone it continues to support the giants of industrialism. The excessive favoritism of the present tariff and its destructive influence to agriculture, I believe, is the most serious menace of the economic welfare of the American people.

I therefore make a plea for the consumers of America, that great forgotten class, that are trying to make their income meet these unjust burdens under a policy that taxes the many for the special benefit of the few. I can well understand why a manufacturer or one whose investments lie in a protected industry that controls the production, and therefore fixes the price, would be for the Fordney-McCumber tariff, but it is beyond my understanding why any farmer, small business man, professional man, or laborer should as a consumer desire to sanction this system of inequality that pulls wealth and income from the farms and rural communities to the industrial centers of America.

There are those who claim the present tariff law benefits the farmers. It is a bold assertion, but one which the present deplorable condition of the farmer emphatically contradicts. What does investigation disclose? The American Farm Bureau Federation estimates the present tariff costs the farmers on necesssities purchased an annual sum of $426,000,000 and that the farmers gain by the same law $125,000,000. Here is a clear loss of $301,000,000 in which the farmer contributes to the wealth of the manufacturer. Is it any wonder that New England and other manufacturing centers say, "Leave well enough alone; do not tamper with the tariff." The man always says "Leave well enough alone" when he has his hand in the other fellow's pocket. Under the present tariff law for every dollar the farmer gains it costs him $4. Also the Fair Tariff League, indorsed by many leaders of farm organizations, such as the National Grange, Farm Bureau Federation, and Farmers' Union, in a statistical summary of the leading agricultural States estimates the present tariff in those States costs the farmers $15 of added costs to $1 gained to the farmer by the operation of this law.

Knowing these facts, will the farmers be contented to vote for extreme protection, when they are being deceived and mulcted by this so-called beneficial tariff?

High tariffs can not raise the price of commodities of which there is an exportable surplus. Agriculture every year produces such a surplus for export, which is thrown upon the foreign market, and this export price controls the domestic price. When goods are going out and not coming in what good is a tariff wall? This wall may repel some trader who would bring goods here and exchange them for our farm surplus. Thus the tariff wall raises the price of all manufactured goods that the farmer buys and keeps him from trading abroad his surplus for many needed commodities which the farmer could use if the price was not prohibitive. The farmer is therefore at an economic handicap, and no amount of advice, sympathy, or subterfuge will bring relief as long as the man who tills the soil it not treated with legislative equality or justice.

Will the farmer still be satisfied with three cheers and a slap on the back and continue to vote for tariffs that rob him and reduce him to bankruptcy or will he use his political influence to help his industrial condition by voting for a party who will readjust the tariff schedules so that economic equality and justice may prevail?

It appears to be impossible to obtain revision of these exorbitant tariff rates from this administration. Many have in debate admitted the injustice of the present schedules. They are conceded to be obsolete and unfair, but there seems to be an invisible influence that controls and prevents even the consideration and modification of this policy of iniquity existing in the Fordney-McCumber tariff.

Since the tariff is not to be lowered then to obtain relief by lifting agricultural products to a level of manufactured products, the McNary-Haugen bill has been designed. I have three times voted for this bill and I believe it will bring the necessary relief. It does not propose to put the Government in business any more than the Government is already in the business of manufacturing, transportation, or banking. The rural population pleads for equal treatment at the hands of the Government. Surplus production is a vital factor in bringing agricultural prices back to a pre-war parity. Agricultural surplus can only be managed and controlled by some centralized, governmental agency. The bill provides for this control and arranges machinery to collect through the equalization fee the cost of operation, and thus prorates the same over the entire field of production of any commodity. It is a method designed to perpetuate itself, keep its reserve fund for control intact, and also curb overproduction. Without this feature of the equalization fee the funds are merely a subsidy, which when exhausted kills the system. Since a surplus is the salvation of our country against starvation the producers should not be penalized, but rather encouraged.

There has been unnecessary delay in recognizing the depressing conditions of agriculture and providing measures of relief. The representatives of 4,000,000 farmers have appeared before the committees of Congress and have almost unanimously indorsed the McNary-Haugen bill. This bill represents the best efforts from many sources of an honest, sincere attempt to assist the American farmer in orderly marketing, proper production, with prevention of farm surpluses from utterly destroying the domestic market. The Government under this bill would not buy or sell, but would help to organize cooperative groups and furnish capital to store and market the farm surpluses.

The production of farm products have an average annual value to the farmer of $10,000,000,000 and for which the consumer pays annually $30,000,000,000. In this wide margin of difference between what the producer gets and the consumer pays, lies the field for the operation of this legislation. The consumer can be protected from exploitation and the producer can be better rewarded for his labors. The Government will be the instrumentality of stabilization by bringing together the scattered groups for cooperative efforts. Great fluctuation in prices, damaging alike to both producer and buyer, will be prevented.

The administration should have had no hesitation in enacting this measure into law after the 1924 election. The platform contained pledges and the candidates made promises. These promises have faded into thin air, and like Judas Iscariot, the administration has turned its back on the one it professed to love. The Republican Party has had control of Congress for 10 years and has had the Presidency for 8 years and the chief distinction that the last two administrations can claim consists in having a President whose sole activity toward agriculture has been to veto farm relief legislation as fast as Congress can enact bills and send them to him. Congress has conferred and collaborated with the farm organizations, carefully considered, reported out, and passed these relief measures, only to be blocked in every effort by a Republican reactionary and obstructionist President. It is now up to the farmers at the ballot box to assert their rights.

Now, in conclusion, let me make some observations looking to farm relief. Farmers of the inland territory want cheap water transportation. This will allow the loading of vessels at inland ports for foreign shipments. We want to ship our farm products to the ports of the world without reloading. We need a revision of the freight rates consisting of reclassification, adjustments with certain preferential rates on foodstuffs. Also the States may help by revision of the taxing laws so that tangible property, because it is in sight and accessible, is not made to bear an unjust burden of the local government. The farmers pay one-fifth of the Nation's taxes and receive but one-twelfth of the national income. This situation calls for immediate alleviation. There should be a lowering and equalizing of tariff duties in the interest of the farmer. Pending the accomplishment of these changes the McNary-Haugen bill offers relief for better prices by governmental aid in marketing the surplus farm production.

The West and South being mutually interested should begin to work together in self-defense. The claim of wealth and prosperity means nothing unless there is a better distribution of its benefits to those who produce it. If politics and Federal legislation are interwoven into the industrial and business fabric of America, we must accept the challenge of this combination in the agricultural section and unite for action. We are determined that prosperity must be more than spotted and provincial. It must be general to satisfy the farmer.

It is up to the agricultural classes both organized and unorganized to stand by their friends and those who have worked and voted to bring equal opportunity and economic justice to those who produce the comforts of food and clothing for America. There is hope that the administration may change

and we get an Executive whose perspective can reach the farthest village and farm of America. We want no condition of serfdom. Only agricultural independence and economic equality on the farm can preserve uniform democracy in our country.

WHERE WAS ANDREW JACKSON BORN?

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that my colleague, Mr. HAMMER, may have permission to extend his remarks in the RECORD by printing an article on the birthplace of Andrew Jackson.

The SPEAKER. Is there objection to the request of the gentlemen from North Carolina?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the permission to extend my remarks in the RECORD I include the following statement prepared by John Trotwood Moore, director libraries, archives, and history, State of Tennessee:

The congressional committee known as the Joint Committee on Printing has been doing a much-needed historical work during the past four or five years in publishing authentic, correct, and concise biographies of the Presidents of the United States, Senators, Congressmen, and other Federal officials, past and present, for permanent preservation in the national archives. So many of these officials, especially Senators, Congressmen, and Cabinet officers of the past, left so little data of their lives that it has been a stupendous, painstaking task. Take an obscure and long-forgotten Member of Congress, say 100 years ago, who served one term in Congress and then vanished from the scene. Where was he born? Where did he die? What became of him, and where was he buried?

Naturally, the historical departments of all States have been called upon to help in this research. Senator MOSES is chairman of this committee and Mr. Wold is the very efficient secretary. When it came to the place of birth of Andrew Jackson, seventh President of the United States, the committee was confronted with serious and conflicting testimony. The birthplace of the seventh President was strenuously claimed by both the States of North and South Carolina, and their respective champions, Representatives WILLIAM F. STEVENSON, of South Carolina, and WILLIAM C. HAMMER, of North Carolina, each delivered on the floor of the House a convincing array of historical facts tending to establish their respective claims. In the confusion of so many differing statements from men so eminently qualified to speak authoritatively on the subject, and, without doubt, each sincere and honest in his belief, the writer was requested by Secretary Wold to go to the Waxhaw settlement in North and South Carolina (for the ancient Indian settlement extends across the borders of both States) and give to the committee his own views on the subject from personal investigation and first-hand information gathered on the spot. This he did on October 22, 1926, being met by a large delegation composed of citizens of both States and spending portions of two days and nights in that vicinity, the nearest town being Monroe, N. C.

Let it be understood in the beginning that this writer does not consider the question of Jackson's birthplace, as between these two splendid States of homogeneous people of the finest traditions of Anglo-Saxon lineage, as of any great importance.

The fact that he was born is the main thing for history and the glory of his breed.

VISIT HOME SITE

After thorough investigation the writer returned convinced beyond any doubt that Andrew Jackson was born in the George McKemey (spelled also McCamie, McKamie) log cabin on the night of March 15, 1767, which cabin is to-day situated about 407 yards on the North Carolina side of the State line between the States and about 10 or 12 miles from the town of Monroe, N. C.

My work was greatly facilitated by the untiring efforts of Congressman WILLIAM C. HAMMER of the seventh district, who, with other patriotic citizens of that district, met me and gave me every opportunity to thoroughly investigate this matter. In this connection I wish to add that the greatest possible credit is due Mr. HAMMER for the thorough investigation he made of this subject and his unanswerable presentation of it on the floor of the House of Representatives. As an historian I will further say that it is seldom any congressional district has so able a Congressman and historian at the same time.

Let me briefly array the proof presented by both sides, and give the reason for our decision in support of the North Carolina claims.

Let it be known in the beginning that all the early confusion and differences of opinion arising on this subject were brought about by an error in the survey establishing the true line between those States soon after the complete separation of the two provinces by royal authority in 1729. After the separation, a dispute arose as to the boundary line, which was not finally settled until the final survey—which is the established line of to-day—was ratified by the general assemblies of both States on November 2, 1815.

At that time Andrew Jackson had in a little more than one year destroyed the powerful nations of the Creek Indians, making possible the treaty of Ghent and completely routing for the first time in its history a British army of more than twice his own force, and saved the entire Louisiana Purchase from the jeopardy of British possession and annexation of Canada. After over a century of history, including three greater wars on the Western Continent, and a world war in Europe, involving nearly every white nation in the world, this is still considered the most brilliant and far-reaching victory ever gained by American arms. At that time, when the correct line was run between the two States, Andrew Jackson was 48 years old, and was living at the Hermitage, near Nashville.

DOUBT ABOUT LINE

But at the time of his birth, March 15, 1767, there was grave doubt about the line, and when it is remembered that it was admitted on both sides that the line run in 1737, 30 years before Jackson was born, was 11 miles short of reaching the thirty-fifth degree of north latitude, to which the surveyor had been instructed to run, thus producing a triangle with an hypotenuse following 11 miles from the true point of a straight line north and south within the true line as established November 2, 1815, and the false hypotenuse as run in 1737, was an area 5 or 6 miles in extent in which on one side or the other of the line close to it were located the homes of the five Hutchinson women (all sisters of Andrew Jackson's mother), who had married, the most of them in north Ireland, and emigrated with their husbands to America; and all settled in the Waxhaw settlement, vaguely extending from 10 to 20 miles each way into what is now North and South Carolina. These sisters were Margaret, who married George McKemie; Mary, who married John Leslie; Sarah, who married Samuel Leslie; Jane, who married James Crawford; Grace, who married James Crow; Elizabeth, who married Andrew Jackson, sr.

As stated, all of these built cabin homes within 4 or 5 miles of each other at the farthest, nearly all on lands touching Waxhaw Creek, except one, Andrew Jackson, sr., the last to come from north Ireland with his wife, Elizabeth Hutchinson, and their two little boys, Hugh and Robert, and, being the poorest of all who had married the comely, sprightly, thrifty, well-bred, and from the keen competition for their hands, most desirable Hutchinson sisters, he was able to enter in 1765, when he reached the Waxhaw settlement, only 200 acres of rather poor land on Twelve Mile Creek, 10 miles farther north and then as now, clearly within the borders of North Carolina.

He built a rude log hut by a spring, and with two years of strength-killing labor, tilling and clearing without aid or help save only the sturdy arms of his brave young wife, he was only able to pay $70 on this land, not enough to take it out of the entry office; and, broken in strength and heart, he succumbed to pneumonia in the bleak and bitter days of February, 1767, leaving a helpless wife, expecting shortly another child, and with two little boys to the none too tender life of a frontier civilization made up chiefly of savage fighting, spiritless drudgery, uncomfortable living, cruelty, and ignorance. But that log cabin, crude and comfortless as it was, stricken with dire poverty and overwhelmed with remorseless sorrow, lacked but a few days of being the birthplace, as it had been the beginning, of the life of a man whose iron will, mighty vision, and matchless courage was the first to make of his country a real democracy for the world.

AN UNMARKED GRAVE

On a bleak and freezing February day in 1767 they hauled his body on a sled to the old Waxhaw Church, some 10 miles away, and buried it in a grave that as yet has never had a stone with his name on it—the father of greatness who fought as brave a battle against as great odds for his wife and babies as ever his brilliant son did at New Orleans.

Can it be that the Nation he did so much to save and to make shall forget him? I can not believe it. And so I stood at that grave, unmarked, and, but for an accident, unknown—even as his wife, buried in a potter's field near Charleston—and pledged that the people of Tennessee would put a monument there to Andrew and Betty Jackson, father and mother of Tennessee's greatest citizen.

Things were very desperate with Betty Jackson, as she was called, in that lonely and rude log cabin by a rocky spring, in a small, cleared spot of woodland, on the edge of the frontier and 10 miles farther away than any of her sisters. Hugh, her oldest boy, was about four; Robert, scarcely two, both requiring constant watchful care, and another son soon to be born. Her husband had been too poor even to own a negro to help him clear the forest and build his log hut. Nor did he own a "likely wench," as the slave women were called, and purchasable at half the price of a manservant, $100 to $200. She had even helped her husband build his rude cabin, so far as the interior went, daubing the logs and the chimney with plastic mud, making the roped beds with only two posts, the other side being attached to the logs of the house. On a little hand loom she brought with her from north Ireland she had woven the jeans clothes for her man and her boys. The Hutchinson family was a family of linen weavers, and she doubtless wove the linen of fleece or cotton and milked their one cow, made endless trips to the rock spring for water, churned, cooked, sewed, washed their clothes, and kept her boys from mischief. The only description ever given of her, "a dumpy little red-headed Irish woman, always knitting, always busy, respected and loved by everybody."

Now, "dumpy, little, and red-headed"—that means compactness, health, energy, pep; red-headed, in that means temper and fight. Her great gangling son, of long legs and long, narrow peaked head on a slender body that carried it 6 feet and 2 inches high, resembled her in only two things—the red head of the fighter and the steel blue-gray eye that never quailed.

TRIED TO MOVE

With no one to wait upon her in her coming sickness, no one to cut wood and build fire and keep her warm, no one to guard against the sneaking, lurking Indians, the wild beasts in the swamps of the wood, with not a dollar, perhaps, in the hut, and little meal and potatoes and bacon, there was nothing for the stricken little red-headed woman to do but to go to her sister, Jane Crawford, 10 miles back further in the settlement and near the old Waxhaw log church. James Crawford, husband of her sister Jane, and his brother, Maj. Robert Crawford, were far better to do than Andrew and Betty, or either of the husbands of her other sisters. They owned each a large plantation, had moved to America 16 years before Andrew Jackson and Betty had come, and had greatly prospered, owning slaves and livestock of all kinds, raised large quantities of cotton and tobacco, and had homes of two stories with stairs, wide porticos, and a lawn in front of the most pretentious mansions of the entire countryside. Moreover, they were men of the first importance and standing—leaders in militia service and affairs of the county of Lancaster, S. C., where their plantations lay just 2 miles, or a little more, over the line, according to the survey of 1815. So imposing was the Robert Crawford home, and so prominent its owner, that it was selected to be the stopping place of President George Washington on his tour of the South in 1791.

It was finally decided among the sisters that their sister, Jane Crawford, being childless and a semi-invalid, that Betty and her two little boys should be taken there where Betty could keep house for her sister, and the boys find a home. Accordingly, on a cold day in March, in a small wagon, sitting on the feather mattress on top of all her worldly goods, holding her two little boys at her side, the little red-headed mother of her immortal son bid with tears good-by to the little cabin in which she had seen so much grueling labor and sorrow and set out for the home of her sister, Jane Crawford, 10 miles away, near the old Waxhaw Church. In going to her sister, Jane Crawford, Betty Jackson had to pass by the cabins of two of her sisters, Sarah Leslie and Margaret McKemie. Their husbands, like Betty's, were poor, their estates small, and their log cabins little roomier than her own. Their cabins stood scarcely half a mile apart on the public road.

REACHES HER HAVEN

When she reached her sister's cabins, Betty was cold and tired. It had been a long journey over a rough and rocky trail that passed for a road. Besides, she was growing ill—she sensed it. Her little boys were cold and hungry and it was nearly night. It was 2½ miles farther to her sister Jane Crawford's. She stopped for the night with Margaret McKemie. There had been much hard work in packing and loading even her small wagon load of household stuff. There had been tears and heartaches in leaving her little cabin where last she had seen her husband alive. She had been married to him but six years, and through the last two on the frontier of a new civilization, in a new land of wide, open spaces bordering on an unknown forest of wilderness and savage, had been hard and of bitter self-denial, yet they had been happy until death came by, in the thought that now, in this new country, of unlimited land and liberty, a new day had dawned from the tyranny of the old land they had left. And now, not 30 and a penniless widow, facing the rearing and care of three children.

No mother in all the world ever went to her lonely bed of labor and pain as went Betty Jackson that night on the Ides of March, to be delivered of a child whose father's comforting arms lay cold and crossed in a distant graveyard, powerless to comfort and caress her in the bitterest of all nature's ordeals. Neither in Shakespeare nor in the Bible, which together have recorded the dumb sorrow of silence written in the woman's tearless eyes who feels that pain of motherhood and knows there is no loving father for her child. Margaret McKemie, sister of Betty Jackson, did the natural and sensible thing in this unexpected dilemma. Near her, scarce a quarter of a mile away, lived another sister, Sallie Leslie. She was not only a sister but was experienced in the birth of children—a capable, strong, and sensible woman. Some even termed her by the old English and honored name of midwife. She was hastily sent for, and came quickly by a near cut through the field, so short a distance that the firelight in the small windows of each cabin could be seen at the other. She brought her little daughter, Sarah, along, 7 years old, because she had no one to leave her with at home. She arrived none too soon and sent hastily for another neighboring woman, living only a short distance across another field, Mrs. Molly Cousart, a professional midlady, who did reach there shortly after Jackson was born and in time to dress him, and as soon as his mother was able to travel she went to live with her sister, Jane Crawford, about 2½ miles away on the South Carolina side of the line. Here Jackson lived until his mother died, at which time he was about 14 years of age. That McKemie cabin is to-day 407 yards over on the North Carolina side.

PROOFS ARE PRESENTED

Let us see upon what proof we base these assertions, since they would establish North Carolina's claim to his birthplace.

Little attention was paid to Jackson's birthplace until he became famous and an outstanding man in national affairs. This is the way of the world in pioneer days; little attention was ever paid to the cabin in which greatness was born. Cabins were always quickly built and as quickly they rotted to decay or gave way invariably to more substantial and finer homes as the industrious and sturdy owner acquired wealth and standing among his neighbors, acquired by the products of his farm, his industry and thrift. The invariable rule was the log cabin first, the finer home of plank and brick afterward.

Many plantations in the South to-day still can show the log cabin of the first owner, now used as a stable or servant house, in humble contrast to the fine mansion, often of brick, near it. Part of the log cabin of the original Hermitage where Jackson lived when he fought the Battle of New Orleans still stands near the great colonial brick mansion which he built while President of the United States in 1835. Lincoln's people were not so thrifty. They built their log cabin on poorer land in Kentucky and with the death of Nancy Hanks, the mother, moved west into Indiana and still later Illinois. Like Jackson, it was only after the death of Lincoln that any real and enthusiastic search was made to find the cabin in which he had been born. It was only after Jackson died, in 1845, that any real authentic data were collected to show where he was born.

LEAVES WAXHAW SETTLEMENT

The question of his birthplace was never a happy theme to Jackson. At 14 years of age, orphaned, poor, without funds, and no prospect of ever being anything but a country school teacher, and finally a country lawyer riding a backwood circuit, he left the Waxhaw settlement in disgust, never to return again. His oldest brother, Hugh, had been killed in battle, then only 17. His other brother, Robert, he had seen slashed over the head, causing later his death, even as he himself had been slashed, by a cowardly brute of a British officer because the lads, 14 and 16 years old, captured in battle near Waxhaw Church, refused to be his menials and black his boots. And this after he had seen 115 of his comrades massacred in cold blood by the same British in treachery, after they had been surrendered and captured at Waxhaw Church the day before; about 150 wounded, 50 taken prisoners, all accomplished by treachery and deceit. And his mother dead and buried in an unknown grave far from home.

No wonder he never forgot. No wonder when the 8th day of January, a third of a century afterwards, when he saw that brazen and blasphemous body of cocksure British bullies rushing his deadly breastworks of Decherd rifles, and knowing the pale and ghastly memories on the white horse of death that led them to their sure destruction, that he turned to an officer near him with a grim gleam of Scotch cruelty and Calvinism in his eyes as he said: "And now, by hell, we'll give them a taste of Waxhaw."

It was a bitter taste that has never left the British mouth; to this day no historian of theirs has ever told the truth about Jackson.

CLAIMED SOUTH CAROLINA

Jackson cared little about his birthplace and never mentioned it until in 1824, when he had become a candidate for President, and in politeness answered the letter of Joseph H. Witherspoon as to where he was born.

Jackson's answer was: "I was born in South Carolina, I have been told, at the plantation whereon James Crawford lived, about 1 mile from the Carolina Road crossing the creek."

This is practically South Carolina's claim—that Jackson was born on the Crawford plantation—but they do not show any house, cabin, or any particular place where he was born. Only an ancient map drawn by a surveyor in 1820 who arbitrarily placed a cross at a certain place on a supposed road and called it Gen. Andrew Jackson's birthplace.

No great man was ever born anywhere and died in the memory of old people who had lived with him until he was 14 years old, or their children who, perhaps, had never seen him but had heard their fathers and mothers tell of him, but can establish without doubt the house wherein he was born. Especially if a majority of all these people living where he was born were held by the ties of kinship, such as the six Hutchinson sisters and their neighbors. If Jackson had said he was born in the James Crawford home or any other house, no one would dispute the claim. Or if he had said that his mother had told him that he was born in the Crawford house or in any certain house, no one would doubt it. But he did not say this, and his very wording seems to indicate that it was not from his mother that he got this information or he would have clinched it by saying so.

TESTIMONY AVAILABLE

There are old people still living in the Waxhaw settlement whose testimony would establish the fact that Andrew Jackson was born in the McKemie cabin, even if Colonel Walkup had not gathered in 1845 the affidavits which so indisputably established the fact.

Accompanying me on my recent trip, among many others, was Squire McWhorter, now nearly 80 years old, an elder, I am told, in the old Waxhaw Church, and a man of the finest standing in the community where he had lived so long. In pointing out where the McKemie cabin stood this fine old gentleman told me that his grandfather, who was born in 1793, often had shown him the McKemie cabin which stood there, with the remark that his grandmother, Sarah Leslie, had often pointed out the cabin to him and told him that it was in this cabin that she had helped to bring Andrew Jackson into the world.

This alone should establish the fact if Colonel Walkup's affidavits had never been gathered.

Our South Carolina friends are in error when they claim that North Carolina made no claims to Jackson's birthplace until after Jackson's death. In 1828 J. D. Craig, postmaster of Findleysville, N. C., a native of South Carolina, who lived in the Waxhaw, sent to George Nevills, of Ohio, chairman of a Jackson committee, numerous statements as to the birthplace of General Jackson. Mr. Craig contended that he had no desire to take from his native State laurels to which she was entitled and confer them on North Carolina, but that after Jackson wrote Colonel Witherspoon the "as I have been told" letter as to his birthplace, he (Craig) wrote Col. E. Duff Green, editor of the United States Telegraph, that there were living witnesses to prove Jackson was born in North Carolina. The letter was published. (See United States Telegraph, July, 1828, in Library of Congress.) George Nevills, of Ohio, chairman of a Jackson committee, immediately wrote Mr. Craig asking for certificates and affidavits to refute scandalous reports about Jackson and wife.

CRAIG LETTER ON FILE

Later, in 1858, Mr. Craig wrote to Colonel Walkup from his home in Caswell, Miss., where he had lived the first 20 years, stating he had seen much published about Jackson and his parents that was incorrect; he had written a letter to the editor of the Lancaster Ledger, giving the history of the family. The Craig letter to Colonel Walkup was received too late to be published in the Wadesboro Argus, containing the Walkup evidence, but it is on file, together with other evidence in the "Walter Clark collection," with the historical commission at Raleigh, N. C.

Mr. Craig stated in this letter that he was 71 years old and his memory was good. He was born and reared in Lancaster County, S. C., married and settled on Waxhaw Creek within 2 miles of Jackson's birthplace. He was often at McKemy's house before it was pulled down. It was about 400 yards east of Cureton's pond (no pond there now, as the land is drained and in cultivation), opposite where Cureton built his cotton gin and screw. Mr. Craig then gave an accurate description of the highway along the State line, and the location and distances of the homes of the pioneers.

Mr. Craig states further that he secured affidavits forthwith from James Faulkner, a good Presbyterian like himself, and belonging to Waxhaw Church, and living on Cain Creek in what is now Lancaster County, S. C. After spending the night with Mr. Faulkner, the two went to Squire David Latham's, where Mr. Faulkner made oath that his father came to America some time before the Revolutionary War and left him behind with an uncle to get schooling; that he knew Andrew Jackson, sr., and family; that George McKemy married the oldest of the Hutchison sisters and had one child that died; that McKemy came to America 16 years before Jackson's father and family and two other families came; that Jackson sailed from Learn, Ireland, landing at Canniniggigo, Pa., and went direct to the Carolinas.

Testimony of Mr. Craig's witnesses, Faulkner further swore that after the war was over he sailed from Learn and on landing at Wilmington, N. C., went to George McKemy's, where on his first night he slept with Andrew Jackson, then a lad of about 14 years. He understood Jackson was born in that house. Faulkner added that his (Faulkner's) first wife was a Leslie, and a cousin of General Jackson. Craig wrote that he often heard James Faulkner, father of the James Faulkner who made the affidavit for Walkup, say that Jackson was born at McKemy's, in North Carolina.

QUESTION UP AGAIN

Jackson died June 8, 1845, and immediately the papers in recounting his life spoke of his having been born in South Carolina. To refute this, Col. S. H. Walkup, of North Carolina, distinguished lawyer and afterwards colonel in the Confederate Army, began to gather testimony. It seems he collected this and first published it in a speech he made in Union County, July 4, 1845. Later, in 1858, while assisting the historian preserved in the North Carolina historical commission at Raleigh. There are 14 of these affidavits in all, but only the most important will be reproduced here with three letters written to Colonel Walkup in 1845, as follows:

LANCASTER DISTRICT, S. C.,
August 5, 1845.

Mr. S. W. WALKUP.

SIR: Agreeable to your request, and to fulfill my promise to you, I herewith send you Mrs. Lathan's history of the birth of Andrew Jackson, as related to me by herself about the year 1822, as well as my memory now serves me. Mrs. Lathan states that herself and Gen. Andrew Jackson were sisters' children; that Mr. Leslie, the father of Mrs. Lathan, Mr. McCamie, Mr. Jackson, the father of Andrew, and Mr. James Crawford all married sisters; Mr. Leslie and Mr. McCamie located themselves in Mecklenburg, N. C., Waxhaws; Mr. Crawford located in Lancaster District, S. C., Waxhaws; Mr. Jackson located himself near Twelve Mile Creek, Mecklenburg, N. C.; that she was about seven years older than Andrew Jackson; that when the father of Andrew died Mrs. Jackson left home and came to her brother-in-law's, Mr. McCamie's, previous to the birth of Andrew; after living at Mr. McCamie's a while Andrew was born, and she was present at his birth; as soon as Mrs. Jackson was restored to health and strength she came to Mr. James Crawford's, in South Carolina, and there remained.

I believe the above contains all the facts as given by Mrs. Lathan to me. Mrs. L. was a lady of very fair standing in society.

BENJAMIN MASSEY.

LANCASTER DISTRICT, S. C.,
August 22, 1845.

Mr. S. H. WALKUP:

Mrs. Leslie, the aunt of General Jackson, has often told me that General Jackson was born at George McCamie's, in North Carolina, and that his mother, soon after his birth, moved over to James Crawford's, in South Carolina; and I think she told me she was present at his birth; but at any rate she knew well he was born at McCamie's, and that the impression that he was born at Crawford's arose from his mother moving over there so soon after his birth. Mrs. Leslie was a lady of unblemished character and excellent reputation.

JOHN CARNES.

The following are some of the affidavits given to Colonel Walkup in 1858, which, together with other evidence, was passed on by the historian Parton on his visit to the Waxhaw that year, and embodied in his Life of Jackson. The only other historian who ever published a Life of Jackson, who visited the place and went over the testimony first hand, like Parton, was Buell, and he arrived at the same conclusion.

AUGUST 28, 1858.

Mr. James Faulkner, of Steel Creek, N. C., states that he is 62 years of age and is the son of James and Mary Faulkner; that his mother was a daughter of Samuel and Sarah Leslie, and therefore his mother was full cousin of General Jackson, and his grandmother was sister of Mrs. Jackson; that he was born and raised in South Carolina, and that Mrs. George McCamie and Mrs. James Crawford were sisters of Mrs. Jackson and his grandmother, Mrs. Sarah Leslie. He locates the places where they settled and shows that Mr. Andrew Jackson, sr., settled and died on Twelve Mile Creek, N. C.; that George McCamie settled a quarter of a mile east of Cureton's pond and a quarter east of the public road, and in North Carolina; that Mrs. Leslie was a very near neighbor to Mr. McCamie, and in North Carolina; and that James Crawford settled about 2½ miles southwest in South Carolina. He states particular reasons and circumstances why he knew the McCamie place, viz, that his father lived with McCamie in 1785, for one year, and spoke of hobbling and turning out the horses to graze in Cureton's pond, and of his making only 15 bushels of corn at that place that year as his share of the crop; and further, that his uncle, George Leslie, lived with McCamie for several years and until the death of his aunt, Mrs. McCamie, in 1790; that he was named for McCamie to inherit his property. He states that old Mr. Jackson died before the birth of his son, General Jackson, and that his widow, Mrs. Jackson, was quite poor, and moved from her residence on Twelve Mile Creek, N. C., to live with her relations on Waxhaw Creek, and whilst on her way there she stopped with her sister, Mrs. McCamie, in North Carolina, and was there delivered of Andrew, afterwards President of the United States; that he learned this from various old persons, and particularly heard his aunt, Sarah Lathan, often speak of it and assert that she was present at his, Jackson's, birth; that she and her mother, Mrs. Leslie, was sent for on that occasion and took her, Mrs. Lathan, then a small girl about 7 years of age, with her, and that she recollected well of going the near way through the fields to get there; and that afterwards, when Mrs. Jackson became able to travel, she continued her trip to Mrs. Crawford's and took her son Andrew with her, and there remained. He thinks also that his aunt said that her mother was the midwife who delivered Mrs. Jackson on that occasion; that his aunt was a woman of good character and sound mind and memory to the time of her death.

JAMES FAULKNER.

Before:

JOHN M. POTTS, *Justice of Peace.*
SAM'L H. WALKUP.

At the same time there was taken the affidavit of John Lathan, son of Sarah Lathan. Sarah Lathan was born Sarah Leslie, daughter of Sarah Hutchison. John Lathan, therefore, was a grandson of Sarah Leslie, Andrew Jackson's aunt, and who assisted her sister Elizabeth on the night of March 15, 1767, when the little Andrew was born in the cabin of his other aunt, Margaret Hutchison McCamie:

WAXHAWS, NEAR THE WAXHAWS CHURCH,
Lancaster District, S. C., August 30, 1858.

The following is about what I have heard my mother, Sarah Lathen, say in frequent conversation about the birthplace of Andrew Jackson, President of the United States. She has often remarked that Andrew Jackson was born at the house of George McCamie, and that she (Mrs. Lathen) was present at his birth. She stated that the father of Andrew Jackson, viz, Andrew Jackson, sr., lived and died on Twelve Mile Creek in Mecklenberg County, N. C., and that soon after his death Mrs. Jackson left Twelve Mile Creek, N. C., to go to live with Mr. Crawford in Lancaster District, S. C.; that on her way she called at the house of George McCamie, who had married a sister of hers (Mrs. Jackson), and whilst at McCamie's she was taken sick and sent for Mrs. Sarah Leslie, her sister, and the mother of Mrs. Sarah Lathen, who was a midwife and who lived near Mrs. McCamie's; that she, Mrs. Lathen, accompanied her mother, Mrs. Sarah Leslie, to George McCamie's; that she was a young girl and recollects going with her mother; they walked through the fields in the night, and that she was present when Andrew Jackson was born; that as soon as Mrs. Jackson got able to travel after the birth of Andrew, she went on to Mr. Crawford's, where she afterward lived.

The maiden name of my grandmother and sisters (Mrs. Jackson, Mrs. McCamie, and Mrs. Crawford) were Hutchison. One of them married Samuel Leslie, my grandfather; one married James Crawford; one married George McCamie; and one married Andrew Jackson, sr. Jackson lived on Twelve Mile Creek, N. C.; Leslie lived on the north side of Waxhaw Creek, N. C., to Charlotte, S. C., about 1 mile east of said road, and east of a large branch, and near to George McCamie's, as I understood, but not so near the road as McCamie's. I don't know where McCamie lived. Crawford lived near Waxhaw Creek in South Carolina.

My mother, Sarah Lathen, was the daughter of Samuel and Sarah Leslie, and died about 35 years ago, and was over 60 years old at her death. My mother lived near me until her death, and we lived about 7 or 8 miles from Samuel Leslie's and William J. Cureton's place and about 2 miles from old Waxhaw Church, in South Carolina. I am 70 years of age, and have a very distinct recollection of all the facts above stated as true and correct as stated by my mother and as recollected by myself.

JOHN LATHEN.

Tests:

DIXON LATHEN.
SAMUEL H. WALKUP.

SEPTEMBER 1, 1858.

I, Hugh McCommon, now aged 69 years, a resident of Waxhaws, in Union County, N. C., do hereby certify that I was born and raised within a mile of this place where I now live, and that my father's house was about one and a half miles due east from what is known as the George McCamie place. I have always well known the Georgia McCamie house from my boyhood, and it was always called the old McCamie house. It lays about one-fourth of a mile southeast from Cureton's Pond, and about the same distance east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, in North Carolina. The remains of the old chimney are still visible. It is in North Carolina, Union County, and about 1 mile north of Waxhaw Creek. Jeremiah Cureton, sr., lived once in the same George McCamie house, which he afterwards turned into a ginhouse; and I have had cotton picked and packed in the same house when I was a small boy for my mother. It lies about one-fourth of a mile northeast of where Green Yarbrough now lives. It was always called by old Jery Cureton and other old persons, "the McCamie place." I have often heard several old persons say that Gen. Andrew Jackson, President of the United States, was born in the above described old George McCamie place.

That his mother was on her way from her residence on Twelve Mile Creek, N. C., to Mr. Crawford's, in South Carolina, and stopped at George McCamie's, who was a relation, and whilst at McCamie's was delivered of Andrew Jackson. I heard several old persons speak of this fact and among the rest was old George McWhorter, who said he was well acquainted with Gen. Andrew Jackson in boyhood and went to school with him and had many a fight with him, and who said that Jackson would never give up, although he was always badly beaten, as he (McWhorter) was the stronger of the two. McWhorter told me he was in the Revolutionary War toward its close, doing some service with the Whigs. He was a man of unquestionable good moral character and undoubted veracity and lived and died in the same neighborhood and died about 18 years ago. I also was well acquainted with the two old houses where Samuel and James Leslie lived. They lived near each other, not more than 100 yards apart, on the west side of a branch and about 100 yards from the branch, about a quarter of a mile southeast from the George McCamie place and about three-quarters of a mile from Waxhaw Creek, on the north side, and about half a mile east of the public road leading from Lancaster, S. C., to Charlotte, N. C. my parents lived about 1½ miles east of the Leslie's, and I have been there oftentimes, and they have done many errands of kindness as neighbors for my mother. The houses and men were all old when I was a boy. My father lived at the same place where I was born and raised before the war of the Revolution. Old Archy and Molly Cousar lived about three-quarters to a mile west of the Leslie's and George McCamie's. There was no woodland between Leslie's and McCamie's since I knew them. From Leslie's and McCamie's to the old Crawford and Wren places would be over 2 miles and a considerable portion of the distance has always been woodland until of late years. All of which is given under my hand as correct.

HUGH M'COMMON.

Tests:

HUGH C. NESBIT.
SAMUEL H. WALKUP.

CRAIGSVILLE, S. C., *September 1, 1858.*

Gen. S. H. WALKUP.

SIR: Your note of yesterday was handed me this morning and contents noted. Patent facts abundantly justify me in appending the following: I hereby certify Messrs. Thomas and Samuel Faulkner and John Lathen are my immediate neighbors and men of the highest respectability, and have been from early life orderly members of the branch of the Presbyterian Church with which I am connected, and their district is an impenetrable ægis against any suspicion involving their veracity.

D. R. ROBINSON.

Testimony of Samuel McWhorter:

"In 1765 Andrew Jackson, his brother-in-law, James Crawford, and his wife's brother-in-law, George McKemey, and other relatives moved with their families to America. Arriving at Charlestown, they located in the Waxhaw settlement, where many of their Scotch-Irish friends had preceded them. George McKemey bought land on Waxhaw Creek, some 6 miles from the Catawba River and about a quarter of a mile from three-fourths to a mile northwest of James Walkup's old mill, and that McCamie lived northwest a short distance from his house; and that old Sam Leslie lived very near to his father's house; and that they, the Leslies (Samuel and James), and George McCamie and John McCommon were all near neighbors and very intimate friends. My father was a Revolutionary soldier, he said, under Major Crawford, and was at Charleston, S. C., and drew a pension for several years before his death at the rate of about $41 per annum. The family record, an old Bible, exhibits this record in my father's handwriting: 'George McWhorter, born the 8th day of February in the year of our Lord 1762,' and is taken from the original family record now in possession of the family of my brother, John McWhorter, and I know this to be a correct copy of the original, which I have seen. My father lived at this place about 38 years before his death, and died February 4, 1841, about 80 years of age; he retained his mental faculties in full strength up to the time of his death.

"I have frequently heard my father and grandmother, Elizabeth McWhorter, speak of the birth of Andrew Jackson being at George McCamie's house in North Carolina. She said Mrs. Jackson was on her way from her residence on Twelve Mile Creek, N. C., to her relations in Waxhaws, and stopped to stay all night with her sister, Mrs. McCamie, and was taken in labor there; and that she, Mrs. McWhorter, was sent for as a near neighbor and was present at the birth of Andrew at the house of George McCamie in North Carolina; and that she took my father with her the next day when she visited Mrs. Jackson at McCamie's. My grandmother lived with my father about two years when I was about 9 or 10 years old, and died about 50 years ago. I am now 61 years of age. All of which I certify to be correct.

"SAMUEL MCWHORTER.

"Tests:

"SAMUEL H. WALKUP,
"H. C. WALKUP."

WALKERSVILLE POST OFFICE, N. C., *September ½, 1858.*

This is to certify that I, Jane Wilson, have heard many old persons, during the time Gen. Andrew Jackson was a candidate for President in 1828, speak of his having been born in North Carolina near old Jeremiah Cureton's store in South Carolina. The reputation of his birthplace being in North Carolina was very general. I remember hearing old Moses Vick speak on a public day of General Jackson being born in North Carolina, near Cureton, and claim that he was related to Jackson. I heard old George McWhorter also remark frequently that General Jackson and he were playmates and very familiar and went to school together; and he asserted that he knew the very spot where General Jackson was born, and named the place, and said it was in North Carolina, near old Jeremiah Cureton's store. A great many other old persons also on the same public day at Wilson's, and at other times, I have heard speak of Jackson having been born as above stated. I am now 59 years of age.

JANE WILSON.

Witness:

S. H. WALKUP.

Thomas Cureton's house, near corner stone between North and South Carolina, August 31, 1858:

"I, Thomas Cureton, sr., being about 75 years of age, do hereby certify that my father, James Cureton, came to this Waxhaw settlement from Roanoke River, in North Carolina, about 73 years ago, as I am informed and believe, when I was about 1 year old; and my brother, Jeremiah Cureton, who was about 20 years older than myself, came with him. My brother, Jeremiah Cureton, bought the George McCamie place some time after he came to this country, in about 1796, and settled down on the same place and in the same house where George McCamie lived. He remained there a few years and until he bought the place where William J. Cureton now lives. I know the George McCamie place well. It lies in North Carolina about a quarter of a mile east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., and to the right of said road as you travel north, and lies a little east of south from Curetons Pond on said public road, and a little over a quarter of a mile from said pond. My brother, Jeremiah Cureton, was of the opinion, from information derived from old Mrs. Molly Cousar, the mother of Richard Cousar, that Andrew Jackson, President of the United States, was born at the George McCamie place, as above described. Mrs. Cousar was a neighbor and lived then, at the time of the birth of Gen. Andrew Jackson and until her death, in South Carolina, about 1 mile west from the George McCamie house, and was a very old woman when she died, which was about 35 years ago. She was a woman of undoubted good moral character and her veracity was unquestionable. The Leslie houses lay about half a mile in the southern direction from the McCamie house and north of Waxhaw Creek and east of the public road. I have lived for the last 72 or 73 years within 3 or 4 miles of the McCamie place.

"All of which is hereby certified to be correct and true to the best of my opinion and belief.

"THOMAS CURETON.

"Witness:

"SAMUEL H. WALKUP."

CURETON'S STORE, S. C., *September 3, 1858.*

My recollection, from what my father, Jeremiah Cureton, sr., told me, was that he, my father, lived on the old tract called the George McKamie's tract and in the house where George McKamie lived, and where it was said that Andrew Jackson, President of the United States, was born; and that he, my father, afterwards removed to the place where I now live. My father has frequently pointed out to me the old McCamie house as the place where, he said, he always understood Andrew Jackson was born; that old persons who knew all about his birthplace had said that was where Jackson was born; and that old Mrs. Mollie Cousar was one of the persons he spoke of having made that statement; and he spoke very confidently, from information he had received from various old persons, that the George McCamie house was where Jackson was born. This McCamie house lies about a half mile southeast of where I now live, and is in Union County, N. C., formerly called Mecklenburg County, N. C., and is a little over a mile southeast of what is called Cureton's Pond and about a quarter of a mile east of the State line and the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., about 1½ miles north of Waxhaw Creek. I have the old land papers for said fact, which was patented to John McCane, 1761, upon a survey dated September 8, 1757; conveyed by McCane to Repentance Townsend, April 10, 1761, and by Townsend to George McCamie January 3, 1766; and by George McCamie to Thomas Crawford, 1792; and from Crawford and wife Elizabeth to my father July 23, 1796; and by my father to myself, and which I still own. My father came from Virginia with my grandfather, James Cureton, to Roanoke, N. C., and from there to Waxhams, S. C., and purchased the McCamie place, where he lived for a few years, and then removed to the place where I now reside in Lancaster District, S. C., where he remained until his death in 1847, being then 84 years of age. This is about all I can recollect from information derived from my father and these old land papers about the McCamie house and place.

W. J. CURETON.

Witness:

S. H. WALKUP.

In 1858 Col. S. H. Walkup, of Union County, undertook the task of gathering testimony as to the time and place of Jackson's birth. He spent a great deal of time in the work and accumulated conclusive evidence that Jackson was born in the "Waxhaws" March 15, 1767. The affidavits were published in the North Carolina Argus of Wadesboro, September 23, 1858, and were later printed in pamphlet form and in Parton's Biography of Jackson. The Charlotte and Lancaster papers of 1858 engaged in a controversy over the questions involved, but all finally acquiesced in the completeness of Colonel Walkup's presentation of the factor.

Fourteen affidavits were secured. They were made by persons, in several instances unknown to each other, yet they corroborate with uniformity every important detail. The substance of them is as follows: Six sisters—Misses Hutchinson—married and emigrated with their husbands to this country and settled in the "Waxhaws." Margaret married George McKemy and settled on Waxhaw Creek in North Carolina; Jane married James Crawford and settled on Waxhaw Creek in South Carolina; Elizabeth married Andrew Jackson, sr., and located near the present site of Pleasant Grove camp ground in North Carolina; Sarah married Samuel Leslie and settled near George McKemy's; Grace married James Crow and settled near Lands Ford, S. C. Andrew Jackson, sr., built his cabin 9 miles from South Carolina, and the site of it is known to this day. There in February, 1767, he died, leaving a widow and two sons—Hugh and Robert. His body was interred in old Waxhaw Cemetery, near Lands Ford. Mrs. Jackson, soon after the death of her husband, started to the home of her sister in South Carolina. On the way she stopped to visit Mrs. George McKemy, another sister, and in her home on the night of March 15, 1767, Andrew Jackson was born. So, as Mrs. Jackson recovered sufficient strength, she went, with her three boys, to the home of James Crawford in South Carolina, and there Andrew lived for 13 years. The Crawford place was 2½ miles from the McKemy place.

In the affidavits Benjamin Massey, John Carnes, John Lathan, James Faulkner, and Thomas Faulkner, the three latter being second cousins of Jackson, all declare that Mrs. Sarah Leslie and Mrs. Sarah Lathan (aunt and cousin of Jackson, respectively) often asserted that Jackson was born at George McKemy's and that they were present at the birth; that Mrs. Leslie "was sent for on the night of his birth, and she took her daughter, Mrs. Lathan, and recollected well of walking the near way through the fields in the nighttime." In addition is the testimony of Mrs. Elizabeth McWhirter and her son George and Mrs. Mary Cousar, who state that they were "near neighbors and present on the night of the birth of General Jackson at the house of George McKemy, in North Carolina," March 15, 1767, which testimony rests upon the statements of Samuel McWhirter, grandson of Mrs. Elizabeth McWhirter, and Thomas Cureton and Jeremiah Cureton, who heard the old persons speak often and positively of the facts.

For many years it was not known in which State the McKemy cabin was located, but the records of land titles in the Mecklenburg County courthouse established the fact that the site of the cabin has always been in North Carolina. In a deed given by McKemy to Crawford in 1792 it described as being "north of Waxhaw Creek." The McKemy tract of land was surveyed in 1757 for John McKemy, and was patented in 1761, and was sold by John McKemy to Repentance Townsend in 1761, and by Townsend to George McKemy in 1766. McKemy sold it to Thomas Crawford (son of James Crawford) in 1792; Crawford to Jeremiah Cureton, from whose estate it was purchased by J. L. Rodman, the present owner. The records of the transactions prior to 1842 are in the Mecklenburg County courthouse; after that year in Union County.

Thus we have the sworn testimony of 14 persons whose irreproachable character will be vouched for by persons now living, many of them unknown to each other and all agreeing in reporting the settled family traditions that Andrew Jackson was born in the McKemy cabin March 15, 1767, and the incontrovertible testimony of the county records that the McKemy place is and always has been in North Carolina.

In a letter recently to Colonel HAMMER, Member of Congress from North Carolina, and who has gone more fully and completely into this subject than any man and whose speech in Congress June 18, 1926, is irrefutable. Historian Craven says:

"The only thing that has even been in favor of the idea that Andrew Jackson was born in South Carolina is South Carolina imagination. Jackson's parents lived near Monroe, some 12 miles inside of North Carolina. Just before the birth of Andrew his mother started to visit near the South Carolina line and the child was born in the home of George McKemy, who was a brother-in-law of Mrs. Jackson. A few weeks later the mother and child went to the home of another relative named Crawford. For many years it was not known in which State the McKemy house stood, until an investigation of the records 15 years ago disclosed the recording of all deeds of the property in Mecklenburg and Union Counties, N. C. There never has been any doubt about it since, as it has been admitted for a hundred years that Andrew was born in the McKemy home, though he did not know in which State it was. From the age of 3 weeks to 17 years Andrew lived in South Carolina, but just as soon as he grew to manhood he returned to his native State and never left it until he was legislated out of it by the western part being made into the State of Tennessee. These are facts that have been proven so conclusively that there is no longer any dispute about it except for intellectual exercise and recreation for a few South Carolinians who have not had time to read up on it.

"When in the work for Tompkins I went to work on this subject there was a great debate between the Charlotte Observer and the Charleston News and Courier (Caldwell and Hemphill). I really wrote the editorials on this subject for Mr. Caldwell, though he sometimes worked on them, too. The South Carolina side presented complete proof that Jackson was born in the McKemy cabin, and we were caught and could not deny it. So I went to work to find out where it was and found the records as cited, showing that George McKemy

owned the place in Mecklenburg County (now Union) and that he never owned any property in South Carolina. It was South Carolina that proved Jackson was born in the McKemy cabin, and then we proved that the cabin was always in North Carolina. They have never had any argument since. There never has been any doubt about Jackson being born in the McKemy cabin. The records show the cabin is now and was then in North Carolina."

SOUTH CAROLINA'S CLAIMS

The claim of South Carolina has been very ably presented by its distinguished historian, Mr. A. S. Salley. But it is not sufficient to overcome the facts presented by North Carolina.

Briefly, South Carolina claims are chiefly based on two grounds: First, that Andrew Jackson himself repeatedly stated that he was born in South Carolina; second, on the evidence of Boykin's map. A copy of this map is in our hands and shows that the surveyor placed a star at the point over the South Carolina side of the line and marked it: "The birthplace of Andrew Jackson." The arbitrary act of a surveyor who places a cross mark on a map and calls it a birthplace of a distinguished man, with no further proof that a house stood there, or further evidence that the man was born there save only his diction to that effect, is not sufficient proof that such was the fact. In our visit to this spot we could find no one who ever heard of a house standing at the designated cross mark of Surveyor Boykin, and reading his line, by miles indicated, places in reality the supposed cabin a mile or two beyond where he claimed that the cabin stood. Positive evidence is preferred always to hearsay; the North Carolina claimants all state positively that Andrew Jackson was born at McKemy house and can show where the house stood and a photograph of it before it was torn down. But the claimants of South Carolina can show no cabin nor spot where any cabin stood at the cross mark designated by Surveyor Boykin. Indeed, there is evidence, if the older people of North Carolina are correct, that the South Carolina claimants originally agreed that the McKemy cabin was the correct place and not until a survey placed that cabin on the north side did they locate it elsewhere. We find no written evidence of this fact, however, save the statement of older people who were living then.

ERROR IS EXPLAINED

In regard to the other and far more formidable claim of South Carolina, to wit: "Jackson's own statement that he 'was born in South Carolina,' as he had been told, on the plantation whereon lived James Crawford," and his other statements to this effect, the last of which is in his last will and testament, it is plain that Jackson believed that he was born in that State. But we believe this is readily explained by an old letter which the writer found in the New York Times of December 27, 1892, written by the historian, Augustus C. Buell, and dated Philadelphia, December 23, 1892.

It must be remembered that Buell wrote a very excellent two-volume life of Jackson, which was published in 1874 and that while many lifes of Jackson have been written, only two of the authors of them, Parton, in his three volume Life of Jackson, and Buell, in his two volume Life of Jackson, ever went to Waxhaw settlement in both North and South Carolina and got first-hand evidence on the subject. Parton wrote the greatest of all lifes of Jackson. In fact, few greater biographies have ever been written. He spent several weeks in Union County, in 1858, went thoroughly into the Walkup evidence and the South Carolina claims, much of which he presents in full in this first volume and without hesitation states that Jackson was born in the McKemy cabin in what was then supposed to be in South Carolina, but was, in fact, by a true survey of the line, in North Carolina. Parton was a painstaking and accurate historian and had no doubt of the correctness of his conclusion. The only other historian who visited the spot in person was A. C. Buell, who followed Parton 25 years later, went over the same evidence, and reached the same conclusion. Later, in his letter to the New York Times, Buell clearly explains why Jackson claimed that he was born in South Carolina. I quote his statement, as follows:

"Noting the statement of Mr. A. J. Shipman that the birthplace of Andrew Jackson was in North Carolina and not in South Carolina, it may be remarked that two points are involved: First, the location of the cabin in 'the Waxhaw settlement'; second, the location of the boundary line between the two States. The present village of Waxhaw is in Lancaster County, S. C., some little distance from the line. But the 'Waxhaw settlement' was northeast of the village of to-day. The location of the cabin was determined by Mr. Parton, and it proved to be a fraction of a mile north of the State line now recognized. I had the honor to be personally acquainted with Mr. Parton and discussed this question with him in Washington City 30 years ago. I contended that at the time of Jackson's birth (1767) the 'Waxhaw settlement' was included in and under the jurisdiction of the colony of South Carolina, and it continued to be so considered until the rectification of the boundary by Floyd in 1793 or 1794. No accurate survey had been previously made. Floyd found that the boundary trended a little too much northerly and went west of the Great Peedee River, and his correction of it southerly brought the site of the Jackson log cabin just within the territory of North Carolina.

"Jackson himself was well aware of this fact, but he maintained that as his birthplace was within the jurisdiction of South Carolina when he was born he was a native of that State, or colonoy then, and that no subsequent rectification of the State line could alter or effect the fact of his nativity any more than it could any other transaction prior to the correction of the line and while the jurisdiction of South Carolina was undisputed.

"AUGUSTUS C. BUELL.

"Philadelphia, December 22, 1892."

It was a beautiful day in October, 1926, when I journeyed to the spot where once stood the log-cabin home of Andrew Jackson and his wife, Elizabeth. No sign of the cabin was to be seen save the mound of red clay that was made when the daubed log-built chimney fell in decay. Old barren fields, much of it grown up in sedge grass and bushes, were around. The beautiful strip of native forest was near—pine, hickory, a beech or two, and oak, and from the edge of this woodland in 20 steps of where once stood the cabin a deep, clear spring of purest water flowed out from under the roots of a gnarled old tree of hickory. In the wild grass where had stood the cabin flashed out the shimmering silver blades of the little wild plant that is not a weed nor yet a flower—more than both—life everlasting.

Hickory and life everlasting! Methought that nature, seeing that man had neglected the spot, was adorning the shrine with garlands symbolical of his immortality—hickories and life everlasting.

WHICH SHALL IT BE—CONSERVATISM OR LIBERALISM?

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address I delivered the other day in New Yory City.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Speaker and fellow Members of the House, political activities are characteristic only of a highly developed civilization predicated on a rather substantial average of literacy among human beings and accompanied by a widespread diffusion of learning. Constitutional government, which makes provision for political differences and the organization of political parties based on those differences, can thrive only where the average man and woman can become easily acquainted with political issues.

The thousand years following the death of Christ were relatively barren in their political significance since they represented centuries of darkness, of ignorance, of unspeakable misery and poverty, when petty barons fastened their ironclad rule on small areas, and the voice of humanity was wholly inarticulate.

Baronial and feudal autocracy was destroyed by a number of factors, chief among which was the discovery of gunpowder by the monk, Doctor Schwartz, which rendered the individual a power to be reckoned with in time of battle; the invention of the printing press by Gutenberg, which, through the slow processes of centuries, finally broke down the barrier of illiteracy; the Renaissance, which ultimately brought occidental culture to the intellectual level enjoyed by the ancient society that knew Plato, Aristotle, Cicero, and Horace; and by the Reformation which released millions of men and women from religious bondage.

In the wake of feudalism came autocratic monarchies, tempered sometimes by benevolence, such as characterized the rule of Frederick the Great, in Prussia; and at other times by political reforms such as that immortal document, the Magna Charta, which was wrung from the unwilling hands of John I at Runnymede in 1215; the establishment of the writ of habeas corpus; and the English Bill of Rights.

Autocracy in time yielded to parliamentary government, constitutional monarchy, and ultimately to democracy itself; leading inevitably to the establishment of political groups, which in time assumed the dignity of parties.

John Stuart Mill, the eminent British philosopher and economist, once aptly stated that in any enlightened community there must be of necessity two parties, one representing the forces of stability and order and the other the ideals of progress and reform.

This statement was made more than three-quarters of a century ago, and despite the many kaleidoscopic changes that have come over the character of governments throughout the face of the civilized world the basic division of parties in all countries adhering to a constitutional form government has been substantially along the lines suggested above.

In England the historic division has been along the lines of conservatism and liberalism, and while at the present time there are nominally three parties in England when the aims

and motives of these parties are subjected to a searching analysis we find that in reality they represent merely two divisions of opinion, the Conservatives standing for stability and order, while the Liberals and the Laborites are merely divided in their views concerning progress and reform.

In the countries of the continent the parties have been split into various minor subdivisions known as blocs, each bloc representing merely a different shade of either conservatism or liberalism, but in the main they adhere to the rigorous categorical classification of John Stuart Mill.

Ironically as it may seem, even within the ranks of the Socialist Party, the party which has presented the first definite economic program for government in the history of modern worlds, the same division along the lines of conservatism and liberalism, is to be found.

The right wing of the Socialist Party, as represented by the controlling Socialist interests in France and Germany, represent the conserving theory, the theory that the gains made by socialism should merely be conserved and that no further attack on constitutional government should be made; while the left wing as embodied in the principles of the dominating party in Soviet Russia, the bolsheviki, insist on a demolition of the present-day constitutional government and a complete and radical change in our economic structure.

In Italy, it might be stated parenthetically, a novel departure has been attempted from constitutional government.

The controlling party, the Fascisti, has adhered to the theory of the destruction of all other parties, the destruction of democracy itself, and the annihilation of parliamentary government by setting up the superstructure of a middle class dictatorship, but in my humble opinion this movement represents merely an economic trend in Italy to preserve the assets of the country and at the proper moment, when the rehabilitation of the economic life of Italy has been had, that country will unquestionably return to constitutional government.

When we make a primary examination of political conditions in America we find something very surprising; we find a definite trend in both parties toward conservatism, toward, in other words, stability and order and the retention of the present system in all its aspects.

This condition is primarily an outgrowth of economic changes brought about by the war which has made us financially and industrially the greatest Nation on the face of the globe and possibly the most powerful nation in an economic sense in the history of mankind.

The possession of earthly goods and property makes whole peoples, as well as individuals, conservative by its very nature and the present transitory period merely represents a degree of satiety on the part of the American people which is unprecedented in political history.

When we view and contemplate changes that might occur in the future, we see very clearly that such changes must mean merely a return to the old political and economic balance between the two major parties. One party must represent the forces of stability and order, be conservative by instinct and practice, and the other party must of necessity represent the forces of progress and reform and be liberal in its views.

We are dealing essentially with two different entities, one a political factor and the other an economic one. When we analyze both factors separately and then attempt to synchronize them into a whole in their application to the principles of the Republican and Democratic Parties, we shall see that both historically and economically, the Republican Party is destined to play the rôle of conservatism, while the Democratic Party, if it would but succeed, must present itself to the Nation as the party of progress, liberalism, and reform.

The economic changes that have come over the world since the beginning of the nineteenth century have been almost catastrophic in their nature.

When the people of enlightened countries saw the close of the eighteenth century, the railroad was but a mere dream, and sailboats paddled their leisurely way for three months across the Atlantic Ocean.

When the nineteenth century had closed an industrial civilization had been ushered into being in merely the span of one century that beggars description in the thoroughness of the changes it brought about. Railroads, factories, steamships, electricity, the phonograph, telephone and telegraph had all come into being, and so thoroughly changed the character of economic society that mere political changes, such as the establishment of a Republican Government in America or the downfall of autocracy in France, seem as mere ripples on the earth's surface.

These new economic and industrial changes marked the end of the agrarian feudal system and brought to life the factory system with all its accompanying benefits, and evils as well.

This industrial revolution promoted the rise of great cities, with their congested slums, their housing problems, their living problems, and also brought into being a conflict between those who employed human beings to work for them and those who were so employed. This conflict has been described as the conflict between capital and labor. In reality it is a more basic conflict. It is a struggle of one class to take advantage of enormous changes wrought by the genius of man and the struggle of another and larger class to prevent abuses and impositions.

This transitory system has now reached its climax, and we are living in the era of the perfect flower of the capitalistic system, an era when both capital and labor enjoy advantages that certainly could not have been conjured up in the minds of peoples in other times.

When our economic system has become so perfect, both through force of inventions and the concentration of enormous sums of money, it is difficult for us to conceive a system which from a purely monetary standpoint has reached such a high stage of perfection.

However, every system, regardless of the tremendous benefits it brings to the community at large must of necessity have its accompanying evils, and it is along the lines of attempting to remedy these accompanying evils that the two major parties of our country must take their stand either one way or the other, whether with the forces of conservatism, which refuses assistance to those who are suffering from the evils of the present economic system, or with the forces of liberalism and reform, which insists that those evils must be frankly and candidly recognized and ameliorated.

In the era prior to our entrance into the Great War, the Democratic Party under the inspiring leadership of that great statesman, whose name shall stand out as a shining light in the history of the world, Woodrow Wilson, had definitely taken its place with the progressive forces of the Nation, and by a rapid series of reforms, like the introduction of the Federal reserve system, to prevent the occurrence of panics and thus preclude the ruination of the great masses through unemployment, the Clayton Antitrust Act, which prevents undue combinations of capital to defeat the will of the majority, through the Adamson eight-hour law, which guarantees an eight-hour day to those employed on the railroads, and through the vast number of workmen's compensation, social insurance laws, child welfare, and widows' pension measures, adopted in the various States under the inspiration of President Wilson's leadership and by and through the efforts of the Democratic Party, the great party of Jefferson and Jackson had become definitely committed to a policy of liberalism and it faced the Nation as the liberal party of the United States of America.

A halt was called due to the hysterical period of the Great War and partially due, as outlined above, to the comfortable prosperity enjoyed by the American people.

Our work is still to be done. The Democratic Party can not succeed as a conservative party. There is room for only one party of stability and order in America, and that dubious distinction has been preempted by the Republican Party.

The Republican Party ever since the Civil War, and more frankly to-day, has definitely represented the interests of those who have managed to acquire tremendous wealth out of the natural resources and the culminating efforts of the American people, which represents the views of this great and, we must admit, somewhat useful class of citizens in its opposition to any social legislation, in its definite adherence to a policy of taxing the wealthy in a minimum degree, in its opposition to Government ownership of public utilities like railroads, waterworks, gas and electricity plants.

The Republican Party has a perfect right, and perhaps it is well for the Nation that it exercises that right, to play the rôle of conservatists, but the Democratic Party can not merely be satisfied with imitating the Republican rôle; it must play the part for which the principles of its great leaders and the doctrines of its early founders have cast it.

The Democratic Party must again frankly adhere to a platform of social reform, must again dedicate itself to a betterment of housing and living conditions, and it must once more stand forth as the steadfast defender of the great mass of labor against the monopolistic interests of the country.

It is only by being frankly what it was destined to be that the Democratic Party can ever achieve any measure of success.

Democrats can not furnish any opposition for Republicans in the conservative field, for that field represents a half century of Republican effort. The great bulk of conservative voters are Republican throughout the Nation, and by attempting to play a conservative rôle the Democratic Party must of necessity merely alienate hundreds of thousands of American men and women who have followed its standard even to defeat

rather than abandon the progressive principles for which it stood.

It is more important for the Democratic Party not to be wrong on any subject than for it to count the number of those who stand with it.

The principles of liberalism have suffered a slight eclipse in the decade following the Great War, but the eclipse is fast passing; economic changes are quickly readjusting themselves, and there is a crying need for the amelioration of economic abuses through political artifices.

This need was slightly indicated by the 5,000,000 votes cast in 1924 for Senator La Follette, who represented forces not only of liberalism but extreme radicalism, forces that were not merely committed to constitutional changes to aid the great mass of people but also advocated radical changes in our economic life and the absolute Government ownership of all utilities either of a public or quasi-public nature. Five million votes are not to be easily regarded, and it is safe to say that of this 5,000,000 at least 4,500,000 were votes of men and women who would be normally Democratic if the Democratic Party but devoted itself to its historic task.

The hysteria and reaction of the Great War is fast passing away and we are returning to normal conditions, and what is of greater importance, the psychology of the American mind is again becoming normal.

The sun of liberalism is once more shining through the dark clouds of bitter reaction and the Democratic Party must be prepared to once again accept the leadership of the liberal forces of the Nation. In so doing, it can not fail.

Representing these liberal forces of progress and reform, there is looming upon the Democratic horizon the militant figure of a man of destiny, coming from the sidewalks of New York, the great East Side, who in all probability will be called upon as the leader of Democracy of our Nation and their candidate for the Presidency of the United States. Al Smith, symbolizing and embodying in a life of public service the principle of progress and reform, will bring to the Presidency of the United States a fresh point of view that is wholly unfettered by hidebound traditions, and autocratic and aristocratic antecedents, and who will pierce through the meaningless entities of sovereignties and governments to the great benefit of the masses that compose the peoples of the world.

Al Smith who, in his work on the factory commission, that brought about workingmen's compensation and employers' liability, and on the commission to inquire into the subject of widows' pensions and child welfare, on which body I had the honor to serve with him, brought about greater social reforms through legislation than has been known in any State of the Union; who, in his labors as a delegate to the constitutional convention of 1915 grasped very clearly the need for administrative reorganization of the government of our State; and who, in his subsequent work as Governor of the State of New York has been able to breathe the spirit of humanity into the interpretation of the financial statements of our State government, will unquestionably approach international affairs in the same human, progressive, and socially minded spirit that has characterized all his efforts of almost a quarter of a century.

Voltaire once aptly declared that "we care most for those portraits which more nearly represent ourselves." It might similarly be said of Al Smith that we care most for him because we see in him the same lack of cant, of hypocrisy, and of a firm desire to move the status quo that are characteristic of the plain peoples of the world combined with that extraordinary common sense that has heretofore been the guiding light in all his deliberations.

The United States, which has come to be recognized as the strongest estate of modern times, possibly the strongest world power economically that civilization has ever known, without any pretense at maintaining a great colonial empire, with a distaste for both militarism and imperialism, can well find its leadership in its efforts to humanize international relations as well as to continue in its onward and forward march, fighting for progress and reform, can well afford to follow to victory the vigorous, militant, and virile figure of destiny, Alfred E. Smith.

MEXICAN IMMIGRATION

Mr. BOX. Mr. Speaker, numerous press reports which have been coming to my desk for several days from the Southwest bear such headlines as the following:

> Radicals working among local Mexicans—Four leaders arrested—Court denies habeas corpus writ for Mexican laborers—Sheriff issues warning to all valley Mexicans.

The character of the reports is indicated by the headlines quoted and leaves little doubt that a rather serious labor trouble exists in the Imperial Valley of California and perhaps other regions, in which Mexican aliens are forbidden to assemble in crowds, several leaders are arrested and jailed, and some of them heavily fined. It is said that great numbers of these alien peons are now threatened with deportation to Mexico on account of alleged lawless, radical conduct. I know nothing and do not pretend to speak of the merits of the labor trouble existing in that vicinity. Unless the leaders arrested, imprisoned, and fined are acting lawlessly, their arrest and imprisonment is not justified. If the conduct of the leaders and the imported Mexican peon laborers is as lawless as their treatment indicates, they constitute a bad element to have imported into the United States by scores of thousands annually.

In this connection I call the attention of the House to statements made by me before the House Committee on Immigration and Naturalization in support of the bill (H. R. 6465) for the restriction of Mexican immigration, in which I said:

> The uninformed and unthinking frequently take the view that very ignorant and badly downtrodden people are not dangerous under the influence of radicalism. The very reverse is true. The mobs of Ancient Rome, the peasants of France in the days of the French Revolution and Reign of Terror, and the parts recently played by Russian city workers, peasants, and serfs, all prove that such material is the best fuel for the fires of revolution. In proportion to her population, Mexico is now by far the most bolshevistic country in the Western Hemisphere.
>
> If there are representatives of the great sugar companies of the West here, I will suggest for their careful consideration the question whether or not they are not now disturbed about the prospect of trouble with the I. W. W. in the beet fields and elsewhere in the West. I will leave that with the representatives, if such there be here, for their earnest consideration. They know whether they are in the midst of those troubles or not.
>
> I understand that these Mexicans in the United States have leaders, Spanish and Mexican, who are able to lead them about as they lead their own people at home, where they create great disturbances; and under a more aggressive leadership in America, backed up by their own people taking part in this lawless disturbance, there is great danger that they and others like them will aggravate our situation.

I respectfully invite the attention of the membership of the House to the hearings conducted by our committee on my bill, H. R. 6465, and earnestly advise Members that the trouble mentioned in the press reports referred to is but a minor feature of the situation being caused by the mass importation of tens of thousands of these peons. Press reports indicate that their importers are attempting to jail some, overawe some, and cause others to be deported, and that they propose to refill the places of those jailed and deported by bringing in crowds of others of the same kind.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I present a conference report on Senate Joint Resolution 46 relating to Muscle Shoals and Dam No. 2 for printing in the RECORD.

RECOGNIZING THE HEROIC CONDUCT, ETC., OF OFFICERS AND CREWS OF THE U. S. S. "REPUBLIC," "AMERICAN TRADER," "PRESIDENT ROOSEVELT," "PRESIDENT HARDING," AND THE BRITISH STEAMSHIP "CAMERONIA"

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report on the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia.*

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia,* and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

WALLACE H. WHITE,
FREDK. R. LEHLBACH,
EWIN L. DAVIS,
Managers on the part of the House.

CHAS. L. MCNARY,
DUNCAN U. FLETCHER,
W. L. JONES,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the subject of general pension legislation, also the public-building program.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PENSIONS—PUBLIC-BUILDING PROGRAM

Mr. KNUTSON. Mr. Speaker, as chairman of the Committee on Pensions I am frequently called upon by colleagues and others to define the several pension acts now upon the statute books. For the convenience of the membership of the House I herewith give a brief synopsis of the pension laws applying to all services, save those of the Civil and World Wars.

The act of July 16, 1918, was unsatisfactory in that it allowed Spanish war widows but $12 per month, with $2 per month additional for each child under the age of 16 years. Under that law the widow had to prove dependency, which was objectionable to many claimants.

The act of September 1, 1922, increased the rate to widows from $12 to $20 per month, with $4 per month for children under the age of 16 years. This act also eliminated the dependency feature. These rates were further liberalized by the act of May 1, 1926, which raised the rate to $30 per month, with $6 per month for each minor child under 16 years of age.

Commissioner of Pensions Scott characterizes the act of May 1, 1926, as the "best drawn and most liberal pension law ever enacted by an American Congress." It raised the rates for veterans of the Spanish War, Philippine insurrection, and Boxer rebellion to a maximum of $50 per month, with a rate of $72 where the pensioner requires the regular aid and attendance of another person. This act also waived the requirement that disability be service connected, thereby enabling many thousands of disabled to be placed upon the pension rolls. It gave a horizontal increase of 66 per cent.

Until the enactment of the Indian war act of March 3, 1927, generally known as the Leatherwood bill, we had dealt niggardly with those who made possible the settlement of the great West. Previous acts in their behalf had limited benefits to participants of wars specifically named, working an injustice on the survivors of other and equally important wars and campaigns. The Leatherwood law increased the rate from $20 to $50 per month to the soldiers, and widows pensions were increased to $30, with an allowance of $6 for each child under 16 years. This act also provides pensions for widows who have remarried but are now widows.

In closing I wish to embrace the opportunity afforded to commend my colleagues on the committee during the past eight years for their unselfish and intelligent cooperation in my effort to make the lot easier and happier for those who have served their country unselfishly and well in times of national stress. Work on the Pensions Committees of the two Houses of Congress entails much time, patience, judgment, and, above all, a sympathetic understanding and a sincere desire to relieve distress, when compatible with the general pension policy of the Republic. I am happy to say that each member of the Pensions Committee of the House has brought to his task on that committee the several attributes so necessary to its efficient and successful conduct, and for their unselfish help I acknowledge my profound appreciation and deep thanks.

While I have the floor I also wish to make a few observations on the public-building program.

GRANITE—THE ROCK OF AGES

The Federal Government has embarked upon the most pretentious public-building program in its history. New park areas are being laid out and a number of magnificent public buildings will be erected. The plan, when completed, will make the city of Washington the most beautiful capital in all the world. These buildings should be constructed with view to permanence, and in this connection I wish to call attention to the desirability of using granite.

To begin with, there is a psychology about granite that gives a feeling of absolute permanence, based upon the very foundation of the world itself. Granite is not a congealed mud or sedimentary stone. It is the most lasting building material known to man. What structures can compare with the great pyramids in Egypt, which are faced with granite similar to that found in the granite-producing districts of Minnesota?

St. Cloud granite has a minimum amount of pore space, which means minimum absorption; therefore, a minimum amount of expansion and contraction on account of varying temperature, resulting in minimum deterioration.

Of all stone, Minnesota granite has the greatest resistance to weather, hence is most adaptable for building purposes in a country with such a varied climate as ours.

Granite is the only building stone possessed of a true combination of beauty, strength, and durability. It has a wide range of colors, which is suited to many purposes.

Minnesota granite will not stain, fade, scale, or deteriorate; neither can it be marred, scarred, scratched, or damaged. Unlike some stones which fade and become lifeless when exposed to the elements, Minnesota granite retains its luster and polish and is as enduring as the rock of ages—symbolic of permanence.

While the initial cost of using granite is somewhat higher than for the softer stones, in the long run it is by far the more economical. The softer and lighter-colored stones require an elaborate and expensive method of cleaning, while Minnesota granite can be cleaned with brush and plain soap. This is a very important item in considering the expense of construction.

Building engineers are agreed that, prorated over a 20-year period, polished granite, whether for exterior or interior construction, is the cheapest material they can use. Its permanence obviates the necessity for replacing. Private building concerns recognize this very important item, and therefore use granite where permanence is desired.

Granite can not be equaled for memorials. For what could be more in keeping with the undying memory of a great man or deed than a structure built of the Nation's most durable stone.

Minnesota is the second largest granite-producing district in the world, and is capable of supplying all of the Nation's needs in the way of permanent building material, memorials, and monuments.

Minnesota granite producers operate the best mechanically equipped structural and memorial granite-manufacturing plants in the world, and improvements are being added constantly. I mention this so that those who are charged with executing the building program that we have recently embarked upon may know that Minnesota producers are equipped to handle all of the business that may be placed with them.

Mr. Speaker, the Republic will endure for all time to come, and we should construct our public buildings and memorials from material that will endure as long as the Republic stands. There is but one stone that will do this, and that is granite—the rock of ages.

FIVE-YEAR CONSTRUCTION FOR THE UNITED STATES BUREAU OF FISHERIES

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries, with Senate amendments.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table the bill (H. R. 13383), with Senate amendments, and agree to the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. CRAMTON. For the present I object.

BRIDGE ACROSS THE KANAWHA RIVER, DUNBAR, W. VA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13399) authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va. The author of the bill, the gentleman from Virginia [Mr. ENGLAND] says that it is a matter of great urgency.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. LAGUARDIA. Reserving the right to object, is this for their own use?

Mr. DENISON. That is what the author tells me.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FISCAL RELATIONS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the fiscal relations between the United States and the District of Columbia.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker and Members of the House, on February 21, 1928, during the consideration of the District of Columbia appropriation bill I discussed the subject of fiscal relations between the United States and the District of Columbia. The discussion at that time dealt largely with the subject

of taxes on real and tangible personal property—for it is from those two items that the greater part of the District revenues come. So far as I know, no one has questioned the figures offered to the House at that time.

Following that discussion, it was suggested by some Members that they would like to have a study made of various other tax items and sources on a comparative basis between the District and other taxing bodies. At the request of the then chairman of the Appropriations Committee, Mr. Madden, the Bureau of Efficiency is making such an investigation, with the expectation that it will be ready for the next session of the Congress. In the meantime, it is possible, and it seems advisable, to discuss some features of the tax situation not heretofore touched upon.

Time has not permitted me to go into the tax situation in detail in all the States or cities. The statement made and the question asked in the Senate by the Senator from Colorado [Mr. PHIPPS], that Washington's "taxes can not be made greater and that personal property rates are now entirely too high * * *. The limit has been reached. Does anyone doubt that Washington has practically reached the limit of her taxable resources?" I venture to answer that I doubt seriously that Washington has reached the limit of her taxable resources. Such an answer must be a comparative one—and for the purpose of comparison I have selected the Senator's State of Colorado and its great capital city, Denver.

Members may take this outline and by inserting their State and cities with their State and city rate determine whether the District of Columbia is undertaxed, overtaxed, or adequately taxed. Members, of course, will reach their own conclusions; mine is that the District is very much undertaxed, when compared with other cities.

Denver is about three-fifths the size of Washington. The city and county of Denver collected in 1927, $450,000 in auto-license fees from approximately 75,000 cars. Washington collected during the period $141,116 in auto-license fees from approximately 95,000 cars. The District of Columbia has the lowest auto-license tax in the United States. Colorado collects a license fee on passenger cars with a minimum fee of $5. In the District it is $1. Private commercial cars and trucks in Colorado pay from $10 to over $50. In the District the charge is $1. Passenger cars for hire have a minimum fee of $20 in Colorado with $1 extra for each seat over nine. In the District of Columbia the rate is from $6 to $12. Colorado charges an auto dealer a minimum fee of $20. Here dealers pay the regular rate for other cars. It is not practicable to analyze the 105,000 registrations in Washington, but a conservative estimate of the amount the District would collect if we had a license tax here equal to that in Colorado is $740,000. There is actually collected here $141,116. In Colorado the money collected from the license fees goes 50 per cent to the State fund for roads and 50 per cent to the county fund for roads. In the District license fees are placed in the general fund and used for general city purposes. In that the people of the District have a decided advantage over every other city in the United States.

In Maryland the license fees go into a special fund for expenses within limits of appropriation made by the general assembly. The balance goes one-fifth to the city of Baltimore and the remainder to the State roads commission for construction, maintenance, and repair of State highways.

In Virginia the auto-license fees go into a special fund expended under direction of the State highway commission for the maintenance and construction of roads and bridges included in the State highway system, including roads of the State highway system located in incorporated towns whose inhabitants do not exceed 2,500 or whose houses are located at least 200 feet apart.

In practically all the States the license fees are spent almost exclusively on country and out of the city roads.

Forty-four States of the Union levy a tax on gasoline. The average tax is 2.55 cents. Colorado levies a 3-cent-a-gallon tax. The District of Columbia has a tax of 2 cents per gallon. The city and county of Denver collected in 1927 $1,250,000 in gasoline taxes. In the District the collection was $1,057,850.02. If we had a 3-cent tax here as Colorado has the District would collect $600,000 more than it collected last year.

Maryland, the District's neighbor on the north, has a tax of 4 cents a gallon. If we levied that tax here the District treasury would receive $1,200,000 more than is now received.

Virginia, the District's neighbor on the south, levies a tax of 5 cents. If that tax were collected in the District we would have in the treasury here $1,800,000 more than is now collected.

There is in addition this very great difference between the District and the States of the Union. Let me illustrate with Colorado, Maryland, and Virginia as compared with the District. The gasoline tax collected in the District of Columbia must by law be appropriated exclusively for road and street improvement and repair within the city where it is collected. Thus the gas tax inures to the direct benefit of the city of Washington and its taxpayers.

In Virginia, unless changed by the last legislature, 66⅔ per cent goes to the construction of roads and bridges in the State highway system and 33⅓ per cent for construction of roads and bridges in the county highway system. Thus, money collected in the cities of Virginia is spent in and on county roads. Maryland's gasoline tax money goes into the State road maintenance fund and is expended by the State legislature for that purpose. Colorado's gasoline tax money goes 50 per cent to the State highway fund, 50 per cent to the counties in proportion to the number of miles of State routes and State highways in each county.

Similar provisions are in the laws of most of the States, provisions which provide that gasoline-tax money collected in the city be spent in the country, while in Washington gas-tax money collected here in the sum of $1,057,850.02 in 1927 is spent here on city streets relieving the taxpayer here of a burden that other city dwellers carry.

On February 21, 1928, when discussing the District of Columbia appropriation bill, I inserted in the CONGRESSIONAL RECORD, page 3369, a statement on comparative tax rates of cities made by the Detroit Bureau of Governmental Research. I again call it to the attention of the House and any others who may be interested. It is an independent study, made with no purpose to serve save to reach the truth. There taxes are adjusted to a uniform basis of 100 per cent basis of assessment, thus permitting a direct and correct comparison between cities. Further, there is an adjustment of rates to indicate what the actual tax rate would be were the full value used in assessing. Finally worked out, Washington's tax rate is fixed at $15.30 per $1,000—the District auditor says said rate should be $16.20, which, for our purpose here, I accept. Denver's rate in the same table is fixed at $25.52 per $1,000 of value. Thus, it will be seen that Denver pays a much greater tax than does Washington.

Had the taxpayer of Washington in 1927 paid a tax equal to that paid in Denver there would have been a real-estate levy here of $24,151,297 as against an actual levy in the District in 1927 of $17,034,614. In other words, if the District had had in 1927 a tax rate equal to the adjusted rate of $25.52 shown for Denver (the actual rate in Denver was $31.90 as against an actual rate in the District of $18) we would have had a tax levy in the District of $7,116,683 more than actually levied. This is based on a rate of $1.80 for Washington and $2.52 for Denver. But on a percentage basis, using again the Detroit table, the District figure is $16.20 to $25.52 for Denver, or Washington has a tax rate 63.5 per cent of that in Denver. Applying that percentage to the District levy we would collect here $29,011,169 as against an actual real-estate levy of $19,169,934, or if the District of Columbia paid a percentage basis equal to that of Denver we would collect here $9,841,235 more than is now collected on real estate.

These figures and those of the table show that if Washington is "taxed to the limit" then the other cities of the Nation including Denver are taxed much beyond the limit.

INHERITANCE TAX

Colorado levies an inheritance tax of from 2 per cent beginning with $2,500 up to 16 per cent on $500,000 or more. In 1927 the State of Colorado collected in inheritance and estate taxes $686,739.89. There is no such levy in the District of Columbia. Forty-five States of the Union levy an inheritance tax in some form.

CORPORATION TAXES—DOMESTIC

In Colorado no par value stock is assigned the value of $1 per share for initial taxes in domestic corporations. There is no such provision in the District of Columbia. Colorado charges a series of incidental fees for corporations beginning business. No such fees are charged in the District of Columbia.

FOREIGN

Colorado charges an admission tax on foreign corporations with a minimum fee of $30. No such fee is charged in the District of Columbia. Other incidental fees are charged for which there is no similar charge in the District of Columbia.

ANNUAL TAXES

Colorado charges an annual license tax on domestic corporations based on the total authorized capital stock beginning with a minimum fee of $10. There is no comparable tax in the District of Columbia. A fee is charged in Colorado for filing the annual report of domestic corporations. No such fee is chargeable in the District of Columbia. A like annual charge is made against foreign corporations doing business in Colorado. No such charge is made in the District of Columbia.

In the District of Columbia there is an exemption of $1,000 to the heads of families on household goods, etc. In Colorado it is $200. This is an exemption from taxation of practically all the homes of Washington. It has been estimated that the District would collect $748,000 more in taxes if the exemption of $1,000 were reduced to $200, such as Colorado and many of the States have.

If the District of Columbia levied taxes comparable to Denver's and had the exemption of $200 that Colorado gives her citizens it is estimated that there would be collected here $1,122,880 more than is now collected.

Colorado levies a license tax of 2 cents on each $1,000 capital stock in business in the State and 2 per cent tax on insurance-company gross premiums in the State. The District of Columbia levies a license tax of 1½ per cent.

Every State but five authorizes the levy of a poll tax in some form. Colorado levies a $3 road tax by road districts. There is no poll tax in the District of Columbia.

Washington's per capita tax levy for all purposes in 1926 was $36.87. Denver's was $48.70.

In 1926 Denver spent per capita for current expenses of schools $15.45, while Washington spent $14.77. In Denver the school expense was 38.1 per cent of the total city and school expense. In Washington it was 30.7 per cent.

In this connection it may be well to remember the statement of Mr. Theodore W. Noyes, editor and owner of the Washington Star, that "the approximately accurate standard of measuring comparative tax burdens is the per capita of taxes actually paid in the various cities."

The District of Columbia does not levy a general franchise tax on corporations which receive no special franchise or privilege.

The question is asked, "If the advocates of the plan (lump sum) believe that $9,000,000 was fair in 1924, how can they claim that the same sum is fair in 1929?" The answer is perfectly obvious. Nine million dollars was too much in 1924. It is too much in 1929.

There is such a variance in the laws of the States dealing with intangible property and many of the corporation taxes that a brief summary is not possible. I hope to be able to give the House the result of a detailed study of these two taxes next session. Nothing in my studies so far indicate an excessive or unusual tax in the District of Columbia in either the intangible or corporation-tax field.

However, I am able to give you a list of intangibles which are exempt from taxation in the District, which may be of value to members by way of comparison with their own States. The exemptions are:

EXEMPTIONS

1. Savings deposits of individuals in a sum not in excess of $500 deposited in banks, trust companies, or building associations, subject to notice of withdrawal and not subject to check.

2. Shares of stock of the local banks, including savings banks, the telephone and electric light companies, the gas companies, and street railway companies, the bonding and title insurance companies, and building associations, of the District of Columbia, and any other corporation paying a tax upon its gross receipts, earnings, premiums, etc.

3. Shares of stock of any business company incorporated in the District of Columbia, and receiving no special franchise or privilege in addition to incorporation, whose property, real and personal, or capital stock is subject to taxation here.

4. Shares of stock of business corporations which are incorporated in other jurisdictions, but chiefly for the purpose of doing business in the District of Columbia, and receive no other special franchise or privilege here, and whose property, real and personal, or capital stock, is subject to taxation here, and which are engaged in business here.

5. United States bonds. State, and municipal bonds, District of Columbia bonds, and such other bonds as are specifically exempted by Congress from taxation, are not subject to taxation under the intangible personal property act of the District of Columbia.

6. Deposits in bank and trust companies of corporations and individuals neither resident nor doing business in the District of Columbia.

7. Bank notes or notes discounted or negotiated by any bank or banking institution, saving institution, or trust company.

8. Savings institutions having no capital stock, building associations, fireman's relief associations, secret and beneficial societies, labor unions, and labor-union relief associations, beneficial organizations, paying sick or death benefits, either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions.

9. Life or fire insurance companies having no capital stock.

10. Corporations, limited partnerships, and joint-stock associations within said District, liable to tax under the law of the said District on earnings or capital stock, shall not be required to make any report or pay any further tax under this section on the mortgages, bonds, and other securities owned by them, in their own right, but such corporations, partnerships, and associations holding such securities as trustees, executors, administrators, guardians, or in any other manner, shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals.

11. National-bank stock is exempt from taxation under section 5219 of the United States Statutes. Such stock is taxed in the city or town where the bank is located and not elsewhere.

12. The exemption provided by law on deposits runs to the sum of $500, subject to notice of withdrawal, and not subject to check. Above that amount, the excess is taxable. As to stock held by individuals in building associations, the same ruling should be followed that applies to stock held in local banks—i. e., that such stock is exempt from taxation, whatever the amount held.

13. An individual residing elsewhere but having a bank deposit in the District of Columbia (as a matter of convenience) would not be taxable in this jurisdiction.

14. Proceeds from war-risk insurance.

Again the statement was made in the Senate that—

the rate of five-tenths of 1 per cent on the full value of intangibles is clearly unreasonable and above any rate exacted elsewhere in this country, so far as I have been able to learn.

Again I must call attention to the State of Colorado. Intangibles and tangibles are taxed exactly at the same rate in Colorado, according to my information. Denver's tax rate on all available information which we have is at least one-third more than that in Washington. But in Washington intangibles are taxed at 30 per cent of the rate on tangibles. Denver's rate is fixed by the Detroit bureau at $25.52—which applies to both tangibles and intangibles. That rate is decidedly favorable to Denver and yet the Washington rate on intangibles is $5. Or Denver's rate is not less than five times the Washington rate.

Is there any large city in your home State where grade-school children throughout the entire municipality can only attend sessions half a day because of lack of sufficient buildings? How many cities with a population of more than 100,000 inhabitants house many of their children in portable frame buildings with outside wash rooms?

The above question was asked in the Senate by Senator PHIPPS. The answer is that there was an actual enrollment in the schools of Washington March 12, 1928, in the elementary grades of 50,723. Of that number, slightly more than 5 per cent, or 2,674, were housed in 75 portable buildings, 65 being in the elementary schools and 10 in vocational and the seventh and eighth grades of the junior high.

On March 31, 1928, Denver had 75 children in part-time classes, 340 elementary-school pupils, and 200 junior high-school pupils in temporary quarters, 160 elementary-school pupils in portable buildings, and 180 in church rooms and gymnasiums—with modern facilities available in all temporary quarters. Thus Denver has a total of 880 pupils in temporary quarters as against 2,674 in Washington. Denver expects to eliminate all part-time and temporary quarters except for 125 elementary pupils this year. Denver in this respect would seem to be ahead of the District, but even Denver is "not without sin."

Again the statement was made that—

Irrespectiye of the rate of taxation I wish to state that my home city of Denver has more adequate school accommodations than Washington, the Capital of the Nation. We have better library facilities and better-cared-for streets. We do not have to wait for five years in order to obtain sufficient schools for our children, nor will we have to beseech Congress each year for that purpose. We have those schools now.

I submit the following for the consideration of the House:

Denver in 1925–26 had 23.8 pupils in daily attendance in junior high schools per teacher. Washington at the same time had one teacher for 19.5 pupils.

In the senior high schools Denver had one teacher for 22.3 pupils, while Washington had one teacher for 20.3 pupils.

In the elementary grades Denver had one teacher per 26.8 pupils, while Washington had one teacher per 25.8 pupils. In the kindergarten Denver had one teacher to 45.4 pupils, while Washington had one teacher for 16.5 pupils.

These figures are based on average daily attendance.

The city and county of Denver have a bonded indebtedness for—

Schools	$10,227,000
Water	21,573,600
Moffat Tunnel (Denver share)	13,613,600
Viaduct	260,000
Building site	500,000
Paving	763,000
Total	46,937,200

The District of Columbia has no indebtedness, bonded or otherwise, and is on a cash basis.

Not only has Washington no bonded or other indebtedness but on June 30, 1927, that city had to its credit in the Treasury of the United States a cash balance of $11,451,944.16, subject only to outstanding appropriation obligations amounting to $7,781,055.59, leaving a free and unencumbered cash balance of $3,670,888.57.

Denver had a per capita net city debt in 1926 of $112.95. Washington has none.

Complaint is made that while the United States grants considerably over $9,000,000 a year to the District for the general expenses of the District that it likewise granted in 1926 something over $115,000,000 in subventions to the States—and that therefore the Federal contribution here is as nothing in comparison and that the District is "slighted not favored" by the United States. What are the facts about this $115,000,000? First, the $9,000,000 plus which the District received from the Federal Treasury goes to pay the general operation costs of the city government. No other city in the United States receives such a contribution. As I have heretofore pointed out this contribution pays the entire cost of the public playgrounds, public buildings and parks, National Capital Park and Planning Commission, including $600,000 for the purchase of land, the Zoo, Anacostia development, the police department, the fire department and almost all the salary roll of the city amounting to over $2,000,000. I submit that it very materially relieves the taxpayer of Washington of his general tax burden. But what of the $115,000,000 contributed by the United States to the States? This data is found in Financial Statistics of States, 1926, prepared by the Department of Commerce, pages 28 and 76.

During that year the United States granted the States for education, $11,778,829. These contributions were for the support of State Universities and agricultural and mechanical colleges. There are none such in the District of Columbia supported by District funds and of necessity no such contribution can be made to the District.

For soldiers and sailors' relief and homes $896,008 was given to 28 of the States. Here a relief item is carried in the District bill, paid out of District funds to which the United States contributes. Eighty-four million one hundred and ninety-five thousand five hundred and forty-five dollars was contributed for cooperative construction of Federal-aid highways. The District received no such contribution. Were it the capital of a State or a city in a State and not the Capital of the Nation, Washington would have received no part of this money, for under the Federal aid act the money can not be spent on highways or streets of a municipality having a population of 2,500 or more, except streets along which, within a distance of 1 mile the houses average more than 200 feet apart. So that no city benefits from that fund, and while Washington does not either, it should not be overlooked that Washington does receive Federal money to help build, repair, and maintain its streets, and that no other city has that advantage or help, so far as I have been able to determine.

Eight million three hundred and twenty-nine thousand three hundred and eighty-one dollars went to the aid of agriculture—from which Washington receives the same indirect benefit that any city receives.

One million thirty-five thousand seven hundred and thirty-two dollars was contributed to 44 of the States for health aid, largely, I understand, for carrying out the provisions of the maternity act.

Nine million two hundred and thirty-seven thousand three hundred and ten dollars went in miscellaneous contributions of one sort and another to 31 of the States.

So while it sounds formidable to say that the Federal Government contributes $115,000,000 to the States, an examination of the contributions and their purposes disclose that there has been no contribution of any appreciable amount to cities as such comparable in any way with the contribution made to Washington and that Washington receives the same benefits that other cities receive from the $115,000,000 of United States money.

What was the effect of the Senate amendment which we were asked to accept? They said they wanted us to return to the substantive law of 60–40. The Senate amendment called for a return of 60–40, and specifically provided that the tax rate of $1.70 should not be changed. In that they asked to change the substantive law, for at the present time the law requires a tax rate sufficient to raise funds to meet the appropriation, and if we accept 60–40 a tax rate of $1.70 is 50 cents too much. The Senate then specifically decided that Washington is not overtaxed. The Senate does not propose to lower the taxes in Washington. What then do they do? They proposed to create a surplus of $6,723,000 to the credit of the District of Columbia. It was to come exclusively from the Treasury of the United States. The practical effect, then, of the Senate action was to establish the principle of percentage contribution on the basis of 60–40 and take $6,723,000 from the Treasury of the United States and give it to the District.

The substitution of one-third and two-thirds instead of 60-40 has been proposed. What does that mean? With the continuation of the $1.70 tax rate it would mean a surplus in the District treasury for 1929 of over $4,000,000. It would mean a contribution by the United States this year of not $9,000,000 but of $11,421,325, from which there would be a return to the United States of about $700,000, or a net contribution by the United States of about $10,700,000.

Next year, without increasing the District tax in any way, the bill could go to $44,750,000, and the Federal contribution would be approximately $13,792,000, against which there would be a return payment of about $800,000, or a net contribution of $13,000,000 a year by the United States would be the result of adopting one-third and two-thirds as a basis of fiscal contribution.

But what is the purpose of all this? In the RECORD, page 5501, is inserted a list of improvements totaling $83,000,000 that the city developers want. They are: An airport, $1,500,000; farmers' produce market, $1,000,000; sewers, $10,000,000; garage shops, incinerators, and so forth, for city refuse division $800,000; bridges, $4,000,000; municipal center and municipal buildings, $19,000,000; opening and extension of streets, $4,000,000; public-library extension, $1,696,000; city-hospital extension, $3,150,000; District Training School and other welfare buildings, $1,400,000; a new jail, $500,000; additional school buildings, $11,000,000; elimination of grade crossings, $680,000; water-front development, $3,691,000; additions at the zoo, $1,145,000; public buildings and parks, $4,501,600; National Capital Park and Planning Commission, $15,000,000. It will be noted that this is a fairly ambitious program for any city. But in this respect the fact should not be lost sight of that about 25 per cent of the amount annually appropriated for Washington takes care of improvements of this character, so that during the next five years over one-half of these improvements will be normally provided for. This would leave only $38,000,000 in improvements instead of $83,000,000 not provided for. With the increased revenues of the District arising from property-value increases the remaining $38,000,000 of this program will be largely met within the next five years.

Obviously the improvements are municipal and but remotely, if at all, connected with the Federal establishment here. Any city of the United States save Washington would expect to pay for these improvements, probably by a bond issue or issues. How do the people of Washington propose to pay for these improvements? The answer is they do not propose to pay for them. They expect the United States Government to pay for them. If they are ever successful in their present campaign to establish the 60–40 plan, the United States Government will pay for them.

The Senate has determined that the $1.70 tax rate shall continue. As the District develops, of course, there will be increased assessments and more taxes. But based on the present revenue collections, the estimated revenues for 1928 will be $27,585,000. Neither the House nor Senate provisions changed that. Figuring, then, that at 60 per cent, the amount payable by the United States representing 40 per cent, would be not $9,000,000 plus, as at present, but $18,380,000. Or a total amount can be appropriated under 60–40, continuing the $1.70 tax rate, of $45,965,000. To this should be added the gas tax and water fund of $3,400,000, making a grand total of $49,365,000. The Senate bill carries $38,151,000, or $11,214,000 less than could be appropriated under 60–40 and the $1.70 tax rate. Thus it will be seen that the purpose behind the desire to return to 60–40 is not to reduce the taxes, for the Senate has rejected that. The purpose is to compel the people of the United States to pay for a great municipal improvement program of $83,000,000 in the District of Columbia, and if we had accepted the Senate proviso the House would have accepted a program of city development at United States expense.

In my statement to the House February 21, 1928, I stated that the removal of the property in the "triangle area" that is being purchased by the Government would not decrease revenues of the District. That statement was based on the assessor's testimony that the money paid for the triangle property would be spent for new improvements on other tax-paying sites subject to taxation.

The statement is also made that Washington is assessed for more than full value in the business area.

The Southern Railway Building is being purchased by the Government at a cost of $2,680,000. It was assessed at $1,749,240, and paid taxes of $29,727. They have repurchased a site and propose to build a new building at Fifteenth and K Streets.

They have purchased 11 different units at a cost of $1,601,500. The property purchased was assessed at $951,494. The Southern Railway Co. paid assessed value plus 70 per cent for this property. They will place thereon a new building costing as much or more, I am informed, than the building which is being taken over by the Government. The District will therefore lose nothing in revenues by that transaction, which illustrates the principle laid down by the assessor.

This statement is submitted as an outline for those who desire to give further study to this question. It supports the conclusion that the Congress has repeatedly reached that the property of Washington is not overtaxed and that the United States has been, is now, and will continue to deal justly and liberally by the people of the Capital City.

APPORTIONMENT OF PRESIDENTIAL ELECTORS

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon the bill (H. R. 13712) to apportion the electors in the election of President and Vice President and to enforce the provisions of Article II, section 1, clause 2, of the Constitution of the United States.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection

There was no objection.

Mr. McLEOD. Mr. Speaker, in further support of the arguments I have already set forth, as to the necessity of acting at once on H. R. 13712, which would apportion electors in the coming presidential election, and enforce Article II of the Constitution by giving eight of the great States of the Union their rightful vote for President and Vice President, I urge consideration of the following opinion:

The only matter questioned in the committee was the purpose of the statute which it is sought to amend, and the meaning of the words in the Constitution, Article II, which read, "may be entitled," with reference to the number of electors.

In reply to the assertion, in connection with H. R. 13712, that Congress has not the power to apportion electors for President and Vice President among the several States on the basis of a census which would produce a different result from that which would obtain if the existing apportionment of Representatives in Congress were to continue to govern the number of electors to be chosen, I wish to offer the following in further support of my contention: Congress not only has the power but is subject to a constitutional duty to pass the above-mentioned bill at once, which I introduced before the Congress on May 12, 1928.

My bill, H. R. 13712, would amend a statute enacted in 1792. It would change no other law. The following proposition, therefore, appears to be self-evident, that if Congress has not the power to amend this statute, then the Second Congress, in 1792, had not the power to enact the statute, because all powers of Congress are derived from the same source; that is, the Constitution of the United States and particularly in this instance from Article II, section 1, clause 2—

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress.

And so forth.

It is clear there is no express grant of power to Congress in this clause. The difficulty arises out of the reference to the number of Senators and Representatives to which the States "may be entitled" in Congress.

A different and entirely separate article of the Constitution, namely, Article I, section 2, clause 3, provides a general rule for determining the number of Representatives to which the several States may be entitled, as follows:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

In other words, the Constitution says, so far as we are concerned here, Representatives shall be apportioned among the several States according to their respective numbers, to be determined by a decennial census. Something is left to be done by Congress to determine the number of Representatives to which the several States may be entitled, as their populations of the respective States from time to time change relationship one with the other. But this power left to Congress can not rise higher than the Constitution from which it derives its authority; Representatives shall be apportioned according to a periodic census. Congress is subject to a constitutional duty to reapportion the Representatives on the basis of each succeeding decennial census, after the first census, which is taken in accordance with the provisions of the Constitution. On this point I quote from the reports of the proceedings of the Constitutional Convention by Madison, page 352:

> Mr. Randolph's motion requiring the legislature to take a periodical census for the purpose of redressing inequalities in the representation was resumed.
>
> Mr. Sherman was against shackling the legislature too much. We ought to choose wise and good men and then confide in them.
>
> Mr. MASON. The greater the difficulty we find in fixing a proper rule of representation, the more unwilling ought we to be to throw the task from ourselves on the general legislature. He did not object to the conjectural ratio which was to prevail in the outset; but considered a revision from time to time according to some permanent and precise standard as essential to ye fair representation required in the first branch. According to the present population of America, the northern part of it had a right to preponderate, and he could not deny it. But he wished it not to preponderate hereafter when the reason no longer continued. From the nature of man we may be sure that those who have power in their hands will not give it up while they can retain it. On the contrary, we know they will always, when they can, rather increase it. If the Southern States, therefore, should have three-fourths of the people of America within their limits, the northern will hold fast the majority of Representatives. One-fourth will govern the three-fourths. The Southern States will complain, but they may complain from generation to generation without redress. Unless some principle, therefore, which will do justice to them hereafter shall be inserted in the Constitution, disagreeable as the declaration was to him, he must declare he could neither vote for the system here, nor support it in his State. * * *.
>
> Mr. Williamson was for making it the duty of the legislature to do what was right and not leaving it at liberty to do or not do it. He moved that Mr. Randolph's proposition be postponed in order to consider the following: "That in order to ascertain the alteration that may happen in the population and wealth of the several States, a census shall be taken of the free white inhabitants and three-fifths of those of other descriptions on the first year after this Government shall have been adopted and every year thereafter; and that the representation be regulated accordingly."
>
> Mr. Randolph agreed that Mr. Williamson's proposition should stand in the place of his. He observed that the ratio fixed for the first meeting was a mere conjecture; that it placed the power in the hands of that part of America which could not always be entitled to it; that this power would not be voluntarily renounced; and that it was consequently the duty of the convention to secure its renunciation when justice might so require by some constitutional provisions. If equality between great and small States be inadmissible, because in that case unequal numbers of constituents would be represented by equal number of votes, was it not equally inadmissible that a larger and more populous district of America should hereafter have less representation than a smaller and less populous district? If a fair representation of the people be not secured, the injustice of the Government will shake it to its foundations. What relates to suffrage is justly stated by the celebrated Montesquieu as a fundamental article in republican governments. If the danger suggested by Mr. Gouverneur Morris be real, of advantage being taken of the legislature in pressing moments, it was an additional reason for tying their hands in such a manner that they could not sacrifice their trust to momentary consideration. * * *

So long as Congress performs the above-mentioned constitutional duty regularly, the apportionment of electors is automatically effected. The framers of the Constitution believed that Congress must necessarily always perform this duty with reasonable promptness, and that therefore no further question would arise. I quote an excerpt from the statement of Hamilton or Madison in the Federalist, No. LVIII, of February 22, 1788:

> Those who urge the objection seem not to have recollected that the Federal Constitution will not suffer by a comparison with the State constitutions in the security provided for a gradual augmentation of the number of Representatives. The number which is to prevail in the first instance is declared to be temporary. Its duration is limited to the short term of three years. Within every successive term of 10 years a census of inhabitants is to be repeated. The unequivocal objects of these regulations are, first, to readjust from time to time the apportionment of Representatives to the number of inhabitants, under the single exception that each State shall have one Representative at least; secondly, to augment the number of Representatives at the same periods, under the sole limitation that the whole number shall not exceed 1 for every 30,000 inhabitants. * * *
>
> There is a peculiarity in the Federal Constitution which insures a watchful attention in a majority both of the people and of their

Representatives to a constitutional augmentation of the latter. The peculiarity lies in this, that one branch of the legislature is a representation of citizens, the other of the States. In the former, consequently, the larger States will have most weight; in the latter the advantage will be in favor of the smaller States. From this circumstance it may with certainty be inferred that the larger States will be strenuous advocates for increasing the number and weight of that part of the legislature in which their influence predominates. And it so happens that four only of the largest will have a majority of the whole votes in the House of Representatives. Should the representatives of the people, therefore, of the smaller States oppose at any time a reasonable addition of Members, a coalition of a very Few States will be sufficient to overrule the opposition; a coalition which, notwithstanding the rivalship and local prejudices which might prevent it on ordinary occasions, would not fail to take place when not merely prompted by common interest but justified by equity and the principles of the Constitution.

We know how far away our country has grown from the forces and circumstances which Hamilton predicted, in the foregoing statement, would invariably operate to force regular reapportionments of the Representatives. We note also how unfounded were the beliefs of numerous other framers of the Constitution (shown in excerpts from the Madison Debates quoted above) that they had provided a guarantee in the Constitution that reapportionment of Representatives would be made at frequent intervals.

Since a deadlock in Congress, such as we have experienced over the past eight years, has occurred over the question of apportionment of Representatives, the question arises as to whether the apportionment of electors shall also be defeated.

Regardless of its failure to perform the aforementioned constitutional duty, Congress still has full power as to the determination of its own membership. But as the choosing of electors has to do solely with the election of President and Vice President, it is not to be supposed that a Congress, acting in defiance of constitutional duty, continues to have full power over the machinery for the election of President. Such a condition is repugnant to the theory of separation of powers in our Government. It is also repugnant to the express words of the Constitution and the interpretation placed upon those words by the framers of the Constitution in the convention.

Madison Debates, page 412:

Mr. WILSON. It seems to be the unanimous sense that the Executive should not be appointed by the legislature unless he be rendered ineligible a second time; he perceived with pleasure that the idea was gaining ground of an election mediately or immediately by the people.

Mr. MADISON. If it be a fundamental principle of free government that the legislative, executive, and judiciary powers should be separately exercised, it is equally so that they be independently exercised. There is the same and perhaps greater reason why the Executive should be independent of the legislature than why the judiciary should. A coalition of the two former powers would be more immediately and certainly dangerous to public liberty. It is essential, then, that the appointment of the Executive should either be drawn from some source, or held by some tenure, that will give him a free agency with regard to the legislature.

I also quote from a statement by Alexander Hamilton in the Federalist, No. 68, March 14, 1788:

The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system of any consequence which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit that the election of the President is pretty well guarded. I venture somewhat further and hesitate not to affirm that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages the union of which was to be wished for.

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it not to any preestablished body but to men chosen by the people for the special purpose, and at the particular conjuncture.

It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigation.

It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. * * * Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption. * * * They have not made the appointment of the President to depend on any preexisting bodies of men who might be tampered with beforehand to prostitute their votes, but they have referred it in the first instance to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment.

Congress, therefore, as a preestablished and preexisting body of men in the sense referred to by Hamilton, was intended to be excluded from having any influence in the selection of the Chief Executive. The election of President is a governmental function of equal dignity with the powers of Congress, both subject to the same Constitution. It can not be argued, therefore, that the machinery for the former was intended to be so incidental to the exercise of the powers of the latter as necessarily to stand or fall together.

Farrand, in his Records of the Federal Constitution, volume 3, page 382, quotes a debate in the United States Senate January 23, 1800, as follows:

Mr. C. Pinckney, of South Carolina, * * * remembered very well that in the Federal convention great care was used to provide for the election of the President of the United States independently of Congress; to take the business as far as possible out of their hands. The votes are to be given by electors appointed for that express purpose, the electors are to be appointed by each State, and the whole direction as to the manner of their appointment is given to the State legislatures. Nothing was more clear to him than that Congress had no right to meddle with it at all; as the whole was intrusted to the State legislatures, they must make provision for all questions arising on the occasion.

Mr. Baldwin, of Georgia, * * * must say for himself * * * that the Constitution in directing electors to be appointed throughout the United States * * * for the express purpose of intrusting the constitutional branch of power to them, had provided for the existence of as respectable a body as Congress, and in whom the Constitution on this business has more confidence than in Congress. * * *

Suppose, then, Congress should continue indefinitely, as it has done since 1920, to refuse to reapportion its membership on the basis of a periodical census. Would anyone contend that the apportionment of electors could not be changed? Or if the apportionment of electors were not changed for 10 or 15 or 20 years simply because Congress failed to apportion its membership for that long time, would anyone contend that at the end of that period each State would have the number of electors to which it was "entitled" in accordance with the Constitution? Certainly not. On this theory the election of a President could be made to depend absolutely on the action of Congress in that the latter could bring about a result contrary to the will of the people.

It is clear, therefore, that apportionment of electors is not necessarily a consequence of apportionment of House membership. Conversely, apportionment of the House membership is not necessarily a consequence of an apportionment of electors, for the House may agree on the number of Representatives to which the several States may be entitled and at the same time may refrain from accepting those respective numbers of members from the several States. But the performance of the first part of the duty is sufficient to formulate a uniform rule for an apportionment of electors, which is all that is sought under the bill in question.

Remembering that Congress would thereby create no additional obligation upon themselves to reapportion the membership of the House according to such agreement, suppose for the moment that such an obligation were created. Suppose, as Mr. Page suggested previously in this hearing, that such an agreement by Congress would be tantamount to an apportionment of Representatives. Has not Congress full power to do the complete act? It would not be a violation of the powers of Congress even if the passage of the proposed bill should be construed in the latter manner. But I do not think it necessary so to construe it. The apportionment of electors and the apportionment of Representatives under conditions now obtaining in Congress are separable questions. The Second Congress of the United States, as reported in the Annals of Congress, volume 2, pages 405, 406, dealt with both apportionment of electors and apportionment of Representatives simultaneously, but by separate bills, considered in different committees. One was acted upon without reference to the consideration of the other. One relates to the executive branch of the Government and the other to the legislative branch. One refers to Article II of the Constitution, the other refers to Article I.

And this should also be borne in mind: So long as Congress merely designates the number of electors to which the several States shall be entitled it is at least complying with Article II of the Constitution in its exact language, whereas if Congress does not apportion electors and does not reapportion the membership of the House it will fail to comply with either Article I or Article II of the Constitution. The former appears plainly

to be the more constitutional and by far the less blameworthy of the two courses.

The next question is one of policy. Unless this bill is enacted during the present session of Congress, in the election of President and Vice President next fall, eight States will be deprived of 12 electoral votes to which, by the census of 1920 they are entitled, and these 12 votes will be cast by 11 other States which, according to the same census, have no equitable or just claim to them. The result in the case of a close contest may be a disputed election, and much dangerous and destructive confusion throughout the United States will result.

The Second Congress of the United States, in 1792, when they enacted the statute which this bill would amend, felt that they were impelled by a strong public policy. When I have finished with my next observation, I am sure it will be unanimously agreed that not only will my proposed amendment not subvert the policy which the Second Congress had in mind, but will actually serve that same public policy much more effective under present circumstances than the existing statute. And to my mind, it will accomplish this result in accordance with the Constitution, whereas, as I have shown above, there are reasons for grave doubt that the statute as it stands is in accordance with the Constitution.

The debate in Congress, as reported in the Annals of Congress, volume 2, pages 405, 406, upon the passage of the section which is now title 3, chapter 2, section 2 of the United States Code (R. S. 132) is as follows:

Mr. Gerry moved to insert a clause which specified that "the electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President thus to be chosen should come into office: *Provided, always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives."

Mr. MURRAY. * * * The present representation in Congress is by no means equal; the States, in their conventional deliberation, produced the present proportion of Representatives more from compromise than authenticated data; no census had then measured to the public the proportions of population which one State bore to another; and Representatives, including Senators and electors of President and Vice President, being the same in number, and the scale of Representatives being unfounded in facts and evidence, the inequality which is evident is not to be wondered at. This proposition remedies the inequality; the proviso was not perfectly agreeable to his wishes, but as it refers the number of electors to a scale of representation ascertained by an actual enumeration, and at the same time will remove the probability of confusion by making each State uniform with others as to the rule of fixing the number of electors, he should vote for it.

We are now confronted with a situation in which the statute of 1792 no longer "refers the number of electors to a scale of representation ascertained by an actual enumeration," as intended by the Constitution. There is "evident inequality" now to be corrected just as there was then. The policy which the Second Congress had in mind, of making a uniform rule among the various States for the determination of the number of electors, is made much clearer and more effective by my proposed amendment than it will be in the coming election of President under the statute of 1792.

Gentlemen, you can not escape one of the following conclusions: First, Congress has not the power under the Constitution to pass a statute governing the number or distribution of electors, and therefore in order to avoid future confusion section 2, of chapter 2, of title 3 of the United States Code should be repealed; or, second, Congress has the power under the Constitution to pass a statute apportioning electors, and as a matter of policy under present conditions should and must pass H. R. 13712.

I have shown above that if you choose the first alternative, you must be prepared to accept the doctrine that each State is the sole judge of the number of electors to which it is entitled, with the consequent possibility of confusion. I believe, therefore, that you must admit the existence of a power, although limited by the words of the Constitution, whereby Congress may enact such an amendment as I propose, and I believe you must acknowledge the wisdom and justice of enacting this proposed amendment immediately.

The text of my bill is as follows:

Be it enacted, etc., That title 3, chapter 1, section 2 of the United States Code (Rev. Stat. sec. 132), be, and the same is hereby, amended to read as follows:

"The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office: *Provided*, That in any election prior to an apportionment of Senators and Representatives on the basis of the enumeration of 1920, or any subsequent enumeration, the electors shall be apportioned among the several States as follows: Alabama, 12; Arizona, 3; Arkansas, 9; California, 16; Colorado, 6; Connecticut, 8; Delaware, 3; Florida, 6; Georgia, 14; Idaho, 4; Illinois, 29; Indiana, 14; Iowa, 12; Kansas, 9; Kentucky, 12; Louisiana, 9; Maine, 5; Maryland, 8; Massachusetts, 18; Michigan, 17; Minnesota, 12; Mississippi, 9; Missouri, 16; Montana, 4; Nebraska, 7; Nevada, 3; New Hampshire, 4; New Jersey, 15; New Mexico, 3; New York, 45; North Carolina, 13; North Dakota, 5; Ohio, 26; Oklahoma, 10; Oregon, 5; Pennsylvania, 38; Rhode Island, 4; South Carolina, 9; South Dakota, 5; Tennessee, 12; Texas, 21; Utah, 4; Vermont, 3; Virginia, 12; Washington, 8; West Virginia, 8; Wisconsin, 13; and Wyoming, 3."

ADDRESS OF HON. CHARLES W. PARKER, LL. D.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address made by Hon. Charles W. Parker, of New Jersey, upon the occasion of a presentation of a tablet to St. Ann's Church in the Bronx, N. Y., commemorating the life and work of Lewis Morris, the first Colonial Governor of New Jersey, and in that connection—if I may be indulged a moment—permit me to say that I am prompted to renew this request because I have ascertained since Tuesday that we have two Members in this House who are the direct descendants of the Morris family, namely, the gentleman from New York, Mr. HAMILTON FISH, and the gentleman from Virginia, Mr. R. WALTON MOORE.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered at the unveiling of a tablet to his memory at St. Ann's Church, corner One hundred and fortieth Street and St. Anns Avenue, Morrisania, Borough of the Bronx, New York City, under the auspices of the Society of Colonial Wars in the State of New Jersey, by Charles W. Parker, LL. D., justice of the Supreme Court of New Jersey, April 21, 1928:

LEWIS MORRIS, 2D, FIRST COLONIAL GOVERNOR OF NEW JERSEY

The task allotted to me to-day is an agreeable one. As a Jerseyman and representative of a line of Jerseymen extending back some 250 years as residents of Perth Amboy, the capital of the Province, and of Woodbridge, and still earlier of Staten Island in New York, it has been most interesting to review the events connected with the separation of the colonial governments of those two Provinces; as a present resident of Morristown, in the township of Morris and county of Morris, like interest has attached to a somewhat hasty, though I trust not too superficial, inquiry into the life and character of the first colonial Governor of New Jersey as a separate political organization; a man of strong and vigorous personality, whose honesty has never been successfully impugned and who left his impress on posterity in the form of many distinguished descendants, among whom we may mention his son, Robert Hunter Morris, chief justice of New Jersey from 1738 till 1764; his grandson, Robert, first chief justice of New Jersey under the Constitution of 1776 and later judge of the Federal court; another son, Lewis, born 1698, chief justice of the admiralty court of New York; his son, Lewis, born 1726, signer of the Declaration; his son Lewis, graduate of Princeton 1774, aide to Generals Sullivan and Greene in our Revolution; and Gouverneur Morris, brother of Lewis, the signer, born 1752, delegate to the Constitutional Convention, minister to France under the Directory, and United States Senator; Gouverneur Morris the second, veteran of the Mexican War; Gouverneur Morris the third, founder of this sweet old church, which he built in memory of his mother, and in whose God's acre within sound of my voice there rest nearly a score of his honored kinsmen.

Returning to the subject of our sketch, his father Richard and uncle Lewis were prominent Roundheads, and fought in the Cromwellian wars. The family crest, a blazing castle, has been ascribed to an exploit of his uncle Lewis at that period, though that origin is open to doubt. This uncle Lewis, after serving in England under Cromwell, was sent by him in 1654 as an officer in an expedition to the West Indies, and was second in command at the attack on Jamaica.

Later he settled at Barbados, and after the Restoration in 1660 political considerations and property interests led him to remain in the West Indies until 1674. Richard, the father of Gov. Lewis Morris, had also been an officer in Cromwell's army, and finding the climate of England unhealthy after the Restoration, had gone to Barbados, removed to New Amsterdam, which was then under Dutch control, bought up several thousand acres which was later erected into a manor and which is still known as Morrisania, and settled thereon. There Lewis Morris, afterwards chief justice and governor, was born late in 1671. He made a very poor start in life; his

mother died when he was but a few months old, and his father did not long survive her, dying in 1672 or 1673. In the following year Uncle Lewis came to this country from Barbados, settled at Morrisania, assumed charge of the rearing of young Lewis, and made him his heir.

We read in Gordon's History of New Jersey that "the early years of the nephew were wild and erratic," and in Smith's New Jersey, that in 1683, in one of the several considerable disturbances in the Province (of New Jersey), especially about Middletown and Woodbridge, Lewis Morris, afterwards Governor of New Jersey, being a party, was taken prisoner and confined in a log house; his partisans pried up the logs high enough for him to creep out." A rather precocious performance for a boy of 12; the chances are that it was his uncle or some other Lewis. (Papers, p. 6, note.) We read further, that in one of his youthful freaks he strolled away to Virginia and thence to Jamaica, where he undertook to support himself as a scrivener; from which it would seem that he had early acquired some knowledge of the law and its formulas. Having sown his wild oats, he returned to New York and made his peace with his uncle, who died in May, 1691, when Lewis was about 20, leaving a will so mutilated by erasures and interlineations as to raise serious legal questions which Lewis happily solved by fair settlement with the holders of outstanding claims, insomuch that he was never disturbed in the enjoyment of this great property. Would that he had always been so tactful and diplomatic!

The next important event to note is his marriage, November 3, 1691, to Isabella Graham, daughter of the attorney general of New York. With her he lived 55 years and by her had 12 children, only 4 of whom, 2 sons and 2 daughter, survived him.

New Jersey seems to have had much attraction for him; and now, at his majority, we find him in Monmouth County, perhaps drawn there by business considerations, for he owned a tract called Tintern of between three and four thousand acres, comprising iron mills as well as farms. The name still survives as that of the village of Tintern Falls, a few miles west of Long Branch. By this time he was sufficiently learned in the law to be appointed one of the judges of the "Court of Common Right" of New Jersey under the still-existing proprietary government. We learn from Judge Field's valuable paper on the provincial courts of New Jersey that this court was a new venture in the field of judicature—at least by that name. Organized in 1682 it had all the powers of our New Jersey Supreme Court, civil and criminal, and in addition full equity powers, which, however, were seldom exercised. At first its home was Elizabeth Town, but in 1686 it was moved to Perth Amboy, a town with a most interesting history, retaining its quaintness and charm up to my time, though robbed of all that later on by the discovery of clay and the combination of railroads with frontage on tidewater. This court was composed of from 6 to 12 members, and the appointment of Morris as one of them seems to speak of his abilities as well as of his political consequence and status as a substantial citizen; indeed, he must be classed as a young man of great wealth, owning about 3,000 acres of manor at Morrisania and 3,560 acres in Monmouth County, and a considerable number of slaves on each of these properties. This appointment as a judge was in 1692, and I assume that his tenure lasted until the famous "surrender" of the proprietors to the Crown in 1702, of which so much has been said and written.

He was also a member of Governor Hamilton's council. Whitehead says of him in the introduction to the "Papers of Gov. Lewis Morris" that "notwithstanding his youth (he) soon exercised great influence in public affairs, developing very early in his career those mental qualities and that sagacious discernment of men's characters and actions which subsequently caused him to be considered more knowing in the law and a great adept in the wily intrigues of colonial politics than any of his compeers." Or, as we should now say, he became a skillful politician. He was more than that; he was a determined and vigorous fighter and a dangerous opponent. He contested in 1698 the claims of Jeremiah Basse as proprietary governor on the ground of lack of a quorum at his appointment, so that on May 6, 1698, Morris was removed from the council, and on May 11 was fined £50 for contempt of the very court of common right whereof he was or had been a judge. But the Basse question was the source of continual quarrels; others of his opponents were imprisoned; "feuds and confusion followed," Smith tells us; a compromise was attempted by the reappointment of Hamilton, but this failed to settle the matter; and, to make a long story short, in 1702 came the surrender of the proprietary government in both East and West Jersey. This was due in large measure to the efforts of Morris, who secured the concurrence of the local proprietaries, and with their backing went to England and was there instrumental in persuading the other proprietors, and after the delivery in April, 1702, of the instrument of surrender returned to America. The question of establishing an executive government of New Jersey separate from that of New York was even then suggested and debated, and in connection with it the availability of Morris as Governor of New Jersey was considered; but the plan of separation being rejected, the claims of Morris were put aside, and in December, 1702, "the good Queen Anne," who had just come to the throne as successor of William III, signed the commissions of Edward, Viscount Cornbury, as Governor of New York and of New Jersey.

Time forbids any comment on the Cornbury administration except in its bearing on the subject of this paper. Generally speaking, Cornbury appears to have been one of the best hated men that ever held public office. One or two short quotations from Gordon will elucidate the point:

"The people, who in the very wantonness of freedom, had involved themselves in contentious strife, discovered that they had exchanged King Log for King Stork."

"His character is described as a compound of bigotry and intolerance, rapacity and prodigality, voluptuousness and cruelty, and the loftiest arrogance with the meanest chicane."

We need not stop to discuss the details of Cornbury's administration. What concerns us at this point is that Morris, a member of Cornbury's council, became at once his leading opponent, was suspended, reinstated, and suspended again, in the course of about a year. For about two years he remained in private life, but in 1707 came again to the fore, as an elected member of the General Assembly of New Jersey. In collaboration with Samuel Jenings, a Quaker, and speaker of the assembly, he prepared for that body a lengthy remonstrance to the Queen, making a number of accusations against Cornbury. This manifesto, for it amounted to that, being read in open assembly by Jenings, provoked an equally lengthy reply from Cornbury, and also a private communication to the Queen which was discovered and answered by the assembly. Cornbury and his friends were unsparing of epithets; they called Jenings and Morris "men known neither to have good principles nor good morals; wicked, designing men," "men known to be uneasy under all government," and so on. The net result was that Morris was reappointed to the council in 1708 under Lord Lovelace who succeeded Cornbury and again suspended by Lieutenant Governor Ingoldsby, who on the death of Lovelace, became acting governor until the appointment of Gen. Robert Hunter in 1710 as Governor of New Jersey and New York.

Hunter and Morris were close friends, and Morris became head of the council in New Jersey and gave Hunter his vigorous support in New York, finally overcoming the opposition to Hunter which had manifested itself in that Province. Hunter was recalled in 1719, or left of his own volition, and was succeeded by William Burnet, a son of the Bishop Burnet who was so intimate with William III. Hunter had given Burnet in England a good account of Morris, and Burnet in 1720 appointed him as chief justice of New York, an office which he filled with great credit until 1733, when he was removed by Governor Cosby as the result of a dispute over the propriety of the Supreme Court of New York exercising jurisdiction in equity. Morris drew up a long argument expressing his views on the subject and dissenting from the other judges, and when the governor asked for a copy inclosed the copy in a letter which gave offense and led to his suspension. At this period Cosby was unpopular and Morris popular; he was elected almost at once to the New York Assembly and was received with most favorable popular demonstrations.

It was a stirring time. To quote from Whitehead's comment on the Morris papers, "The Province became immediately divided into two parties; the opposition, or country party, of which (Morris) was the head, and the governor's or court party, having for its chief James Delancey, who had been appointed to the vacant judgeship." It was the era of the trial for criminal libel of John Peter Zenger, a cause celebre of those days. Zenger was a printer, and in November, 1733, began to publish a newspaper called the New York Weekly Journal as the organ of the country party, lampooning the government unmercifully, until the governor in desperation had Zenger arrested for seditions libel and tried to get the grand jury to indict him, which that body refused to do.

The governor, not being entirely helpless in those days in the hands of a grand jury, went to the attorney general, and that official filed an information, which had the same effect. Zenger was put on trial, admitted the libel and undertook to justify it, but was overruled by the chief justice. "Very well," said Andrew Hamilton, Zenger's counsel, "the jury are judges both of law and fact, and we are content to leave it to the jury." His confidence was not misplaced; the jury acquitted, and Zenger was released after having been held without bail for over eight months, and in the language of a writer in the biographical encyclopedia, "was received with tumultuous applause by a concourse of people who had assembled to learn the result."

Meanwhile a combination had been formed to get rid of Cosby, and Morris was chosen to go to England as an emissary. His plans for sailing were made with great secrecy, and he was on the high seas before his absence was discovered. Cosby countered with a complaint to the lords of trade against Morris, demanding his dismissal from the New Jersey Council, in which he still held office. The dismissal was recommended, but overruled by the Privy Council, so Cosby failed. On the other hand, Morris failed to secure the ouster of Cosby, but the latter died in March, 1736, and Morris returned home early in October, to be received with the loud acclamations of his constituents.

Morris was now 65 years of age, apparently at the height of his popularity, a wealthy man, his children long since grown, and his two sons now attaining distinction; but like other active men, knew not when to stop. One would think that after so many stormy years

he would have realized the truth of St. Paul's injunction to Titus (III, 9): "But avoid foolish questions, and genealogies, and contentions, and strivings about the law; for they are unprofitable and vain." Now, however, a restless ambition was to lead him back to New Jersey, where he was destined to lose his popularity and to end his days.

He began by an attempt to seat himself as acting governor by right of seniority in the council. This was resisted, was appealed to the other side of the water, and the appeal went against him. But his defeat was of short duration, for a movement to separate the executive departments of New York and New Jersey, which had been for some time progressing, now came to a head, and in February, 1738, Morris was appointed Governor of New Jersey, her first independent colonial governor, and a native, not an importation. He entered on his duties at Perth Amboy in the late summer of that year. About the same time his son, Robert Hunter Morris, became chief justice of New Jersey.

He was well received, and made a good start by quitting the council, making that body a part of the legislature, and confining himself to executive functions, a new departure. The legislature created a new county and named it after him and voted him a liberal salary, but the era of good feeling was a short one. His point of view seems to have changed; he was seeing things at a different angle. I am content to ascribe his actions at this period to age, poor digestion, and blood pressure, and to let it go at that. In October, 1739, he writes thus to his friend, Sir Charles Wager:

"I was glad to find by yours that you were in good health in an age so far advanced as yours is, and I hope it will continue for the sake of your family and of so many others who are so much concerned in it; I am following close at your heels, being within a few days of entering into my 69th year, but thank God enjoy a good state of health, but sencivle of some decay of memory, & loss of teeth w'ch have long since left me to mumble my meat as well as I can with my gumms. We have a man in New York, one Scurlock, nigh four score years, who for nigh 15 years Pass'd has liv'd solely upon milk punch made with Rum, without eating or drinking anything else & seems as hearty well & strong as a man of fifty.

I have known another instance of the same kind, but neither of these men had much business with thinking, and very much unconcerned whether the Emperor got Constantinople or the Turks Vienna, w'ch might not a little contribute to their length of days." A wise sentiment, of which he failed to make personal application. Such a thing was foreign to his nature; he did not know how to let matters take their course; and in those times, when the only dentists were barbers, when their only function in relation to teeth was extraction, and when, as I gather from the quotation, there were no artificial teeth, much in the way of cantankerousness is to be forgiven to a man of 68 of a naturally combative disposition, who can not Fletcherize, but can only "mumble his meat with his gums."

Whatever the cause, there was an increasing antagonism between the governor and the legislature as the years rolled on; there were mutual recriminations and misunderstandings. The histories of this period give ample details of such matters and I prefer not to repeat them here. I think it is fairly plain that the man grew increasingly irritable from failing health as he advanced in years. For the last two years of his life he was a sick man. On May 8, 1746, after a final dispute with the legislature, he signed a bill regulating the militia, the only one perfected at that session. On that day or the next, his illness became alarming, and on May 21 he died at his place called "Kingsbury near Trenton." On the 26th his remains were transported to Perth Amboy, and thence by water to Morrisania. He was 75 years of age. Thus passed on one of the most interesting and picturesque characters of that formative period of the Colonies; an only child, but the father of a numerous family and ancestor of many and distinguished descendants; a handsome man of pleasing presence, if his portrait by John Watson truly depicts him; an able lawyer and judge, and clever politician. We of New Jersey are liable to think of him primarily as our quarrelsome first governor, forgetting what he had been and had accomplished, and that he came to that office at a time of life when he should have been enjoying a well-earned retirement from the hurly burly of politics, and "unconcerned whether the Emperor got Constantinople or the Turks Vienna." I prefer to think of him as the lawyer, the judge, the legislator, the antagonist of such men as Cornbury and Cosby, the friend of Hunter and Burnet, and until he was long past his prime, the popular favorite, if not popular idol. All these he was while he lived on the broad acres surrounding this hallowed spot where to-day we install a tablet to his memory; and as we close this hasty survey of his stormy life, these, and his ideal family relations, are the aspects of it that should especially challenge our attention and arouse our appreciation, and enable us thereby to pay a fitting tribute of respect to his memory.

LEAVE TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to proceed out of order for 10 minutes after the gentleman from Oklahoma [Mr. MCCLINTIC] has concluded his remarks this morning.

The SPEAKER. The gentleman from New York asks unanimous consent that at the conclusion of the remarks of the gentleman from Oklahoma [Mr. MCCLINTIC] under the special order he may proceed for 10 minutes. Is there objection?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, with reference to what?

Mr. SIROVICH. In relation to one of my former instructors, who lately died, Professor Noguchi.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that after the conclusion of the Boulder Dam bill, and not to interfere with conference reports or matters on the Speaker's table, the Commissioner from the Philippines [Mr. GUEVARA] may be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the consideration of the Boulder Dam bill the Commissioner from the Philippines [Mr. GUEVARA] may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

DISABLED EMERGENCY OFFICERS

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, at this time, when the divergence of views entertained by the President and those entertained by Congress seems to be widening, I take this opportunity to read a telegram similar to many others that I have received, showing the public reaction to an economy program which asserts itself only against veterans and their widows and orphans, fourth-class postmasters and other underpaid Government employees, farmers, and others who are really in distress and approves a reduction of $200,000,000 in taxes to the excessively rich.

DAWSONSPRINGS, KY., *May 24, 1928.*

RALPH GILBERT,

Washington, D. C.:

Won't you remind Congress that thousands of friends of disabled emergency officers are watching an economy which gives two hundred million to millionaires and refuses an insignificant two million to men who made fortunes for the rich possible?

BAXTER RAMSEY,
Commander J. Franklin Bell Post.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. GREEN. I had a telegram this morning from 3,000 in the State of Florida asking the passage of the Tyson-Fitzgerald bill over the President's veto.

THE FRANKING PRIVILEGE

The SPEAKER. Under special order of the House the Chair recognizes the gentleman from Oklahoma for 15 minutes.

Mr. MCCLINTIC. Mr. Speaker, some time ago I filed a minority report against the so-called naval shipbuilding bill, which featured aircraft and submarines as a substitute for the majority report filed by Mr. ANDREW, the gentleman from Massachusetts, who filed the affidavit concerning the alleged misuse of my frank. I thought I had a right to file that minority report, notwithstanding the fact it was not adopted by the House. Later on several thousand of my minority reports were mailed out under my frank. In a few weeks thereafter the gentleman from Massachusetts [Mr. ANDREW] sponsored an affidavit which he read before this House, which claimed that those who had used my frank had violated the privilege by inserting in the envelope certain extraneous literature. For the reason that the Naval Affairs Committee has sent this controversy to the Post Office Department, because the press has carried a lot of information concerning the subject, and because the Post Office Department has made a thorough investigation and has rendered a report, I feel that it is fair to myself and fair to this House to let the Members know whether or not my franking privilege was abused, and whether or not there was a frame-up in this connection. It is for that reason that I have asked that every Member of the Naval Affairs Committee be present this morning. They have been given proper notice.

I have here a copy of the report which was made by the Post Office Department, and which is signed by Hon. Harry New, Postmaster General. I shall read the last two paragraphs of the report. Mr. Weeks, the man referred to in the paragraph which I shall read, is the person who filed an affidavit charging misuse of my frank and at the same time claimed that he used an assumed name in order to obtain information from the

Council for the Prevention of War, in order that they might not learn his identity. I read from the report:

"Mr. Weeks is the only person to whom such matter was sent, who alleges that he received both the speech of Representative McCLINTIC and the private matter of the National Council for the Prevention of War in an envelope bearing the frank of Representative McCLINTIC.

It will be noted that the report says that Mr. Weeks is the "only" person. Continuing, the report reads:

It would appear from all the circumstances as disclosed by the investigation that Mr. Weeks may be mistaken in his statement that the private matter of the National Council for the Prevention of War received by him was in the envelope bearing the frank of Mr. McCLINTIC, since it appears that only the speech made by Representative McCLINTIC in the House of Representatives was mailed under his frank, and that the matter pertaining to the National Council for the Prevention of War was mailed under postage. It, therefore, appears that there was no violation of the franking privilege.

It will be remembered that Congressman ANDREW denied giving out the first newspaper story concerning this alleged violation, and inasmuch as he was the only person who received this charge from one Harold Weeks, it can be concluded that the newspaper fraternity evidently obtained the data upon which they wrote the story by the process of mental telepathy. Anyhow, it will be interesting to this House to know that the inspector detailed to look after this work interviewed those connected with the Government Printing Office, the House folding room, the Post Office Department, the National Council for the Prevention of War, citizens of Wellesley Hills, Mass., the author of the affidavit, and dozens of persons who have received the minority report on the naval shipbuilding bill, which is the subject of this controversy. I am glad to say to this House that not a single person in the United States has corroborated the statements contained in the affidavit filed with the Post Office Department by the gentleman from Massachusetts [Mr. ANDREW].

A Member's frank is his chief asset in looking after the public's correspondence. It is not possible to attack the use of the same without casting reflection on the Member whose name is printed on the envelope. It is an awfully cheap sport who will sponsor the work of an unreliable person for the purpose of injuring one of his colleagues on a committee. The gentleman from Massachusetts was told, when he sought advice from the distinguished floor leader, Mr. TILSON—who is always fair—the proper thing to do in this case and that was to see me first before taking any action. Did he do it? No. On the other hand, he went over and presented this data to the gentleman from Illinois [Mr. BRITTEN], whose judgment has not proved to be the best in many instances in the past. Therefore, I had no way of knowing anything about this charge until it was published in the Washington Star.

Who is this Harold M. Weeks, who assays the rôle of a snooper in this instance? In the affidavit sponsored by the gentleman from Massachusetts there is contained a statement that he has used an assumed name in corresponding with the National Council for the Prevention of War for the purpose of obtaining information without letting them know his true identity. In other words, he assumed the rôle of a spy. The gentleman from Massachusetts compliments this man Weeks as being a splendid, patriotic soldier, and the attorney who drew up the affidavit called attention to the excellent reputation which he bore in his own community. In this connection, I want to insert in the RECORD at this point letters from some of the citizens of Wellesley Hills, Mass., which show that he is a questionable character, a trouble maker, and an undesirable citizen. Therefore, the statement made by the attorney, Mr. Judson Hannigan, seems to be false:

BOSTON, MASS., *May 5, 1928.*

Representative McCLINTIC,
House of Representatives, Washington, D. C.

DEAR MR. McCLINTIC: I have read in the daily newspapers the charges made against you by one Harry W. Weeks, of Wellesley Hills, Mass., and write you these few lines to state that I believe it was about time a member of the military forces of the United States refrained from snooping upon civilians and performed his military duties. This soldier Weeks is a constant trouble maker, and through his gumshoe methods he has made an effort to have public officials of the town in which he resides removed from office. I believe the chiefs of police and fire departments of that town can give you much information on him.

His present duties are with the intelligence section of the Army, with station at Boston, Mass., and I understand he spends much of his time on Government salary snooping around looking in keyholes in an effort to steal some of the fame of Sherlock Holmes.

This note is sent you in a spirit of fair play and with hopes that the military forces of our country may be used for the purpose authorized by law.

Sincerely yours, ——— ———

MY DEAR MR. McCLINTIC: I hesitate to say anything about any one, but I am impelled to say nothing in favor of this person. I have been seven years in an official position before and during the World War in the United States Army and have come in contact with him also in this town. His actions have not been commendable. I doubt very much his sanity and regret that I can not say anything else.

Yours sincerely, ——— ———

In addition, it will be interesting to this House to know that Weeks received from the War Department the sum of $137.70 for the work that he did during the month of April in connection with the charge brought against the violation of my frank. I desire to insert in the RECORD a letter from the Secretary of War, which gives his military record and corroborates this statement:

WAR DEPARTMENT,
Washington, May 16, 1928.

Hon. JAMES V. McCINTIC,
House of Representatives.

DEAR MR. McCLINTIC: I have your letter of the 14th instant in which you request information concerning the pay of Harold M. Weeks.

The April, 1928, pay roll shows he received pay as follows for that month:

Base pay	$72.00
Longevity pay	7.20
Monetary allowance in lieu of rations and quarters	58.50
Total	137.70

The records show that this soldier enlisted May 31, 1917, in Massachusetts National Guard; reported for Federal service July 25, 1917, and was honorably discharged April 29, 1919, a private, first class, Headquarters Company, One hundred and first Sanitary Train, M. D.; reenlisted May 1, 1919, and was honorably discharged April 30, 1920, as sergeant major, Infantry; reenlisted May 1, 1920, transferred as sergeant to detached enlisted men's list (intelligence police) December 17, 1920, and was honorably discharged April 30, 1923, as sergeant, detached enlisted men's list (intelligence police); reenlisted in grade May 1, 1923; appointed staff sergeant, detached enlisted men's list (intelligence police), December 8, 1924, and was honorably discharged April 30, 1926, as staff sergeant, detached enlisted men's list (intelligence police); reenlisted in grade May 1, 1926, and is now serving as staff sergeant, detached enlisted men's list (intelligence police).

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. MORTON D. HULL. That is from whom?

Mr. McCLINTIC. From the War Department. This man Weeks is one of the detached enlisted men who run around snooping and seeking information against Members of Congress and others.

Mr. MORTON D. HULL. Can the gentleman advise us what his information is with reference to his getting this money from the War Department?

Mr. McCLINTIC. I will put it in the RECORD.

It will be interesting to the Congress to know that the War Department maintains a bureau which allows its personnel to make affidavits of any kind they see fit against Members of Congress. Judging from the statements contained in the letter I have received, this man Weeks is the kind of an individual that could be sent out to manufacture any sort of a charge desired. When it is taken into consideration that he has superior officers who would necessarily have to give him permission to file such a record as he did in this matter, it will be interesting to know what attitude the War Department is going to take in a case of this kind; to say the least, if the intelligence bureau of this department is filled up with individuals like this man Weeks, an innocent man's life would not be worth anything should he incur the ill will of such an aggregation.

I have received many interesting letters from those who felt that this man Weeks was of about the lowest type of humanity, and I insert at this point a letter and a copy of a communication addressed to Mr. Weeks:

WASHINGTON, *April 30, 1928.*

Hon. J. V. McCLINTIC,
Seventh Oklahoma District,
House Office Building, Washington, D. C.

DEAR SIR: You may be interested in the inclosed copy of a letter written by me last week to that pestilential family namesake of mine,

Harold M. Weeks, of Massachusetts, who received so much publicity in connection with the franking matter reported in the press.

I found it difficult to keep my remarks within mailable bounds, as I was tempted to turn loose samples of a somewhat extensive vocabulary in that direction acquired during over 45 years of residence in California and in Mexico. But I am sure that the lovely Harold had no difficulty in detecting the depth of my detestation for such busybodies and mischief-makers as he—"tattletales," we used to call them in my own boyhood.

I have not appreciated being asked by acquaintances whether the two-legged skunk bearing my family name is related to me. I hope not.

Sincerely and sympathetically yours,

GEO. F. WEEKS.

WASHINGTON, *April 27, 1928.*

Mr. HAROLD M. WEEKS,
Wellesley Hills, Mass.

MY DEAR SIR: As (presumably) a codescendant of the Weeks brothers of the Dorchester immigration of 1630–32; as a direct descendant of a Revolutionary War soldier; as a native of Massachusetts; as a man of 76 years who has vivid memories of the horrors of our own Civil War of 1861–1865; as a newspaper correspondent in the field in Mexico during the revolutionary era of 1910–1920; as a man thoroughly opposed to war, whether personal or national, except in cases of malicious attack, and then only after all measures to prevent violence shall have failed; bearing in mind the utter futility of the recent "World War to prevent war," in which I am ashamed to acknowledge I acted as an unwitting disseminator of grossly false statements, believed by me to be true because of their source, and following which the world is now preparing on every hand for another and infinitely worse conflict; not being affiliated in any manner except by sympathy with the antiwar organization referred to in the clipping or any of like character; being all this I am deeply pained to see the name of our common family thrown open to adverse criticism by a member thereof, as in the present case.

As one at all times jealous of the good repute of the family patronymic, I have felt moved to address you and to ask your calm consideration of the unfragrant exhibition which you have seen fit to make of the name borne by both, and in my own case by a very numerous number of descendants.

If you should see fit to stroll over to the old Dorchester "burying ground," I have no manner of doubt but that you will note unmistakable evidences of the disturbance of the bones of the pioneers of the Weeks family in the sepulchers which they have occupied so long and so peacefully.

I tender you no apologies for apprising you of how at least one Weeks regards the rolling of the family name in the mire.

Yours regretfully,

GEO. F. WEEKS.

P. S.—Incidentally I myself have been a lifelong Republican, edited and published Republican newspapers, and voted the Republican ticket until I was disfranchised by residence in this city—the very same "taxation without representation" against which my great-grandfather fought! Also had a son in the Spanish-American War!

The attorney, Mr. Judson Hannigan, made a statement in which he indorsed the splendid reputation of this snooper, Harold M. Weeks, and I want to say to you that I will always take the information that comes from the home of the person rather than from some outside attorney who probably gets a fee for drawing up the affidavit.

For about one week the newspapers throughout the Nation carried this story concerning the alleged misuse of my frank. This organization for the prevention of war admits it sent out to the same people about 15,000 pamphlets in a separate envelope which contained proper postage. If this organization had placed these pamphlets in my franked envelope, the same would have had to be steamed open, and it stands to reason that out of this number going to every State in the Union someone would have advised the gentleman from Massachusetts, the Post Office Department, myself, or his own Representative in Congress that he, too, had received this extraneous matter under my frank.

I said in my first speech that this was a "frame up," and I brand this man Weeks as the cheapest perjurer that was ever sponsored by a Member of Congress in a case of this kind. I have no respect for any Member of Congress who will take up with trash, and anyone who will uphold a perjurer or a crook is no better than a perjurer or a crook.

The gentleman from Massachusetts has denied giving out the first statement to the press, and unless it is cleared up it will always remain a mystery as to how the newspaper reporters received this information. When he had concluded his Utopian speech before these facts were brought out his statements appeared to have the right ring and were received in good form by the Members of this House. Less than 30 minutes after he had delivered this speech a number of newspaper men were eating their lunch in the House dining room, and while so doing gave vent to their feelings concerning the way this matter had been handled. One of my friends—a gentleman well known to many Members of Congress—happened to be sitting at the same table, and after the meal was over he put in writing, while the conversation was fresh in his mind, just what took place and what was said, and I want the Clerk to read this statement so that it will clear up the matter as far as the origin is concerned.

The Clerk read as follows:

FRIDAY, *April 27, 1928.*

Yesterday, while at lunch in the House restaurant I was seated at the table with several newspaper men, and the conversation turned on to your matter with Representative ANDREW. One of the newspaper men said that it ended in a love feast, and that the matter had gone to the Post Office Department and they would probably do nothing, and thereby leave the newspaper men holding the sack.

The representative of the paper, during the conversation, remarked that he felt sure that they tried to frame MCCLINTIC. One of the others asked if he thought ANDREW was in on the frame-up, and he replied that he did, as when he gave out the story he asked that it be used in such a way that MCCLINTIC would not have opportunity to deny it that day. He further said that the only one that came back (meaning the franked envelope) or that they had heard about was one supposed to have been received by a man whose name, as I remember it, was Weeks, and that he was the party that had secured information from this organization under an assumed name, and was, in fact, a spy in the organization to learn what was going on. Something was said that if Mr. ANDREW was not in on the frame-up he was damn ignorant to fall for it. The man who, I believe, represents a Boston paper remarked that he felt like writing up the whole story, and seemed to be set in his view that it was a frame-up on you and that ANDREW was in on it, or aware of it.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. MCCLINTIC. In a moment. I want to be fair to the gentleman from Massachusetts [Mr. ANDREW], and if he wants to know the name of the newspaper man I will give it to him. I have no object in this matter other than bringing out all the facts. My franking privilege has been attacked and the Post Office Department has exonerated me and the organization which was accused of violating this frank.

It is not necessary for me to accuse Mr. ANDREW of being unfair. Everybody connected with the press realizes that this story had to come from him in some way; therefore, to be just, I am going to say that when this information was brought to me I located the newspaper man and let him read this statement, and I want to say to this House that he didn't deny making the statement.

When this matter came up before the Naval Affairs Committee the gentleman from Illinois [Mr. BRITTEN] apparently took great delight in trying to embarrass me by asking how many of these envelopes I had turned over to the National Council for the Prevention of War. I did not hesitate about giving him the information, but later I asked him a question in the following language.

I quote from the record:

Mr. MCCLINTIC. * * * And on the other hand I have been told that your franking privilege has been used by these militaristic organizations.

Mr. BRITTEN. I do not know any military organization that has used my frank. Certainly it has not used it with my consent.

You will note that he stated to the committee that he had no knowledge of his frank being used by a militaristic organization. Every Member of this House knows that the Government Printing Office will not execute an order for the carrying of a person's frank unless it is given in the proper manner. I am not interested in this matter other than to show that the committee has apparently been deceived; therefore I present to this House a part of the hearings held in connection with the naval shipbuilding bill, which was obtained from the United States Infantry Association, a militaristic organization, and, of course, if the gentleman from Illinois says that the organization had this franked without his knowledge then that will end the matter. The gentleman made the statement that he knows nothing about his frank being used for this purpose.

I also want to say to Mr. ANDREW that if he is awfully keen to find out some one who has violated his franking privilege here is an envelope bearing the name in the corner of the gentleman from Illinois, which contains three lines that at no time appeared in the CONGRESSIONAL RECORD or the hearings. I also wish to say that according to Mr. Andy Smith, the repre-

sentative of the Public Printer here at the Capitol, a person can not include in a part of the CONGRESSIONAL RECORD or in a part of hearings statements that were not made in the same.

Mr. BRITTEN. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BRITTEN. Will the gentleman be good enough to tell me what document he has in his hand?

Mr. McCLINTIC. I will give it to the gentleman. I have made the statement I did not know whether the gentleman knew anything about it.

Mr. BRITTEN. I never heard of the organization in my life or do I know anything about it. What is the name of the organization?

Mr. McCLINTIC. The United States Infantry Association.

Mr. BRITTEN. Is that on the envelope?

Mr. McCLINTIC. No; it is not on the envelope, but that is where it came from.

Mr. BRITTEN. How does the gentleman know?

Mr. McCLINTIC. I know where it came from, because it came through regular channels. If the gentleman states he does not know anything about it, then some one has used his franking privilege in a way that should not be countenanced by this House.

Mr. BRITTEN. If the gentleman will permit, I would like to call the attention of the House to the fact that this is an extract from the hearings of the Committee on Naval Affairs and nothing else. It is no speech of mine. It is an extract from the remarks of a man by the name of E. B. Johns, of Washington, D. C., and is an extract from the hearings themselves. It contains nothing else.

Mr. McCLINTIC. But it contains three or four lines that are not frankable. They are neither part of any CONGRESSIONAL RECORD nor of any hearing. I know whereof I speak because I have examined the RECORD and the hearings.

Mr. MILLER. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. MILLER. I would like to have the gentleman state the name of the man who made the statement read by the Clerk a moment ago.

Mr. McCLINTIC. I will give the name of the newspaper man to the gentleman who is implicated.

Mr. MILLER. I think in fairness to the membership of the House the name should be given right now.

Mr. McCLINTIC. I will give the name of the man who apparently knows all the facts in this controversy.

The gentleman from Massachusetts could have avoided all this controversy if he had had any respect for the advice given by our distinguished floor leader [Mr. TILSON]. He made the statement that he tried to see me, but the truth of the matter is that he did not speak to me until four days after the newspapers carried his story. I had been in my office every day, and I do not accept his statement as being made in good faith. I also want to say that the gentleman from Georgia [Mr. VINSON] apparently took a great deal of pride in criticizing my attitude in defending the charge that had been made against the use of my franking privilege. He seemed to enjoy the applause that came from the majority side of the House, and the press carried the statement throughout the Nation that he had defended the person who was sponsoring this spy from Massachusetts. I wish to tell the House that since that date he has made an apology to me and offered to come before the House and make any statement that I saw fit. I did not ask him to do this, but, on the other hand, I had him go to the floor leader [Mr. TILSON] and find out whether or not the gentleman from Massachusetts had acted honorably in the matter and how the newspaper men viewed this subject. I realize that sometimes a person uses poor judgment and gets into a mess, and I want to give the gentleman from Georgia credit for clearing his skirts in this matter.

Now, Mr. Speaker, I regret exceedingly that this controversy came up. I had nothing to do with it, and I merely followed my congressional right in asking that a full investigation be made. I asked the Postmaster General if he would not let me see the inspector's report relative to the kind of reputation this man Weeks has up in Massachusetts, but he did not want to do it, so I did not press it any further.

I want to say to this House that if the member of the committee had followed the advice of his own leader we would not have had all this controversy, because I am the last person who would ever stand for the violation or abuse of my own frank by any person. I knew I had not violated any rule; I knew I had not violated any law; and I am very glad indeed that the Postmaster General and the Post Office Department have exonerated me in every way they could. [Applause.]

DEATH OF DR. HIDEYO NOGUCHI

The SPEAKER. Under the special order of the House the gentleman from New York [Mr. SIROVICH] is recognized for 10 minutes.

Mr. BRITTEN. Mr. Speaker, I desire to be recognized for not to exceed five minutes on a question of personal privilege.

The SPEAKER. Without objection, the Chair will recognize the gentleman from Illinois for five minutes at the conclusion of the remarks of the gentleman from New York.

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, yesterday there died on the golden coast of Africa one of the most eminent and distinguished scientists of the twentieth century, Dr. Hideyo Noguchi, born in Japan, yet belonging to the citizenship of the world.

America, the land of liberty and of his adoption, gave him the laboratory of opportunity to demonstrate his profound and scientific knowledge, so that his genius could explore those mysterious realms which harbor virulent organisms that have been responsible for the causation of the terrible plagues, scourges, and diseases that have afflicted and ravaged humanity the world over for thousands and thousands of years.

If life is but a dream and death be its awakening, then in the world of dreams the work, the fame, the name of Hideyo Noguchi will forever endure.

His contributions to the service and knowledge of humanity will immortalize his name and bequeath a heritage of scientific and useful service to a grateful posterity for having been able to force from the unyielding bosom of nature those mysterious secrets that for centuries nature has held inviolate and unbroken, until the fertile imagination and persistent efforts of the genius of Noguchi forced nature to surrender its secrets to the microscope of science. [Applause.]

The Supreme Architect of the Universe reveals Himself to humble and lowly man in three mystical and inexplicable ways. First, through the life of the universe, which we term nature. Second, through the thoughts of man, which we term art. And third, through the precision and exactness of the mind, through correct observation and thinking, which we term science.

In this great arena of life intellectual man worships at the shrine of nature, science, and art. Here in this temple of culture are seated side by side to each other nature, science, and art, presided over by God Almighty Himself, to whom we graciously bow our heads in humble submission as the Great All Powerful from whom all life and goodness flows. [Applause.]

The disciples of nature, art, and science recognize no distinction in race, creed, and color. The world is their country. The brotherhood of mankind is their shibboleth and watchword, and love and service to humanity everywhere is the cement that binds them together until the curtain of life falls upon them. [Applause.]

Who are the men who have immortalized their names on the altar of medical service? Hippocrates the Great was the father of medicine. He lived 300 years before Christ was born. The oath that every physician subscribes to, ere he is permitted to embark upon his medical career, is named after him and is known the world over as the "Hippocratic oath."

Four hundred years after the death of Hippocrates there flourished in Rome the greatest commentator on the 60 books written by Hippocrates, a physician whose name was Galen. For 15 centuries Galen was worshiped by the medical fraternity as the foremost figure on the medical firmament, whose skill and ingenuity in the field of medicine was revered and honored by the countless legions who were his devoted followers.

In the year 1132 there was born in Cordova, Spain, the most eminent physician of his time, Moses Maimonides. He was educated in Tripoli, Morocco, and Algiers. He was physician to Saladin the Great of Cairo, Egypt, who sent him out to treat Richard the Lion-hearted when he led the second crusade to redeem the Holy Lands from the infidels. Maimonides was the outstanding figure in medicine, in science, in art, and in philosophy during the dark ages of our world.

During the period of the Renaissance, the years 1500 to 1600, Italy gave to the world five of the greatest anatomists the world has ever known—Jacobus Sylvius, the uncanny genius whose work on the human brain is immortalized by the great Sylvian fissure of the brain that is named after him—Andreas Vesalius, the distinguished and learned pupil of Sylvius, who discovered the fact that veins have valves, and whose anatomical clinics were crowded and packed with students from all over Europe who came to pay tribute to his phenominal knowledge of human anatomy—Fallopius, the adroit and expert scholar after whom the Fallopian tubes of the female generative organs are named—

Bartelemo Eustachius who was the first to describe the Eustachian tube, that runs from the back of the nose to the middle ear, whom posterity has honored in naming the Eustachian tube after him, and last, but not the least—François Rabelais, one of the greatest anatomists of the world who lectured on every phase of human anatomy, demonstrating his lectures on the dissected body to crowded, enthusiastic, and overawed audiences.

Paracelsus, who was contemporaneous with these brilliant anatomists, was born in Switzerland in 1493, and was the pioneer in anticipating the field of infection and contagion, and the first doctor to introduce mineral substances in the treatment of disease as professor of medicine in the University of Basle. Associated with him in his investigations was Ambrose Pare, professor in the University of Paris, who through his indefatigable zeal, skill, and technique laid the foundation of modern surgery and was the greatest surgeon of his time.

From the years 1600 to 1700 three mighty characters held the center of the stage in the field of scientific medical endeavor—Jean Baptiste Van Helmont, born in Brussels, Belgium, considered the father of biological chemistry, and the first physician to ever examine chemically the blood and urine of human beings to definitely determine the causative factor of disease. Helmont was considered one of the greatest masters of his day.

The year 1628 commemorates forever the outstanding contribution of England to the science of medicine. That period will forever remain famous as the year that William Harvey discovered the circulation of the blood, that revolutionized the concept and the function of the heart and blood vessels, because Hippocrates and his ancient disciples thought that the air was transported throughout the blood vessels of the body in order to feed the innate heat.

Dr. Thomas Sydenham was worshiped by his contemporaries and by the public at large as one of the greatest clinicians and diagnosticians of his time.

From the year 1700 to 1800 England contributed the greatest public benefactor to humanity in the person of Edward Jenner, who in 1796 discovered the principle of vaccination, a discovery of the highest importance to civilization, that has made it possible through vaccination to drive that malignant and pestilent scourge of smallpox from the face of the world.

The years 1800 to 1900 finds every nation of continental Europe, including our own beloved country, America, all vying with each other to subjugate sickness and disease, so that longevity might be prolonged and the health of humanity bettered.

In America the versatile, talented, and gifted author and doctor, Oliver Wendell Holmes, the father of our distinguished Judge Holmes, of the United States Supreme Court, was first to write upon the subject of puerperal sepsis. He felt that motherhood was paying too great a penalty upon the altar of childbirth. He proved that puerperal sepsis was caused by dirt infection. He was laughed at and jeered at for his views. But 50 years later Doctor Semmelweiss, an obstetrician, of the University of Budapest, confirmed his views. The medical fraternity treated Semmelweiss as the American doctors treated Oliver Wendell Holmes. Semmelweiss, keenly sensitive to this terrible criticism, became insane and died in a madhouse. To-day a monument stands in his memory in the principal square of Budapest, a statue that rightfully belongs to our own beloved scholar and scientist, Dr. Oliver Wendell Holmes. [Applause.]

The Battles of Bunker Hill and Lexington did not bring as much amazement to the citizens of Boston as did the newspaper announcement in the spring of 1846 that Dr. William Morton had discovered a gaseous substance called ether, that could anesthetize any human being and make him unconscious to the knife and scalpel. This drug revolutionized surgery, for prior to its discovery victims of surgical intervention had to be subjected to the deadening effects of opiates and saturated with liquor to deaden their anguish and pain.

Millions of human beings were literally dying every year from infection following operations, until in 1866 Guerin invented absorbent-cotton dressings, which formed a barrier to the spreading of this condition.

Two years later, in 1868, the world was electrified by the announcement that the great Lord Lister had solved the cause of infection by practicing the methods of antisepsis before, during, and after operations, which reduced the frightful morbidity and mortality following operations, and made surgery safe and sound when applied to any condition in which the knife had to be used in order to save life or limb.

It was just about this time that the greatest scientific genius of the nineteenth century, Pasteur, came upon the horizon of science. Within a short time he demonstrated to a skeptical and amazed world that infection was due to a bacterial invasion. To a dazed and dumbfounded world he revealed these new organisms—cocci, bacilli, spirillæ, fungi, yeasts. A new world. A conquest of chemical culture and the microscope. These discoveries of Pasteur completely resurrected surgery and chiefly transformed the treatment of modern diseases.

Thus far Egypt, Greece, Italy, Spain, France, England, and America had blazed the trail of medical and surgical pioneering. Teuton culture and civilization became inspired by these intrepid soldiers of the microscope, the agar culture, and chemistry, and finally Germany gave to the world the peer and master of all bacteriologists of all time in the person of Doctor Koch, who thrilled and bewildered an amazed world when he announced the discovery of the tubercle bacillus that was responsible for the causation of tuberculosis and led the mortality tables of the world in the causation of death from consumption.

Ehrlich, the wizard of biochemistry, is Germany's and the world's greatest contributor to the successful treatment of modern disease. His "606," known as salvarsan, is an absolute specific in the treatment of syphilis, that had ravaged the world for centuries and made syphilitic treatment the curse of the possessor and the bane of the physician.

From time immemorial the organism that caused syphilis was unknown. Only a decade ago a great German savant and scholar isolated this frightful assassin of human life under the field of the dark microscope, and to perpetuate his memory the scientific world named this reaction after the founder in the examination of human blood and calls it in his honor "the Wassermann test."

In this, the twentieth century of civilization, America ranks in the forefront as the proud possessor of the greatest scientists of the world. Behold its roster in Public Health Service—men who have distinguished themselves in arduous and dangerous research to promote the interests and happiness of mankind.

Where is there a patriotic man or woman who will forget the courageous heroism of Doctor Lazear, who, under the supervision of Dr. Walter Reed, gave up his life upon the altar of science in order to have himself infected with the mosquito to prove to the world that the mosquito is the cause of malaria and yellow fever?

It was this wonderful experiment in which Lazear gave up his life that gave the knowledge to Doctor Gorgas to eradicate yellow fever and malaria from the Panama Canal, which made it possible for American engineers to build the canal.

DR. HENRY R. CARTER

World-recognized authority on yellow fever and malaria. In 1900–1901, by purely epidemiological studies, demonstrated that yellow fever must be conveyed by an intermediate host, and measured with accuracy the periods of incubation in that host and in man, thus laying a solid scientific basis for the subsequent experimental verification.

DR. CHARLES WARDELL STILES

Discovered the American species of hookworm, demonstrated its great prevalence, worked out its epidemiology, devised methods for the control of the disease, and inaugurated the successful campaign against it.

DRS. MILTON J. ROSENAU AND JOHN F. ANDERSON

Pioneers in the study of anaphylaxis, concerning which they contributed many of the fundamental facts. This phenomenon is of great importance in the modern conception of disease processes.

DRS. GEORGE W. M'COY AND C. W. CHAPIN

Discovered and cultivated the bacillus tularense, making methods available for its further study. They did their work in 1910 on California ground squirrels.

DR. EDWARD FRANCIS

Contributed nearly all that is known concerning the disease tularemia in man. Showed its methods of transmission and what to do in order to avoid it.

DR. R. R. SPENCER

Worked out a vaccine against Rocky Mountain spotted fever. Demonstrated its efficacy in experimental animals and its harmlessness by injecting himself first. Showed by use in hundreds of persons who are exposed by occupation that it confers a large measure of protection. The preparation of this vaccine involves a new principle of immunology. Vaccine used on humans, 1925.

DR. JOSEPH GOLDBERGER

Showed the dietary origin and cure of pellagra. This is a most notable achievement, since this disease has baffled the best European talent for centuries. At times it has threatened to become seriously prevalent in the United States, but with this new knowledge the threat has been permanently removed. Study of pellagra begun in 1912, and is going on at the present time.

DR. WADE H. FROST

Planned and conducted the first thoroughgoing and fundamental investigation of the problems offered by the pollution of streams in this country. In view of the increase of population and manufactures along our streams this has been a most valuable activity. Investigation of the pollution of the Ohio River began under his direction July, 1913.

DR. JOHN M'MULLEN

Demonstrated the practicability of virtually eradicating trachoma and preventing blindness therefrom in mountainous areas of Kentucky and other States by the establishment of small hospitals and the employment of skillful treatment.

BACTERIOLOGIST ALICE EVANS

In 1918 she showed similarity of causes of Malta fever and contagious abortion and occurrence of latter infection in people. Now increasingly recognized as a cause of human illness.

DR. VICTOR HEISER, CHIEF QUARANTINE OFFICER, PHILIPPINES, 1903–1915

Demonstrated the possibility of establishing effective health service in a large tropical country with diverse aboriginal population.

DR. M. A. BARBER

Originated single-cell culture method which he first used in 1902. This opened up a prolific field of investigation. The use of Paris-green control of mosquitoes in 1921. This cheap method has made malaria control feasible in many areas where it was formerly impossible because of the expense.

In the science, skill, and technique of surgery, America leads the world. Where are the surgeons that are comparable to the Mayo brothers, of Rochester, Minn.; Crile, of Cleveland; Ochsner, of Chicago; Cushing, of Boston; Deaver, of Philadelphia; Kelly and Wilmer, of Baltimore; Blake, Brewer, Albert A. Berg, John Erdman, John J. McGrath, Howard C. Taylor, George Schwartz, John Pollack, and John Prescott Grant, of New York City—men of the highest caliber and ability, whose very names are household words in the cities from whence they come, where thousands of their benefactors are praying for their health and happiness? [Applause.]

Within a radius of a mile from the fourteenth Congressional district, which I have the honor to represent, is the greatest medical research center in the world. It is called the Rockefeller Institute. It is a monument to two of the greatest philanthropists that the world has ever known, John D. Rockefeller and his wonderful and gracious son, who is emulating his father in devoting his fortune to the best service of his fellow man. This brilliant institute has become famous through three of nature's noblemen—a triumvirate whose name and fame will persist as long as time endures.

These distinguished scholars thus far represent the three greatest scientists of the twentieth century—Alexis Carrel, Simon Flexner, and Hideyo Noguchi.

Alexis Carrel won the Nobel prize a few years ago for his brilliant discoveries in the realm of physiology, biology, and collateral subjects. He is the outstanding genius of our present time.

Simon Flexner, a great name to conjure with, internationally famous. He will live in the memory of generations that are to come for having isolated the infantile-paralysis virus, for his cure of snake venom, and, above all, for the serum that he has perfected that helps to cure and save the lives of thousands of sufferers from epidemic meningitis. As long as anywhere the tradition of science survives, Flexner's work will endure. What conquerer has ever had such victories attached to his name as Flexner has in his service to mankind? [Applause.]

Hideyo Noguchi—the great son of Nippon—came to this country in 1900 and subsequently became associated with Professor Flexner and Doctor Carrel. He devoted his supreme and brilliant talent to ferret out the causes of terrible diseases which baffled medical skill, and whose treatment made no impress upon the nature of the disease. Seldom did he fail in his accomplishment; success usually crowned his efforts.

Through his genius the organism that caused paresis was isolated. Paresis was filling the insane institutions of the world with the victims of this unfortunate malady. He localized the organism in the brain and through the microscope forced it to reveal itself to the amazed scientific world. Noguchi proved that paresis was caused by the spirochita pallida, the organism that caused syphilis.

The versatility and genius of Noguchi further manifested itself in his brilliant discovery of the organism that was responsible for the causation of trachoma—an eye affliction and disease that caused more blindness in the world than any other condition known to mankind.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent of the House to proceed for two more minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen. Hideyo Noguchi was not content with his extraordinary and brilliant conquests in this his adopted land; he was looking for new fields of endeavor, new lands for conquest. In the name of science he set sail for South America to determine the cause of yellow fever in that land. In a short time the world was again thrilled by his announcement—he had again triumphed. He isolated the yellow-fever organism in South America. To determine whether the yellow fever of Africa was caused by the same species as South America he set sail for that pesthole in Africa.

In a short while Noguchi had himself infected with the dreaded organism that caused African yellow fever. Chills and fever raked his body fore and aft. His militant and brilliant mind refused to surrender to the hosts of yellow fever's organism. The battle waged on. At last Noguchi isolated the organism and gave to the world the knowledge that the yellow fever of South America and Africa were caused by two different hosts. Science triumphed, but Noguchi fell a victim to this dreadful disease. He died a martyr to duty. He will live in the memory of humanity and mankind. Greater love hath no man, than to give up his life for another. God bless his soul!

Mr. Speaker, ladies and gentlemen, if the grave is the end of all life, then Hideyo Noguchi's name will forever remain immortal through the great contribution he has given to mankind; but if the grave be the gateway to some future state of existence then Hideyo Noguchi, in conjunction with the great illustrious immortals that have gone beyond the Great Divide to sleep in eternal rest, will forever be revered, honored, and remembered by grateful mankind for having given of his to-day that others may have their to-morrow. [Loud applause.]

CIVIL-SERVICE SALARY INCREASE BILL

Mr. LEHLBACH. Mr. Speaker, I present a conference report on the bill H. R. 6518, the civil-service salary increase bill, for printing in the RECORD.

THE FRANKING PRIVILEGE

Mr. BRITTEN. Mr. Speaker, at this late hour I do not desire to take the time of the House unnecessarily, but I think after the address that has been made by my colleague from Oklahoma [Mr. McCLINTIC] it is only fair that I should state to the House two or three things in the direction of which they may not already be informed.

In the first place, no member of the Committee on Naval Affairs, as far as I know, was interested in what the gentleman from Oklahoma did with his franking privilege, and no member of the committee was interested in the investigation of the use of his franking privilege until the matter was presented to the committee by the gentleman from Oklahoma himself, who demanded an investigation.

Mr. McCLINTIC. I did not demand an investigation, but asked that the committee confront me with witnesses who made this charge, and this was not done.

Mr. BRITTEN. He requested an investigation by the committee. When a member of the committee in good standing, as the gentleman from Oklahoma is with every member of the committee, requested an investigation of his personal matter, it was granted, and would be by any other committee in the House.

Subsequent to that, when the date for the investigation arrived and the question of jurisdiction arose, on motion of the gentleman from Georgia [Mr. VINSON] that the committee had no jurisdiction, no authority to proceed with an investigation on a roll call, the gentleman himself [Mr. McCLINTIC]—and the gentleman has no objection to my imparting this information——

Mr. McCLINTIC. No.

Mr. BRITTEN (continuing). When it came time to investigate, and Mr. VINSON moved to refer the entire matter to the Post Office authorities, on a roll call the gentleman from Oklahoma answered present, and then immediately I changed my vote from yea to nay, in order to vote with the gentleman.

Mr. McCLINTIC. I would not vote on the question because I was a party to the controversy, but I asked to be confronted with the witness, and you had no witness there, although I offered to pay his expenses.

Mr. BRITTEN. I am trying to vindicate the gentleman; I am not attacking him. It is nobody's business what he does with his franking privilege—that is a matter for the House

itself to consider. The entire matter rested on the suggestion of the gentleman himself. No member of the committee ever suggested that there was a misuse of the franking privilege by the gentleman; we were all specific about that. No Member of the House has said that he violated his franking privilege. The whole question arose by the suggested misuse of the privilege by some one else—a pacifist organization. Every member of the committee was in accord with the gentleman, and every member of the committee desired to work with the gentleman and show to his constituents as well as to the country that he had not violated his franking privilege. There was no intention to put the gentleman—as his remarks might imply—to put the gentleman in a hole.

The gentleman now calls attention to something that had been sent out in one of my envelopes and which something, as near as I can read it, is an exact duplicate of the printed hearings before the committee. Is there any gentleman present who would deny to Edward E. Spafford, national commander of the American Legion, a reprint of his remarks before the committee if he asked for them? Certainly not. Is there anyone who would deny to Mrs. William Sherman Walker, that patriotic leader of the Daughters of the American Revolution, a few thousand copies of her remarks before the committee in order that she might send them to some of the 167,000 members of that patriotic organization? Of course not.

The SPEAKER. The time of the gentleman has expired.

Mr. BRITTEN. Mr. Speaker, I ask for five minutes more.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

Mr. McCLINTIC. I think I made the statement that I had no objection to the use of the gentleman's frank for that purpose. I brought out that the gentleman had allowed his frank to be used in a different manner from the testimony contained in the RECORD, and my report was nothing but a substitute for the majority report.

Mr. BRITTEN. The gentleman does not want to convey to the House the impression that I brought up any matter against him?

Mr. McCLINTIC. No; not there. The point is, your answer left the impression with the committee that no other person's frank had been used except mine. I had no objection to the gentleman's being used by any of these organizations.

Mr. BRITTEN. The truth of the matter is that there is a great difference between organizations. I shall not complain of what the gentleman did. That is his business. He made a speech on the floor of the House and wrote the minority report upon the bill that was before the House, and he turned 20,000 printed copies of his remarks and minority report over to this pacifist organization. That is his privilege, and I have no objection to his having done so. But I want the House to understand that in my case nothing was sent out except an extract from the hearings themselves by the individuals who appeared before the committee. It is presumed they went to their own organizations. I contend there is a great difference between the American Legion as an organization, the Daughters of the American Revolution as an organization, and some 12 or 15 others whose names I have here, who appeared before that committee, which are striving constantly year in and year out to uphold the National Government in all of its desires, and to maintain a proper national defense under the Washington treaty, and an underground organization of worms that are trying to undermine the Government every time they get a chance.

Mr. McCLINTIC. Does the gentleman want to leave the impression that my minority report was not favorable to a proper defense?

Mr. BRITTEN. Oh, no. I am not talking about the gentleman's minority report.

Mr. McCLINTIC. I was mighty glad to get any organization to mail out my report, which was in favor of aircraft and submarines.

Mr. BRITTEN. That is evident.

Mr. McCLINTIC. I am glad to have this organization or any other carry out my ideas.

Mr. BRITTEN. That is all right. I have no objection to that, but there is a great difference between organizations, and I am not referring to this one alone, but I am referring here to the American branch of the Women's International League——

Mr. JACOBSTEIN rose.

Mr. BERGER. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Not now—which sent out a statement in January of this year, this American branch of the Women's International League, whose main office is some place in Europe——

Mr. BERGER. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Not now—calling attention to a conference then going on in Habana, Cuba, which statement said:

> This is the time to write your Congressman and see the editors of your newspapers. What are you doing to stop the war in Nicaragua? This is the time to voice your objections to what is going on in the promotion of national defense.

I say that that kind of an organization can not be spoken of in the same breath, in the same room, or in the same nation with such organizations as the Daughters of the American Revolution and the American Legion.

Mr. BERGER. Why not?

Mr. BRITTEN. Because one seeks to uphold the Government and the other to destroy it.

Mr. BERGER. I deny that. I believe just the contrary is true.

Mr. BRITTEN. I accept the gentleman's denial. These organizations to which I have just referred, and particularly the National Council for the Prevention of War, on the pretense of having killed the Navy bill, and it is a pretense, sent out cards requesting contributions of a dollar to $5 or $10—

> because we are keeping the country and the world at peace, and what have you done for world peace, have you sent us any money?

Statements of that kind are being sent out upon the pretense of having accomplished something. I repeat that those organizations are in no sense comparable to the patriotic organizations who are sending out some of their own remarks before the Committee on Naval Affairs and nothing else. [Applause.]

BOULDER DAM

Mr. SMITH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5773, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. SMITH. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. I have hesitated to take any time from either the proponents or the opponents of this bill, because, to be perfectly truthful, I have studied the bill seriously for only about a year, and no one with only a year's study can claim to understand anything like all the difficulties of the problem dealt with in this bill. I have sat through this debate and have heard practically everything that has been said. I heard with interest and pleasure the gentleman from Arizona [Mr. DOUGLAS] yesterday in a masterly argument, and if he could have convinced me I was ready to say that I would join him and help him defeat action on the bill at this session. After hearing him through there were still certain points that remained in my mind that I was not satisfied that he had answered. I am now going to think out loud to the members of this committee the thoughts that occur to me as to these points.

The Boulder Dam project is a very great undertaking, one of the very greatest that has ever been proposed by man. It ought not to be held up or delayed except for very good reasons. All are agreed as to one thing, which is that flood control on the lower Colorado, in order to reasonably protect life and property in the Colorado delta, is one thing in which the Government ought to interest itself. The question then arises as to how this should be done. If in the doing of the thing that all agree ought to be done we can at the same time do something else useful and highly beneficial, common sense would say that we ought to do it.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I prefer not to yield, because I do not profess, as I said in the beginning, to be expert enough to answer the gentleman's questions. I prefer that he would wait until I am through to answer me if he will. I thank the gentleman for his courtesy and am sorry not to yield, but I am afraid that I can not add much in the way of light.

I was saying when interrupted that if in the doing of this thing that we must do—flood control, I mean—we may at the same time perform a great and useful service in addition, then I think there should be very good reasons for refusing to do it.

It is agreed that flood control is necessary, and that the proposed Boulder Dam will adequately serve this purpose. It is claimed that flood control alone can be effected by the erection of a smaller dam somewhere else, and this I believe to

be true. It is admitted that while a lower dam at some other place might regulate the stream flow, it would not produce power.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield there?

Mr. TILSON. No; let me go on. Undoubtedly my remarks will be full of inaccuracies owing to lack of full information, but I hope that the gentleman will wait until I am through and then correct all of my inaccuracies en bloc.

The proposition to build a high dam at Boulder or Black Canyon will undoubtedly produce power and a great deal of it. Now, I am as much opposed as anybody could possibly be to the Government going into the power business, or into any other business. I am absolutely flatfooted or bottomed on the proposition to keep the Government out, so far as possible, of any industrial enterprise. Here is another instance, however, like some that we have faced heretofore on other matters, where the conditions are such that we must face them. The duty of flood control must be met. The dam at Boulder or Black Canyon will serve the purpose admirably; and at the same time, it is claimed by the proponents of this bill, will do something else of a highly useful character. It is further proposed that those who receive the benefit of the additional service shall pay not only the additional expense but the entire cost of the whole undertaking.

It is stated very clearly, as it seems to me, in one section of the bill that before the Government spends any money in connection with the project it must, by contract or otherwise, make adequate provision for amortizing the cost. And I understand that it is proposed to cut out the "otherwise" so as to make it clear that the intention of the law is that, before any money is expended, the Secretary of the Interior must be satisfied that provisions are made for amortizing the entire cost of the undertaking.

Are we to assume that the Secretary of the Interior is going to act in bad faith, and that he will not do what he is required to do by this law? I do not believe that we should assume this. I credit to the Secretary of the Interior, whoever he may be, the same honest intentions that I would have under like circumstances. If I were in his position I should be careful, in fact, very scrupulous, about carrying out this law in spirit as well as in the letter. Clearly the spirit of it is that the people in southern California who are to receive the benefit or, at any rate, the principal benefit, of this enterprise, shall pay for it; and I understand that they are entirely willing to assume the responsibility of paying for it. They are willing, as I understand the proposition, before any work is done or money expended, to enter into contracts binding them to pay for it.

Here then is a clear case, it seems to me, where we can serve two useful purposes, in fact, three, at the same time—flood control as soon as the dam is constructed, irrigation in the future when needed, and at the same time produce power, which should be made to pay for everything in the end.

If it is not so arranged that the power to be created shall eventually pay the full cost, then this a "gold brick" being passed to us. I for one have faith in the administration of my Government that it will accept no "gold bricks," but that this tremendous undertaking will be carried out on a business basis and that the contracts that are to be entered into will be valid and binding before any money is expended on this project.

These being the facts in the case, it seems to me, as an outsider living far away from the Colorado Basin, as one who has no interest except a general interest in the welfare of my country, and not wishing to stand in the way of any great improvement, I would not be justified in voting to postpone indefinitely the beginning of so great a project.

The questions I have thus raised are those that have bothered me most, and I believe that these same questions are bothering others; but I have resolved in my own mind that with the situation presented by these facts before me I can not stand up any longer and say "We will not do anything at all." [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. COX. I am in hearty accord with the statement of the gentleman, and recognize the fact that Congress can not well adjourn without doing something to take care of this subject. But I would like to ask the gentleman if it is his impression that those who are benefited as the result of flood control are expected to pay for flood protection?

Mr. TILSON. I so understand.

Mr. COX. I do not understand that to be true. I think this comes, so far as flood control is concerned, in complete parity with the Mississippi Valley problem.

Mr. TILSON. Please do not take up too much of my time.

Mr. COX. All right.

Mr. TILSON. It seems to me that the flood-control problem is the thing we must face, because while the menace may not be such as to threaten to overwhelm people at any moment, still considering the amount of silt the river is carrying down each year it is only a question of time when something serious will happen down there in the delta of the Colorado. I think we ought to begin some time in advance to take steps that will effectually prevent such a calamity. [Applause.]

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield to myself five minutes.

The CHAIRMAN. The gentleman from Arizona is recognized for five minutes.

Mr. DOUGLAS of Arizona. Mr. Chairman, inasmuch as the gentleman from Connecticut [Mr. TILSON] did not feel he had the time to yield, I have, more or less against my will, taken this opportunity to reply to the few statements he has made.

He has stated that flood control is necessary. I think he is right. He has stated that it can be given either by the construction of a low dam, which will produce no power, or by the construction of a high dam at Boulder Canyon, which will produce not only flood control but also, as he contends, something useful. His first statement is erroneous. A dam 100 feet high at Mohave will produce approximately 200,000 horsepower, and I refer the gentleman to the report made by the United States Geological Survey.

Mr. SWING. Will the gentleman tell us what LaRue says about that reservoir being empty about eight months out of the year?

Mr. DOUGLAS of Arizona. Not for the 10,000,000 acre-foot dam nor for the 22,000,000 acre-foot storage dam at Mohave. In the second place, the gentleman has said that the Boulder Dam, the high dam, will produce something useful. I am glad that at that point he did not use the word "profitable." He did, however, subsequently imply that to be the case.

The Boulder Dam power, members of the committee, if sold at a figure to provide sufficient revenues to reimburse the Federal Government for its cost, will be sold at a figure between one mill and half a mill, or a mill and a half higher than that same power can be produced by steam in the load center or by Colorado power at an economic site.

Now, what is the sense or logic of Congress authorizing a power project when the power to be developed at that project is going to be more costly than power developed elsewhere?

Mr. TILSON. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I have yielded myself five minutes, sir, and I have another gentleman to whom I desire to yield time, so I can not yield. Now, then, the gentleman says the city of Los Angeles, nevertheless, is going to contract for that power. A contract is a binding and effective contract only if the parties thereto are mutually benefited. The very minute the city of Los Angeles appreciates that she can get power cheaper, what is the city of Los Angeles going to do? She is going to come to Congress and she is going to say, "I want to annul or amend the contract."

Now, as a matter of fact, if the gentleman has looked at the Senate bill he will find there is a provision in that act which compels the Secretary of the Interior to sell the power upon a competitive basis, and I submit this to the gentleman from Connecticut: That to sell power on a competitive basis is absolutely incompatible with selling power to amortize cost. Any contract which the Secretary of the Interior may make with the city of Los Angeles will be a political contract, and I submit to the Members of this House that almost every political contract which has ever been made has been either annulled or amended, and that is the sort of contract the Members of this House are authorizing the Secretary of the Interior to make.

Gentlemen, those are the economics of the bill, and I submit to the Members of this House that in view of that situation it is impossible for the Federal Government to be reimbursed for its expenditures. [Applause.]

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. SPROUL].

The CHAIRMAN. The gentleman from Kansas is recognized for eight minutes.

Mr. SPROUL of Kansas. Mr. Chairman and members of the committee, I wish to call the attention of the Members to a national and internationally well-known policy of this Government, namely: That the Government shall always refrain from engaging in competitive business; to pursue such policy and attitude toward private business as shall not discourage, but shall encourage it to seek investment in all lines of legitimate business. This policy of the Government has always induced capital to be and continue active in all channels of legitimate enterprises both small and large. Our statesmen and the press have taught these ideals and policies of Government.

The schools of our country have taught young men and women the science of economic business management, qualifying them to be self-reliant, aggressive business citizens.

Along with the equal liberties, opportunities, franchises, privileges, and immunities which are guaranteed by the Government to its citizens to make them a proud, patriotic, sovereign people in being active in governmental affairs are equal ecouragements, immunities, and assurances concerning business affairs. In fact, Mr. Chairman, the genius of our Government lies in the interest it has shown for the making of a good citizenry—an independent, self-reliant, resourceful, sagacious, and keen-minded people. Now, shall we be unappreciative of the great document, the Constitution, and the purposes of our people in the operation of the Government under it in such way as to virtually destroy its greatest worth; to rue the course which the Nation has pursued toward private industry and enterprise. By our action in putting the Government in business, shall we end a most enviable and exemplary career for our people and Government? Shall we take the first long stride toward communism?

Shall this Government, merely because there exists within its territorial boundaries a site for a great power dam, and much capital is required to construct the dam, break away from our historical and most successful national policy and build this dam and operate the power project connected therewith?

This Government enterprise would only be a beginning of the Government in business. There are many other attractive water-power sites in the United States. The "pork barrel" and other lobbying methods by which this proposition may be put over can and will be adopted to put over similar enterprises throughout the United States. And when we once begin and complete the first and largest of all of these projects, five or seven States will have pledged their support to similar enterprises to especially benefit other sections of the country. When a number of them have been completed and put into operation by the Government, more bureaus and their nefarious powers will have been added to the Government's burdens. When the Government thus gets well started into competitive industrial activities, private capital will retreat. Then the Government will have to continue in business, and we will have at least modified communism with all of its un-Americanism.

I believe it was President Harding who especially emphasized our national policy of staying out of business by saying, "There should be more business in government and less government in business." This policy has up to the present time been stressed and followed by President Coolidge. Whether he will continue to adhere to it remains to be seen.

The Colorado River admittedly has never been and never will be a navigable stream in the sense that commerce by means of boats and ships will be conducted on it. No one seriously contends such a thing for it. So that there is no reason, no justice, no fairness, no truth in the assertion in the bill that the legislation is for improving the river for navigation. Such statements are deceptive and misrepresentative.

Two other purposes for the legislation are set forth in the bill. One is to improve irrigation and reclamation. By many it is claimed that no greater number of acres will be irrigated should the plans of the bill be carried out. If that be true, the expenditure of millions of money merely to build a canal within the borders of the United States, making the water from the same river available in United States instead of in Mexico to irrigate the same lands, would be money wasted. On the other hand, should it be desired to put under irrigation and cultivation additional lands, at a time when the farmers' markets are destroyed by overproduction; at a time when the Federal Government has been endeavoring to discover a legislative method for securing the farmers a living market for their produce, then and in that event the legislation is ill advised and unwarranted, because surely everyone would say that the Government should not tax its people to produce more farm produce when the farmers are already suffering from overproduction. There would be no common sense, no business economy in such a movement.

Another declared purpose of this legislation is flood control. It is estimated that the maximum appraised value of all the agricultural lands susceptible to injury from floods in the Imperial Valley is only $36,000,000. Like everybody else who have purchased lands and moved upon them, the people who own and live upon the lands in the Imperial Valley are certainly not deserving of any more attention than other people throughout the United States who live upon lands threatened with flood damage.

Does the Government of the United States owe to the people of the Imperial Valley any greater obligation to protect them against floods than it does to people similarly situated in other parts of the country? We certainly think not. What are the facts concerning the flood peril to the inhabitants of the Imperial Valley? It is said there has been one overflow or flood inundation within the past 21 years, this one flood occurring in 1916, 12 years ago. While a few lives were lost, all were lost through their own individual carelessness.

Within the past four years the damage in money to the people in my district in the State of Kansas has been fully as much if not more than the total value of the lands and property along the Colorado River in the Imperial Valley. Damages perhaps equally extensive have been done by floods in many different places throughout the United States within very recent years, and yet the Congress is not undertaking to prevent the recurrence of such damages to the respective localities in the different parts of the United States. While it has recently enacted legislation to protect the flooded area along the lower Mississippi River, a really and in truth navigable stream, over which the Federal Government has exclusive jurisdiction, yet in no case has the Federal Government undertaken to protect the lands and property in such a small area in any other part of the country. So that it can be truthfully said that the Government is not proposing to enact the so-called Boulder Dam bill merely to protect the property and lands in the Imperial Valley against floods. The Government surely would not be so unfair as to deny many other imperiled sections and people equal protection with those living in the Imperial Valley. So that we may truthfully say the purposes of this bill are not to improve navigation, are not for reclamation or irrigation purposes, and are not primarily for flood protection, but, on the other hand, the Government has been especially superinduced by very objectionable lobbying to enact national legislation for special and local interests.

Specifically, the purposes are to provide a guaranty to southern California cities that they shall have an unlimited amount of water for municipal purposes and also to supply them incidentally with what would be termed "cheap power," although this is probably merely imaginary, because it is extremely doubtful that cheaper power can be furnished without great loss to the Government.

It is a pertinent question, Mr. Chairman, to the American people, to ask how much this great venture will cost the people. We may say from all expert opinions which have been advanced that the completion of the structure, together with power plants, will cost between one hundred and twenty-five and two hundred and fifty millions of dollars.

The plan provides that guaranties in the way of bonds or contracts shall be put up by and from the five or six States guaranteeing to the Government the purchase of water or power in sufficient quantities and at sufficient prices to insure the return to the Government of the cost price of the enterprise plus 4 per cent interest thereon within 50 years. In many parts of the country money is worth 8 per cent interest. Yet, the people throughout the country indirectly loan these hundreds of millions of money to the Government that it virtually gives to four or five States for their special benefit. Can it be shown to the people who really pay these taxes how it will benefit them? It will be a great detriment to them. It is a great detriment to the Government. The fact that there is a great dam site possibly available to the Government and the further fact that the Government is able to build the dam though the Government does not need it are certainly not good reasons for the passage of the bill.

I do not believe, Mr. Chairman, that any sufficient and enforceable contracts can be made by either or all of the States or the municipalities within the States especially interested to assure the repayment of the money involved with 4 per cent interest. If this proposition were submitted to the respective taxpayers throughout the United States for their approval, with the understanding that they would begin respectively paying their proportionate share of this $200,000,000 with the first payment by the Government on the project, realizing that the money to be advanced by them would be returned at the end of 50 years, with 4 per cent interest thereon, not 5 per cent of the people of the United States would indorse the project, and yet, how lightly we as Members of Congress look upon this mammoth venture.

It seems to me that we should think of where these hundreds of millions of dollars are to come from; of just what class of people are to furnish all of this money to the Government. Mr. Chairman, it comes from the farmers, every one of them; it comes from the miners, the mill workers, the railroad laborers, the organized and unorganized labor; it comes from every citizen who purchases food, clothing, or anything else required by him or her in their everyday life. These are the people who through labor, sacrifices, and denials contribute to these hundreds of millions which the Congress in unbridled prodigality gives away to private and semiprivate purposes and uses, to

sections of the country and to people in certain localities, to whom the Government is under no obligation whatsoever. The Government is under no obligation to furnish a particular city with a supply of water. Such a thing has never been done so far as we know. And so we are taking the people's money by the millions and giving it to prosperous, growing cities, and communities.

One objection to the Government getting into the water-power business is that labor in coal mines, in producing coal to be used in producing electric power in cities, will be displaced and the labor in the coal mines will be out of employment by the use of water power. The miner, therefore, who would have a share of these millions of taxes to pay would be robbed by the Government of employment and business in which to get the money to pay his share of the tax burden.

If this bill is not unconstitutional it surely ought to be. While the Government is thinking of making a nice present in the form of hundreds of millions of dollars to people the Government is under no obligation to, should not we think of the resulting hardships that we are imposing upon the people who have it to pay?

Is there anything just, is there anything equitable, is there anything fair done by this bill to those who have this money to pay? No; on the other hand, it is miscarried justice and equity.

One of the Representatives from the city of Los Angeles, in support of this bill, says that Los Angeles is prepared to raise a hundred million of dollars to promote its interest for more water. If that be true, why not allow the State of California, or Nevada, or Wyoming, or Utah, or Colorado, or New Mexico, or Arizona, or collectively or any other way they choose to raise the necessary money to build and operate this dam, instead of involving the Federal Government in the enterprise? If this tremendous dam, more than 650 high, should by earthquake or imperfect construction give way turning the great body of water loose, who would be responsible for all the terrible damages produced from such a calamity? Why, the Federal Government, of course. Then, instead of our having protected somebody against floods we would have brought the floods upon them. The Federal Government would be liable, in all probability, especially if through any negligence and carelessness the dam should break and the damages follow.

Oh, Mr. Chairman, there is nothing in this bill but demerit, injustice, unfairness, unconstitutionality, a violation of our national policy of keeping the Government out of business, great damage to industry and the people of the country. But, ultimately, when the taxpayers' money has been wasted, they will never get even the interest back, much less the principal; and when the time comes that the people rebel against the Government being in business this dam will be given away or sold for a song. It is the most ill-advised venture upon which the Government has ever ventured. It will either lead us into a communistic government or else we will give it away and sustain its entire loss. And the latter would be preferable to the former.

Mr. SMITH. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, with only the few minutes alloted to me to close the debate on this bill that has held the attention of the House for the past two days, it is utterly impossible to sum up all of the hundreds of questions that have been raised, and I must decline to be interrupted or to answer any questions.

I will mention hastily only a few matters, and will speak primarily from the standpoint of the four upper-basin States of Colorado, New Mexico, Utah, and Wyoming, and try to show the House why this legislation is so far-reaching and vitally necessary for their welfare.

The Colorado River is often called the Nile of America. It is the only great river in the world entirely within an arid region. For this reason it is intrinsically the most valuable stream in all the world. The very life, the prosperity, and future development of all those seven great Southwestern States depend upon who controls the system and manner of use of the waters of that river. The main stream and its tributaries contain the only water there is in all that great drainage basin of 250,000 square miles. There would not be one inhabitant to-day in all that great region if it were not for the waters of that river. Just a few years ago it was a wild and barren waste, occupied by only a few thousand Indians and myriads of wild animals. And while it is now only partially developed, yet between the source of that great river in the Rocky Mountain National Park in my congressional district and the Gulf of California, 1,700 miles below, there are living to-day several million of the most virile, energetic, loyal, and highest class of American citizens under our flag.

By untold hardships, privations, perseverance, and toil they have during the past half century reclaimed that arid wilderness and created property values of many hundreds of millions of dollars. Moreover, they have builded there as high a type of civilization as there is anywhere on this planet. The noblest instinct of the human race is the longing to establish a home and rear a family. Why did all those people and their parents leave their eastern homes and friends and go out into that most uninviting region to obtain a home?

Listen, my colleagues, and I will tell you. It was because Uncle Sam invited them to do so, and as an inducement he faithfully promised all those pioneers a sufficient amount of that public domain to make a home upon, and also a sufficient amount of the waters of that great river and all its tributaries to properly irrigate that land and also for domestic and all other useful purposes. That 250,000 square miles of unoccupied Government land in the Colorado River drainage basin and all of the waters of that great river and all of its tributaries were unconditionally offered as a premium and irrevocably dedicated to the use and benefit of those pioneer settlers and their descendants forever for the purpose of reclaiming and populating that region. The Government reserved some tracts of lands but made no reservation of any of that water.

Congress has enacted a great many public land laws to protect settlers in their rights to their land claims. And when each one of these States was admitted into the Union its constitution and the enabling acts of Congress admitting every one of them expressly authorized, confirmed, and dedicated forever the waters of all the streams in each State to the people for their use and benefit for irrigation, domestic use, and any and all other useful purposes. The right to both the land and the water became a birthright to the people of each of those States. In fact, this right of a public-land settler in an arid region to take and own water to irrigate his land and also water to drink and water his stock has been the established and recognized law of the West for nearly a hundred years.

That universal law is now written in hundreds of statutes and thousands of decisions. By that law of the arid West each one is entitled to only the quantity of water that he actually takes out of the stream, and beneficially uses; that is, applies to some beneficial purpose. When he does divert and make that use of the water, that quantity of water is his sole property, just as much as the land is his when he gets a patent to it from the Federal Government.

Then, in the orderly use of that water as between the various owners, what is called the "Doctrine of Priority" applies. That is, "First in time, is first in right." A court determines every man's right on every stream, both as to his priority—that is, the date that his appropriations should have—and also the quantity of water in cubic feet per second of time to which he is entitled.

Those priorities are all numbered chronologically on all the streams and tributaries. It is all thoroughly systematized. An entire stream is treated as one entity, and every man has a prior, senior, and superior right to his amount of water ahead of every other man on the same stream whose date is subsequent to his. And, on the other hand, every man's water right is junior and subservient to every right ahead of him, and State officials see that everyone gets his share and no more.

Now, there are very few streams containing enough water to supply all the claimants. The ordinary natural flow of nearly all those streams is now appropriated. But the high water, the flood water, is not appropriated. Consequently, the doctrine of priority of rights becomes tremendously important. Neither county lines nor State lines cut any figure. It is the stream itself that counts.

The Colorado River is one stream, one entire entity from the source of its longest tributary—the Green River up in the Wind River Mountains in Wyoming—to the Gulf of California, 1,750 miles, is one stream. That principle has been so decided by the United States Supreme Court in the case of Wyoming against Colorado.

An appropriation of water in one State is superior to a subsequent appropriation on the same stream in another State.

Colorado and Kansas and Wyoming litigated that question in the United States Supreme Court for over 20 years, and spent millions of dollars. That litigation was ruinously expensive and not at all satisfactory to either State. So to avoid a repetition of that experience and, in fact, to prevent interminable litigation, strife, loss, and expense between each and all of these seven States in the Colorado River Basin, litigating each other about eight years ago, we all mutually agreed to appoint representatives of each State and get together and see if we could not amicably come to a mutual agreement as to a division, apportionment, and system of use of all the waters of that river among those seven States.

On August 19, 1921, Congress passed an act expressly consenting to those seven States entering into that kind of a seven-State compact. Each State appointed its commissioner, and Secretary Herbert Hoover was appointed by the President as the ex officio head of the commission. They worked very diligently, and after a great many meetings, on November 24, 1922, at Santa Fe, N. Mex., all the commissioners reached a mutual understanding and all signed an elaborate interstate agreement approved by Mr. Hoover. That has ever since been known as the "seven States compact." Roughly speaking, the commission assumed from the measurements that the average minimum flow of the entire stream, including all its tributaries, was about 16,000,000 acre-feet of water. An acre-foot of water is enough water to cover an acre of land 1 foot deep. That is the way engineers estimate the quantity of the flow of a stream. The commission could not agree upon a division of all that water up among each one of those seven States. But inasmuch as the four upper States of Colorado, New Mexico, Utah, and Wyoming are above the long Grand Canyon of the Colorado River and the three lower States of Arizona, California, and Nevada are below the Grand Canyon, that was a natural topographical division between that upper basin and the lower basin. So the compact specifically awards 7,500,000 acre-feet of the water of that river to the four upper States jointly and collectively to be thereafter divided among them in such manner as they may be able to agree upon.

And awards 8,500,000 acre-feet of water to the three lower basin States jointly.

That lump-amount division was absolutely fair and right to each of those two basins. All the States agree to that. No one does or can deny that. The legislatures of all the States except Arizona promptly agreed to and ratified that compact. Arizona never has, and declares she never will ratify that compact until she reaches an agreement with California as to what share she is going to get out of that 8,500,000 acre-feet that is allotted to the lower basin. The four upper States have been patiently waiting all these years. But those two States have never been able to come to an agrement, and the whole compact has been held up now for nearly six years on that account.

In the meantime, Arizona has been rapidly appropriating water and acquiring priority rights—in fact, all of the flow of the Gila River, a large tributary of the Colorado River—and making vast reclamation developments while all important development in the other six States is practically at a standstill by reason of Arizona holding out.

There is no possible way of estimating the irreparable damage those upper States have been caused by this delay. But that is not the worst of it. Some enterprising American citizens claiming the protection of our Government and laws and also the Mexican Government and laws several years ago purchased for a trifling sum a million or more acres of land in old Mexico, just adjoining our border, and they compelled the Imperial Valley, Calif., people to give them free half of all the water they take out of the Colorado River in the United States and run through their own canal, because that canal runs around down into and about 60 miles through old Mexico on its route from the river to the Imperial Valley in California.

With that free water those Americans have been very industriously bringing in about 30,000 acres of new land every year, and irrigating it with Colorado River water that we all need and own in those seven States, and they are very rapidly acquiring priority right to it. During the time this compact has been so held up, California has been prevented from building a canal all in our country to get away from that demand made by those ingenious Americans under the guise of the Mexican Government. And those American citizens operating that land in old Mexico have already brought under cultivation about 200,000 acres of that land, and if Arizona can hold off this compact a little longer, they will have the whole million acres under irrigation with our water for nothing, and it will prevent our own development in our States just that much.

If Arizona—and now Utah has joined her—can prevent the passage of this bill and any adjustment of this matter for a few years longer, there will be no water left in that river for us to divide. Mexico will have it all. I do not charge anybody with being paid for it. But this delay by this quarrel between those States is worth many millions of dollars a year to Mexico and those so-called American citizens and their associates in this gigantic scheme of looting our country for the benefit of Mexico and themselves. And sometime when we come to making a treaty with Mexico over the use of that river, as we will have to do before long, we will be compelled to let that water run down to her.

But these years and years of bickering between California and Arizona has a very much more serious hazard and menace to the upper four States than even the Mexican situation. Those lower States, especially California, have developed and are now developing very much more rapidly than the four upper States are. The cities of southern California are growing at the rate of 150,000 population a year, and they have about reached the limit when they have absolutely got to have this Colorado River water to drink and for irrigation, power, and all kinds of uses.

There are now pending before the Federal Power Commission over 30 applications for permits and licenses to put in high dams and large power plants and vast irrigation projects on that river, all of them to be located in that lower basin. Some are for Los Angeles and other cities, but most of them are by large power companies or associations. If even one-fifth of those permits are ever granted before we get settled in some way this apportionment of that river made between the upper and the lower basins they will make and acquire appropriations of water authorized by Federal permits that will take every drop of both all the natural flow and all the flood waters of the entire stream and all its tributaries. If that happens, nobody in any of those upper four States will ever in the future be permitted to take out another ditch, or put in a reservoir, or power plant, unless and until they go down to California or Arizona, or to their offices in Los Angeles or New York City, and obtain permission from those power companies to do so, and pay a royalty for the privilege and for the amount of water they each use. Our rights of future development will be irrevocably gone forever. That is the frightful calamity that we in the upper basin States are threatened with right now. That would be such an appalling and outrageous hardship upon Colorado, New Mexico, Utah, and Wyoming, that I know no honest man on the floor of this House wants to inflict that infamy upon us. That is what I have been fighting against for 20 years. That is why we must have this bill passed.

Our upper States are newer and farther from markets, and we are not ready to develop yet. We have some four or five million acres of arid land that we can irrigate sometime, if our water is not taken away from us in the meantime. Two-thirds of all the water, of all the gigantic floods, that are poured into the Gulf of California by that river come from 20 counties on the western slope of Colorado in my district. In the entire United States there are only 60 mountain peaks of over 14,000 feet elevation, and 42 of them are in my congressional district. That water comes from those peaks and falls nearly 10,000 feet in Colorado. That is power enough to almost run the entire western half of this country.

I have lived right on the banks of the main stream of that great river for over 40 years, and being the only Member of Congress that ever has lived beside it, I feel not only a very great personal interest in and affection for it but also a very great responsibility and a solemn duty to do my utmost to prevent, if humanly possible, this and all succeeding generations in Colorado from being deliberately robbed of their birthright in that stream. In the years to come our beautiful capital city of Denver and many other cities and towns will need that water, and I do not want them to be compelled to pay some power company for it.

While, as most of you know, the act of Congress of March 4, 1927, of which I was the author, prohibits the Federal Power Commission from granting any permits on that stream or any of its tributaries before March 5, 1929, and we are by that act protected until that time, nevertheless, that date will soon be here, and I am most desperately anxious to have something definitely done by the States, or by the United States Supreme Court, or by Congress before that time, to preserve our future water rights in those four upper States.

We have not the present market or the means of making use of our rightful share of that water now. We can not now make actual legal appropriations of it. We must for several years yet let practically all that water we are not now using run down to our neighbors below. We will be glad to have them use it in the United States in the meantime. But we want our just share of it reserved to us, so that when in future years we gradually bring in more land and build cities and put in power plants of our own we will not be prevented from doing so by an injunction from some Federal court down in California. The water will always run down to the lower States anyway. But we want to be protected in our right to use it first. Our just proportion of the unappropriated flood waters of that stream is worth many billions of dollars to the future welfare of each of those four upper States.

Now, there are only three possible ways of our being protected. The natural and best way would be by all those seven States ratifying that compact, as they should, and having it approved by Congress. That is the safest, most honest, inexpensive, and fairest way to adjust and settle it forever. But Arizona blocked that for five years, and Utah has joined her

during the past year, so there is no present hope of a seven-State compact. There are too many adverse interests.

The next best way of determining, guaranteeing, and protecting the respective rights in that stream of all of the seven States would be to bring a suit in the United States Supreme Court for that purpose. There is no question but what under the Constitution and decisions that court has jurisdiction and would take jurisdiction of such a suit. I have always been in favor of that course, instead of being held up and brazenly robbed all these years. But, of course, there would be some expense and it would require some time, and thus far no State seems willing to start it, so that remedy is unavailable now.

The only other way is by this bill specifically enacting the provisions of that seven-State compact into a Federal law, and requiring at least six of those States, including California, to ratify it and let the seventh State of Arizona or Utah take her chances on going it alone, if she refuses to come in. This is the only practical way we have of adjusting this 7-year-old controversy and allowing development to proceed throughout those seven States. That is the main object and purpose of this bill so far as the upper States are affected by it, and I am confident the terms of the bill are fair and amply protect the rights of all of those seven States.

The four upper States should be and three of them are willing to take their joint allotment of that 7,500,000 acre-feet and divide it among themselves afterwards. And the three lower basin States should be willing to do the same. But Arizona has never been willing to do so. In a word, what the upper States want by this legislation is to protect our water rights for future development, and also to prevent the present gigantic waste of flood waters that might be used, and also prevent Mexico from getting all of it. We are not otherwise directly concerned in this long and bitter strife between Arizona and California.

Arizona Senators and Representative now loudly proclaim that Congress has no constitutional authority to pass this bill, and that its enactment would be unconstitutional, and they defiantly threaten to bring an injunction suit in the United States Supreme Court to restrain the Secretary of the Interior from executing this law. To me that bluff has always seemed perfectly absurd and utterly ridiculous. I do not see how anybody can be fooled or scared by that.

There are, in my judgment at least, four good reasons why such a suit would not be entertained by that court for a minute:

First. The Colorado River is a great international stream, with express international treaty and other mutual national obligations pertaining to it between our country and Mexico. Will any sane lawyer say that Congress has no authority to enact legislation pertaining to the control of that great river?

Second. It is a navigable stream. It is navigable both in fact and in law. Moreover, it is expressly recognized by and declared to be a navigable stream by the treaty of Guadalupe-Hidalgo between the United States and Mexico. Will any intelligent person say that Congress can not legislate upon matters affecting the use of a navigable stream when we have been doing so every day for a hundred years? No State, or city, or corporation or anybody can even build a bridge across any navigable stream anywhere in the United States without an act of Congress expressly permitting it;

Third. Will any Federal court hold that Congress has no authority to enact legislation for flood control when we have been doing so for a great many years, and just this week authorized an appropriation of some $400,000,000 for that purpose; and

Fourth. It is a great interstate stream, and a boundary stream between States, and running for 1,750 miles through and over the public domain of the United States. All that public land is still under the control and jurisdiction of the Federal Government. If any State thinks Congress is going to abdicate its jurisdiction over the lower part of that river, let it go ahead and start something.

In other words, the four upper States have three great objects in the enactment of this legislation:

First. To protect and secure their exclusive and conceded right to the 7,500,000 acre-feet of water by the enactment of the seven-State compact into a national and six interstate laws.

Second. To conserve the water from waste and to stabilize the flow.

Third. To prevent as soon as possible Mexico from acquiring any further adverse rights to the water.

The lower-basin States have some six great objects in the enactment of this law:

First. To protect the Imperial Valley 250 feet below sea level from destruction by floods.

Second. To stabilize the flow of the stream and to supply domestic water for Los Angeles and many other southern California cities and conserve the water and prevent the present enormous waste.

Third. To irrigate a large amount of new land.

Fourth. To build the all-American canal and get away from furnishing Mexico 50 per cent of all the water they divert from the stream.

Fifth. To generate enough power to pay for the entire project within from 30 to 50 years.

Sixth. To as soon as possible stop Mexico from acquiring further rights that will be superior to ours. Arizona and Utah are just as much interested and will be just as much benefited by all those objects as the other five States are.

The gentleman from Arizona [Mr. DOUGLAS] made a speech of two and a half hours attacking the feasibility of the Boulder Canyon Dam. That is purely a matter of engineering that we are amply providing for and guarding against. It is enough for us to know that the Government, through the Geological Survey and the Reclamation Service and others, has spent $2,000,000 and 10 years' time in that very investigation, and more than 40 of the most eminent and best engineers in this country have pronounced it a perfectly feasible and safe and practical engineering proposition, and I am sorry the gentleman from Arizona does not agree with them.

He says there might be earthquakes in that vicinity. Of course, there might also be earthquakes here in Washington. But I am told there are old stone and adobe buildings down there that have stood for nearly a hundred years without a crack in them. All the criticisms made by the gentleman were made hundreds of times against the construction of the Panama Canal, and that seems to have turned out to be a wonderfully successful piece of engineering.

This million-dollar power lobby here in Washington boldly says this bill shall not pass. The question naturally arises as to who is running this Government. The hearings now being conducted by the Federal Trade Commission show that the power interests not only have a large number of very high-priced agents operating here in Washington, but that some of them are ex-Senators, ex-governors, and other prominent ex-officials, and that vast sums have been and are being expended upon thousands of newspapers throughout the country, and upon business men's organizations, and schools everywhere, and women's clubs, and apparently anybody that will take the money, and that there are millions of dollars being expended by the combinations of power companies all over the country to influence public sentiment and to prevent the passage of this Boulder Canyon bill.

They have three great objects in view before this Congress at this time, namely: The first is to either grab Muscle Shoals themselves or kill the bill providing for its operation. The second is to kill this bill and prevent the Government from building the Boulder Canyon Dam, and thereafter seize that river themselves by the aid of the Federal Power Commission. The third is to prevent any dams being constructed on the Mississippi River or any of its tributaries in connection with flood-relief legislation. They are determined to prevent the Government from building any dams or generating any power anywhere.

Their hue and cry against the Government going into business is a hypocritical and false pretense. Congress has no intention of putting the Government into the retail power business at all. Congress has no desire of any such course. Some of us are trying to prevent these enormous natural resources from being stolen by false pretenses for the purpose of exploiting the people thereafter. There is only one question involved in this bill, namely: Will you vote to preserve that river for benefit of this and all succeeding generations of the people of those seven States, or will you make the Power Trust a present of it? This Colorado River is too large and valuable a property to ever be turned over to any private concern.

The rights of those seven States are too vast and vital to ever intrust to any private corporation. The right of those States and of all the concerns taking water therefrom are too enormous and far-reaching to ever be turned over to the tender mercies of any power trust. There is only two sides to this question. Our votes will be either in the interest of the people of those States, or for the benefit of the power trust. There is no other issue.

This dam should be built by the Federal Government to protect the Imperial Valley from utter destruction, and conserve the gigantic floods of that river so the States may all obtain their just right thereto. Uncle Sam should for many years to come stand at the switchboard and see that all those seven States and all the cities adjacent to the river and industrial plants are permitted to obtain their just share of that power as they need it. The States and cities and corporations and all

persons should buy that power from Uncle Sam wholesale at the switchboard, and pay such price as is necessary to amortize its entire cost and reimburse the Government for the construction, and thereafter the project should be turned over to those seven States for their mutual use and benefit, and let it be conducted by the States substantially the same as the water users associations are to-day successfully conducting the reclamation projects and power plants thereon for the use and benefit of the surrounding public.

That is not putting the Government into business. It is honestly protecting the rights of the people to their use of this water which they now own. While the people own it now, yet there must be some supreme supervisory system of control to protect the weak against the strong and allow future development of the newer States and poorer and less developed communities. That is the humane, the fair, and honest purpose of this bill, which the power interests are striving so desperately to defeat. They do not want any seven or six State compact, because they want their plants in the lower basin to appropriate and include our 7,500,000 acre-feet up the stream.

A few of us from those Southwestern States have been earnestly and hopefully and persistently working on this matter for years, trying to protect and conserve for all the future generations of those seven States this, their greatest birthright. I do not propose to let the Power Trust hold all those seven States by the throat and compel them to pay an extortionate price for the use of our own water.

We are being fought by the most gigantic and unscrupulous and corrupt lobby that has ever been organized in the history of our country. But Abraham Lincoln once said he "had an abiding faith that the American people will ultimately wobble around right," and I can not believe that there are enough gullible officials or dishonest people in the country to prevent the passage of this bill. If there are any defects in this bill, they can be cured in the Senate, or in conference, or by amendment. It is the greatest constructive measure for the welfare of those States that has ever come before the American Congress in the history of our Government, and I can not believe that future generations will be compelled to look back to this generation and say that we sold them out and were traitors to their welfare.

I know no lobby can buy or bluff or fool this House. This bill will pass this body by nearly a hundred majority, and I know that sooner or later it will become a law, and that the untold millions of people in all those States will forever thank us for our courage and our honesty. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and delivery of the waters thereof for reclamation of public lands and other beneficial uses within the United States, and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, the Secretary of the Interior, subject to the terms of the Colorado River compact hereinafter mentioned, is hereby authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California: *Provided,* That all contracts for the delivery of water for irrigation purposes provided for in section 5 shall provide that all irrigable land held in private ownership by any one owner in excess of 160 acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the said Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works provided for by this act; and that no such excess lands so held shall receive water from said canal if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; also to construct and equip, operate, and maintain at or near said dam, and within a State which has approved the Colorado River compact hereinafter mentioned, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and to acquire by proceedings in eminent domain, or otherwise, all lands, rights of way, and other property necessary for said purposes.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. There is a committee amendment. The committee amendment will be considered first. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 3, after the word "floods," insert "improving navigation."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WHITE of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, I think I rose first.

The CHAIRMAN. Does the gentleman from Colorado want to discuss the committee amendment?

Mr. WHITE of Colorado. No; I do not care to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I want to discuss the committee amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for five minutes.

Mr. DOUGLAS of Arizona. Mr. Chairman and members of the committee, it is interesting to note that during the five or six years, as is claimed by the members of the committee, that this bill has been before the Committee on Irrigation and Reclamation mention has never been made of navigation. It is interesting to note that in all the reports upon which this bill is predicated it has never been stated that one of the purposes of this project was to improve navigation.

I think the members of the committee should know what the Director of the Reclamation Service, under whose auspices this project will be constructed, if it is constructed, says with reference to navigation. Here is a report by Dr. Elwood Mead, Director of Reclamation:

The present Commissioner of the Bureau of Reclamation, Elwood Mead, and W. W. Schlecht and C. E. Grunsky, constituting the All-American Canal Board, report on pages 13 and 14 of their report on the all-American canal of 1920 to the effect that there are great difficulties on the Colorado in connection with navigation; that the construction of the Laguna Dam in 1904 has interposed a barrier to navigation 12 miles above Yuma; that the construction of that dam "is an indication that the United States regards the navigability of the Colorado River as of no importance."

Here is the second statement:

The utilization of the river's waters for irrigation far outweighs any possible utilization thereof for navigation.

Maj. R. R. Raymond, of the Corps of Engineers of the United States Army, reported in House Document No. 1141 of the Sixty-third Congress, second session, as to the navigability of the Colorado.

The report of the Commissioner of Reclamation on the all-American canal contains the following with reference to Major Raymond's report:

He visited the river, however, and says:

"Below Yuma the river flows through a delta country, which is constantly being built up by the large quantity of silt carried by the river. The channel is unstable and can not be made stable at reasonable cost. At present the principal channel in Mexico passes through Volcano Lake. In addition to the fact that this part of the river lies in a foreign country, it should be noted that there is so little water available in the river below the heading of the Imperial Canal during low stages that navigation throughout the year is impracticable. The amount of water extracted from the river for irrigation will increase rather than decrease."

After referring to the fact that the growth of commerce along the river would imply an increase of the demand for irrigation water, Major Raymond concludes that—

"The improvement of the Colorado River for navigation would defeat its own ends and would be a detriment to the adjacent country, except possibly that flood control would be beneficial."

He finds the situation such that he does not even recommend a survey of the river, and says:

"Attention is invited to the conclusion reached by officers who have examined this river heretofore, which agree with my own. The development of the country by irrigation in recent years makes the improvement even less desirable to-day than it was formerly."

Surely the above should be conclusive as to the navigability of the Colorado River.

There is a long series of reports upon the navigability of the Colorado River and upon the justification of spending money to improve navigation.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Just as soon as I finish this statement, this sentence: None of these reports has ever recom-

mended that the Congress appropriate one cent of money to improve the navigation on the Colorado River. Mr. Arthur P. Davis, one of the consulting engineers of the Los Angeles Bureau of Power and Light, stated on January 26 that the Colorado River was not navigable, and Mr. Arthur P. Davis is one of the proponents of this bill, being employed by the great agency that wants the bill.

Mr. W. B. Mathews, the counsel of the city of Los Angeles, on page 858 of the hearings on Senate Resolution 320, testified very emphatically that the Colorado River is not navigable, and he quotes many legal decisions with reference to what a navigable stream is, and he concludes:

To be navigable in fact a watercourse must have a useful capacity as a public highway of transportation. The Colorado River does not meet this test. It may have done so in part in very early days, but for more than a third of a century it has been practically devoid of profitable utility as a commercial highway. This is certainly true of the river in and above Black Canyon.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. SWING. I do so very reluctantly, but I must object. A gentleman has informed me that he has 17 amendments.

Mr. DOUGLAS of Arizona. I assure the gentleman I have but six basic ones.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. DOUGLAS of Arizona. I assure the gentleman from California that I have no intention whatsoever of offering any dilatory amendments.

Mr. Mathews says:

It may be said to be a matter of common knowledge that the Colorado River, particularly in and above Black Canyon, is devoid of practical usefulness to the public as a highway in its natural state. In fact, measured by the standard of commercial and profitable utility, the entire stream above Yuma has long since ceased to be a navigable watercourse.

I refer the members of this committee to the photographs which the Members have doubtless received of the Colorado River below the international boundary line, dry, without a drop of water in it.

Mr. CRAIL. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. I certainly will, for a question.

Mr. CRAIL. Will the gentleman from Arizona say if the water is dammed there will not be a constant stream of water in that river?

Mr. DOUGLAS of Arizona. I will be delighted to answer that question. Irrigation and navigation are absolutely incompatible. One defeats the other. You can not leave water in a stream and still take the water out of the stream.

Mr. WINTER. Mr. Chairman, will the gentleman yield there?

Mr. DOUGLAS of Arizona. Yes.

Mr. WINTER. Does not the gentleman absolutely ignore the theory that practically 60 or 70 per cent of the water used for irrigation will be returned to the bed of the stream?

Mr. DOUGLAS of Arizona. The gentleman does not, because it is claimed that the great body of this water is to be used in the Imperial Valley, and the drainage from it is into Salton Sea and not into the Colorado River.

Mr. WINTER. Sixty per cent of this water would come down the river.

Mr. DOUGLAS of Arizona. No. I do not concede that 60 or 70 per cent will constitute the return flow.

Let me go on further, if I may. In the terms of the bill itself in the first section, there is the phrase, "Improving navigation." In the Colorado River pact, which is made an integral part of this bill by section 12, there is this statement:

Inasmuch as the Colorado River has ceased to be navigable for commerce, the use of the water for navigation shall be subservient to all other purposes.

Now, members of the committee, I submit that a bill can not be passed for the purpose of improving navigation and still contain a provision in it which destroys that purpose.

Mr. MONTAGUE. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield to the gentleman.

Mr. MONTAGUE. Did the original bill introduced by Mr. SWING contemplate the improvement of navigation?

Mr. DOUGLAS of Arizona. There has never been a provision in the bill for the purpose of improving navigation until three weeks after the hearings on the bill closed in January of 1928.

Mr. MONTAGUE. That is carried in the amendment now in the bill.

Mr. DOUGLAS of Arizona. Yes.

Mr. MONTAGUE. It did not contemplate navigation at first, then?

Mr. DOUGLAS of Arizona. It did not.

Mr. MONTAGUE. But contemplated it later by an amendment?

Mr. DOUGLAS of Arizona. Yes. Members of the committee, there is but one conclusion the members of the committee can draw and that is that the phrase improving navigation is introduced solely for the purpose of creating a fictitious constitutional authority.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. SWING. Mr. Chairman, I rise in favor of the amendment. The gentleman from Arizona is inaccurate in saying that no previous bill carried a provision for the improvement of navigation. The first bill I introduced carried a provision for the improvement of navigation.

Mr. DOUGLAS of Arizona. I beg the gentleman's pardon. Will the gentleman state when?

Mr. SWING. The first bill I introduced when I came to Congress in 1921 carried a provision for the improvement of navigation.

Mr. DOUGLAS of Arizona. But there has not been one since.

Mr. SWING. And practically every witness that appeared before the committee discussed the navigability of this river. It is not against the navigability of a river that it can not be completely navigated from one end to the other and it is not against the power of Congress to provide aid in securing navigation on a river that at the moment the river is not navigable. If rivers were navigable by nature, then there would be little or no occasion to aid in the improvement of them. It is because there are obstructions in a river that Congress is called upon year after year to vote money to aid in making rivers navigable.

In this case the history is that valuable commerce went up and down this river in the early days from the Gulf of California to Coveville for many, many years, and every man in the House who has had occasion to visit the dam site at Boulder and Black Canyons has himself navigated the stream for some 20 miles upon motor boats that are to-day making commercial trips up and down that river, and if this dam is built it will provide navigable waters for 100 miles above the dam, and if the stream is equated in the way the gentleman from Arizona has said it is to be equated by at least a 10,000 second-foot flow below it will be navigable between Boulder Dam and the Laguna Dam, near Yuma, a distance of over 200 miles.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SWING. Yes.

Mr. COOPER of Wisconsin. On this question of navigation I want to ask this: As I understand it, the treaty of Guadaloupe-Hidalgo specifically mentions this as an international boundary stream and declares it to be navigable. That is true, is it not?

Mr. SWING. I think that is so.

Mr. COOPER of Wisconsin. That being so, could the Congress of the United States properly legislate concerning a great navigable stream, declared to be navigable by treaty, without mentioning navigation?

Mr. SWING. I think there is great merit in the point the gentleman makes.

I want to add this one sentence and then I am through. The gentleman from Arizona has announced that there are no amendments which can be made to this bill which will make it acceptable to him. He has stated, furthermore, that as soon as this bill becomes a law his State intends to file a suit in the Supreme Court for the purpose of trying to have it declared unconstitutional. Now, the reason why he wants this reference to the improvement of navigation stricken out of the bill is that when the United States Government is called into court by the State of Arizona it will thereby be deprived of a proper and logical defense to the action brought by that State.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. Yes.

Mr. DOUGLAS of Arizona. The gentleman's statement is absolutely correct, and I am opposed to this amendment because it is a dishonest one.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. Reference has been made by the gentleman from Arizona to the fact that there is a clause in the compact declaring that navigation shall be subservient to other purposes. When you declare that navigation is subservient you thereby declare that there is navigation.

Mr. SWING. Certainly.

Mr. OLIVER of Alabama. And Congress is exercising its right by saying that if there should be some parties at some places on the river who are seeking to exercise the right of navigation to the detriment of flood control or irrigation that it suspends that superior right?

Mr. SWING. Exactly. The language of the compact is that—

* * * the use of its waters for the purpose of navigation shall be subservient to uses of such waters for domestic, agriculture, and power purposes.

The CHAIRMAN. The time of the gentleman from California has again expired. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 12, after the colon, insert the following: "*Provided*, That the laws of any State in which any part of the construction work herein authorized is performed, in respect of the employment of laborers and mechanics on State, county, or municipal works, shall apply to the employment of laborers and mechanics upon any part of the construction work herein authorized."

Mr. JOHNSON of Washington. Mr. Chairman, after giving this bill as much consideration as time would permit I have decided I want to support the bill, but I desire to see it perfected in some details. The amendment which I have offered is to make the bill, if this project is considered Federal, conform with the constitutions of California and Arizona with regard to the employment of labor.

The amendment reads:

Provided, That the laws of any State in which any part of the construction work herein authorized is performed in respect of the employment of laborers and mechanics on State, county, or municipal works, shall apply to the employment of laborers and mechanics upon any part of the construction work herein authorized.

This is in the State constitutions of some States. State laws of California, Arizona, and 25 other States have laws against employment of alien labor on State works. Such a provision should be in this bill; otherwise, my friends, we might have the spectacle of the United States of America building in the great Southwest with Mexican peon labor a structure as great as the greatest pyramid. That must not be. [Applause.] I hope the amendment will be adopted.

Mr. NEWTON. Will the gentleman yield there?

Mr. JOHNSON of Washington. Yes.

Mr. NEWTON. As I understand it, this amendment places all public improvements by the States or the Federal Government on the same basis in respect of giving preference to American labor.

Mr. JOHNSON of Washington. Yes; exactly so. It is right and proper, and in my opinion it will save a world of trouble when the time comes to make contracts for construction.

Under leave to extend my remarks, I add the constitutional provisions of California and Arizona, and the laws of Nevada, California, and Arizona in regard to employment of alien labor on State works.

NEVADA

Revised Laws, 1919. Employment of labor on public works, aliens; section 1 (as amended 1921, ch. 129); who may be employed: Only citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States shall be employed by any officer of the State of Nevada, or by any contractor with the State of Nevada, or by any political subdivision of the State, or by any person acting under or for such offices or contractor, in the construction of public works, or in any office or department of the State of Nevada, or political subdivision of the State, or department of the State of Nevada, or political subdivision of the State, and in all cases where persons are so employed, preference shall be given to honorably discharged soldiers, sailors, and marines of the United States and to citizens of Nevada: *Provided*, Nothing in this act shall be construed to prevent the working of prisoners by the State of Nevada, or by any political subdivision of the State, on street or road work or other public work; nor to prevent the working of aliens who have not forfeited their right to citizenship by claiming exemption from military service, as common laborers in the construction of public roads, when it can be shown that citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States are not available for such employment; nor to prevent the exchange of instructors between the University of Nevada and similar institutions of the North and South American countries: *And provided further*, That any alien so employed shall be replaced by any citizen, ward, or ex-service man of the United States applying for employment. (All contracts void if above not complied with. Penalty for violation, $100 to $500 and/or imprisonment for not more than six months, or both.)

ARIZONA

Constitution, article 18, section 10. Employment of aliens on public works: No person not a citizen or ward of the United States, or who has declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. The legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation of this section.

Revised Statutes, 1913, paragraph 3105; aliens not to be employed: No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen shall be employed upon, or in connection with any State, county, or municipal works, or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any county or municipality thereof, on street, or road work, or other public work. (Violations—fine not less than $100 nor more than $300 for each offense.)

V. CALIFORNIA

Constitution, article 19—Chinese labor—employment—immigration.—Section 3. Employment on public works.—No Chinese shall be employed on any State, county, municipal, or other public works, except in punishment for crime. Section 4 (legislature to discourage coolie immigration "by all means within its power," etc.).

Revised Statutes: Chapter 417—employment of aliens in public service. Section 1 (as amended 1921, ch. 366). Restrictions.—No person except a native-born or naturalized citizen of the United States shall be employed in any department of State, county, city and county, or city government in this State: *Provided, however*, That the prohibitions of this act shall not apply (a) to the employment as a member of the faculty or teaching force in public schools of this State nor in schools supported in whole or in part by the State of any person who has declared his intention to become a citizen of the United States, nor of any native-born woman of the United States who has married a foreigner; (b) to any member of the faculty or teaching force of any college or university supported in whole or in part by the State; (c) to any specialist or expert temporarily employed by any department of the State or any county, city and county, or city, and engaged in special investigation; (d) in an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity arising from natural causes.

Sec. 3 (payment of wages, etc., not to be paid out of State, county, or municipal treasury unless and except such persons native born or naturalized, with above exceptions).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona: Strike out everything after the enacting clause and insert in lieu thereof the following:

"That the President of the United States is hereby authorized to appoint a board of five engineers of unquestionable national reputation, which shall examine into and investigate the Colorado River for the purpose of making recommendations to the President as to the most feasible method and cost of obtaining flood control, as to the best systematic general program of development: *Provided, however*, That not more than one engineer appointed to such board shall have been in the past or shall be now in the employ of or retained by the Bureau of Reclamation, or shall be resident of any of the States of the Colorado River Basin.

"SEC. 2. That the Secretary of War is hereby authorized to construct on the Colorado River flood-control structures, recommended by and located at a site or sites to be selected by the above-mentioned board of engineers.

"SEC. 3. That for the purposes of erecting such flood-control structures on the Colorado River"——

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Has not the amendment been read at sufficient length to make a point of order against it?

The CHAIRMAN. The Chair does not think so. The Clerk will continue reading the amendment. It is not obviously subject to a point of order in the opinion of the Chair.

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 5773, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had resolved that the bill (S. 2972) entitled "An act for the protection of fish in the District of Columbia, and for other purposes," be returned herewith to the House of Representatives in compliance with its request.

The message also announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 777) entitled "An act making eligible for retirement, under certain conditions, officers, and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message further announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 3674) entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1794. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada.

DISABLED EMERGENCY OFFICERS

The SPEAKER. The Chair lays before the House a resolution of the Senate accompanying a veto message from the President, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 3 (calendar day of May 24), 1928.

The President of the United States having returned to the Senate in which it originated the bill (S. 777) entitled "An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, and Marine Corps of the United States other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," with his objections thereto, the Senate proceeded in pursuance of the Constitution to reconsider the same and resolved that the bill do pass, two-thirds of the Senate agreeing to pass the same.

The Clerk read the message of the President.

(For President's message see proceedings of the Senate.)

The SPEAKER. The objections of the President will be entered at large upon the Journal and the bill and the message printed as a public document. The question is, Shall the House on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. JOHNSON of South Dakota. Mr. Speaker, this measure was so thoroughly debated for two days on the floor of this House that little could be said that has not been said. It is very clear to me, however, from this debate and from the President's message that this measure manifestly has provisions that are inequitable. It is clear to me that an unknown but substantial number of men who are to-day drawing no disability compensation, but have heretofore secured a permanent rating of 30 per cent under some previous administration of the Veterans' Bureau, will immediately be brought under its provisions.

I have always felt that a fair and just bill could be drawn and submitted such a measure as a substitute, and until that sort of measure is presented to the House I have the profound conviction that this measure should not become the law and that the President's veto should be sustained.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 245, nays 101, answered "present" 2, not voting 82, as follows:

[Roll No. 86]

YEAS—245

Abernethy	Driver	Kincheloe	Ransley
Adkins	Dyer	Kindred	Rathbone
Allen	Edwards	King	Rayburn
Andresen	Englebright	Kopp	Reed, Ark.
Arentz	Eslick	Korell	Reed, N. Y.
Arnold	Estep	Kvale	Robinson, Iowa
Aswell	Evans, Calif.	LaGuardia	Rogers
Auf der Heide	Evans, Mont.	Lampert	Rowbottom
Ayres	Fenn	Langley	Rubey
Barbour	Fish	Lankford	Rutherford
Beers	Fitzgerald, Roy G.	Larsen	Sanders, Tex.
Black, N. Y.	Fitzpatrick	Leatherwood	Sandlin
Bland	Fletcher	Leavitt	Schafer
Boylan	Frear	Leech	Schneider
Brand, Ga.	Fulbright	Letts	Sears, Nebr.
Brand, Ohio	Fulmer	Lindsay	Seger
Browne	Furlow	Linthicum	Selvig
Browning	Gambrill	Lozier	Shreve
Buchanan	Garber	McClintic	Sinclair
Buckbee	Gardner, Ind.	McKeown	Sirovich
Burdick	Garrett, Tex.	McLeod	Smith
Bushong	Gasque	McMillan	Somers, N. Y.
Byrns	Gilbert	McReynolds	Sproul, Ill.
Campbell	Goldsborough	McSweeney	Steagall
Canfield	Goodwin	MacGregor	Stedman
Cannon	Gregory	Maas	Steele
Carew	Green	Major, Ill.	Stevenson
Carss	Greenwood	Major, Mo.	Stobbs
Carter	Griest	Mansfield	Strong, Pa.
Cartwright	Guyer	Martin, La.	Summers, Wash.
Casey	Hadley	Martin, Mass.	Sumners, Tex.
Celler	Hall, Ill.	Mead	Swank
Chalmers	Hall, Ind.	Menges	Swick
Chapman	Hall, N. Dak.	Miller	Swing
Clague	Hancock	Montague	Tarver
Cochran, Mo.	Hardy	Mooney	Tatgenhorst
Cochran, Pa.	Hastings	Moore, Ky.	Taylor, Colo.
Cohen	Hawley	Moore, N. J.	Taylor, Tenn.
Cole, Md.	Hersey	Moore, Va.	Thatcher
Collier	Hickey	Moorman	Thompson
Colton	Hill, Wash.	Morehead	Timberlake
Combs	Hoch	Morgan	Vestal
Cooper, Wis.	Hoffman	Morin	Vinson, Ky.
Crail	Hogg	Morrow	Ware
Crosser	Holaday	Murphy	Warren
Cullen	Hope	Nelson, Mo.	Weaver
Curry	Houston, Del.	Niedringhaus	Welch, Calif.
Dallinger	Howard, Nebr.	O'Brien	Weller
Darrow	Howard, Okla.	O'Connell	Welsh, Pa.
Davey	Hull, Wm. E.	O'Connor, La.	White, Colo.
Denison	Igoe	O'Connor, N. Y.	Williams, Ill.
De Rouen	Irwin	Oliver, N. Y.	Williams, Mo.
Dickinson, Iowa	Johnson, Ill.	Palmer	Williams, Tex.
Dickinson, Mo.	Johnson, Ind.	Palmisano	Wilson, La.
Dominick	Johnson, Tex.	Parks	Winter
Doughton	Johnson, Wash.	Porter	Wolverton
Douglas, Ariz.	Kading	Pou	Wright
Douglass, Mass.	Kahn	Prall	Wyant
Doutrich	Kelly	Quayle	Yates
Dowell	Kemp	Quin	
Doyle	Kent	Ragon	
Drewry	Kiess	Rainey	

NAYS—101

Aldrich	Dempsey	Lanham	Simmons
Allgood	Elliott	Lea	Sinnott
Almon	Faust	Lehlbach	Snell
Andrew	Fort	Lowrey	Speaks
Bacharach	Foss	Luce	Sproul, Kans.
Bacon	Freeman	McDuffie	Stalker
Beck, Pa.	French	McFadden	Taber
Black, Tex.	Frothingham	McLaughlin	Thurston
Bohn	Garner, Tex.	Mapes	Tilson
Bowles	Gibson	Merritt	Tinkham
Box	Glynn	Michener	Treadway
Briggs	Graham	Milligan	Tucker
Brigham	Hill, Ala.	Monast	Underhill
Burtness	Hooper	Moore, Ohio	Updike
Burton	Huddleston	Nelson, Me.	Vincent, Mich.
Chase	Hudson	Newton	Vinson, Ga.
Chindblom	Hull, Morton D.	Norton, Nebr.	Wainwright
Christopherson	Hull, Tenn.	Oliver, Ala.	Wason
Cole, Iowa	Jacobstein	Parker	Watres
Collins	James	Peery	Watson
Cooper, Ohio	Jenkins	Perkins	White, Me.
Cramton	Johnson, S. Dak.	Pratt	Whittington
Crisp	Jones	Rankin	Wood
Crowther	Kearns	Romjue	
Davenport	Ketcham	Sanders, N. Y.	
Davis	Knutson	Shallenberger	

ANSWERED "PRESENT"—2

Jeffers	McSwain

NOT VOTING—82

Ackerman	Beck, Wis.	Berger	Bowling
Anthony	Beedy	Blanton	Bowman
Bachmann	Begg	Bloom	Britten
Bankhead	Bell	Boies	Bulwinkle

Busby	Free	Lyon	Strother
Butler	Garrett, Tenn.	Magrady	Sullivan
Carley	Gifford	Manlove	Temple
Clancy	Golder	Michaelson	Tillman
Clarke	Griffin	Nelson, Wis.	Underwood
Connally, Tex.	Hale	Norton, N. J.	White, Kans.
Connery	Hammer	Oldfield	Whitehead
Connolly, Pa.	Hare	Peavey	Williamson
Corning	Harrison	Purnell	Wilson, Miss.
Cox	Haugen	Ramseyer	Wingo
Deal	Hudspeth	Reece	Woodruff
Dickstein	Hughes	Reid, Ill.	Woodrum
Drane	Johnson, Okla.	Robsion, Ky.	Wurzbach
Eaton	Kendall	Sabath	Yon
England	Kerr	Sears, Fla.	Zihlman
Fisher	Kunz	Spearing	
Fitzgerald, W. T.	Kurtz	Strong, Kans.	

So (two-thirds having voted in favor thereof) the bill was passed, the objections of the President to the contrary notwithstanding.

The following pairs were announced:

On this vote:

Mr. Golder and Mr. Connally of Texas (for) with Mr. Garrett of Tennessee (against).

Mr. McSwain and Mr. Deal (for) with Mr. Bankhead (against).

General pairs:

Mr. Ackerman with Mr. Jeffers.
Mr. Begg with Mr. Connery.
Mr. Reid of Illinois with Mr. Oldfield.
Mr. Butler with Mr. Hudspeth.
Mr. Eaton with Mr. Corning.
Mr. Free with Mr. Bulwinkle.
Mr. Manlove with Mr. Sears of Florida.
Mr. Wurzbach with Mr. Wingo.
Mr. Temple with Mr. Woodrum.
Mr. Ramseyer with Mr. Bell.
Mr. Purnell with Mr. Carley.
Mr. Bachmann with Mr. Drane.
Mr. Clancy with Mr. Hare.
Mr. Beedy with Mr. Kerr.
Mr. Zihlman with Mr. Underwood.
Mr. W. T. Fitzgerald with Mr. Sullivan.
Mr. Gifford with Mr. Blanton.
Mr. Michaelson with Mr. Cox.
Mr. Robsion of Kentucky with Mr. Spearing.
Mr. Peavey with Mr. Yon.
Mr. Reece with Mr. Hammer.
Mr. Britten with Mr. Griffin.
Mr. Boise with Mr. Whitehead.
Mr. Strother with Mr. Fisher.
Mr. Connolly of Pennsylvania with Mrs. Norton of New Jersey.
Mr. Anthony with Mr. Busby.
Mr. Williamson with Mr. Tillman.
Mr. Clark with Mr. Kunz.
Mr. Hughes with Mr. Dickstein.
Mr. Kurtz with Mr. Lyon.
Mr. Hale with Mr. Sabath.
Mr. Magrady with Mr. Bloom.
Mr. Nelson of Wisconsin with Mr. Wilson of Mississippi.
Mr. Kendall with Mr. Harrison.
Mr. Bowman with Mr. Johnson of Oklahoma.
Mr. Beck of Wisconsin with Mr. Bowling.
Mr. White of Kansas with Mr. Berger.

Mr. McSWAIN. Mr. Speaker, I find that I am paired with the gentleman from Alabama, and I withdraw my vote of "aye."

Mr. O'CONNELL. Mr. Speaker, the lady from New Jersey, Mrs. NORTON, is absent on account of illness. If present, she would have voted "aye."

Mr. CULLEN. Mr. Speaker, my colleague, Mr. CARLEY, of New York, is necessarily absent. If here, he would vote "aye."

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY, is absent on account of illness in his family. If present, he would vote "aye."

Mr. BERGER. Mr. Speaker, I was not present, but I want to vote "no."

The SPEAKER. The gentleman does not qualify.

Mr. JOHNSON of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is absent on account of illness. If present, he would vote "aye."

Mr. SCHNEIDER. Mr. Speaker, my colleague, Mr. PEAVEY, is absent on account of illness. If present, he would have voted "aye."

Mr. BRITTEN. Mr. Speaker, I was not present during the roll call, but if here I would have voted "aye."

The result of the vote was announced as above recorded.

ADJOURNMENT SINE DIE

Mr. TILSON. Mr. Speaker, I offer the following resolution and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Concurrent Resolution 41

[70th Cong., 1st sess.]

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5 o'clock p. m.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by several Members) there were 306 ayes and 57 noes.

Mr. SCHAFER and others demanded the yeas and nays.

The SPEAKER. The yeas and nays are demanded. All those in favor of taking the question by the yeas and nays will rise. [After counting.] Twenty-seven Members have risen, not a sufficient number, and the yeas and nays are refused.

So the resolution was agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. The hour for final adjournment having been adopted, there will be no rules governing this body for the remainder of the session—the rules are suspended from now on?

The SPEAKER. After the resolution is agreed to by the Senate the Speaker can recognize Members to suspend the rules.

BOULDER DAM

Mr. SMITH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5773) for the construction of works on the Colorado River Basin, and so forth.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The Clerk will complete the reading of the amendment offered by the gentleman from Arizona.

The Clerk read as follows:

SEC. 3. That for the purposes of erecting such flood-control structures on the Colorado River and of defraying salaries and expenses of said board of engineers as fixed by the President, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,300,000, or as much thereof as may be necessary.

SEC. 4. That construction of said structures, if they be dams, shall not be commenced until the Colorado River compact, signed at Santa Fe, N. Mex., November 24, 1922, shall have been ratified by the States or Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and shall have been approved by the Congress of the United States; or until all of said States and the Congress shall have agreed by compact that no title to waters in excess of present perfected rights which may be stored by such flood-control dam shall be acquired.

SEC. 5. The Colorado River compact signed at Santa Fe, N. Mex., November 24, 1922, pursuant to act of Congress approved August 19, 1921, entitled "An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," is hereby approved by the Congress, such approval to become effective when said compact shall have been approved and ratified by the respective legislatures of the said seven States.

SEC. 6. That the Republic of Mexico is hereby placed on notice that waters stored by any dam which may be constructed under this act are for use solely within the United States.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. SWING. Mr. Speaker, I want to add to arguments to the point of order, that it substitutes a complete new plan for the bill now pending before the House. The amendment provides that the Secretary of War shall take certain action with reference to this river problem while the bill provides for the Secretary of the Interior having control.

The amendment takes the location away from the Boulder Dam site fixed in the bill and leaves the location to be hereafter determined at some other place. It changes the type and character of structures to be built different from the provisions of the bill, which are for a dam power plant and canal. Under the amendment only flood-control works can be built which might be a dam or levees. In other words, the bill contains authorizations for the construction of definitely described works, while this amendment provides for the substitution of a plan which is unknown and which is to be hereafter ascertained, and therefore it must be some other kind of structures or else the change would not have been proposed and there would be no point to offering the amendment.

In addition to that the bill pending before the House according to its title is to provide for the construction of works for the protection and development of the lower Colorado River

Basin while the amendment that is offered provides for the appointment of a commission to investigate and report.

Under decisions that have been rendered in the consideration of a tariff bill, it has been held that on a bill levying specific tariff duties it is not in order to offer an amendment to authorize the appointment of a commission to investigate and report what the rates ought to be. In addition to that, this amendment contains another new and unrelated provision involving international relations with Mexico, a matter which is foreign to the bill now pending before the committee.

Mr. LAGUARDIA. And, Mr. Chairman, may I add to the statement made by the gentleman from California [Mr. SWING], that the purpose of the amendment is to hold all operations in abeyance pending the ratification of a certain compact.

Mr. DOUGLAS of Arizona. Mr. Chairman, it is my understanding—and I think it has been stated very clearly by the distinguished minority leader, the gentleman from Tennessee [Mr. GARRETT]—that an amendment is germane when the fundamental purpose of the amendment is consistent with the fundamental purpose of the bill which it proposes to amend. The bill to which my amendment is offered provides for flood control. It does not designate the site, as the gentleman from California [Mr. SWING] has stated, and I refer the Chair to page 2 of the bill, where it is provided that a dam shall be constructed at Black Canyon or Boulder Canyon, or over a length of approximately 30 miles, on the Colorado River. The bill authorizes the Secretary of the Interior to construct certain works. The bill provides for the ratification of the Colorado River compact by the Congress, which ratification is to become effective when six of the seven States party to the compact shall have approved it. The bill provides for an additional investigation, and I refer the Chair to section 14. It has been contended, with reference to the international question by the gentleman from California [Mr. SWING], that the bill implicitly provides that all of the stored waters must be used in the United States. If that be true, then the gentleman from California can not object to a more explicit statement of limitations to be placed upon Mexico. Those, Mr. Chairman, are the fundamental purposes of H. R. 5773.

What are the fundamental purposes of my proposed amendment? It provides for an investigation which is provided for in section 14 of the bill. It provides that as a result of that investigation there shall be determined a site or sites at which flood-control structures are to be erected on the Colorado River.

The only difference with reference to the specific location of sites at which structures are to be erected as between my proposed amendment and the bill which it seeks to amend is a difference of degree. The amendment which I have offered does not provide a specific site, nor does it limit the length of the river upon which it may be located to 30 miles. The bill which my amendment seeks to amend is greatly more specific as to where the structures are to be erected, but it does not designate the site at which the structures are to be erected, for the reason that it is stated in section 1 on page 2 that the dam shall be built at Black Canyon or Boulder Canyon. The distance between the two points is over 30 miles, so that the only difference between the amendment which I have offered and the bill which is to be amended with reference to the definite designation of the site is one of degree. The amendment authorizes the Secretary of War to construct flood-control structures. It does not provide that the Secretary shall construct a dam. The bill which is sought to be amended is different in that respect, in that it does specifically authorize construction of a dam and does not leave to the discretion of the Secretary of the Interior the construction of levees in lieu of the dam. The amendment provides for the appropriation of a certain sum of money to defray the expenses of constructing the flood-control structures and to defray the expenses of the Board of Engineers. The bill before the House provides for an appropriation for a flood-control structure, and it likewise provides for an appropriation for an investigation. The amendment provides for a ratification of the Colorado River compact. The bill which is before the House likewise provides for the ratification of the Colorado River compact.

There is one difference, however, which I must state in this connection, and that is that my amendment provides, in the event that the Colorado compact is not approved by the legislatures of seven States, for the ratification of another compact which shall provide that all the States shall waive title to any waters in excess of the present perfected title which may be stored by any dam which may be constructed. That is a difference between the amendment and the bill, but I submit to the Chair that it is not a difference of such magnitude as to make the amendment inconsistent with the fundamental purpose of the bill before the committee. The amendment contains a legislative notification to Mexico that any waters which may be stored by a dam constructed under the terms of the amendment shall be for exclusive, beneficial use within the United States. I submit that although there is not a specific provision similar to that in the bill which is to be amended, that provision in the amendment does not constitute a sufficiently great difference to rule the amendment not germane upon the ground that it is inconsistent with the fundamental purposes of the bill which it seeks to amend.

I submit that the amendment contains, with the exception of two minor things, nothing more than is contained in the bill which is to be amended, and, therefore, I submit to the Chair that the fundamental purpose of the amendment is consistent with the fundamental purpose of the bill which it would amend.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Arizona [Mr. DOUGLAS] is in the nature of a substitute for the bill under consideration.

Now, the rule is that where an amendment by way of a substitute bill is offered, if the substitute effects the same general purposes that the bill under consideration seeks to effect and in the same general manner as the purposes are sought to be effected by the bill under consideration, it is germane, even if it be not germane section by section to the specific sections of the original bill.

However, an examination of the bill under consideration discloses that it provides not only for the control of floods, but it provides also for the distribution of the water so stored, both for domestic uses and for irrigation. It provides for the creation and distribution of electrical energy, while the amendment under consideration deals simply and solely with the control of floods. Consequently and obviously it is not germane to the bill under consideration, and the point of order is sustained.

Mr. SWING. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. SWING: At the end of section 1 insert "*Provided further*, That the Secretary of the Interior is hereby authorized and directed to appoint a board of five eminent engineers and geologists, at least one of whom shall be an Engineer officer of the Army on the active or retired list, to examine the proposed site of the dam and review the plans and estimates made therefor before beginning construction, and to advise him from time to time as he may require as to matters affecting the safety, feasibility, and adequacy of the proposed structure and incidental works, the compensation of said board to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including per diem of not to exceed $6 in lieu of subsistence, for each member of the board so employed for the time employed and actually engaged upon such work."

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer a substitute amendment.

Mr. SWING. Mr. Chairman, I ask for recognition. I am willing to let the gentleman from Arizona submit his amendment to the House. I ask unanimous consent that the gentleman's amendment be read for information, not out of my time.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Arizona.

The Clerk read as follows:

Substitute amendment offered by Mr. DOUGLAS of Arizona to the amendment offered by Mr. SWING: Page 2, line 6, after the words "Colorado River," strike out "Black Canyon or Boulder Canyon" and insert in lieu thereof the following: "At a site or sites selected by the board of five independent engineers of unquestionable national reputation which the President of the United States is hereby authorized to appoint and which shall examine into and investigate the Colorado River for the purpose of making recommendations to the President as to the most feasible and most economic method of obtaining the objects desired."

Mr. SWING. Mr. Chairman, in my opinion there has been ample and sufficient engineering to authorize Congress to proceed upon this project, but in view of the fact that there has been some criticism by the opposition, and in view of the fact that this will be a structure in excess of any structure that has heretofore been built, and inasmuch as it involves the safety of human life and property, I am as anxious as any man on this floor can be to see that the structure is made safe and sound for the people who live below it and for the property it is designed to protect, and, secondly, to protect the United States' investment in the dam.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. SWING. Not now. I have here nine volumes of engineering reports. Here are five volumes of typewritten hearings in which the matter has been gone into fully. Practically all

the engineers agree that either the Boulder or Black Canyon site is the place for the first dam to be built. The two sites are virtually the same because they would hold the water in the same reservoir.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield there for a statement of fact?

Mr. SWING. I am referring to the statements of engineers before the Reclamation Committee made during the exhaustive hearings in 1924.

Mr. DOUGLAS of Arizona. I refer the gentleman to those statements.

Mr. SWING. This provision included in the amendment I have offered is simply an added precaution and safety. It is action that would be taken anyway by the Secretary of the Interior without the amendment. This amendment has been submitted to the Secretary of the Interior and has received his approval, and I ask its acceptance.

Mr. DOUGLAS of Arizona and Mr. LEATHERWOOD rose.

The CHAIRMAN. Does the gentleman from Utah yield to the gentleman from Arizona?

Mr. LEATHERWOOD. I yield to the gentleman from Arizona, but I want to be recognized afterwards.

Mr. DOUGLAS of Arizona. Mr. Chairman, I agree with the gentleman from California [Mr. SWING] that a real engineering investigation is an essential, prior to the injection of the Federal Government into the construction of a project the magnitude of which is scarcely appreciated by anyone.

I take issue with the gentleman from California, however, with reference to the method by which that investigation should be obtained. I point out to Members of this House that the Secretary of the Interior last year appointed four special advisers, three of whom had already committed themselves to the project before they were appointed as impartial advisers. One of them had been the governor of a State which for years had been advocating the passage of the act. Another, Mr. W. F. Durand, for 19 years had been in the employ of the Los Angeles Bureau of Power and Light. He also had committed himself definitely in favor of the project. The third was Governor Emerson, who represented a State which was in favor at that time of favorable action on this legislation.

I submit that if there is to be an honest and an adequate engineering investigation made of the proposed project it should be made not by engineers to be appointed by the Secretary of the Interior but, on the other hand, by engineers to be appointed by the President of the United States. I have confidence that the President of the United States will appoint engineers of sufficient independence of mind and of sufficient freedom from political influence to submit to him and to the Congress the truth about the project, but in view of past performances I can not say I have the same amount of confidence in the Secretary of the Interior.

Mr. LAGUARDIA. Does the gentleman believe that good consulting engineers are available at $50 a day?

Mr. DOUGLAS of Arizona. If the gentleman will read my amendment and section 14 of the bill, he will find that there are adequate funds appropriated in the bill for the investigation.

Mr. LAGUARDIA. I was referring to the other amendment.

Mr. DOUGLAS of Arizona. I also take issue with the gentleman from California when he says that the project has been adequately engineered, and I refer him to page 69, Volume V, of the Weymouth report, on which the bill is predicated, in which Mr. Weymouth himself says "The designs are of a preliminary nature and that should the dam be built a great many additional studies would be required."

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DOUGLAS of Arizona. I also call the gentleman's attention to the statement made by Mr. Weymouth on page 33, I believe it is—if it is not I will point it out to the gentleman—of the ninth volume of the Weymouth report, in which, in effect, Mr. Weymouth says that the cost estimate of the 26,000,000 acre-foot dam is predicated upon a curve and not upon actual detailed estimates.

I submit, Mr. Chairman, that if there is to be an adequate engineering investigation it must be made by engineers appointed by the President and not by the Secretary of the Interior.

Mr. CRAMTON. Mr. Chairman, I offer a perfecting amendment to the Swing amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Utah [Mr. LEATHERWOOD] for the purpose of discussing the pending amendment.

Mr. LEATHERWOOD. Mr. Chairman, for more than two years I have listened to the proponents of this measure declare in committee that the engineering features of this bill are perfect; that nothing remained to be done, and that the last word had been said so far as the engineering connected with this bill was concerned. I have been astonished to hear two of the prominent proponents of the bill admit here on the floor of the House in debate that they knew so little of the bill that they did not dare yield for a question from the opponents of the bill. I am now astonished to hear for the first time that the engineering connected with this bill is so imperfect and so crude that it is necessary to attach a legislative amendment, incurring great and additional cost, for the Secretary of the Interior now to go out and find out whether he has a real and good place to build the dam or not. It is said that confessions are good for the soul, and I am glad to hear the proponents of this bill gradually confess that they do not know anything about it.

Mr. CRAMTON. Mr. Chairman, I offer a perfecting amendment for the Swing amendment. At the end of the Swing amendment I move to amend by inserting the language I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment to the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the amendment offered by Mr. SWING: At the end of the amendment strike out the period, insert a semicolon, and add the following proviso: "*Provided*, That the work of construction shall not be commenced until plans therefor are approved by said special board of engineers."

Mr. CRAMTON. Mr. Chairman, I have a great deal of confidence in the engineers who have favorably reported upon the feasibility of the construction of the dam in question. I do not understand that any such conclusion is to be drawn from the amendment offered by the gentleman from California as is suggested by the gentleman from Utah, but it is true, as the gentleman from California has suggested, that much study must be given in the actual working out of definite and final plans. Therefore the gentleman from California has offered his amendment, but my reading of the amendment leaves me in doubt as to what would be the function of that special board of engineers, and inasmuch as the engineering phase of this question is of so much importance I believe it desirable that the bill state definitely just what is the function of that board.

The Swing amendment provides that the board shall study and review; but in the event the board should disapprove the plans for the construction of the dam then what would be the authority of the Secretary of the Interior as to proceeding with construction? I think it should be made clear. It is not unusual to have a board of consulting engineers and such boards have been formed with respect to many other projects. I remember we did that in connection with the San Carlos project. After we had authorized the project and had commenced to spend money on the project we provided for a consulting board of engineers. I think it should be clear that if we have such a board, and after their study they say the plans are not desirable, then I think the Secretary should be stopped from proceeding thereunder. I understand my amendment is agreeable to the gentleman from California.

Mr. SWING. I have no objection to it.

Mr. COLTON. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield, certainly.

Mr. COLTON. If the amendment prevails and there is any danger such as the gentleman has indicated, could not the Secretary of the Interior and would he not likely appoint this board right from the Reclamation Service?

Mr. CRAMTON. My amendment does not affect the appointment of the board. My amendment only has to do with the effect of approval or disapproval by the board of the plans. I have no fear as to the make-up of the board. It is the custom of the Secretary of the Interior in appointing such boards to choose engineers entirely apart from the regular governmental service.

Mr. COLTON. But there is nothing in the amendment that provides for that.

Mr. CRAMTON. No; and, so far as I am concerned, having some familiarity with the practice of the department and some knowledge of the Government engineers connected with the Reclamation Service, I would not think it an entire disaster if they were included, but to include them defeats somewhat

the purpose of the amendment. The services of the engineers of the Reclamation Service are available already. This amendment is to supplement their service by a board of engineers outside of the Reclamation Service, to give them advice, and naturally the Secretary would not appoint them from the Reclamation Service.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask that the gentleman may have two minutes additional, because I want to ask a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LEATHERWOOD. Do I understand from the gentleman from Michigan that this amendment is desirable so far as the Secretary of the Interior is concerned?

Mr. CRAMTON. The gentleman will have to make his question a little clearer, so I can understand what he has in mind.

Mr. LEATHERWOOD. Is this legislation or is this amendment desirable so far as the Secretary of the Interior is concerned.

Mr. CRAMTON. The Swing amendment or my amendment?

Mr. LEATHERWOOD. Either or both.

Mr. CRAMTON. I have had no consultation with the Secretary of the Interior with reference to either one.

Mr. LEATHERWOOD. I am somewhat in the dark, because a bill exactly identical in language and character was presented to the Committee on Irrigation and Reclamation the other day, and the chairman kindly asked me to take the matter up with the Secretary of the Interior, and I asked him if the bill had anything to do with Boulder Dam or if he intended to have any additional engineering. Unfortunately, I do not have his reply here, but he stated that it had no connection with Boulder Dam.

Mr. CRAMTON. I am advised by the gentleman from California [Mr. SWING], and I think he has so stated on the floor, the Secretary of the Interior has approved the amendment presented by the gentleman from California. My amendment has not been submitted to the department.

I now yield to the gentleman from New York.

Mr. LAGUARDIA. I was just going to point out to the friends of this bill that under the gentleman's amendment the construction of this project can be held in abeyance indefinitely until plans that are approved are submitted.

Mr. CRAMTON. I think even the friends of the project want to be sure of the plans before they go ahead.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that we may have the Swing amendment, as proposed to be amended by the amendment of the gentleman from Michigan [Mr. CRAMTON] read for information.

The CHAIRMAN. Without objection, the Clerk will again report the Swing amendment and the Cramton amendment.

The Clerk again read the Swing amendment as proposed to be amended by the Cramton amendment.

Mr. DOUGLAS of Arizona. Mr. Chairman, I would like to state that I agree with the gentleman from Michigan——

The CHAIRMAN. For what purpose is the gentleman from Arizona occupying the floor?

Mr. DOUGLAS of Arizona. I would like to speak on the perfecting amendment to the amendment of the gentleman from California.

The CHAIRMAN. The gentleman is recognized for that purpose, but the Chair thought the gentleman had an amendment which he desired to offer.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. I understand the situation to be that the gentleman from Arizona has a substitute amendment pending for the Swing amendment.

The CHAIRMAN. No; the gentleman has not an amendment pending. It was merely read for the information of the committee.

Mr. O'CONNOR of New York. I understood that it was offered as a substitute.

Mr. DOUGLAS of Arizona. It was offered as a substitute.

The CHAIRMAN. The amendment has not yet been offered. This is what the Chair was trying to indicate to the gentleman from Arizona.

Mr. DOUGLAS of Arizona. I beg the Chair's pardon. That being the case, I now offer as a substitute amendment the amendment which has been read.

The CHAIRMAN. The gentleman from Arizona offers the amendment which has previously been read for the information of the committee.

The Clerk reported the amendment of the gentleman from Arizona [Mr. DOUGLAS].

Mr. DOUGLAS of Arizona. Mr. Chairman, I think it should be made clear to Members of the House that the great bulk of the engineering evidence is not in favor of Boulder Dam. I think it should be made clear to the House that this committee of five of the most eminent engineers that can be found reported to the American Engineering Council, none of them in the employ of the power company, although some have been consulted by power companies, and made the very definite and specific recommendation as to what should be done with reference to the engineering features of the proposed project.

That board or committee stated that the evidence was not conclusive, either that the project was sound from an engineering point of view or an economic point of view, but said that before either the Federal Government or private capital would be justified in undertaking the terrific expenditure involved in the construction of this project a further and complete engineering investigation should be made of the Colorado River.

The gentlemen from Colorado and California have stated that the Southern California Edison Co. in 1924 testified before the committee that it would build Boulder Canyon Dam. I defy the gentleman from California to point out any such statement made by Mr. Ballard or Mr. Barre or any representative of the Southern California Edison Co. He will find that Mr. Ballard testified that his company would spend thirty or forty million dollars a year in the development of a project on the Colorado River, but that it would not be necessarily located at Boulder Dam, but, he said somewhere in the lower section. I think, although I am not certain of this, that he will find that Mr. Barre, representing the Southern California Edison Co., testified that it was to be located at Hualpai Rapids and not Boulder Canyon.

I submit that inasmuch as all Government engineers except those of the Bureau of Reclamation have disapproved the Boulder Canyon site, inasmuch, Mr. Chairman, as the money for the investigation by the Bureau of Reclamation was advanced by the city of Los Angeles and affiliated agencies with the specific provision that the moneys must be applied to the Boulder Canyon investigation and no other, and inasmuch as the Boulder Canyon or the Black Canyon are the only two dam sites that have ever been drilled by the Government—except four holes at Bulls Head—that it can not be unanswerably maintained that the bulk of the engineering evidence is in favor of Boulder Canyon.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, Boulder Dam has become a national problem. It no longer concerns the States directly benefited; it now concerns the whole Nation. Many of us here in the House distant from the Pacific coast are as much interested in this great project—have given it as much study and are as anxious for the passage of this bill—as the Members from southern California, Colorado, or Nevada. I want to point out to the sponsors of the bill, and I do so in all friendliness, that they should guard against weakening their position. By that I mean that all amendments should be resisted, amendments coming from opponents of the bill and enemies of Government operation.

Mr. Chairman, it is not our purpose to work out the engineering features of this project. That is not our job. It is our duty to pass an act providing for the construction of the dam, the construction of the canal, and the construction of the power plant. The type of construction, the engineering calculations, and the details of construction do not enter into the legislative end of this great undertaking. Yes, I have heard doubt expressed on the floor of the House by Members who are so bitter against Government operation and who seemingly believe that government exists and people live only for the purpose of enriching greedy public-utilities corporations. Yes, I have heard timid men express grave doubt whether this project is feasible from an engineering point of view. We have even heard it stated on the floor of the House that the dam could not be built, that it would not function, and even predicted that the wall would soon give way and a terrible catastrophe happen. Such timidity, such fears, such doubts, and such evil forebodings always accompany the initial steps of great undertakings. A mere moment of reflection in the past will recall the abuse and the criticism directed against DeLesseps when he suggested the building of the Suez Canal. It was impossible, the timid ones cried, before the building of the St. Gothard

Tunnel, which pierced the Alps. The Eiffel Tower, which blazed the way for the building of our own skyscrapers, was decried as a foolhardy, impossible task that would one day crumble down and kill thousands of people. Poor DeLesseps was again hounded when he undertook the building of the Panama Canal and was defeated in that undertaking not only by the crooks, but more than anything else by the pessimists. Why, gentlemen, go over yonder to that little room and take from the shelves the CONGRESSIONAL RECORD containing the discussions prior to the authorization for appropriations for the building of the Panama Canal by the United States and you will find the same kind of talk that we have heard against this very bill. It can not be done; its engineering all wrong; the locks will not hold.

The locks are not practical—the same kind of talk that has been urged against this very project. One gentleman complained that the bill does not provide for the necessary power and machinery, I think it was, for the construction of the dam. Well, what of it? It is not the legislative function to attach blue prints of steam shovels and temporary power plants for the construction of an undertaking. So that all this timidity, all this expression of fears, is to be expected in opposition to any great undertaking, to any new project. Men of vision, men of courage, men desirous of rendering useful service are not at all discouraged or disheartened by such opposition.

I am not so sure that the amendment just offered by the gentleman from Michigan is at all necessary if this bill will pass the other body during this session. If the bill should pass the other body, I do not hesitate to say that the amendment weakens rather than strengthens the bill. If the bill should not pass the other body during this session, provisions can easily be made to carry on and continue the studies of this great project during the recess period. The bill will surely pass either this or the short session, and the project will be built for the simple reason that no opposition, no vicious selfishness, no power can stop progress.

I want to say at the outset that what I have said as to the opposition and what I shall say particularly to the lobby and Power Trust interests is in no way personal or to be construed as a personal criticism of any of my colleagues who are opposed to this bill. The gentleman from Arizona [Mr. DOUGLAS] has made as able a presentation of his side of the case as could have been made. The justification of his opposition is, of course, a matter of personal judgment and his own conscience. I am sure every Member of the House admires the splendid presentation and the thorough study he must have given to this project. He has demonstrated without doubt his ability, and, in fact, his keenness, readiness, and ability reminds one of the younger Pitt and he has the added charm and personal attraction of a Disraeli. [Laughter and applause.]

The gentleman from Arizona dwelt at length on the engineering difficulties. That, I believe, is answered as I have just stated, by the fact that the dam will not be built by Congressmen and Senators, but by experienced, competent, and qualified engineers. As to the engineering side of the question there can be no doubt. Then the gentleman from Arizona joins with others, some of whom have acquired quite a reputation as constitutional lawyers, in contending that the bill is not constitutional. Anyone serving in this House will know that the cry of unconstitutionality is always raised in opposition to measures where logical, sound, or economic reasons are not available.

I do not hesitate to say that if the Constitution had been adopted yesterday, just as it was a hundred and forty years ago, and we were considering this bill to-day, the building of this dam, and of a power plant by the Government might be declared unconstitutional. If the Constitution had been adopted yesterday, the framers drafting that document and the people of the various States ratifying it, having knowledge of present-day conditions, the development of electricity, the need of power amounting to a necessary of life, the development of irrigation and the present advanced stage of hydroelectric plants, would of course by its silence on the subject exclude the Federal Government from building the dam and operating a power plant. But gentlemen, the Constitution was not drafted yesterday; neither was it ratified and adopted yesterday. When the Constitution was drafted and adopted, electricity had not yet been developed. Very little was known about it. It had not even advanced very far in the laboratory stage. Hydroelectric power was then not even dreamed. Flood control was not a menace for the reason that the population was so small and available land so plentiful that people could live distant from flood areas. There was only one means of communication, and that was by coach. And coaches traveled on roads. That was the only known means of communication, and the Constitution specifically gave to the Federal Government jurisdiction over and the power to build and maintain post roads. The Constitution gave to the Federal Government the power to regulate commerce between the States and the foreign countries. There is no doubt, there can be no doubt, that the then every known means of communication and the control and regulation of commerce was vested in the Federal Government. There was no question about it.

There was not even any debate about it. The commerce clause of the Constitution was adopted by the Constitutional Convention without debate and by unanimous vote. Now as to navigation, it can not be seriously contended that by reason of the very little, if any, commerce on the Colorado at the present time that the Federal Government can not embark on an undertaking to do anything it desires to promote navigation on that stream. It was never doubted, it was never questioned, and from the earliest days, both in practice and by decisions of the Supreme Court, the power to regulate commerce was construed to give to the Government control and jurisdiction over navigation and all navigable streams. It was held in the very early days and is the law to-day that the size of the stream, the depth of the water, the amount of commerce has nothing to do with the jurisdiction of the Federal Government.

Any stream, regardless of size and depth, on which a canoe can be floated comes within the provisions of the Constitution and the jurisdiction of the Federal Government can not at this late day be questioned—

> To regulate in the sense intended by the Constitution is to foster, protect, control, and restrain with appropriate regard for the welfare of those who are immediately concerned and of the public at large.

Surely no living legislator, no Member of a Congress which only a few days ago passed a flood relief bill of such proportion, far-reaching effect, and enormous cost, will question or can question the power of the Federal Government on such matters. Why, in the last rivers and harbor bill there were many items carrying large appropriations for insignificant ditches that never will have a steamboat on them. There can be no question as to the power of the Government to appropriate money and to dredge and work on these streams. Whether it is judicious or prudent to do so is not the test—the constitutional test. To go back to the flood, if it is constitutional and it is not questioned, to appropriate several hundred million dollars for the control of flood in the Mississippi Valley, surely it is constitutional to authorize the appropriation of $31,000,000 for the control of flood in the Imperial Valley. I challenge any of the constitutional authorities in the House to say that one is constitutional and the other is not. Will the gentlemen who claim that the flood-control feature in this bill is merely a pretext want to urge that the Mississippi flood-control appropriations are constitutional because a flood has already occurred in that region? What a silly position to take. Since when is a catastrophe a necessary condition precedent to a constitutional power of the Federal Government? We did not appropriate several hundred million dollars for the control of floods in the Mississippi Valley because of the last flood. The money was appropriated, the Federal Government has jurisdiction and the power to spend that money, and that was done and will be done to protect the people of that region against floods in the future. No one can tell when another flood will occur. It may never occur. So in the Imperial Valley, no one can tell when a flood will occur. It may never occur. But the remoteness of the time of the catastrophe has nothing to do with the constitutionality of a law providing protection against such catastrophe, regardless of the time of its expectancy. So, gentlemen, there is nothing to the argument that because there has not been a flood in a long time, or because the value of wealth produced in the flooded area is less than the cost of providing flood relief, the Federal Government should not interfere, or if it desires to interfere has not the power to do so.

Therefore no question can be raised or opposition urged in the face of what this Congress is doing and every Congress before it has done to the bill now under consideration in so far as providing for a project which will improve the navigability of the Colorado River and afford flood protection to the Imperial Valley. That leaves one question. I do not fear to face it. That leaves the one question of whether or not the Federal Government as an incidental to the project or undertaking of regulating navigation and a flood control may build a power plant. We now return to the conditions in the country and the stage of electricity at the time the Constitution was adopted. We can not and no court would dare to say that the Federal Government can not have, and should not have, jurisdiction and control over radio communication because the Constitution is silent on the question of radio. No one would urge that the

Federal Government can not establish regulations for the construction, factors of safety, and other details of a steamboat, because steamers were unknown at that time. Would anyone urge that because refrigerators and cold storages were unknown when the Constitution was adopted that the Federal Government can not regulate and supervise shipments of cold-storage meats and other food products? It does. Constitutional limitations must necessarily be construed in the light of changed conditions. It is left for each age to say what the laws for that age shall be. The question put bluntly and squarely resolves itself to this: Given a navigable stream, running through several States, receiving the waters from several tributaries originating in several States, and given the necessity of the Federal Government to regulate this stream for the purpose of navigation by providing a uniform flow of water throughout the year, and given the existence of the danger, no matter how remote, of flood in a region contiguous to this stream, and given the necessity of building a huge dam to carry out both of these purposes, has the Federal Government the power to utilize this same water for the purpose of turning a turbine to generate electricity? That is all there is to it. I do not fear the outcome of any test of constitutionality that may be applied. With changed times, with changed conditions, with the advancement of science and electrical engineering, the time will come, and not in the very distant future, when the right of the Federal Government to utilize any stream for hydroelectric purposes will not be questioned.

Mr. TUCKER. Then the gentleman seeks to get into court under the commerce clause and build a great hydroelectric plant?

Mr. LAGUARDIA. Exactly; and I make no bones about it. The gentleman knows I am always frank and never hesitate to come out with the truth.

Of course, this matter of constitutionality is elastic. The Constitution is not so rigid and inflexible that its provisions can not be adopted and applied to the conditions existing in the age in which we are living. Why, the flexibility of the Constitution was put to an extreme test a few days ago. This House passed a bill appropriating $5,000,000 to construct and maintain a road from here to Mount Vernon. The propriety, the necessity, the prudence of the Government building that particular road and maintaining it forever hereafter were questioned. But what interested me most of all is that some of the most scholarly constitutional authorities in this House were strong for that bill and are opposing this Boulder Dam project on the ground of its constitutionality. It is indeed interesting to note how these gentlemen justify and square their attitude toward the road and against this project. As against this they say that the question of navigation and flood control is a mere fiction and that under that pretext the Government has no right or power to construct and operate a power plant. But as to the Mount Vernon Road, one of these scholarly gentlemen said that the Government was justified in building and maintaining this road under the express grant in the Constitution to build and maintain post roads, although he admitted that there would never be an ounce of mail carried over this road. Another constitutional authority in the House, opposed to the Boulder Dam project, stated to me that the road could be justified as a military necessity, and admitted, too, that in all likelihood troops would never use it or a cannon lumber down its highway. While the third gentleman who has expressed doubt as to the validity of this bill said that he was certain of the propriety of the Government building and maintaining the Mount Vernon Road on the ground that the Government, being charged with maintaining an Army, was necessarily charged with burying its dead soldiers; that a Commander in Chief of the Army was buried at Mount Vernon, and that necessarily carried with it the power and authority to build a road to that grave. I submit, gentlemen, and I submit to my colleagues to whom I am referring that it is not necessary to bend or strain the Constitution to any such extent in order to make it applicable and justify every provision in the Boulder Dam bill.

Why, gentlemen, this bill before us is the most engaging piece of legislation that has been considered by the American Congress since the building of the Panama Canal. Just pause for a moment to contemplate what we are doing. It can not but appeal to the imagination of every man and woman of this House. Here we have a huge watershed forming into a tremendous stream passing through several States and of practically no use and serving no beneficial purpose. Nature in its hurry seemingly to do other things left her job unfinished.

Imagine this huge canyon to be dammed by a wall over 600 feet high, creating a gigantic natural reservoir site impounding 26,000,000 acre-feet of water. Millions and millions of horsepower now going to waste year after year will be harnessed and utilized to generate electricity which will be sent hundreds of miles and bring cheer, comfort, and move the wheels of industry. Just think of this stream overflowing and rushing on in one season of the year and a limping, useless creek at other times of the year being turned into a magnificent stream with a daily uniform flow of water throughout the year to be utilized as a great artery of commerce for that region of the country. The Imperial Valley, now threatened by flood, to be secured in its safety with a constant supply of water to irrigate its soil and increase its productivity. The project is thrilling, and one must really lack in vision or be so one sided in seeing only dividends and coupons for private corporations to fail to register in considering this great undertaking. Boulder Dam in its gigantic proportions, in the very difficulty of the task, has brought out the creative genius of man. It has called forth for the best that this country can give to march forth to correct the defects of nature. Just as it has brought forth the best that there is in men, just as it has urged the most noble instincts of men to be of service to humanity, curiously enough it has brought forth the vilest, the basest, and emphasized to an unheard-of degree the meanness that men can resort to when motivated only by greed and selfishness. We can not in the consideration of this bill avoid speaking very frankly about the forces that have been opposing this project for the past six years. Opposed to this bill there has been the most vicious, disgraceful venal lobbies that ever existed in the history of the world. [Applause.] Talk about propaganda. Some of the gentlemen opposed to this bill, and I want to say I am sure they are opposed owing to misunderstanding as to the effect on certain localities—they have spoken about propaganda. They have talked about newspaper articles. Why, gentlemen, there never has been a more determined, persistent, organized, systematized opposition to any measure than has been fighting this bill for the past six years up to this very day. A ruthless opposition provided with unlimited funds based on a selfish, greedy purpose to control all of the power in this country and to have not only the health and happiness of the people but the entire industry of the country, at their mercy. Gentlemen, the Power Trust and the power lobby are not fiction. The Power Trust is not a mere figure of speech. There is a Power Trust. There is this tremendous control of the public-utility corporations of this country.

Only here and there where we have municipal owned and operated power plants or gas plants have the people any relief. It is by these isolated cases of municipally owned and operated plants that we know positively the extent of the exploitation of this greedy, disgraceful trust managed by vicious, greedy, avaricious men with no sense of decency or propriety. Eighty per cent of the national production of gas and electricity is now in the hands of 15 holding and operating groups. These 15 holding groups are united in the opposition to this and other Government projects, whether State or municipal, and one of its operating agencies is the joint committee of national utility associations. The hang out or den—I want to make sure not to designate it as an office or headquarters—of the joint committee of national utility associations, from whence its nefarious, corrupt, and disgraceful practices emanate, is at 420 Lexington Avenue, New York City. The five companies which control half of the whole production are the Electric Bond & Share, Insull, Northeastern, North American, and Byllesby interests. The Federal Trade Commission is now going into these facts, and before it is through with its investigation—and I hope by the time we get back in December we will have the official figures showing the control of this vicious trust.

In 1927 alone this trust has increased its power by getting control of no less than 828 individual companies. The lobby has worked on legislatures in every State of the Union. Wherever there is in contemplation the acquisition by either State or municipality there you will find this same lobby opposing the project and carrying on its foul, vicious, and corrupt practices. Yes, gentlemen, it has been working in districts in every State. With its sop of letting the public buy some of its stock, always keeping control themselves and making the dear public believe that it owns the local electric light company, it not only has exacted exorbitant fees but it has wielded influence over public officials through pressure brought by these misguided stockholders who believe they own the company.

While it is seeking to prevent legislation, with its lobbies all over the country, it has carried on a campaign of misinformation, of deliberate lies in civic, political, women's, and other clubs throughout the country. An army of trained and able speakers willing to utter words put in their mouths by this

vicious source at so much a speech have appeared in various forums and before all these clubs as public-spirited speakers and not disclosing that they were the paid mouthpieces of this vicious organization. Not only that, gentlemen, but this lobby and this Power Trust, through the agencies that I have mentioned, have gone so far as to buy and pay for the kind of instruction that it desires to be given to American children in public schools and private colleges. So convinced is the Power Trust of the unnatural existing conditions, of the utter lack of fairness in having a necessary of life under an absolute monopoly, so certain are they that without the artificial stimulus of misinformation, corruption, and graft they can not continue to exploit the American people, that they are willing to spend part of their ill-gotten profits to subsidize or bribe, to use the proper term, instructors to warp the minds of pupils and atrophy the power of thinking of the coming generation. Oh, gentlemen, you gasp. Wait until you read the complete hearings of the investigation now being carried on by the Federal Trade Commission. And without waiting for that report let me tell you I have right here in my hands a photostatic copy of a check for $10,000, being the one-third annual subsidy for this kind of inspired scientific knowledge. This check is dated January 27, 1928, made out by the National Electric Light Association to the Graduate School of Business Administration of Harvard University. Thirty thousand dollars a year to this school. Now, we go a little farther West. I have here a photostatic copy of a check on the Bankers' Trust Co. of New York, made by the same National Electric Light Association, for $12,500, being half the annual subsidy of $25,000 for the school of land and public utility economics of Northwestern University. Here is a check for $407 paid to Prof. Theodore J. Grayson, who holds a chair in the University of Pennsylvania and who goes out and lectures as a professor of the university on public utilities, always, of course, against Government operation and never disclosing that he is the hireling at so much a speech of the Power Trust. The check is dated October 21, 1927, and is drawn by the joint committee of National Utility Associations I referred to a while ago. How about this for camouflaged respectability? I have here a photostat of a letter from the New Jersey Gas Association which involves three newspapers of that great State receiving "inspired" information. No doubt the details will be brought out by the Federal Trade Commission investigation.

To give you an idea of the undercover methods of the sly, sneaky way this gang of power companies worked themselves into the college, this is what Mr. J. S. S. Richardson, in the employ of the associations, stated:

> My committee recently arranged with a leading publishing house to make corrective suggestions prior to the publication or republication of textbook issues. I am inclosing outlines of the public utility courses recently run in the University of Pennsylvania and Temple University. The plan was put across in the usual way. We laid the groundwork circumspectedly and with care, so that the actual suggestion that such courses be started came from the faculties of the institutions themselves. The rest was routine.

Gentlemen, do you get that? "The plan put across in the usual way." The "usual way" being, of course, payments of cold cash. How they worked "circumspectedly and with care," how they were careful that it should not be made public that the "suggestion" came from the Power Trust. If the purpose was honest, there would have been no necessity of this underground, roundabout, sneaky, hidden method being employed. Why, gentlemen, the Power Trust has even gone so far as to tamper with textbooks, and in more States than is now generally known. I tell you now, gentlemen, and I will be corroborated before long, that in many of the States they have been able to get to the textbooks of the public schools and write the daily lessons of economics, public utilities, to suit their own selfish interest. What a stigma they have placed on the educational record of the students innocently attending these subsidized schools. What a bar sinister to place on the educational records of schools. How ashamed they must all feel of their schools. Why this bribery in the form of subsidies, this method of reaching the textbooks would make a student an illegitimate alumnus of an immoral alma mater. [Laughter and applause.]

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. LAGUARDIA. No, I am sorry I have not the time. Now, gentlemen, the lobby has been operating right here in Washington. I have here a photostatic copy of a statement submitted to the joint committee of national utility associations showing the expenses of a Stevens P. Davis, who is called the judge by his pals of the power gang. This is a statement showing expenses in Washington. One item shows the hotel expense and meals from January 12 to 27 at the Mayflower Hotel of Mr. Cortelyou and Davis in the amount of $1,282.14. That must have been some party. Imagine hotel bills for two, including meals and incidentals, and I am reading from the statement, amounting to a hundred dollars a day. I wonder what the incidentals were. [Laughter.]

Now the reason this attracts my attention is that Cortelyou is the president of one of the gas companies of New York City. It was this gas company, you gentlemen will remember, for I have spoken of it several times, which conducted quite an "educational" campaign to set aside a State law fixing the rate for gas. Whoever they might not have educated, they surely succeeded in educating the judge, and the master the judge appointed, and succeeded in getting a decision their way. Gentlemen, I do not hesitate to say on my responsibility that the decision on the facts in that case was not an honest decision. You all remember the exorbitant fees paid to the master and the order of the Supreme Court to refund part of the fee, and the expression of the gas company, that they were perfectly satisfied and did not want any of the money they paid the master back. I will not bore you with that now, but it is the same Cortelyou of the same gas interests in New York that is in with this power lobby, and his company is part of the committee on utility associations that has been carrying on this campaign of education, bribery, corruption, and other lofty purposes. At this very moment the gas companies in New York are seeking to establish the right to charge a fixed rate to each consumer if the consumer does not use that amount of gas. In other words, a fixed charge as a minimum to be obtained from the gas company for each consumer and a charge above that on the quantity of gas consumed. I understand there is an application pending right now by the gas companies to establish this new way of public-utility larceny. They are at this very moment looking around to debauch some judge to appoint their man as master and will take the case to court when they succeed in fixing the master. I serve warning now: Let that judge beware if such a proposition goes through and if there is a repetition of what happened in the Consolidated Gas Rate case.

Oh, of course, great and many are the arguments against Government operation. Oh, it is unconstitutional; oh, it is wasteful; oh, it is inefficient; oh, it is uneconomic, says the Power Trust and the power lobby. The sad thing is that they are able to find men in public office who will parrot these expressions. Why, the power lobby has been so active against Government operations, they have been so persistent against Government operation, they have have sent abroad so much misinformation, that it seems to me any fair-minded man can see through their real purpose. This power lobby working for the Power Trust has so disregarded decency, ethics, fair dealing, as to become a real menace to society. They are really nothing else but social cooties. [Laughter.]

Gentlemen, let us be fair on this question of Government operation. All this opposition to Government operation comes from selfish sources. Of course, Government operation is not popular when it is in the hands of opponents to Government operation. Of course, Government operation is not successful when the opponents put the Government in business that is not profitable. Why, only a few days ago right here in this House you passed the inland waterways barge bill. What did that do? Why it continued a Government operation of tugboat and barge lines on the inland waterways. You invested $15,000,000 in that corporation and not one of the opponents of Government operation and not one Member who is now opposing Government operation of this great power plant voted against that bill. Why? I will tell you why. Because in that bill you provided that the Government should invest $15,000,000, and that the Government should operate and the Government should continue to operate until there is a loss but as soon as the operation is on a profit-paying basis, then the Government is compelled to go out of business and to turn it over to a private corporation. Then the opponents of Government operation will have the cheek and the temerity to say, "Oh, look, the Government operated at a loss and now it is operated by a private corporation at a profit." It will be forgotten that private corporations would not undertake to initiate this barge service or to pioneer it to the point of bringing it up to a profit-paying basis. The opponents of Government operation were silent then. First, because they saw the necessity of the Government providing this much-needed barge service; then because it was to be turned over to private operation as soon as it was profitable; and then because it would furnish another comparison, though untruthful and unfair, between Government and private operation. Look at Cape Cod Canal. There you had just the reverse. First, private capital invested. They operated. The operation was not profitable. There were no huge profits to be

made. What happened? Then after private capital saw that they could not make any money they dumped it onto the Government and succeeded in getting a profit out of their original investment by charging the Government an excessive price. Now opponents to Government operation will say the Government can not operate Cape Cod Canal at a profit. With all the opposition and the disadvantages the Government is successfully maintaining Muscle Shoals at this time. Give the Government a chance to operate Muscle Shoals to its complete capacity and an opportunity to sell power to the consumers and it will be demonstrated what a blessing Government operation of a hydroelectric plant really is. Imagine, gentlemen, if the Post Office was operated by a private corporation. Imagine the exorbitant rates, the constant haggling for higher rates, the exploitation of its workers, without thinking for a moment the possibility of sending a letter from New York to San Francisco for 2 cents.

Another instance of how unfair this opposition to Government operation is and how unjust the charge that Government operation is not successful was demonstrated right here in the House again only a few days ago. Every opponent of Government operation has been constantly harping on the loss sustained by the Government through the Shipping Board. "Get out of business," says the Power Trust and others to the Government. "Let your ships be operated by private companies," continue the opponents of Government operation. The Government is criticized because it shows a loss in the operation of the many lines under the control of the Shipping Board. In the same breath and in support of the Jones-White shipping bill it was admitted that private companies can not operate ships at a profit, and they were here on their knees begging for a subsidy. Then why criticize the Government and blame the loss of the Shipping Board on Government operation? In fact, the Jones-White bill which passed the House and Senate makes up the losses and gives a direct subsidy to certain classes of ships, no matter what you call that subsidy. For the Government to give money to private corporations who operate under a loss is, according to the opponents of Government operation, sound, good economics, and good business. But for the Government to operate these same ships at a loss, the same loss, is inefficient, wasteful, and dangerous. So when some of us face the inevitable, and in keeping with the times, see and advocate the necessity of the Government stepping in, managing and operating for the benefit of all of the people certain natural resources, the means of transportation and communication, we are called radicals, Bolshevists, unsound, and uneconomical and with a dash of unconstitutional for good measure; but if you bow to the Power Trust, send your children to learn economics from their hired professors, put the Government in business where there is a loss, and put private capital in as soon as it is profitable, and keep the Government out of any natural function of government if it is profitable to a trust, then you are constructive, you are sound, you are constitutional, and you are a great statesman. [Laughter and applause.]

So, gentlemen, I say that, no matter what happens, this great project must be constructed, developed, and operated for the benefit of all of the people living in that region of the country. I firmly believe water or electric power can be furnished and distributed to the consumers at a fair and reasonable rate only by the Government or through one of its agencies. Let us not be blind to the past; let us not be indifferent to the present, but keep abreast of the times and without hesitancy establish the precedent now that any gift of God, whether at Boulder Dam, Muscle Shoals, the Columbia River, or at Niagara, was not put there to be given to the Power Trust to enjoy and to exploit for their own selfish interests. Let us establish the precedent right here and let us pass this bill and let it be known that from now on the people will get enjoyment of the natural resources to which they are wholly and justly entitled. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time on the amendment has expired. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CRAMTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 73, noes 3.

So the amendment was agreed to.

The CHAIRMAN. The vote recurs on the substitute offered by the gentleman from Arizona [Mr. DOUGLAS].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DOUGLAS of Arizona. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 43, noes 54.

So the amendment was rejected.

The CHAIRMAN. The vote recurs on the amendment offered by the gentleman from California [Mr. SWING], as amended.

The amendment as amended was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona: Page 3, line 8, after the word "purposes," insert a new paragraph, as follows:

"Inasmuch as improving navigation is one of the above purposes of the act, it is hereby provided that no construction shall be commenced and no money expended until the Army Corps of Engineers have reported that the appropriations authorized herein are justifiable for the purpose of improving navigation, and that the commercial benefits which may accrue from the improvement of the stream for navigation is commensurate with the appropriations herein authorized."

Mr. SWING. Mr. Chairman, I make the point of order that it is not germane.

Mr. DOUGLAS of Arizona. The gentleman is not denying that this improvement is for the purpose of improving navigation?

Mr. CRAMTON. Perhaps the gentleman does not want to make it exclusively a matter of improving navigation.

Mr. DOUGLAS of Arizona. Perhaps the gentleman does not want to improve navigation at all.

The CHAIRMAN. The Chair overrules the point of order.

Mr. COLTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. SWING. Mr. Chairman, I would like to ascertain the time that is still further desired on this amendment. I move that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DOUGLAS of Arizona. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 64.

So the amendment was rejected.

Mr. SWING. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows: Amendment offered by Mr. COLTON: Page 3, after the Swing amendment, add the following: "*Provided further,* That no work shall be commenced or expense incurred under the provisions of this bill until the Secretary of the Interior shall have submitted the measure to the Attorney General and shall have received an opinion from the Attorney General that the measure is constitutional."

Mr. LAGUARDIA. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Utah desire to be heard on the point of order?

Mr. COLTON. Mr. Chairman, it is not subject to a point of order. There may be a question of policy but certainly the amendment is germane to this section and is certainly in order.

Mr. LAGUARDIA. Except it makes the legislation subject to the viewpoint of the Attorney General.

Mr. NEWTON. That does not make the amendment not germane.

Mr. COLTON. Even that would not make the amendment not germane.

Mr. LAGUARDIA. Oh, yes, it would; it destroys the purposes of the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order.

Mr. COLTON. Mr. Chairman and members of the committee, this is one of the most important pieces of legislation that has been before this Congress in a generation. The gentleman from Colorado [Mr. TAYLOR] a while ago announced a doctrine, if I understood him correctly, which is absolutely new from a legal standpoint. He said there were three ways that the waters of this river could be allocated. First, by the Supreme Court of the United States; second, by a compact entered into between the States, and, third, under the provisions of this bill. If that means anything at all it means that the Congress of the United States can allocate the waters of that stream. Gentlemen, that is contrary to every principle upon which our whole body of irrigation law rests. If this bill does seek to

divide or allocate the waters of the Colorado River, I maintain it is absolutely unconstitutional; that it is against all of the decisions of the court that have been made with reference to this question, and it declares an absolutely new policy.

Congress has never heretofore in the history of this country undertaken to allocate the waters of a stream between the States. If this bill is passed and this measure becomes a law, certainly no expense should be incurred or any work commenced until the Secretary of the Interior has submitted it to the legal department of the Government and has found out whether or not it is constitutional.

I am simply seeking by this amendment that this vital question, which embarks the Government and the Congress upon a new policy with reference to the allocation of the waters of a stream, be submitted to the legal department of the Government. In the Western States we have maintained, and have maintained from the beginning, that the right to the ownership of the water is in the States. This undertakes to turn over the right to impound these waters, and section 5 provides that the Secretary of the Interior may arrange to distribute or deliver the water lower down the river and also under the canal that is provided for in this bill. That being true, we declare in effect that the water may be allocated by the Secretary of the Interior, and we declare further that the water may be controlled by him. That means that the Congress and the executive department are now embarking upon the policy of controlling, distributing, and allocating the waters of this river. If that is true, I say that before that new policy is adopted it should be submitted to the legal department of this Government for an opinion as to its constitutionality. In the case of Colorado against Kansas it was plainly held that the right to the water was in the States. The Government has no control except for navigation purposes. The gentleman's argument, pushed to its logical conclusion, is dangerous to the rights of all the States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. COLTON) there were—ayes, 28, noes 45.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: At the end of the Swing amendment, as amended, add the following: "No authority hereby conferred on the Secretary of the Interior shall be exercised without the President's sanction and approval."

Mr. CRAMTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. I take it that what the gentleman from Virginia desires is that the program of construction shall not be initiated without that approval, but as the gentleman's amendment reads, every time the Secretary of the Interior proposes to do something under this act, either at the beginning or subsequently, he will have to get the President's approval.

Mr. MOORE of Virginia. In answer to that let me explain the purpose of the amendment. It is not very important whether the language is exact or not, because this measure will undoubtedly go to conference if it is passed here. The general purpose of the amendment is perfectly clear, and I offer it as a friend of the measure and one who expects to vote for the measure.

Section 1 of this bill, which is such an important part of it, as it has been amended, leaves to the Secretary of the Interior, without any control whatever, the final word as to the construction of the plant at Boulder Canyon, with all of its incidents, and as to the construction of the canal. He has a free hand and there is no restraint that is contemplated.

Now, favoring the measure, I wish to safeguard the public interests. I have great respect for the present Secretary of the Interior, but we can not foresee who will be the Secretary of the Interior to-morrow.

Mr. SCHAFER. Will the gentleman yield?

Mr. MOORE of Virginia. No; not now.

And we know who was the Secretary of the Interior, with some very large discretionary powers vested in him several years ago, and I am not willing, if I can prevent it, for the Government to embark on an enterprise of this magnitude, which will involve such a vast expenditure, without giving the final word to the President of the United States instead of to the Secretary himself. [Applause.]

I do not know that I could, by any elaboration, make plainer the object of the amendment, and I do not think the committee ought to have any hesitation in adopting it along with similar subsequent amendments.

Mr. SWING. I am very glad to accept the gentleman's amendment. I think it is a very good one. [Applause.]

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. (a) There is hereby established a special fund, to be known as the "Colorado River Dam fund" (hereinafter referred to as the "fund"), and to be available, as hereafter provided, only for carrying out the provisions of this act. All revenues received in carrying out the provisions of this act shall be paid into and expenditures shall be made out of the fund, under the direction of the Secretary of the Interior.

(b) The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this Act, except that the aggregate amount of such advances shall not exceed the sum of $125,000,000. Interest at the rate of 4 per cent per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund.

(c) Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced. No expenditures out of the fund shall be made for operation and maintenance except from appropriations therefor.

(d) The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advances made under subdivision (b) at the rate of 4 per cent per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per cent per annum until paid.

(e) The Secretary of the Interior shall certify to the Secretary of the Treasury, at the close of each fiscal year, the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate, the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subdivision (b), which amount shall be covered into the Treasury to the credit of miscellaneous receipts.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word.

I should like to ask a question of the gentleman from California [Mr. SWING] and suggest one or two amendments for his consideration.

In subdivision (b) there is provision for the advance from the Treasury to the Secretary of the Interior and then provision for the payment of interest. I think subdivision (b) ought to make clear what I think is the intention, that the interest should run from the time the money is advanced. This could be done by inserting after "4 per cent per annum" the words "from the date of advance."

In connection with this I would like to call the gentleman's attention to subdivision (c). Having authorized payment of interest in subdivision (b), subdivision (c) seems to ignore it because it says, "Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced.

Mr. SWING. That is right.

Mr. CRAMTON. If the words "during construction" are dropped out there and the words which I have suggested inserted in subdivision (b), I think both points would be clarified.

Mr. SWING. Let me say to my friend and colleague from Michigan that these four paragraphs—(b), (c), (d), and (e)—were very carefully worked out by that able Assistant Secretary of the Treasury, Mr. Winston, together with the aid of two of his best men in the department. He also had the benefit of the assistance of the one who was at that time the legislative counsel of the House.

Mr. CRAMTON. Does not the gentleman think we would better use some of our own judgment, instead of relying on somebody else, when it is clear that under subdivision (c) there is no authority to pay any money for interest after construction; and the two amendments I have suggested simply clarify the language.

Mr. SWING. I think section (b) clearly provides in the last sentence that there shall be interest at the rate of 4 per cent per annum accruing during the year upon the amounts so advanced during that year.

Mr. CRAMTON. All right, let us let that go; but having authorized payment of interest, subdivision (c) practically for-

bids actually paying it except interest during construction. If you will drop out the words "during construction" the whole thing is saved.

Mr. SWING. Personally I am content to rest upon the provisions as written by the Treasury Department, and I hesitate to change them.

Mr. CRAMTON. Subdivision (c) provides that the money that has been advanced shall be available only for what? For two things—first, for expenditures for construction, and second, for payment of interest during construction. Now, there is nothing that promises payment of interest after construction.

Mr. ARENTZ. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. It will take approximately six years at the minimum to absorb the power that will be generated at this plant. This is called the absorption period. In figuring out the cost of the power to the consumer or the buyer, the municipality or the State, a price must be set, including the interest during the absorption period. This absorption period may be nine years.

Mr. CRAMTON. But that has nothing to do with subdivision (c).

Mr. ARENTZ. Yes; the interest will be included in the cost of these contracts. After the cost of construction the only revenue derived will be from the sale of power and of water.

Mr. CRAMTON. Subdivision (c) covers the use of this fund from the day you commence until possibly 50 years from now, and if you drop out the words "during construction," I will waive the other part of the suggestion.

Mr. SWING. Subdivision (b) covers only the money actually appropriated out of the Treasury of the United States into this fund.

Mr. CRAMTON. Yes.

Mr. SWING. It does not cover moneys in the form of revenue from the project, but only the actual appropriations. Now, out of these actual appropriations covered by subdivision (b), subdivision (c) provides that during the course of construction interest shall be paid to the United States Treasury. Now, afterwards there is 4 per cent interest drawn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I offer an amendment. On page 4, line 3, strike out the words "during construction."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 4, line 3, strike out the words "during construction."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were 41 ayes and 27 noes.

So the amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. DOUGLAS of Arizona: Page 3, line 25, after the word "fund," insert "*Provided further*, That before the Secretary of the Treasury shall advance such amount to the fund the contractees with whom the Secretary of the Interior may have entered into contract in compliance with the provisions of this act shall have placed in the hands of the Secretary of the Treasury trust fund bonds bearing interest at not less than 4 per cent in the aggregate amount of such advances."

Mr. DOUGLAS of Arizona. Mr. Chairman, Members of the House know I am opposed to this bill, but if the House is going to pass the bill I would like to see the Federal Government reimbursed for its expenditures. I am absolutely certain that the only way in which all of the taxpayers in the United States can be protected against the terrific loss is by a provision which will compel all the contractees to put up with the Secretary of the Treasury trust-fund bonds equal in amount to the advances made. If that is not done, gentlemen of the House, I predict that inside of 50 years you will have a deficit on your hands of approximately $300,000,000, if not more; and not an amortized project.

In view of the economic situation, if the House intends to pass this bill I submit that it would be the part of wisdom to compel the contractees to put up such collateral security as is provided by this amendment.

I appreciate that the gentleman from California is going to say that the city of Los Angeles can not, because it has not the bonding authority, but I submit this to the gentleman: That if the city of Los Angeles wants this project as much as it apparently seems to, judging from the amount of money it has spent, then it can very easily amend its charter and the Legislature of California can easily be persuaded to permit such an amendment.

Mr. SWING. Mr. Chairman, the proposal of the gentleman from Arizona is preposterous. There never has been such a complete provision in any bill to guarantee to the Government a safe return of its money as that which this bill now contains. Never before has a project been authorized where the law required that before the contract was let, before any work was done, or even before Congress made the appropriation that there should be binding contracts put up with the Secretary of the Interior agreeing to take water and power at rates prescribed by him which in the aggregate would assure the Government the complete return of its money and interest.

The gentleman from Arizona is not trying to perfect the bill, he is trying to kill the bill. He favors whatever obstacles and obstructions that will tend to delay and impede if not prevent the work. He is ingenuous and able, and I compliment him on his ability to think up these amendments for this purpose.

Mr. DOUGLAS of Arizona. Mr. Chairman, I think the gentleman has overstated the case. I am perfectly sincere and honest in offering this amendment. I have no ulterior purpose in it; I know it is the only way in which all the taxpayers in the United States can be protected.

Mr. SWING. The gentleman knows that it can not be done and never has been required in all the history of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. DOUGLAS) there were 21 ayes and 43 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this act, not exceeding in the aggregate $125,000,000.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the figures at the end of the section.

Mr. Chairman and gentlemen of the committee, I do not believe the purpose of great public projects should be held back due to legislative fear, due to the fact that some people always see ghosts when the public is about to expend some money. Early in my own legislative experience I was always afraid when the State was going to do something big somebody was going to steal a 2-cent stamp and ruin the project, but I find that a great many of these projects have turned out to be a great help to the State of New York.

I know gentlemen connected with public utilities. They are nice men, but they are not nice men, not by a dam site, on the first of the month when my bills come in for electricity, gas, and telephones. I know their philosophy. Some of them would like to monopolize the air and feed it to the public through nozzles with meters attached. Others would like to attach switches to the sun and the moon and charge us at the end of the month for this natural light. I think they ought to call the illegitimate alumnus referred to by the gentleman from New York [Mr. LAGUARDIA], John Dough, and he ought to belong to the taka-piecea-graft fraternity.

The great question here is not the fear that the Government is going to lose a lot of money, but I think the great question here is this, that we are going to write into the law the principle of public ownership, and it is going to serve as a weapon in every community that is being increasingly gouged by their public utilities, and this is a warning to the public-utility companies of the country that they have got to stop the gouging of the public, that the public has a weapon, that the Nation is willing to go into this utility business, you might call it, although some would prefer to have it called going into industrial business. But this is quite different than an industrial business. A public utility already is subject to rate regulation because of its nature, it being in the form of a monopoly. It is not a competitive industrial.

I think the speech of the gentleman from Connecticut [Mr. TILSON] has made a great number of votes for this bill. He gave the idea that the men have in mind who are outside the affected territory, and what they see in this proposition, in its being of lasting and of great public benefit. It is a strange thing to me that any time a public-utility company, privately owned, takes over a natural resource, it is a wonderful proposition, but as soon as the public wants to take it over and operate it for public use it becomes something in the nature of a catastrophe. Those outside the zone affected by this bill in voting for this bill issue a challenge on behalf of the people to the public-utility corporations of this country that they must stay within reason, or the public communities are going

to take over these utilities and operate them in the public interest. [Applause.]

The Clerk read as follows:

SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the works of structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures until the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved the Colorado River compact mentioned in section 12 hereof and shall have consented to a waiver of the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without condition save that of such six-State approval, and until the President by public proclamation shall have so declared.

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

With the following committee amendment:

Page 5, line 7, strike out the word "of" and insert the word "or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ARENTZ. Mr. Chairman, I offer the following committee amendment which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. ARENTZ: Page 6, line 6, insert a new paragraph, as follows:

"If, during the period of amortization, the Secretary of the Interior shall receive revenue in excess of the amount necessary to meet the periodical and/or accrued payments to the United States as provided in the contract or contracts executed under this act, then, immediately after the settlement of such periodical and/or accrued payments, he shall pay to the State of Arizona 18¾ per cent of such excess revenues, and to the State of Nevada 18¾ per cent of such excess revenues."

Mr. ARENTZ. Mr. Chairman, one of the safeguards in this bill provides that work shall not commence until contracts shall be entered into for the sale of power and stored water sufficient in amount to return to the Treasury of the United States all costs of the construction of the works herein provided. This amendment follows another important matter with respect to equitable and fair treatment to the States of Arizona and Nevada after yearly amortization payments have been made from the revenue derived from such contracts, for the sale of power and water, in line with the policy adopted in the enactment of the Federal water power act. Section 17 of this act reads as follows:

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

I offered this amendment to my Committee on Irrigation and Reclamation while this bill was being considered, and same was adopted by the committee. An amendment identical to this was offered to the Johnson bill in the Senate by the senior Senator from Nevada and adopted. I sincerely trust that my colleagues will accept same—providing for revenue to my State of Nevada and to Arizona from any surplus revenue to the amount of 18¾ per cent of such surplus.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

Mr. SPROUL of Kansas. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The point of order comes too late.

Mr. DOUGLAS of Arizona. Mr. Chairman, I desire to be heard, briefly, upon the amendment. The amendment means nothing. It provides for payment in excess of periodical payments to the United States, made under contract. There is no reference in the bill anywhere to any periodical payments which must be made to the United States. I submit this thought: Who is going to pay anything in excess of what he has to pay?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DOUGLAS of Arizona: Page 5, lines 6 to 21, inclusive, strike out section 4 (a) and insert in lieu thereof the following:

"SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the work or structure provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures until the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved, without condition, the Colorado River compact mentioned in section 12 hereof."

Mr. DOUGLAS of Arizona. Mr. Chairman, the purpose of this amendment is to make the bill effective when the seven-State compact which was authorized by the Congress in 1921 shall have been approved by the legislatures of the seven States.

The bill now provides that the act shall become effective when six of the seven States, through their legislatures, shall have approved the compact. I submit that to adopt the amendment is the only course which the House can pursue.

Let us see if there is in fact a six-State compact. The so-called six-State compact is nothing but a compact of exactly the same terms, saving article 11, as those contained in the seven-State compact. Now, let us see how many States are made parties to the seven-State compact. Article 2 of that compact defines the terms. It says:

The term "Colorado River Basin" shall mean the drainage area of the Colorado River system—

And so forth. It says:

The upper division means the States of Colorado, New Mexico, Arizona, and Wyoming—

And so forth. Bear in mind that those four States are named specifically. It says:

The term "lower division" means the States of Arizona, California, and Nevada.

I point out to members of the committee that by the very terms used in article 2 of the compact Arizona is made a party to it and named as a party specifically. Arizona is further named as a party to the compact in the definition of the lower basin. The next article allocates waters between divisions and between basins. The effect of the compact is this, to divide the seven States into an upper basin and a lower basin.

Four States are specifically named as included in the upper basin, and three States are just as specifically named as within the lower basin, and Arizona is one of them in the lower basin. The compact therefore allocates waters between these two groups of the seven States.

How, by simply waiving the provisions of article 11 of the compact, which makes the compact effective when ratified by all the legislatures of the States and this Congress or any State legislature, can you eliminate the State of Arizona from the terms of the compact? If the Congress attempts to do so, or if other State legislatures attempt to do so, they would be following a course which would be very similar to this example. Let us assume that there are seven men who have an undivided interest in a piece of real estate. Four of those men get together, and three of those men get together. All seven of them are named specifically in a contract to divide the undivided interest and to divide the undivided interest between two groups, one of which shall be defined as consisting of four men named by name, and the other group being defined as consisting of three men named by name.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DOUGLAS of Arizona. I ask unanimous consent, Mr. Chairman, to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. Under what theory of law can six of those seven men wipe out the seventh, who has an undivided interest, and divide his interest? That case is absolutely similar to the one which is now before you, and I submit to this Congress that Congress has no right whatsoever to attempt to strike Arizona from the terms of the compact.

Not only that, but the Congress can not strike Arizona from the terms of the compact, and therefore there is no six-State compact, and the only action that this Congress can take is to ratify the only compact which exists, namely, the seven-State compact.

Mr. WHITE of Colorado. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

Mr. WHITE of Colorado. I propose to amend the amendment by adding thereto the following.

The Clerk read as follows:

Mr. WHITE of Colorado offers the following amendment to the amendment offered by Mr. DOUGLAS of Arizona: At the end of the Douglas amendment insert: "Or if, after one year from the passage of this act, said States shall fail to ratify the said compact, then if six of said States shall ratify said compact, including the State of California, and shall consent to waive the provisions of the first paragraph of article 11 of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without conditions save that of said six States' approval, and the President by public proclamation shall have so declared."

Mr. HASTINGS. Mr. Chairman, may we have the other amendment rereported?

Mr. WHITE of Colorado. I would like to have my own amendment read in connection with the Douglas amendment, showing how the Douglas amendment would read when amended.

The CHAIRMAN. The Clerk will again report the Douglas amendment as it would read when amended by the White amendment.

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona as proposed to be amended by Mr. WHITE of Colorado: Page 5, lines 6 to 21, inclusive, strike out section 4 (a) and insert in lieu thereof the following:

"SEC. 4 (a). No work shall be begun and no moneys expended on or in connection with the work or structure provided for in this act, and no water rights shall be claimed or initiated hereunder and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures until the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved, without condition, the Colorado River compact, mentioned in section 12 hereof, or if, after one year from the passage of this act, the said States shall fail to ratify the said compact, then if six of said States shall ratify said compact, including the State of California, and shall consent to waive the provisions of the first paragraph of Article II of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without conditions, save that of said six States' approval, and the President by public proclamation shall have so declared."

Mr. WHITE of Colorado. Mr. Chairman, I would like to be recognized.

The CHAIRMAN. The gentleman from Colorado is recognized for five minutes.

Mr. WHITE of Colorado. There is no question but that all of the States which constitute the Colorado River Basin earnestly desire Arizona to be a party to this compact. However, at least three of the upper States and one of the lower States, to wit, Nevada, feel it would be a grave injustice, should it be possible, as we believe it is, for Arizona to block this great constructive piece of legislation which is of such vital importance to the entire arid region.

If the amendment proposed by the gentleman from Arizona [Mr. DOUGLAS] should be adopted we have not advanced one step. The attitude of Arizona is unequivocally against this project, at least that is the attitude of the gentleman from Arizona [Mr. DOUGLAS] and I believe my colleague, the gentleman from Utah [Mr. LEATHERWOOD]. But be that as it may, efforts have been put forth earnestly for months and years to effect this Colorado River compact by the signatures and approval of the seven States. The truth is they are not as near together now as they were some weeks and months ago, for then there seemed to be a disposition to negotiate while now there is none.

When the Reclamation Committee, of which I am a member, agreed to defer the reporting of this bill to this House until the 15th of March, the several governors of the States that comprise this river basin were advised of that fact; and were earnestly requested by the committee, through its chairman, to negotiate and effect an agreement, to the end that there might be favorable legislation at this session, calling attention to the fact that a measure which passed some time ago that prohibits the Federal Power Commission from granting any permits for the construction of power plants upon the Colorado River expires March 4, 1929. Thereupon the Governor of Utah, who was the chairman of the governors' conference, took steps to call a meeting at Salt Lake City.

Governor Adams, of Colorado, wired he could not attend because of the strike situation that then existed in his State. Thereupon the Governor of Wyoming and the Governor of New Mexico suggested that Denver would be more convenient, and it was agreed, Governor Dern consenting, that the meeting for further negotiations should be held at Denver. Governor Adams consented to it and a day was appointed for that purpose, but one or two days, two I think, before the reconvening of the governors was to take place the meeting was called off.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. WHITE of Colorado. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. WHITE of Colorado. The Governor of Utah, Governor Dern, wired the other governors, including Governor Adams of my State, to the effect that there would be no meeting, as he had received word from the Governor of Arizona which indicated that there was no further probability at that time of effecting the compact or agreement.

Now, what is the situation as far as the upper basin and lower basin are concerned, and that is the dispute here? All parties, when they were negotiating, readily agreed that the upper basin of four States should be allotted a portion of this water and that the lower States should be allotted another portion. When that was done there should have been, in my judgment, a signing of this river compact. But not so, because Arizona took the position that she would not sign until there was an agreement between herself and California as to the quantity of water she would receive. What concern have the upper States with that? None whatever. The upper States are willing to negotiate among themselves and they alone are interested on that point. We contend that the lower States should agree among themselves and we are not concerned with that. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. SWING. Mr. Chairman, no one would be more pleased than myself to have Arizona come into this friendly family of States and ratify the Colorado River compact. It would be an object ardently to be desired, and would bring happiness, peace, and contentment from one end of the Colorado River Basin to the other. But such is not the intention of the State of Arizona, and it is not the desire of the gentleman who offers the amendment for a seven-State compact to bring about that condition. He himself while in the State legislature cast the deciding vote which kept Arizona out of the friendly family of States. We have given Arizona six years to decide whether she would come in or not. We have all done everything that was humanly possible to do to get her to ratify the compact and come into this friendly family of States.

Mr. WAINWRIGHT. Will the gentleman permit a question?

Mr. SWING. Yes.

Mr. WAINWRIGHT. The question which rather disturbs me, as a Representative from one of the States that is not involved in this compact, one of the sister States that is not directly interested, as to the ethics, we might say, or as to the propriety of the other sister States attempting to coerce Arizona into giving up any right she has.

Mr. SWING. We are not coercing her. If she stays out of the compact, she is not bound by the terms of the compact, and she retains all the rights she now possesses.

Mr. WAINWRIGHT. That is a different matter.

Mr. SWING. And she still has the benefit of the law of prior appropriation, and she still has the right to the beneficial use of any of the water she is able to put to use.

Mr. WAINWRIGHT. I am sure my friend from California will see the propriety of that question from the standpoint of the States that are outside of the seven States.

Mr. SWING. Yes, indeed.

As to the amendment to the amendment offered by my friend, the gentleman from Colorado [Mr. WHITE], Arizona has announced here openly and publicly that not only is she going to fight this bill on the floor of the House and in the Senate, but that as soon as it becomes a law she is going to take it to the Supreme Court. I want to call the attention of my good friend from Colorado to the fact that his amendment merely gives Arizona another year's delay before she must go to the Supreme Court. If she is determined to go to the Supreme Court let us have her go as soon as possible.

Mr. WHITE of Colorado. Will the gentleman yield for a question?

Mr. SWING. Yes.

Mr. WHITE of Colorado. Your bill as it stands provides that it shall not become effective until the six States ratify and confirm it. Now, no State can do that except through its legislative authority, and inasmuch as the legislature of none of these States, so far as I know, meets until next January, or rather, in December, a year will practically elapse. I am perfectly willing to make it shorter, but I would suggest that we should have embodied in the bill a length of time that will permit the States to ratify.

Mr. SWING. The legislatures meet next January. Every one of these six States named in our bill has ratified a six-State compact. True, subsequently Utah withdrew, but we have information which leads us to believe that there is a growing sentiment in the State of Utah to go back into the six-State compact, and if this bill is passed in its present form, this will save to these six States the benefits of the compact and also the work can go ahead promptly.

Either this work is an urgent need for flood control, on account of the grave menace in the lower Colorado River, or else we are out of court. If there is the menace we have said there is and that we believe there is and the danger the engineers declare there is, then why in the name of goodness should we tie up the works, after we have passed a law for the purpose of relieving the menace, for a full year before any action whatever can be taken?

Mr. LEATHERWOOD. Will the gentleman yield for a question?

Mr. SWING. I yield the floor.

Mr. LEATHERWOOD. I am just wondering about the source of the gentleman's information.

Mr. DOUGLAS of Arizona. Mr. Chairman, I rise to speak in opposition to the amendment to the amendment.

The gentleman apparently has assumed unto himself mind-reading qualities very few others have ever assumed. He can tell the House my motives, he can tell the House what my State wants, and I have no doubt, in fact I know, that his statement as to my motives and his statement as to the motives of my State are just as untrue as a good many of the other contentions he has made.

The gentleman has said that there is a six-State compact. There is not. The Congress and six States can not eliminate as a party who has any undivided interest in the waters of the Colorado that party from a contract which divides that undivided interest.

The gentleman has said I voted against the Colorado River compact. I did. And I submit this to the House. I did so in 1923 because no one knew anything about the compact and I said "it is unsound to sign a contract unless you know what you are signing."

The State of Arizona since then has been attempting to negotiate with California. It wants a compact with California before it signs the seven-State compact for this reason. It is in the same position with respect to California that the upper basin States are with respect to the lower-basin States. California can apply to beneficial use the waters of the Colorado infinitely faster than can Arizona. California's ratification of the compact was conditional upon the construction of a storage dam on the Colorado, the construction of which, by the nature of the topography of the country and of the appropriations in the act and the works to be constructed would give the waters of the Colorado, to California, and Arizona simply said to California, "You make an equitable agreement with us relative to an allocation of water between us and also give us a right to tax power which is to be developed by the use of the fall within our State, and of our undivided interest in the Colorado, which power you are going to use in your State to increase the industries of your State, to increase the taxable wealth of your State, and then we will sign the Colorado River compact."

California refused to accept the terms of the arbitration of the governors in Denver. Arizona accepted them; and I submit to the House that the imputations as to the motives of Arizona are unfair and unjustifiable.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last two words.

I have here in my hand an editorial from the Reno (Nev.) Evening Gazette of Thursday, April 26, which states as follows:

From the time that Arizona refused to ratify the Santa Fe seven-State compact its representatives have adhered in general to the principle that any dam and reservoir built upon the Colorado River should be located wholly within Arizona. Nevada refused to join with Arizona in this demand.

The State of Arizona also has vigorously opposed development by the Government. On the other hand, it has insisted that such development should be made by private capital wholly within its borders in order that it, exclusively, might tax the new property values so created. However, it agreed to accept Government development upon condition that it is given a large share of the power revenues, and to the latter the Nevada commission agreed, provided Nevada is given as large a share of such revenues as Arizona. To this extent Nevada joined hands with the Arizona commissioners. The Nevada commissioners, however, considered the revenues demanded by Arizona as being unreasonable and gave their approval to payments to each of the two States of 18¾ per cent annually of the net profits earned during the amortization period.

Arizona also demanded that the Swing-Johnson bill place a definite limit upon the amount of the river's waters that could be used in the future by California. Nevada agreed to this proposal, and after California scaled down her water demands to a reasonable amount Nevada accepted them as being the best compromise obtainable. Arizona refused to agree upon the amount specified.

Both Nevada and Arizona agreed that each of the lower basin States and their municipalities should be given the right to purchase the power developed at the switchboard.

Finally the pending bill was amended to meet every substantial demand made by this State, and the California delegation agreed to support it in its amended form. Arizona, however, insisted upon still greater concessions, and then Nevada refused to travel further with its commission and its congressional delegation.

Arizona is now fighting the Swing-Johnson bill. Nevada is supporting it.

Mr. LEA. To withhold action until Arizona signs the seven-State compact would give her the power to impose any condition she saw fit on California as a condition of her compliance. It would give her the power to impose whatever charges she might see fit as taxes on California for a Federal improvement.

I call the attention of the House to the fact that Arizona has received over $21,000,000 more than she has contributed to the reclamation fund of the United States for building power dams and reclamation projects on which she is required to pay no interest and no taxes. The Government has so built three or four dams in Arizona. California has contributed over $8,500,000 to the reclamation fund in excess of what she has used. That is part of the tax-free money that the Government has loaned Arizona interest free.

The Coolidge Dam is now being constructed in Arizona tax free and interest free at a cost of over $11,000,000. That will make over $32,000,000 that Arizona has received tax free. Now, when a similar development is proposed that may be of some advantage to her sister State she loudly proclaims a violation of State rights. California is not asking for free money. She offers contracts to pay principal and interest. Arizona, enjoying her tax-free and interest-free money, demands a tax on this Federal development because, perhaps, her sister States may enjoy some benefit from it. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. WHITE] to the amendment of the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Arizona [Mr. DOUGLAS].

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were 21 ayes and 50 noes.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia: At the end of the committee amendment offered by the gentleman from Nevada [Mr. ARENTZ] insert: "The conclusion and determination of the Secretary of the Interior shall be subject to the President's sanction and approval."

Mr. SWING. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

Mr. DOUGLAS of Arizona. Mr. Chairman, for the last 15 minutes the gentleman from Utah [Mr. LEATHERWOOD] has been

trying to offer an amendment. It is a very sound amendment, and I believe he is entitled to have it considered.

Mr. SWING. I will withdraw my motion, Mr. Chairman.

Mr. MOORE of Virginia. I will withhold my amendment, Mr. Chairman.

Mr. LEATHERWOOD. At last Mr. Chairman, I desire to offer an amendment which has been at the Clerk's desk for 15 minutes.

The Clerk read as follows:

Page 5, in line 24, after the word "contract," strike out the words "or otherwise."

Mr. SWING. Mr. Chairman, I am willing to accept that amendment.

Mr. LEATHERWOOD. I understood the gentleman to say yesterday that he would accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. SWING. Now, Mr. Chairman, I renew my motion that all debate on the section and all amendments thereto close in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from California.

The question was taken, and the motion was agreed to.

Mr. WINTER. Mr. Chairman, may be have the amendment offered by the gentleman from Virginia reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk reported the Moore amendment.

Mr. MOORE of Virginia. Mr. Chairman, just a word or two on this amendment. We are dealing with subsection (b) of section 4 of the bill. That subsection is extremely important. It provides that the Secretary of the Interior, in advance of going forward, shall feel assured that he has contracts which will produce sufficient revenue to protect the Government in the payment of interest and in the payment within 50 years of the principal. The importance of that requirement can not be exaggerated. As the section now reads the conclusion and determination of the Secretary of the Interior about the sufficiency of the contracts is to be final. I am convinced we should adopt the amendment which I have offered, which will place the final responsibility and leave the final word with the President, and that is simply in line with the amendment which I offered a while ago and which was adopted.

I do not believe—and, of course, I am not casting reflection upon any official—that it is a safe thing to intrust to a single official such very extensive authority as is given the Secretary of the Interior here without any check upon him whatever. Ours is a government of checks, and what I propose is that the Secretary shall be checked by the supervision of the President himself.

Mr. SWING. Of course, there is a check by the Committee on Appropriations of the House, and the Committee on Appropriations, I think the gentleman may rest assured, will not appropriate any money unless they are satisfied it should be appropriated. I think they will be much more vigorous in their supervision of the Secretary in the matter of his contracts than the President would be.

Mr. MOORE of Virginia. But even so, the Secretary has to determine that he has found a satisfactory basis with reference to this extremely important financial feature of the entire transaction. I think his opinion ought to be subject to the sanction of the President.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. I take it that the gentleman's amendment heretofore adopted, and the one pending giving the last word to the President, is in part based upon the probability that when this comes up for consideration there will be in the White House a very eminent engineer and successful business man?

Mr. MOORE of Virginia. I would not make any such violent assumption as that, but whoever may be in the White House I may remind you that we have had some experiences, and I am not going to talk about them now, which should persuade us that it is unsafe to leave to any officer, even though occupying a Cabinet position, discretion to do what he pleases without reference at all to his chief. The bill as it stands is drawn in that way and should be amended.

Mr. ADKINS. Does the gentleman not believe as a matter of practical administration that the President would be apt to O. K. what one of his Cabinet officers presented to him?

Mr. MOORE of Virginia. I think we ought to express his obligation as final authority in the legislation. That will make for safety at every stage of the business.

Mr. SMITH. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 57, noes 5.

So the amendment was agreed to.

Mr. MORTON D. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MORTON D. HULL: At the end of section 4, as amended, insert the following: "Such contract or contracts shall provide that in case the total cost of the project provided for by this act exceeds $125,000,000, the rates to be charged for power generated at said dam shall be correspondingly increased."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were—ayes 13, noes 47.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior is hereby authorized, under such general regulations as he may prescribe, to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses, and delivery at the switchboard to municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam, upon charges that will provide revenue which, in addition to other revenue accruing under the reclamation law and under this act, will in his judgment cover all expenses of operation and maintenance incurred by the United States on account of works constructed under this act and the payments to the United States under subdivision (b) of section 4. Contracts respecting water for irrigation and domestic uses shall be for permanent service. No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract made as herein stated.

After the repayments to the United States of all money advanced with interest, charges shall be on such basis and the revenues derived therefrom shall be disposed of as may hereafter be prescribed by the Congress.

General and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy, and for renewals under subdivision (b) of this section, and in making such contracts the following shall govern:

(a) No contract for electrical energy shall be of longer duration than 50 years from the date at which such energy is ready for delivery.

(b) The holder of any contract for electrical energy, not in default thereunder, shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

(c) Contracts for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements of the project as herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal water power act as to conflicting applications for permits and license: *Provided, however,* That no application of a political subdivision for an allocation of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such political subdivision, necessary to enable the applicant to utilize the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.

(d) Any agency receiving a contract for electrical energy equivalent to 100,000 firm horsepower, or more, may, when deemed feasible by the said Secretary, from engineering and economic considerations and under general regulations prescribed by him, be required to permit other similar agency having contracts hereunder for less than the equivalent of 25,000 firm horsepower to participate in the benefits and use of any main transmission line constructed by the former for carrying such energy (not exceeding, however, one-fourth the capacity of such line), upon payment by such other agencies of a reasonable share of the cost of construction, operation, and maintenance thereof.

The use is hereby authorized of such public and reserved lands of the United States as the said Secretary shall determine to be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy.

With the following committee amendment:

Page 6, in line 13, strike out the word "and"; and after the word "corporations" insert "and persons."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ARENTZ. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. ARENTZ: On page 8, line 7, after the word "license," insert "except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of the hydroelectric plant, shall be given, first, to a State for the generation and purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as applicants: *Provided, however.*"

Mr. ARENTZ. Mr. Chairman, this is merely giving a right to the States of Arizona, California, and Nevada that they are entitled to. It is not necessary to explain the amendment, because it is perfectly clear.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment to the amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment offered by Mr. ARENTZ: After the word "State" in the committee amendment insert "or any legal subdivision thereof."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended.

The amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 9, line 3, insert a new paragraph, as follows:

"(e) Every contract for electrical energy shall provide that the holder of such contract shall guarantee that in any resale of such energy to the consumers thereof the rates shall not exceed what is fair, just, and reasonable, as determined by the Federal Power Commission."

Mr. HOCH. The purpose of the amendment is to provide that the consumers shall not be charged an unfair rate. The bill as it is written provides for no regulation of rates, and the amendment is simply to require that the contractors for this electrical energy shall guarantee in their contracts that in any resale of power to the consumer the electrical energy shall be furnished at a reasonable rate such as may be decided upon by the Federal Power Commission.

Mr. SWING. Is that the same amendment as was mentioned by the gentleman?

Mr. HOCH. It is the same.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LEATHERWOOD. Does it in any way interfere with the rights of the public utilities commissions of the States to take care of this matter?

Mr. HOCH. It provides that in the sale of power the ultimate consumer shall secure the benefit of cheap power.

Mr. LEATHERWOOD. Does my friend from Kansas propose that the Congress shall go into the States and by such legislation regulate the powers of the State utility commissions?

Mr. HOCH. It provides that the power shall be sold for the benefit of the ultimate consumer and not for the benefit of the concerns exploiting it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kansas.

The amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 6, line 24, after the word "stated," insert "*Provided, however,* That no water shall be sold or furnished for irrigation purposes to any land not now being irrigated, unless Congress by future action shall so provide."

The CHAIRMAN. The gentleman from New York is recognized.

Mr. TABER. Mr. Chairman and members of the committee, the only lobby I have seen on this bill has been the lobby in favor of it. It has been persistent and irritating right straight through from the beginning. [Applause.]

This bill proposes to irrigate 500,000 additional acres of land that is not now being irrigated, and the land is so highly productive that it will very materially work to the injury of agriculture through the competition it will involve.

They talk about bills to improve the agricultural situation, and then they bring in here bills which are designed to hurt the agricultural situation; bills which will make the situation a great deal worse than it is now.

Is it not about time that those Members representing agricultural interests and who have the interests of agriculture at heart shall put a brake on this type of legislation and decide that the Government shall not, by the expenditure of the taxpayer's money, try to make worse and worse the agricultural situation? [Applause.]

The object of my amendment is to put a stop to that. There are other matters in this bill concerning which I have an opinion, but it seems to me that as to this particular amendment, unless we are opposed to the welfare of agriculture, we should adopt this amendment. [Applause.]

Mr. SMITH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER]. There is absolutely nothing in this bill providing for the irrigation of additional land. The gentleman from New York is entirely mistaken when he makes that assertion. It is proposed to store water which at some time will be available for the irrigation of additional land, but Congress will have to authorize the appropriations for the construction of works to irrigate those lands. The amendment proposed by the gentleman does not avail anything nor change existing law.

Mr. TABER. Does the gentleman mean to say that this bill does not authorize contracts to be made for the supply of water for irrigation and the control of water for irrigating purposes?

Mr. SMITH. The bill authorizes the construction of an all-American canal to carry water to Imperial Valley lands already under cultivation in place of the canal in Mexico, but it does not authorize any appropriation for putting water on new land.

Mr. DOUGLAS of Arizona. How many acres are under cultivation in the Imperial Valley irrigation district?

Mr. SMITH. About 400,000 acres.

Mr. DOUGLAS of Arizona. I understand it is 390,000 acres.

Mr. SMITH. It is about 400,000 acres, I am advised.

Mr. DOUGLAS of Arizona. How many acres all together are included in the irrigation district?

Mr. SMITH. Probably 600,000 acres.

Mr. DOUGLAS of Arizona. The water is to be delivered to privately owned land, to which distributing systems are already constructed to 200,000 acres of privately owned land, and there are further irrigation projects in contemplation now.

Mr. TABER. If the construction of the gentleman from Idaho concerning the meaning of the bill in that particular is correct, he will support my amendment.

Mr. SMITH. You can not appropriate money for additional irrigation works without express authority from Congress.

Mr. LEATHERWOOD. Then what is the all-American canal in here for—a plaything?

Mr. SMITH. No. It is to provide water for land in the Imperial Valley, now supplied by the canal in Mexico, and for new land which may eventually be brought under irrigation.

Mr. MONTAGUE. But it will open the way for future appropriations, will it not? Further plans can not be carried out without subsequent appropriations?

Mr. SMITH. No.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. WOODRUFF. Is not the all-American canal put through for the purpose of supplying water to farms now existing, and to give those people a means whereby they can get the water without going to Mexico for it?

Mr. SMITH. Exactly so.

Mr. TABER. There is no such provision in the bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. DOUGLAS of Arizona. Mr. Chairman, I do not like to take the time of the House, but I think the House should be told exactly what the facts are.

It is true there is no specific appropriation in the act to bring under irrigation any public land. There are in the Imperial irrigation district 515,000 acres of land privately owned; of that, 390,000 acres are under cultivation. Distributing systems have already been constructed to the entire 515,000 acres. The construction of the all-American canal or the stabilization

of the flow of the Colorado River and the diversion of its flow through either the existing canal from the Colorado River to the Imperial irrigation district or through the all-American canal, will permit the application of water to that additional 125,000 acres of land, so that under the terms of this act there will be brought under cultivation approximately 125,000 acres of land in the United States and at least 600,000 acres of land in Mexico.

Mr. SMITH. But the gentleman will admit that before action can be taken in that regard authority must be obtained from Congress and appropriations made.

Mr. DOUGLAS of Arizona. No; distribution works have already been constructed by the district itself.

Mr. SCHAFER. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. SCHAFER. Irrigation has made Arizona, and since Arizona has been made by irrigation the gentleman does not want to extend any more irrigation projects.

Mr. DOUGLAS of Arizona. That is not true, sir. I am merely stating to the House that there will be additional lands brought under cultivation as the result of this legislation. I will say to the gentleman, with reference to irrigation and any extension of irrigation, that I am opposed to it, because I think the irrigation policy has gone far enough until agricultural conditions warrant the bringing in of additional land. [Applause.]

Mr. SCHAFER. Is the gentleman oposed to the extension of irrigation in Arizona?

Mr. DOUGLAS of Arizona. I am.

Mr. CRAMTON. If the gentleman will permit, he is familiar with the conditions of agriculture in Arizona and Southern California and, I take it, also familiar with the conditions of agriculture in New York and Michigan, and he will admit that the bringing of land under cultivation in Arizona and Southern California means the very minimum of competition with the products of Michigan and New York, because what they produce will be at a time of the year and of a kind that would mean very little of competition with the North and East.

Mr. DOUGLAS of Arizona. To a certain extent it is true that a great many of the crops that are grown in Arizona and Southern California are not competitive with the crops in Michigan and New York, but——

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. SWING. Mr. Chairman, I move that all debate on this section, and all amendments thereto, do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 26, noes 44.

So the amendment was rejected.

Mr. ARENTZ. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Nevada offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ARENTZ: On page 8, in line 8, after the word "a," insert "State or a."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the dam and reservoir provided for by section 1 hereof shall be used: First, for river regulation and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of Article VIII of said Colorado River compact; and third, for power. The title to said dam, reservoir, plant, and incidental works shall forever remain in the United States, and the United States shall always control, manage, and operate the same: *Provided, however,* That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of said plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy, within a State which has approved said Colorado River compact, in either of which events the provisions of section 5 of this act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

The Secretary of the Interior shall prescribe and enforce rules and regulations conforming with the requirements of the Federal water power act, so far as applicable, respecting maintenance of works in condition of repair adequate for their efficient operation, maintenance of a system of accounting, control of rates and service in the absence of State regulation or interstate agreement, valuation for rate-making purposes, transfers of contracts, contracts extending beyond the lease period, expropriation of excessive profits, emergency use by the United States of property of lessees, and penalties for enforcing regulations made under this act or penalizing failures to comply with such regulations or with the provisions of this act.

With the following committee amendments:

On page 9, line 10, after the word "regulation," insert "improvement of navigation."

Page 9, line 16, strike out the word "always" and insert in lieu thereof the words "until otherwise provided by Congress."

Page 10, line 6, after the word "act," strike out the words "so far as applicable" and insert in lieu thereof the words "together with the rules and regulations of the Federal Power Commission thereunder."

Page 10, line 18, after the word "act," insert "He shall also conform with other provisions of the Federal water power act and of the rules and regulations of the Federal Power Commission which have been devised or which may be hereafter devised for the protection of the investor and consumer.

The committee amendments were agreed to.

Mr. LEATHERWOOD. Mr. Chairman, I move to strike out the last word.

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

Mr. DAVENPORT. Mr. Chairman, I have several amendments which I desire to offer to this section of the bill.

Mr. LEATHERWOOD. Mr. Chairman, I am informed by the gentlemen in charge of the bill that they want to move that the committee rise. Without losing my right to speak on this paragraph when we go into the committee again, I yield.

The CHAIRMAN. The gentleman is entitled to recognition when the committee again considers this bill.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent that the amendments I desire to offer be printed in the RECORD for the information of the Members of the House.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendments which he desires to offer be printed in the RECORD for the information of the House. Without objection, it is so ordered.

There was no objection.

The amendments referred to are as follows:

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 9, section 6, line 21, strike out the words "or alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy."

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 9, section 6, line 24, after the word "compact," insert the words "on condition that if two or more such contracts be entered into, provision shall be made for operation of the plant under a joint agreement upon terms approved by the Secretary of the Interior for the purpose of providing for the most economical utilization of the available energy."

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 9, section 6, line 23, strike out the words "in either of which events" and insert in lieu thereof the following: "in case of the execution of such contracts."

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 10, section 6, line 3, after the words "shall apply," insert new paragraphs as follows:

"As a condition to the lease of the said plant or any unit or units thereof, and as a condition to the sale of electrical energy therefrom, every lessee and every purchaser, if the United States operates the plant, shall agree that the property of such lessee or purchaser, used and useful in connection therewith, shall be valued, whether by the agencies of the States or of the United States, and whether for regulation of rates or for taxation or for State or municipal acquisition and use, at its fair value, not to exceed the net investment of the said lessee or purchaser, and said net investment shall be ascertained in accordance with the provisions of the Federal water power act and the regulations of the Federal Power Commission.

"Every lease and every contract for the sale of power shall provide that the resale price thereof, with the transformation, transmission, and distribution of such energy, extending to sale to the ultimate consumer, shall be subject to the regulation and control of said Federal Power Commission or of the appropriate authorities of any State or States in which such power is transmitted, distributed, sold, or used, according to the respective jurisdictions of the said Federal Power Commission or said State authority, as provided in sections 19 and/or 20 of the Federal water power act."

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5773) to provide for the construction of works for the

protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, and had come to no resolution thereon.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi; to the Committee on the Judiciary.

S. 2372. An act to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

S. 2751. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Judiciary.

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; to the Committee on Military Affairs.

S. 4465. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark., to the Committee on Interstate and Foreign Commerce.

S. 4503. An act authorizing the Secretary of War to convey the Fort Griswald tract to the State of Connecticut; to the Committee on Military Affairs.

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve-bank building in the city of Los Angeles, Calif.; to the Committee on Banking and Currency.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, announced that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 1931. An act for the relief of Daniel Mangan;

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 2272. An act for the relief of William Morin;

H. R. 2472. An act for the relief of Emile Genireux;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*

H. R. 4652. An act for the relief of Charlie R. Pate;

H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public Street;

H. R. 9380. An act for the relief of Frank E. Shults;

H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;

H. R. 10702. An act for the relief of Elbert L. Cox;

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near a point 2 miles south of the town of Tornillo, Tex.;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La.;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvel, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12894. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the Borough of Eldred, McKean County, Pa.;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13143. An act to adjust the compensation of certain employees in the Customs Service;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama;

H. J. Res. 47. An act for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps;

H. J. Res. 77. An act concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield and State of Ohio; and

H. J. Res. 292. An act authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near New Cumberland, W. Va.;

H. R. 5898. An act to authorize certain officers of the United States Army, Navy, and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;

H. R. 6569. An act for the relief of Frank Hartman.

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.;

H. R. 10014. An act for the relief of A. F. Gallagher;

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund;

H. R. 12676. An act to amend section 2 of the act approved February 14, 1926, granting the consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting the consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; and

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 18, 1928:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

On May 21, 1928:

H. R. 4660. An act to correct the military record of Charles E. Lowe;

H. R. 4687. An act to correct the military record of Albert Campbell;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 11133. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12286. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; and

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

On May 22, 1928:

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.;

H. R. 2473. An act for the relief of Louie June;

H. R. 3470. An act granting relief to Havert S. Sealy and Porteus R. Burke;

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park; and

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.

On May 23, 1928:

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians; and

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

On May 24, 1928:

H. J. Res. 39. Joint Resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China;

H. J. Res. 40. Joint Resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;

H. R. 971. An act for the relief of James K. P. Welch;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.

H. R. 11338. An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River near Randolph, Mo.;

H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields; and

H. R. 13511. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PERMISSION TO ADDRESS THE HOUSE

Mr. WHITE of Colorado. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's desk.

Mr. SWING. At what time?

The SPEAKER. The gentleman from Colorado asks unanimous consent that to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's table, he may be permitted to address the House for 15 minutes. Is there objection?

Mr. SWING. May I ask the gentleman to defer his request until the conclusion of the consideration of the Boulder Dam bill?

Mr. RANKIN. Perhaps that is what the gentleman wants to speak on.

Mr. WHITE of Colorado. No.

Mr. SWING. Reserving the right to object, I will ask the gentleman if he will not delay it until a little later.

Mr. WHITE of Colorado. Why, of course I will, if that is the wish of the gentleman.

The SPEAKER. The gentleman withdraws his request.

DISABLED EMERGENCY OFFICERS' BILL

Mr. WOODRUFF. Mr. Speaker, I wish to announce that this afternoon during consideration of the presidential veto of the Tyson-Fitzgerald bill, I was unavoidably absent from the House. I wish to say that if I had been here I would have voted to sustain the President. [Applause.]

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, this afternoon from 1 o'clock until 3 o'clock, I was in conference on the postal rates bill in the Post Office Committee room of the Senate at the other end of the Capitol. When I left here at 1 o'clock, after talking with the leaders of the House, I had no reason to suppose that anything would be considered in the House during the afternoon except the Boulder Dam bill. While we were in session there considering the postal rates bill, the House suddenly decided, and without previous notice, to consider the President's veto on the Tyson-Fitzgerald bill and, as the Constitution provides, there was a roll call to override the President's veto. I had previously expressed my views in the Rules Committee and to my colleagues and to some of my constituents in opposition to this bill.

The day the bill was up for consideration in the House I received a telegram from the adjutant of the American Legion of Iowa urging me to support this bill, and on the next day, May 12, I wrote him a letter as follows:

> Your wire to hand urging support of the Tyson-Fitzgerald bill. So far as compensation or pension is concerned, the bill, in my judgment, is contrary to the well-established national policy of preserving equality among officers and enlisted men who were called to the colors to serve during a war emergency. Therefore, I did not support this bill. I am always glad to have your views on any pending legislation.
>
> With best wishes,

And so forth, signed by myself.

That letter still expresses my attitude on this bill.

While the House conferees, including myself, were in conference on the postal rates bill with three Senate conferees, we received no notice that this bill was up for consideration, and the first information I had that this matter had been considered was after I returned to this end of the Capitol after the conference had adjourned, when the roll call was over and the House was again in Committee of the Whole considering the Boulder Dam bill.

On an issue of this importance I think I owe it to my constituents and to my colleagues in this House to state that if I had been present I would have voted against overriding the President's veto; in other words, I would have voted "nay" on the question. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. WHITE of Colorado. Mr. Speaker, I have talked with the gentleman from California [Mr. SWING] and I now desire to renew my request to address the House for 15 minutes to-morrow morning.

The SPEAKER. The gentleman from Colorado renews his request that he be permitted to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's table. Is there objection?

Mr. LEATHERWOOD. Reserving the right to object, on what subject?

The SPEAKER. Objection is heard.

FEDERAL PROBATION OFFICERS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks on the probation bill which was first reported favorably by the Committee on the Judiciary and then withdrawn, and to include certain letters from the Civil Service Commission and other communications I have received on the subject.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under leave granted, I desire to file a statement concerning the parliamentary history and the purpose of H. R. 11801, a bill to amend the United States Code with reference to Federal probation officers. The purpose of this bill is to extend the probationary system in the Federal courts, to provide professional probation officers—that is, salaried probation officers—and also to create a probation bureau, or rather a probation director in the office of the attorney general. The bill was introduced on March 6, 1928, and referred to the Committee on the Judiciary of the House. It was then referred to a Subcommittee of the Judiciary Committee and hearings held on April 13, 1928. These hearings have been printed and are available in the House Committee on the Judiciary (serial 24). The subcommittee reported the bill to the full committee and the full committee agreed on a favorable report to the House recommending the passage of the bill with certain amendments. The amendments suggested by the committee prompt me at this time to make this statement and present all of the facts. The committee recommended the elimination of the civil-service requirement provided in the existing law as well as in this particular bill. I thereupon served notice on the committee that I was opposed to the committee's amendment and would file a minority report. In fact, I prepared a minority report and presented it to the committee for filing with the committee's report. The committee later rescinded its previous action and held the bill in committee for further action at the next session.

The action of the committee in withdrawing favorable report recommending elimination of the civil-serviee requirements, of course, is far better than the original action of the committee recommending the bill with that change. It seems strange to me, and I say so frankly, that this meritorious measure should be held in committee rather than being reported favorably in its original form.

The committee amended the bill by striking out the competitive and civil-service requirements under which probation officers shall be appointed. The action of the committee would change the civil-service policy of the Government not only of the present but of past administrations for over 30 years. No one dares publicly proclaim the desire of returning to the spoils system, yet the constant attempts to exempt grades and classes of employees from civil-service requirements indicates a tendency on the part of some to destroy and abolish entirely the civil-service system.

Probation work is by no means in the experimental stage. A reading of the hearings on this bill will show the progress and success of probation in many of the States. The probation system was applied to the Federal courts only a few years ago. The original law then provided that "probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States (March 4, 1925)." An elimination striking out the civil-service provisions from this bill destroys the protective features of civil service and takes these highly technical and professional appointees away from the requirements of proper tests and standards of qualification and throws them into the pot of political patronage.

The United States Civil Service Commission has heretofore held examinations and established the standard and qualifications of Federal probation officers. There is now in existence a list of duly qualified and eligible candidates for appointment. The United States Civil Service Commission approved of the bill as originally introduced. It had no notice that the committee intended eliminating the civil-service requirements of the existing law. The United States Civil Service Commission had no opportunity to appear before the committee in opposition to the proposed committee amendment. The first knowledge the Civil Service Commission had was when the committee's action was called to their attention. The following letter from the commission speaks for itself:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 19, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives.

MY DEAR MR. LAGUARDIA: The act of March 4, 1925, establishing a probation system in the United States court, except in the District of Columbia, provides that—

"Probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States."

It is understood that there is now before the Judiciary Committee of the House a proposal to amend the law respecting probation by removing therefrom the provision quoted above.

Probation presents a serious responsibility and calls for a high degree of intelligence if it is to be made to function properly and usefully. While it is true that the probation system as such is no longer an experiment as applied to the Federal service, it is in the formative stage and for proper development needs to be placed in the hands and under the supervision and direction of persons whose training will insure intelligent and efficient service. To make the system a useful instrument in the administration of criminal justice in the Federal courts, definite qualifications as to ability and training, as well as character, must be required of those who seek to become probation officers.

The experience of this commission, extending over a period of nearly a half century, has demonstrated fully that the merit system of appointments, based upon open competitive examinations, affords a far more satisfactory method of appointment and insures a better and more efficient class of employees than where no system of personnel control is employed and appointments are subject to personal and political influence.

Aside from the objections raised by those who desire to effect the appointments of individuals because of personal or political reasons, the main opposition to the application of the civil-service examinations to the employment of probation officers is based on the requirement of personal qualifications which, it is said, can not be tested adequately by examination. Such belief is unfounded and contrary to facts.

The problem of testing personal characteristics was solved some time ago by the commission, and there has been incorporated in the examination for probation officers, and made an essential part thereof, an oral test which has for its purpose the determination of the applicant's personal characteristics and address, adaptability, keenness and quickness of understanding, observation, judgment, and discretion; in general, his personal fitness for the performance of the duties of the position.

No claim has been made that the persons certified by the commission lack the necessary qualifications to perform properly the duties of probation officers. One Federal judge has referred to a probation officer who was appointed from the commission's examination as "the bright jewel in our court." Such praise reflects truly the efficacy of the system which made his appointment possible. Other eligibles appointed through the commission's examinations were men of experience and doubtless their knowledge of the technique of the work will aid materially in making the Federal probation system an effective means for dealing with criminals, especially first offenders.

No substitute has been found for the examination system of testing applicants for appointment as probation officers, as evidenced by requirement of examination in States in which probation is used extensively, such as New York, New Jersey, Ohio, Wisconsin, and California. The practical application of the merit system in appointments of probation officers has been demonstrated in these States, and there appears to be no reason why the system should not be applied with equal success to the Federal service.

In this connection it may be stated that two examinations for probation officer have been held, the commission's register containing the following number of eligibles:

Arkansas	2
California	2
Connecticut	1
District of Columbia	1
Florida	1
Illinois	12
Indiana	2
Iowa	1
Massachusetts	1
Michigan	5
Minnesota	4
Mississippi	1
Missouri	6
New York	13
New Jersey	3
Ohio	2
Oregon	1
Pennsylvania	14
South Dakota	1
Tennessee	1
Virginia	2
Washington	3
Wisconsin	3
Georgia	4
Kentucy	4

Attention is invited to the copy of letter from the Hon. Herbert C. Parsons, commissioner of probation of the State of Massachusetts, in which the opinion is expressed that probation officers might well be appointed under civil-service rules, provided the examinations are broad enough to take into account those personal qualifications which are peculiarly essential in such officer. As noted above, the commission's examination meets these requirements.

The commission regards it as vital to the success of the probation system that there shall be adequate tests of fitness for probation officers, embracing personal characteristics.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The National Probation Association, an organization made up of nationally known men and women throughout the United

States who took up the study of probation work years ago, developed it to its present use in many of the States of the Union. This association has made a study of probationary work and from a sentimental idea has perfected it to a sociological science.

The National Probation Association approved of this bill in its original form. Like the Civil Service Commission, it had no idea that this model measure would be changed in committee. The National Probation Association says:

NATIONAL PROBATION ASSOCIATION (INC.),
New York City, May 18, 1928.

Re: H. R. 11801, concerning probatiton.
Hon. FIORELLO LAGUARDIA,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN: The United States Civil Service Commission advises me that you would like to have certain information regarding the use of civil-service examinations for probation officers in various States and the results of the same.

The following States have placed probation officers under the classified civil service: New York, New Jersey, Ohio, California, and Wisconsin (Milwaukee County). The National Probation Association has approved putting probation officers under civil service because, as we have observed it, this has resulted in improving the personnel of the service in removing these important positions from political control to a considerable extent, in enforcing higher standards of education and training, and in securing better people all around for the work.

The New York State Probation Commission, years ago, led the fight to classify probation officers throughout New York State under the civil service. It has certainly worked well in New York State and now there are very few judges or others who have the interests of the service at heart who would go back to the old method of giving judges a free hand in selecting probation officers. It was argued that probation officers were peculiarly personal and confidential appointees of judges and therefore the judges should not be hampered in selecting them. It is now seen that this conception of the probation officer was entirely erroneous. The probation officer is an official of the court who has his own distinct work, that of making social investigations and supervising persons on probation.

In this work he should not be hampered by personal or political considerations. He should be required to come up to certain standards of education and training. We have found that many judges, especially when the service is just being established, as is the case in the Federal courts, do not fully appreciate the type of training and experience probation officers should have. Therefore they make bad selections. We believe that placing these positions under civil service has been of great benefit both in the States where it has been adopted and in the Federal service.

Six paid probation officers have been appointed in as many districts, all qualifying as a result of the civil-service examination. These officers are of good quality, and I believe that the judges in each district are well satisfied with the officers secured. The two examinations which have been held have been very practical and have resulted in securing good candidates. There is opposition on the part of certain judges to the civil service, which is due in part to the fact that they would like to make personal appointments and take into consideration political indorsements, which would result in very poor appointments being made. We believe that the civil service has been very beneficial in maintaining the quality of appointments so far, and we believe that it will be increasingly so in the future when larger appropriations are secured for appointing probation officers in the United States district courts. We therefore believe that the provision in the present probation law placing the probation officers under civil service should be maintained.

The bill as introduced contains important provisions for strengthening the probation law which are badly needed at the present time. The most important provision is that authorizing the appointment of a probation director to supervise the extension of the work in the Department of Justice. We hope very much that the bill will have your support and that you will assist in having the bill reported from the Judiciary Committee immediately with the civil-service provision reinstated.

Very sincerely yours,

CHARLES L. CHUTE,
General Secretary.

Probation work has been a success in the State of New York. In New York City official and salaried probation officers are assigned to the magistrates' courts, city courts, court of special sessions, and the court of general sessions. The probation work of the court of general sessions is under the direction of Prof. Edwin J. Cooley, who holds a chair at Fordham University. He is a recognized authority on the probation system, and his views of the necessity of the civil-service requirements in this work are authoritative:

COURT OF GENERAL SESSIONS,
PROBATION DEPARTMENT, COUNTY OF NEW YORK,
32 Franklin Street, New York, May 16, 1928.

DEAR CONGRESSMAN LAGUARDIA: The success or failure of the probation system depends fundamentally upon the wise and careful selection of probation officers. It is now generally recognized that the duties of probation officers can only be intrusted to persons qualified for the work by reason of their character, temperament, special training, ability, and interest.

Probation officers ought to be selected without regard to politics. Their appointment should be based solely upon their particular fitness for their work. The process of selecting probation officers is, therefore, a matter of primary importance.

In the State of New York practical experience for approximately two decades has proven that individuals with the qualities essential in probation officers can be selected through the right kind of civil-service examinations.

In New York State civil-service examinations for probation officers include a written examination on powers and duties, a consideration of educational qualifications, experience, character, and personal fitness.

As all civil-service examinations must be practical in their character and relate to such matters as will fairly test the relative capacity and fitness of the person examined to discharge the duties of the position sought, the written examination given the candidates for probation officer is made up of practical questions regarding the laws relating to probation work, the duties and functions of probation officers, and the questions pertaining to the technique of probation work.

In the oral interview, which is part of every examination, the training, personality, experience, and education of the candidate are evaluated.

Civil-service examinations can insure that the probation officers shall be well-trained social workers of good personality. The fact that entirely disqualified persons have served as probation officers in jurisdictions which do not have civil-service examinations is the chief cause when probation fails to reduce delinquency.

I am sending you herewith a copy of the civil-service announcements for the examination of probation officer of the court of general sessions, to be held in July.

With assurances of my desire to cooperate with you in every way possible, and my cordial good wishes always, I am

Yours faithfully,

EDWIN J. COOLEY,
Chief Probation Officer, Court of General Sessions.

Probation officer, court of general sessions, New York County: Rule I of the court of general sessions provides that probationers be assigned to the probation custody of a probation officer of the same sex, and whenever practicable of the same religious faith, as the probationer. The eligible list established as the result of the examination held December 4, 1926, having been exhausted for male certification, this examination is being held to supply the need of men to handle the cases of male offenders which at present constitute over 90 per cent of the offenders before the court of general sessions. Several immediate appointments expected at $3,000. Minimum age, 21 years. The duties include performing all of the probation work of the court and, when called upon to do so, performing the probation work of the criminal part of the supreme court of the first judicial district of New York County. Candidates must have had a high-school education or equivalent education and must have had in addition one of the following: (a) Either one year of acceptable experience (whole-time basis) in social-case work with a social agency of good standing, or (b) have had a college education, or (c) must have had at least one year of satisfactory training in a recognized school of social service or in lieu thereof acceptable courses of study, reading, or training in the social sciences. Candidates will be required to submit evidence or they may be required to show evidence through special examination. Subjects of examination: Written examination including questions on the work of probation officers, duties of the position, and methods of work—relative weight, 5; training, experience, and general qualifications—relative weight, 5. An interview may be required.

It is but natural that the National Civil Service Reform League, which is constantly fighting attempts to return to the spoils system, does not desire to see the Federal courts made a dumping ground for political hacks, protests against the committee's amendment in no uncertain terms:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, May 18, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAGUARDIA: It has come to my attention that the Judiciary Committee of the House has agreed to strike out of H. R. 11801 the provision for the appointment of probation officers in the Federal courts after competitive examination.

The advisability of appointing probation officers only after competitive examination has been demonstrated in many jurisdictions, particularly in New York State, where, as you probably know, all probation officers are under the merit system. In connection with the reorganization of the probation system in both the New York State service and in connection with the criminal courts of New York City, the legislature specifically provided for the appointment of not only probation officers but even the director of the State probation division after competitive examinations. So that there is not a single position either in the State probation bureau or in the bureaus attached to the criminal courts of New York City that is not under the merit system.

The application of the merit system to these positions by the legislature was made after mature consideration of the practicability of competitive civil-service examinations for such places. Experience has shown that where probation officers are appointed without examination it invariably results in the appointment and retention of mediocre and incompetent officers. The position of probation officer requires the services of a trained technical expert. Only after an intensive investigation of the education, training, and experience of candidates for such positions, based on examinations conducted by the Civil Service Commission, can we be assured of the appointment of qualified persons.

To permit their appointment without the aid of the Civil Service Commission inevitably invites political or personal considerations to dictate appointments; at least, it subjects the appointing authority to certain pressure from which he ought to be relieved as a matter of fairness to him.

I hope that you may be successful in urging the Judiciary Committee to reconsider its decision to eliminate from the bill the provision for the appointment of probation officers after competitive examination. I shall write to the other members of the committee conveying our views.

If there is any other information you may desire, will you please call on me?

Very truly yours,

H. ELIOT KAPLAN, *Secretary.*

One of the best-informed witnesses who appeared before the committee was Mr. Herbert C. Parsons, commissioner of probation of the State of Massachusetts. His testimony before the committee is not only interesting but most instructive. Every member of the subcommittee will admit that Mr. Parsons' statement was very impressive. He appeared before the committee in favor of the bill, but when he approved of the bill the civil-service requirement had not been eliminated. Mr. Parsons speaks for himself in the following telegram:

BOSTON, MASS., *May 22, 1928.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.:

Your wire was first intimation of removal from civil service being feature of probation bill not mentioned in hearing. Massachusetts experience is with unrestricted appointment by judges; it is clearly debatable ground in any new field. I hope it will be considered all by itself.

HERBERT C. PARSONS.

As far back as 1919, when the United States Civil Service was first considering the placing of Federal prohibition officers under civil service, it consulted with the best men in the country on the subject. Even then Mr. Parsons approved of the civil-service system and stated:

The commission on probation [in Massachusetts] has recorded itself in favor of the placing of appointments under civil service * * *.

Mr. Herbert C. Parsons' letter of 1919 is most timely now:

MAY 22, 1919.

MR. HAROLD N. SAXTON,
Chief Examiner, State of New York Civil Service Commission, Albany, N. Y.

DEAR SIR: Replying to your inquiry under date of May 17, I am glad to give you the opinion which is held by those who are directly connected with the probation service of this State, so far as it has ever found expression. It is that the appointments to the probation service might well be under civil-service rules, provided that the examinations be broad enough to take into account those personal qualifications which are peculiarly essential in such an officer.

Appointments in this State are not made under civil-service regulations. The theory which has been followed in our statutes is that the probation officer is the personal representative of the judge of the court, an extension, so to speak, of the court out into the community for the double purpose of: (1) inquiry as to the social bearings of the case, and the conditions of the accused person's life and employment, health, and mentality; and (2) the supervision of such persons when found guilty of the offense charged, with a view to holding them to a right line of conduct, and, more emphatically, to bring about a rehabilitation and an improved attitude toward society in general. That being the purpose, the appointment has been left entirely in the hands of the court.

In the police, district, juvenile, and municipal courts, which constitute our system of courts with primary jurisdiction, the justice of the court appoints the probation officer and may remove him at pleasure. The law provides no check upon the appointment. In the superior court, which is our court of appeals for the rehearing of a case on its merits, and the court where jury trials are provided, the appointments are practically made by a committee of three justices, called the committee on probation of the superior court, selected by the chief justice of the superior court. They are formally made by a justice sitting in the county in which the officer is appointed. As in the other courts, the appointment by the court is final.

The commission on probation has recorded itself in favor of the placing of appointments under the civil service, providing it could be done with broad regulations, including an oral examination. The chief justice of the Boston municipal court, our largest court of its kind, and the writer some time ago presented to the Civil Service Commission an opinion that the probation service in this State would be improved by this change in the method of appointment. We have studied the New York system, both in the reports of the probation commission of your State and in the less formal information given by its secretary, Mr. Chute, and we have held this up as the model which we believe Massachusetts should adopt.

The alternative frequently suggested here is to make the appointments by the justices subject to the approval of the commission on probation, or to have them made from lists prepared by the commission. But this alternative is not especially attractive, for the reason that it undertakes practically a civil-service form while simply changing to another board than the State Civil Service Commission the application of the same principle as controls civil-service appointments.

Practically the substitute, which in a measure has come to be adopted in this State, is an active seeking by the commission on probation of a share in the consideration of candidates for probation positions. In the superior court, all appointments are made after careful investigation by this office of the merits of the candidates. In the lower courts the justices frequently consult the commission as to the appointments. But you will appreciate the fact that no such rule has any legal force, as its observance depends upon the inclination of the judges. In this way, some appointments are made without resort to the commission's advice, and appointments which are not up to a recent standard. It works advantageously when it works at all, and it generally is ample, but it can not be relied upon or advocated as a sufficient substitute for the use of civil-service examinations.

I realize that I am giving you only opinions, without the basis of experience in the work of civil-service regulations as applied to the Massachusetts probation service. But they are opinions which are intelligently formed and stoutly held on the part of those who most strongly desire that the probation service should come to a high standard in a State where it is so largely used as here.

Yours very truly,

HERBERT C. PARSONS,
Deputy Commissioner.

There can be no sound argument presented in favor of the committee's amendment making these important court employees the subject of political or personal appointments. There are, perhaps, some personal and selfish reasons here and there with apparent sufficient influence to destroy the civil-service policy of the country, to ignore experience of the past, and to depart from the best practice in probationary work. It must be these personal desires and not the best interest of the work that suggested the proposed committee amendment.

One case that has come to the attention of the Civil Service Commission is that of a Federal judge, who, when the law went into effect, sought to appoint a probationary officer under salary. He selected the appointee, a young lady of his judicial district, and proceeded to make the appointment. When he was confronted with the civil-service requirement of the existing law, his honor, the judge, protested. Not only did his honor, the judge, protest, but he sought first to evade the law by making the appointment and then refused to make the appointment unless he could appoint the particular young lady he had in mind. Splendid example of law obedience and restraint on the part of a Federal judge.

Here is another reason for exempting these positions, taken right from the hearings, page 67. One of the gentlemen on the subcommittee frankly stated:

In my district we have a man who has been serving ever since this law went into effect. He is a volunteer, and he has passed the age when he could take the examination. And there is no better man in the country. He is devoted to that work, but he could not take the civil-service examination. The judge does not want anybody else, and he says he will not have anybody else.

Again his honor, the judge, brazenly and openly states that he refuses to obey the law.

Is it not still fresh in the memory of every member of the Committee on the Judiciary that in a very recent case requiring the attention of the committee there was the uncontradicted and uncontroverted proof of a Federal judge appointing to a confidential position first his daughter, then his wife, and then another daughter? Is this judge to be intrusted with the selection and appointment of probation officers charged with most important work?

In the consideration of this bill the past experience of this important work, the present practice in most of the States, and the views of recognized authorities on the subject must be taken into consideration, rather than the desire of an individual here and there for the appointment of any particular person. Rather than permit the passage of the bill, weakened and distorted by the elimination of a necessary protective feature, it should be defeated. The bill in its original form, carrying the civil-service provisions of existing law, is an excellent piece of necessary legislation and in its original form should be passed by Congress.

RECOGNITION BY THE SPEAKER

The SPEAKER. May the Chair suggest, inasmuch as he sees a number of gentlemen on their feet, that owing to the lateness of the hour the Chair prefers not to recognize gentlemen whose requests will take any great length of time.

EVENING SESSION ON FRIDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that to-morrow at any time before 6 o'clock it may be in order to move to take a recess until 8 o'clock in the evening, and that between the hours of 8 and 11 it may be in order only to consider bills on the Private Calendar unobjected to, beginning at the double star.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order at any time before 6 o'clock to-morrow to move to take a recess until 8 o'clock in the evening, and that between 8 and 11 o'clock it may be in order to consider bills on the Private Calendar unobjected to. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, that is after the disposition of the present Boulder Dam bill?

Mr. TILSON. If this bill is not completed we can go on with its consideration after 6 o'clock, thus annulling my request for an evening session.

Mr. TAYLOR of Colorado. Reserving the right to object, can the gentleman give us any idea when we will take up the Consent Calendar?

Mr. TILSON. I shall urge that the Consent Calendar be taken up not later than Monday if the resolution to adjourn on Tuesday is agreed to in the Senate. I shall make every effort to have unobjected bills on these two calendars considered.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LEATHERWOOD. Mr. Speaker, the gentleman from Colorado [Mr. WHITE] was under the impression that I objected to his request. I reserved the right to object and asked what subject he was going to speak on. He has informed me, and I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. WHITE]?

There was no objection.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that I may address the House for 35 minutes on Saturday after the reading of the Journal and disposition of papers on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes at the completion of the address of the gentleman from California.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. RANKIN. Reserving the right to object, on what subject?

Mr. WELCH of California. In answer to a charge made by the gentleman from Michigan [Mr. CRAMTON] that the city and county of San Francisco has failed to carry out its obligation under what is known as the Raker Act, passed in 1913, granting the city and county of San Francisco certain rights for water storage in the Yosemite National Park.

Mr. RANKIN. I hope the gentleman will not occupy that time——

Mr. WELCH of California. I will reduce it to 30 minutes.

Mr. RANKIN. If the gentleman is going to make it 30 minutes I will not object to 35. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON] that he may have 10 minutes to address the House at the conclusion of the remarks of the gentleman from California [Mr. WELCH]?

Mr. SCHAFER. Reserving the right to object, on what subject—the same subject?

Mr. CRAMTON. Yes.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object—and I am not going to object—as we approach the end of the session many Members are inclined to rush into the pit to get recognition from the Speaker. It tends to disorder in the House, and I think I shall hereafter, when I am present, object to unanimous consent preferred from the pit. The rules require that Members shall rise in their places and address the Speaker.

The SPEAKER. The Chair sustains the point of order. [Laughter.] Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPORT OF GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS
(H. DOC. NO. 325)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers referred to the Committee on Insular Affairs and ordered printed:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith for the information of the Congress the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1927.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 24, 1928.*

FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file a conference report on Senate Joint Resolution 82, relating to Fort Defiance, Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE OF ABSENCE

The following leave of absence was granted:

To Mr. WINGO (at the request of Mr. RAGON), on account of illness in his family.

To Mr. W. T. FITZGERALD (at the request of Mr. KEARNS), indefinitely, on account of sickness in his family.

ADJOURNMENT

And then, on motion of Mr. SMITH (at 6 o'clock and 5 minutes p. m.), the House adjourned until to-morrow, Friday, May 25, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 25, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

A bill to amend the grain futures act (H. R. 11952).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 13683).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13778. A bill authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.; with amendment (Rept. No. 1846). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 13824. A bill authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.; with amendment (Rept. No. 1847). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 13826. A bill authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; with amendment (Rept. No. 1848). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13856. A bill authorizing H. G. Martin, W. P. Calhoun, J. H. Kaplin, R. L. O'Neal, O. J. Whipple, H. G. McBride, J. B. Brown, and Idus Jones, their heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Altamaha River, at or near Towns Bluff Ferry, in Jeff Davis and Montgomery Counties, Ga.; with amendment (Rept. No. 1849). Referred to the House Calendar.

Mr. SINNOTT: Committee on the Public Lands. H. J. Res. 318. A joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405); without amendment (Rept. No. 1850). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on Indian Affairs. H. R. 12414. A bill authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes; with amendment (Rept. No. 1851). Referred to the House Calendar.

Mr. LETTS: Committee on Indian Affairs. S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians; without amendment (Rept. No. 1852). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; without amendment (Rept. No. 1853). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13406. A bill to authorize the city of Fort Thomas Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor; with amendment (Rept. No. 1854). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; with amendment (Rept. No. 1855). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12526. A bill to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended); with amendment (Rept. No. 1857). Referred to the House Calendar.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 13414. A bill to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy; without amendment (Rept. No. 1858). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 1275. An act to create an additional judge for the southern district of Florida; without amendment (Rept. No. 1859). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit; without amendment (Rept. No. 1860). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on Disposal of Useless Papers. A report on the disposition of useless papers in the War Department (Rept. No. 1861). Ordered to be printed.

Mr. GRAHAM: Committee on the Judiciary. H. R. 13978. A bill to amend section 5 of the act of March 2, 1895, relating to official bonds; without amendment (Rept. No. 1862). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DREWRY: Committee on Naval Affairs. H. R. 12666. A bill for the relief of William S. Shacklette; without amendment (Rept. No. 1856). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8456) granting an increase of pension to Mary Spence, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 13995) to amend the tariff act of 1922, approved September 21, 1922; to the Committee on Ways and Means.

By Mr. COLLINS: A bill (H. R. 13996) granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct a bridge across the Pearl River, in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Georgia: A bill (H. R. 13997) to provide for the delivery at designated spot-cotton markets of cotton tendered on future contracts under the United States cotton futures act of August 11, 1916, as amended; to the Committee on Agriculture.

By Mr. WELCH of California: A bill (H. R. 13998) to place assayers in the classified civil service, to provide for the salaries of assayers, and for other purposes; to the Committee on the Civil Service.

By Mr. VINSON of Georgia: A bill (H. R. 13999) for the relief of the leaders of the United States Navy Band and the United States Marine Corps Band, and for other purposes; to the Committee on Naval Affairs.

By Mr. McFADDEN: A bill (H. R. 14000) to amend section 29 of the Federal farm loan act, and for other purposes; to the Committee on Banking and Currency.

By Mr. GOODWIN: A bill (H. R. 14001) to amend section 5219 of the United States Revised Statutes as amended; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 14002) to amend the fourth proviso of the act of February 27, 1925, an act making appropriations for the Bureau of Immigration of the Department of Labor, relating to the coast and land border patrol; to the Committee on Immigration and Naturalization.

By Mr. MENGES: Resolution (H. Con. Res. 42) to print the proceedings in connection with the celebration of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., October, 1927; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 14003) granting an increase of pension to Nancy M. Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14004) granting an increase of pension to Emma Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14005) granting an increase of pension to Dora Keaton; to the Committee on Pensions.

By Mr. COHEN: A bill (H. R. 14006) authorizing the President to present in the name of Congress gold medals of appropriate design to Clarence D. Chamberlin and Charles A. Levine; to the Committee on Coinage, Weights, and Measures.

By Mr. CROSSER: A bill (H. R. 14007) granting an increase of pension to Mary Jane Tait; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 14008) granting a pension to Rebecca Parris; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 14009) granting an increase of pension to Mary Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14010) granting an increase of pension to Julia Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14011) granting an increase of pension to Louise Greene; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14012) granting a pension to Amy Wilson; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 14013) for the relief of Edgar C. Campbell; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 14014) granting a pension to Cecelia J. Swift; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 14015) granting a pension to David Jacobi; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 14016) to erect a monument to the memory of David Wilmot; to the Committee on the Library.

Also, a bill (H. R. 14017) granting an increase of pension to Anna E. Washburn, now known as Anna E. Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14018) granting an increase of pension to Margaret A. Rockwell; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 14019) for the relief of Sard S. Reed; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 14020) granting a pension to Naomi E. Glover; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 14021) for the relief of Edwin Lockwood MacLean; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 14022) for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service; to the Committee on Foreign Affairs.

By Mrs. ROGERS: A bill (H. R. 14023) granting a pension to Benjamin P. Tomlin; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 14024) granting an increase of pension to Elizabeth Jarvis; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 14025) granting a pension to Lizzie Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14026) granting a pension to Frank Simpson; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 14027) granting an increase of pension to Pamelia Chaney; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 14028) granting an increase of pension to Sarah Hayden; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 14029) granting a pension to Olive Kimmel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7763. By Mr. BARBOUR: Resolution adopted by the Chinese Consolidated Benevolent Association, Bakersfield, Calif., branch, protesting against Japanese troops in China; to the Committee on Foreign Affairs.

7764. By Mr. BOYLAN: Petition of National Constitutional Liberty League of America, for the repeal or modification of the eighteenth amendment; to the Committee on the Judiciary.

7765. Also, petition of citizens of New York City, urging the passage of House Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski, and for the establishment of a Pulaski sesquicentennial commission; to the Committee on the Library.

7766. By Mr. FENN: Resolution adopted by "Frihed" Lodge, No. 153, Danish Sisterhood of America, at Hartford, Conn., May 16, 1928, protesting against any change in immigration laws whereby the Danish quota would be still further reduced; to the Committee on Immigration and Naturalization.

7767. By Mr. GRAHAM: Petition of Philadelphia Chamber of Commerce, asking Congress to recommit to conference the Muscle Shoals bill; to the Committee on Military Affairs.

7768. By Mr. HAUGEN: Petition of 48 citizens of Elma, Iowa, and vicinity, protesting against the enactment of the education bill; to the Committee on Education.

7769. By Mr. LINDSAY: Petition of 15 officials of Polish organizations and pastors of churches, urging cooperation and support of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski and for the establishment of a Pulaski sesquicentennial commission; to the Committee on the Library.

7770. By Mr. LINTHICUM: Petition of Dr. J. Ralph John, of the International Congress of Chiropractic Examining Boards, Baltimore, Md., registering opposition to House bill 12947 unless same amendments as offered in the Senate be made part of this legislation; to the Committee on the District of Columbia.

7771. By Mr. MEAD: Petition of Ancient Order of Hibernians, of Niagara Falls, N. Y., relative to House Resolution 202; to the Committee on Rules.

7772. By Mr. O'CONNELL: Petition of Polish citizens of Rochester, N. Y., favoring the passage of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski; to the Committee on the Library.

7773. Also, petition of Gustave E. Swahn, New York City, opposing the conference report on Muscle Shoals; to the Committee on Military Affairs.

7774. Also, petition of George L. Darte, adjutant general, Military Order World War, favoring the overriding of the President's veto on the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

SENATE

FRIDAY, *May 25, 1928*

Continuation of proceedings from 10.30 p. m. of Thursday, May 24 (legislative day of Thursday, May 3) 1928

MUSCLE SHOALS—CONFERENCE REPORT

The Senate had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. TYDINGS. Mr. President, almost 150 years ago a constitution was devised for the government of this country. It is not my purpose to pose as a constitutional lawyer nor to go into any dry legal discussion of the points involved in the question now before us. I hope, however, I may be permitted to speak briefly in regard to the particular philosophy which came into being with the adoption of the Constitution of the United States.

The men who assembled for months behind closed doors at Philadelphia were scholars and students of all the governments of the world that had preceded ours. They sought to set up in the United States of America, as it was called, a government which would endure not for decades or centuries but for all time. They looked into the operations and history of the governments of the Old World; they saw where those governments had failed and been bad; they saw where power had been abused; and they sought here to erect a form of government, with power checks and balances, so that the evils which had been made apparent in other governments would not be present in ours.

From their long discussion it is apparent that one particular philosophy was ever in their minds. This being a country 3,000 miles in one direction and more than 2,000 miles in the other, it was inevitable that it would be impossible to have one central Government which could operate for all of the States that would eventually become a part of the Union. So they fixed this idea in the Constitution and because it was fixed there our Government has endured to the present moment. That idea was that there should be given to the National Government the power to deal with all things national, which no individual, no community, no State could do for the whole country, and yet which must be done for the whole country if the Nation was to live. It is significant that of all the things it was suggested should be put in the Constitution, there were 18 powers granted to Congress, and every one of those 18 powers deals with a subject which is essentially national and with which no State legislature or group of State legislatures could deal in the interest of the entire country.

I hope to develop this point for those who may do me the honor to listen to me in order to show that the philosophy of the pending joint resolution is contrary to that underlying this Government during the 150 years of its history, and that in effect we are going back to the very thing which the forefathers who founded this Nation hoped to escape.

What were those 18 powers? The first power granted to Congress is—

The Congress shall have the power to lay and collect taxes, duties, imposts, and excises.

That is an essential power to be possessed by the National Government. It has got to have the money with which to run and operate.

The next power granted to Congress was—

To borrow money on the credit of the United States; to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Again—

To regulate commerce among the States—

Not to engage in commerce, as the pending joint resolution puts the Government into the business of commerce.

Again—

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

We could not have a different standard of money in each of the 48 States of the Union. We had to have one standard of money, in order that commerce might flow with ease from one State to another.

Other powers given Congress were:

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writing and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

And then what does the Constitution say?—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

If any man of good, sound mind, with real ordinary common horse sense, can show me in this document—which has brought us from a little, struggling nation of 13 small Colonies to the most powerful, the most blest, and the most prosperous Nation in the world—a single provision under which the Government can go into the business of making fertilizer and selling power throughout the United States, I should indeed be obliged to him if he would point it out. It is not there. It can not be done; and the Supreme Court has held time and time again that the 18 powers given to Congress mean exactly what they say, and that Congress can not usurp and delegate to itself powers which the Constitution in effect does not confer upon it.

But why talk about the Constitution? It is a mere scrap of paper. We have lost all the philosophy of government which made the Nation great. No one cares about the ultimate result. No one throws his gaze down the corridors of time to find where he will ultimately land. We take each proposition and look at it as if it were enough for five minutes alone; but those who brought this country into being looked down the centuries to come. They preserved the Nation for us. Shall we preserve it for those who come after? If so, shall we do it by the adoption of the policy outlined in this joint resolution?

There is no philosophy of government in it, unless it is the philosophy of the government of communistic Russia, because Russia to-day has the same form of government that is incorporated in this joint resolution.

Over there the Government owns everything—the stores, the hotels, the factories, the mines, the railroads. They are all operated and controlled by the Government. Under the Norris joint resolution, as I see it, we have put our foot on the first step which eventually will lead us to the point where the Government will dominate and control all of the electric business in the United States of America.

Talk about Government ownership! Good Lord, look at the Shipping Board! Read the statement of one of the head men down there at the hearing held in the Senate committee to the effect that it was honeycombed with politics; and it was only the other day that the Senator from Alabama [Mr. BLACK]—who, I believe, is going to support the conference report on this joint resolution—was up here protesting about the amount of money paid the attorneys of that board, and he offered an amendment and went on at a great rate to say how the people's money was being squandered, and protested, and made an eloquent speech upon this floor; but he was defeated. Now, I ask him, if the Government could not operate the shipping business—something that might be looked upon as a defense proposition of more importance than the proposition outlined in the pending joint resolution—I ask him how in the world it can engage in an undertaking of such magnitude as that which we have before us?

Every year we appropriate tremendous sums of money, millions of dollars, not of your money or of my money, but of the money of the people who are earning money in this country, who are bringing it wealth, developing its industries, digging in the soil, bringing up ore, studying at nighttime to devise great business enterprises to employ the people and make them happy; but we are going to take it all away. If a man makes any money, the philosophy of this joint resolution is, after he becomes strong, to destroy him and let his bones fall where they may, confiscate his property, rob him. I call it legal robbery, because we encourage him to go out and develop this great Nation of ours, and then, when he gives us his best efforts, when he erects a monument, after he has erected it we turn on him like cowards and kick him down the stairs.

Oh, I see the movement. You can see it in any town. You had it all through the West. When the West was thinly settled and you had no railroads, you were wild to get railroads. Legislators granted them rights of way miles wide. They begged the railroads to come in; and pioneer builders, often doubting the wisdom of their course, risking their money, risking their credit, risking their reputation, went out and conquered the West, sparsely settled though it was, and built great continental lines across our country, developing all its riches, and making prosperity and riches for it. But as soon as they had done it, what did we do? We then came here to Washington to hamstring in every possible way that we could the very institutions that have made America great.

Government operation! Oh, yes; I am in favor of Government operation. I have actually voted for it in a small municipality; but what a difference there is between this proposition and a municipality running its own public utilities, a business which is close to the people, where they know everybody in the town, where they can select the men who are to operate those utilities, where they can see what the lower right-hand corner of the tax bill says every year, where they can pay direct taxes and can keep an eye on the business management. That is one thing; but what will people know in Maryland or in Nebraska or in Arizona of the operation of this plant down at Muscle Shoals?

It is no criterion to say that in Omaha, Nebr., where the people perhaps owned the utility, because it worked in that comparatively small area, constantly under the gaze of the people living there, because public ownership of a utility there is a success, that it will be a success if applied on a nation-wide scale. This Government was devised to govern, not to go into business. It was made here to protect the liberties and the properties of the people. It was never conceived to operate any business beneath the sun; and what a bit of hypocrisy it is, what a paradox it is, that as I stand here on this floor to-night the marines are in China to protect the lives and property of American citizens who do not even live in our country, while the Senate of the great United States is considering

a joint resolution to confiscate the property of those citizens in the United States of America!

I defy anyone to gainsay that remark.

We will send our Army, we will send our marines to any place beneath the sun if we believe that one of our nationals is in great danger, or his property is threatened; but we, the Senate of the United States, come to the people who pay the taxes, the people who must bear arms in time of war, who must produce the taxes in time of war, and say, "We are going to put the Government into business in competition with you, and drive you out of business, because we will run our business at a loss, if necessary. We can always come in here with a deficiency bill and get enough to tide Government ownership over for another year."

Why confine it to the power business? I should like to offer an amendment. Let us take in the hard-coal industry; let us take over the railroads; let us take over the hotels; let us take over the shops, the automobile works. Why not? It is just as logical to operate one business, it seems to me, as it is to operate another; and God knows, more people are dependent upon the railroads for the transmission of commerce and passengers than are dependent upon the electric companies for light and power. If we want to tackle a proposition of this kind, let us be honest about it, and come in here before the American people and stand up and be counted, and see who is on one side and who is on the other. Do not let us go in the back door. Let us go in the front door like men.

Oh, somebody may say, "You come from the industrial East." I come from a very small State, it is true; but it so happens that half of its people are engaged in agriculture. We have only one city of considerable size—Baltimore. The other half of the people are urban dwellers; so I shall have my troubles five years from now, when I am a candidate for reelection, and some demagogue will get up on the stump and say I fought against giving the farmers a square deal. But I would rather go down in political oblivion, and never hold another office as long as I live, than to sacrifice my honest convictions, or go back on a philosophy of Government which for 150 years has brought the Nation all the blessings that we to-day enjoy.

You send men forward in time of battle underneath the emblem of their country to die for all its glorious history; and when that war is over you revolutionize the Government from a democracy into a socialistic republic by a mere joint resolution!

Now, let us take up some of the features of the joint resolution. Just conceive of this one proposition:

Under this joint resolution, all of the rates for any electricity generated at Muscle Shoals, sold in Alabama, Tennessee, Maryland, Arizona, or any other State, are fixed how? They are fixed, and exclusively fixed, by the Federal Power Commission.

For example, if the little town of Dresden, Tenn., wishes to buy its electricity from this company, its rates are fixed by the Federal Power Commission in Washington; and if I had a competing plant in that town, selling that town electricity, I should have to have my rate fixed by the Public Utilities Commission of the State of Tennessee. There would be two competing concerns, one with its rates fixed by the Federal Government, and the other with its rates fixed how? By the local government. Is there anyone who can believe that with two judges sitting in the same case who will render individual opinions on different sets of facts, the verdict rendered will be a fair or a just or a competitive one?

Here we are going to have one-half, we will say for the sake of illustration, of the companies that sell electricity to communities or to factories or to individuals regulated by the State regulatory body, and the other half of them regulated by the Federal Government.

If there is any justice in that, if that is good business, if that is sound business, I can not reconcile it with any business idea I have ever heard from the lips of anyone who has amounted to anything in all the world. Think of going into a State or into a little town, we will say Dresden, Tenn., and denying the people of that place the right to petition their own State government, because they will have to come all the way to Washington to file a petition for a reduction of the rates. Normally they can go to their own public-utilities commission, located in their own State, appointed by their own governor, whom they can defeat if they do not think he or they are acting in an altogether proper way. They can go there and have the rates readjusted. If there is crookedness, if there is graft, if there is dishonesty, they can defeat the governor and put in one who will give them a square deal. But they can not do it any more. Their hands are tied and lashed to the mast. I do not care how the rates may be, if they think they are unfair, they have to come all the way to the Federal Power Commission at Washington, although they may live in California, to get a redress of their grievances. No one will deny that, no one can deny it, because the language of the bill is too clear for a 6-year-old child to misunderstand. But for fear some one may think that perhaps I have not stated the situation correctly, let me read the language itself:

> It shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission.

Are there Senators in this body who think so little of the constituents of their States that they will deny those citizens a hearing before their own regulatory board and force them to come all the way to Washington to get a hearing on a power rate?

What redress will you have if your commission is not fair? Only in this very session you had a man up for confirmation on the Interstate Commerce Commission, Chairman Esch. You said he was not treating you right. The Senator from Michigan [Mr. COUZENS] made a speech, the Senator from Missouri [Mr. REED] made a speech, the Senator from West Virginia [Mr. NEELY] made a speech. They all said this commission was honeycombed with politics, and your way of remedying the situation is to create another exactly like it.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield, but only for a question.

Mr. WHEELER. Would the Senator like to repeal the law creating the Interstate Commerce Commission?

Mr. TYDINGS. No; I would not, and the situation is not the same. The Interstate Commerce Commission regulates interstate commerce. The Federal Power Commission would regulate intrastate commerce.

Mr. WHEELER. What about the people of California who have to pay high freight rates, and when they want to make a complaint, have to come to the Interstate Commerce Commission?

Mr. TYDINGS. That is true, but I will say to the Senator in answer to his question that we created the Interstate Commerce Commission when there were practically no regulatory bodies over railroads in any State in this Union; but to-day we have regulatory bodies for public utilities in every State in the Union, and none in the United States Government proper except the Federal Power Commission, which is more or less of an advisory body, and has very limited power under the act.

How many of the Senators—oh, I wish I had thought to get the roll call—rose here and denounced Commissioner Esch, a man who had served many years in the Congress and long upon that commission, as unfit to be appointed?

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. TYDINGS. For a question.

Mr. COUZENS. Did the Senator say that the Senator from Michigan got up and denounced Mr. Esch?

Mr. TYDINGS. No; I said the Senator voted against him.

Mr. COUZENS. The Senator is in error, although it was in executive session. I confess I voted for his confirmation.

Mr. TYDINGS. I am glad to have the correction.

Mr. NORRIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The Senator will state his point of order.

Mr. NORRIS. The Senator from Maryland is discussing what took place in an executive session of the Senate, and I call him to order.

Mr. TYDINGS. I am not a bit scared about the point of order, because it was published in all the newspapers.

Mr. NORRIS. I ask the Chair for a ruling.

The PRESIDING OFFICER. The Senator from Maryland is not in order in discussing executive business.

Mr. TYDINGS. Mr. President, it was published in the newspapers, and it certainly was published in the RECORD that the Senate rejected Commissioner Esch. There can be no dispute on that question. It was also published in the newspapers that Senators did not think Commissioner Esch was a fit man to sit on that commission; and the result of the executive session, as published in the newspapers, was that here was a Federal commission, the oldest regulatory Federal commission in the history of the Government, that the Senate said had men on it who did not honestly and fairly fix the rates. Still, in spite of all that, we are going to create another commission so that we can come in and throw out some of the other commissioners when our people come here and protest and say they are playing red against white or yellow against brown. You can not get away from that. You all did that. No one

denies it, and yet you are going to do it over again and give the people another chance to protest.

Mr. NORRIS. Mr. President, I again rise to a point of order, and I ask the Chair to enforce the rule.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. NORRIS. The point of order is that the Senator is discussing what took place in an executive session.

Mr. TYDINGS. I am not; I am discussing the result of the executive session, which was that Commissioner Esch was not confirmed; and I intend to discuss that.

The PRESIDING OFFICER. The Senator is out of order in discussing what took place in an executive session.

Mr. TYDINGS. Can I tell the result of the executive session as discussed in the newspapers?

Mr. NORRIS. The Senator was doing more than that.

Mr. TYDINGS. That is what I intend to do.

Mr. BLEASE. I voted against Mr. Esch, and I do not care who knows it, in the session or outside. I have a right to tell how I voted.

Mr. TYDINGS. I voted for him, because I do not believe in bringing politics into presidential appointments, where the nominee is a man of integrity.

Mr. BLEASE. I voted against him because I did not think he was fit for the job.

Mr. TYDINGS. I am not yielding to the Senator from South Carolina.

I wonder how many men in executive session would vote to recognize Russia, and if they would not vote to recognize Russia, why would they not vote to recognize Russia? Is it because of communism? Great God! Can there be anything with more communism in it than is embodied in this resolution? The Government with a $156,000,000 investment to start with, sixty more millions outlined in the plan under discussion, and a paragraph providing that transmission lines shall be built by the Government to every nook and corner of the country where it is feasible to sell electricity. Russia itself could not do any better than that.

Then it was said we were going to make all the fertilizer for the poor farmer; but no one arose and said in that discussion, "But we want to tell you farmers that you are going to pay the bill." That is the part they left out, and that is the part the demagogues always leave out. They do not tell the people it is to cost them more in taxes. You can not get something for nothing out of any government or person in the world. You pay for it, and the farmers will pay for the fertilizer.

If I wanted to take the popular side of the measure I would go back among the poor burdened farmers of my State and say, "I labored over there in the Senate; I did my best to give you cheap power and fertilizer. I wanted to put the Government into business, and distribute carloads of fertilizer free." But I would forget to say, "You will pay in taxes for every dollar's worth of it you get." That is the big point. That is the hump you can not get over. If the Government goes into the business of making fertilizer, it has to pay labor, and pay for depreciation of its machinery, and pay its freight, just the same as the individual does, and the taxpayer is going to foot the bill, and nobody can get away from that statement.

But we lead the people to believe we are going to give them all this free. Nine-tenths of the farmers have been told to think they will back up the spring wagon down at the old railroad siding and load it up with free fertilizer, and that nobody in God's world will pay a dollar for it.

I am going to sound a solemn warning as a young man in this body. You may laugh at it, but I expect to see it happen in my lifetime if this resolution is adopted. You are only opening the door to Government ownership and operation. If you believe in it, all well and good; but if you do not believe in it, you are only opening the floodgates wide to other measures that are coming here to plague your footsteps in the next 10 or 20 years. Further than that—and I believe there are some men who will be glad when that day comes—I want to say this: That within 50 years the thinking men and women, if it is done peacefully, will be congregated in this Capitol to write a new Constitution for the Government of these United States, because enough has been seen in the offing to show that the day of failure is at hand. In spite of the fact that we are prosperous, in spite of the fact that we are great, in spite of the fact that we are powerful, in spite of the fact that we are the most blessed of any nation beneath God's sun, there are some people who still want to experiment with the carburetor when it is working all right.

Untested, untried, we are going to imitate Russia. I would not be afraid to debate this question in Nebraska, in Wisconsin, in Maryland, or in any other State, before any farm audience in God's world, if we could get the truth from both parties, because if the farmers get fertilizer from the Government they are going to pay for it, and if they get fertilizer from an individual they are going to pay for it.

Over in Maryland—and I did not know it until my colleague from Maryland pointed it out—we have, according to my colleague, $25,000,000 invested in fertilizer factories. I would not care if we did not have a cent invested in Maryland, I would not care if there were $25,000,000 invested in fertilizer factories in Nebraska, my voice would be raised in the defense of property where it was sought to be confiscated by legal edict.

Oh, the hypocrisy of it, the sophistry of it, to have our marines at this good hour shedding their blood in Nicaragua in defense of property, while in the Senate of the United States—God save the mark—a resolution is about to be passed that will result in the confiscation of the property of good citizens, whose only crime is that they put their money in the wrong thing and live in the United States.

I want to take this opportunity to pay my respects to the Senator from Nebraska in regard to one matter, because the other night he had the floor, and I had to be very timid in answering him for fear he would cut me off. He said it was evident that the Senator, meaning me, had been reading word for word the pages of the power propaganda put out here. Indeed, he said, with great laughter from the galleries, the Senator from Maryland must have memorized it. I want to say to the Senator from Nebraska that I never read a single syllable of any report that came from the Federal Trade Commission, or from any other source. I do not have to read that kind of stuff to know, because good ordinary child sense would tell me that if the Government goes into the power business in competition with private industry, private industry must fail, because it can not tax the people and get more revenue to continue the business. So I have not read any of that propaganda, and while the galleries rocked in great laughter, the Senator was drawing a conclusion and was casting an aspersion upon me that he had not the slightest justification to draw. I hope the next time he will get his facts a little more firmly in his mind before he offers the insult.

Further than that I have never represented a power company but twice in my whole life. It just so happens that, poor though I am, I had a chance to get into a suit recently, on either side of it, where the amount involved was approximately $100,000,000, but because I happened to be a Member of the United States Senate and not because I did not need the money, I refused the retainer from both sides. So if the Senator thinks I am in the pay of the Power Trust, let him consider that remark.

Of course, the President is going to veto the measure. Some of the Democrats on this side of the Chamber—I say this in all good feeling without meaning in the slightest way to reflect on them—are so thick headed that they are going to join with the President and put the proposition up to Mr. Coolidge and help kick him upstairs and maybe renominate him for a third term. The more Coolidge vetoes these bills the more I fear him as a presidential nominee.

Mr. BRUCE. Will the Senator yield?

Mr. TYDINGS. I can only yield for a question. If the Senator wants to ask me a question, I yield.

Mr. BRUCE. I will only ask a question. The Senator recollects, does he not, that that was the effect of the vetoes which the President sent to Congress on the eve of his nomination the last time, nothing being more popular than those vetoes?

Mr. TYDINGS. In answer to the Senator's question, I believe the statement is correct. [Laughter.]

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question

Mr. TYDINGS. Yes; I will yield for a question.

Mr. REED of Pennsylvania. If the President is going to veto this, what is the good of filibustering against it?

Mr. TYDINGS. I am glad the Senator asked me that question. It is simply that I do not want another man to carry my part of the load. The President of the United States has his job and I have mine. I am here to-night protesting verbally, just as I would protest if I were a soldier in the Army and had a sector there to guard. I am only doing my bit. I am sure the President will veto it; but still he might not, and I am not even going to take the chance.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit another question?

Mr. TYDINGS. Yes; I will.

Mr. REED of Pennsylvania. Does the Senator think that a filibuster has the slightest chance of success where an adjournment date has not yet been agreed upon?

Mr. TYDINGS. I will say in all good feeling that the Senator's own experience ought to answer that question better than I can. [Laughter.]

Mr. REED of Pennsylvania. Mr. President, will the Senator permit another question?

Mr. TYDINGS. I am delighted.

Mr. REED of Pennsylvania. The Senator doubtless will remember that the filibuster conducted by the Senator from Missouri [Mr. REED] was conducted with the definite date of adjournment in sight.

Mr. TYDINGS. Yes.

Mr. REED of Pennsylvania. Does not the Senator think, in all seriousness—and I might say, still asking a question, that I am going to vote against the conference report because I agree fully with the Senator's position regarding putting the Government in business, and if the President vetoes it, assuming that it goes to him, I am going to vote to sustain the veto. So, still asking a question, the Senator will realize that we are not different in our views on this measure?

Mr TYDINGS. That is right.

Mr. REED of Pennsylvania. But does not the Senator agree that in this filibuster there is a possibility of endangering other things of the highest importance to the country——

Mr. TYDINGS. I do.

Mr. REED of Pennsylvania. Such as the tax bill, the two veterans' bills, the Army promotion bill, and the deficiency bill——

Mr. TYDINGS. This is all a question?

Mr. REED of Pennsylvania. Oh, yes; this is all a question. [Laughter.] I beg the Senator, then, to answer the question whether, if the veto is as sure as he thinks, it is not wise to let the Senate go along about its business?

Mr. TYDINGS. I will answer the Senator. If I were sure at this moment that the President would live until he got the joint resolution, and would veto it then, yes; but he may die even between this date and the time the joint resolution reaches the White House.

Mr. REED of Pennsylvania. Has the Senator no confidence in the Vice President? [Laughter.]

Mr. TYDINGS. I have great confidence in him, but he might die also. I will say this to the Senator: That if I were sure the President would veto the bill I would surrender the floor immediately. But I can not be sure that he will. I say to the Senator it is not my present desire to filibuster, although I may appear to be doing that. I do not think we ought to force a vote on this question immediately. I believe we ought to hear from home for a day or two first. We ought to see what the situation is. We ought to look at it more calmly.

I do not believe there is a proposition that has come before the Senate in years and years—and I believe the Senator will agree with me—that is as far-reaching in its departure from the form of government we have had for almost 150 years as is this, and I am simply doing my humble bit in my small way, poor though it is, to try to present the other side of the argument as I see it.

I thank the Senator for asking me these questions, and I have answered them as best I could.

Mr. REED of Pennsylvania. I thank the Senator.

Mr. TYDINGS. I went over to Russia last summer and went through that country. I spent quite some little time over there. It is not quite as bad as those who dislike it say it is, and it is not quite as good as those who boost it say it is. There probably were reasons for the Russian movement. I have no hesitancy in saying, from what I could see and learn over there from sources which I believed to be accurate, that I, too, if I had been a peasant, would perhaps have been somewhat of a revolutionary. Certainly the old régime was not all that was to be desired, and neither is the present government anything like a decent one or fit as lately governed for a place in the society of nations. But even so, I know that in this country of ours 90 per cent of the opposition to Russia and Russian recognition is nothing more nor less than because they have confiscated the property of private individuals in Russia.

I leave it to Senators—and I believe that no man in his innermost consciousness will dispute the fact—that if the American Government, with all its wealth in back of it, generates from this great dam at Muscle Shoals a great volume of electric power and has the authority to build transmission lines and send out that power into all the surrounding States, many a poor devil who only has $5,000 or $10,000 or $25,000 or maybe $100,000 invested in some small plant, and maybe having a mighty hard time to make ends meet, will believe that the Government in effect has come in and confiscated that property through unfair competition. Let me state why.

On the one hand, as I have said to the Senator from Nebraska, we have a concern that is taxed by States and taxed by a nation, and, perhaps, taxed by county and taxed by municipality. We have it regulated by the State. On the other hand, we have a concern with no taxes whatsoever to pay to any source, municipal, county, State, or Nation—no tax burden whatsoever upon it. Furthermore, it is uncontrolled by every State in which it is competing with another company that is controlled by the public utilities commission of that State. Who would like to go into business with that kind of a situation presented to him? Who would like to go out and build a power line knowing that the Federal Government was coming along with all the vast wealth of the Nation back of it, with a Treasury with $400,000,000 surplus in it this year, with the power to fix rates regardless of what the existing or prevailing rate was in that community? Why, there would not be a man in this body who would put a red cent into an enterprise of that kind. He would not do it himself, and if he had his own money in this community plant he would say, "Here I have paid taxes to support this great Government all these years and now the very Government I paid taxes to and for which I have worked and served to develop, and the pioneer business that I went into to bring this great invention to the people that it might serve them in all its usefulness—that very Government is now about to take away from me everything for which I have struggled and kept awake nights and plotted and planned for years and years and years."

I can not conceive that the Senate would have so little fairness. I can not conceive that the Senate would have so little regard for fair play. I can not conceive that the Senate would ever have so little business philosophy as to expect the people to have confidence, to have self-initiative, to have self-reliance, to do things for themselves and master the problems in each community or State, if the Federal Government is coming along at almost any hour of the day and take it all away from them through unfair competition.

What is the philosophy back of the Norris resolution? Here it is. "Power companies in many cases have grown into a big trust. That trust has done things that no trust should do." That is true. "There have been great evils permeating the whole electric company structure." That is true. All right; what is the remedy? There have been great evils, therefore, we will to destroy it. We do not seek a remedy. We do not come here to regulate it. It is not attempted to correct those evils. We simply say we will cut the whole thing down. In other words, if we are running a bank and we find the cashier is dishonest, instead of discharging the cashier and getting a new one we discharge the whole force, throw our money out in the street, lock up the building, and set fire to it. It is just about analogous to the proposition which we are considering at this moment.

Oh, no; the Senate of the United States declined to confirm the nomination of Commissioner Esch. He said here is the President packing a Federal commission. If I had all the speeches that were made upon the packing of Federal boards in this body in the five years I have been here and on the other side of the Capitol, it would take two or three volumes of the CONGRESSIONAL RECORD to hold them all. And yet it is proposed in this bill to create another board that another President can pack, and then if some one in Utah or another State has a grievance because the power rate in that State is too high, they have to come all the way to Washington and hire expensive attorneys to get a little hearing on the case. We might as well wipe out all the State lines. There will be no States left. It will only be a proposition of a name. Maryland will be an indefinite realm over near the Chesapeake Bay. Pennsylvania will go as far west as Illinois, and perhaps has gone in some ways long before this.

"All powers not granted to the Federal Congress are reserved to the States and to the people thereof." I wonder if the men who put that in our Constitution understood what they were doing when they did that and said, "There, we have put a bulwark to save this Government from the very things that have brought down all other governments before it. We will not have the Government the master of the people. We will make it the servant of the people. We will not let it interfere with their liberties. We will not let it confiscate their property. We will not have the National Government doing anything except govern." Heaven knows there is a big enough field to plow there and fertilize without going into the power business.

Compare public ownership of utilities in France or in England or in Germany with America. It is a foolish comparison. Why is it foolish? England or France or Germany or Spain or Italy are only about twice as big as the State of Pennsylvania.

They are old civilizations; they have been settled, developed, and built for centuries; they are subject to a very slow and very gradual change. In America we build cities overnight. Look at Detroit; look at Chicago; look at St. Louis—cities that have expanded so that one's imagination can hardly keep abreast of them.

Again, in France there are Frenchmen; in Germany there are Germans; in Italy there are Italians; but in America we have every nationality, every viewpoint in the world. We are not a nationalist Nation; we are a Nation of hundreds of nationalists. Therefore the philosophy of one State is very apt to be different from the philosophy of another State. To attempt to husband and to house and to melt all the people of this Government under one centralized board or commission or Congress in matters of local interest is to sow the seeds of hatred of one community for another, and gradually to bring disrespect for our Government from top to bottom.

It would be much better if we were to-night devoting our thoughts to prevent a waste of money, and incidentally a waste of life, than to have this measure before us, which, in my judgment, at least, is simply a waste of money and injurious to the best interests of the Nation.

It appears that foreign governments—60 of them—have borrowed from the United States $28,000,000,000, including the war debts as agreed upon by the War Debt Commission of our own Government and the war debt commissions of the other governments. Last January, in one month, we made loans abroad of $500,000,000. It will only be a short while before the world will owe us from $50,000,000,000 to $100,000,000,000 if we continue to pursue the same policy which is now being pursued.

It so happens that those countries that are borrowing tremendous sums from us have war-size standing armies. For example, take France. France is a little country with a population of only 40,000,000, but it has a standing army of 765,000 men. One out of every 55 men, women, and children in France is in the active standing army—1 out of every 11 families. Again, France has a reserve of 4,000,000 men; so that considering the reserve force, which is equipped and organized, plus the active army of 765,000 men, 1 out of every 8 people in all of France—and I only use France as an illustration, because the same thing applies to them all, as I shall shortly show—1 out of every 8 men, women, and children in France is either in the active army or in the organized reserves.

Let us take Poland. Poland has a population of 29,000,000, and it has a standing army of 242,373 men. There is no war on, nor is France involved in war. Poland has no war; Italy has no war; Rumania has no war; and yet all of them have standing armies equivalent to war strength. Poland has an organized reserve of 500,000 men; it has an unorganized reserve of 2,000,000 men; so that 1 out of every 30 men, women, and children in all of Poland is in the active army or in the reserve, organized and unorganized, and all are equipped.

How much money does Poland owe us? Poland has floated in government loans in this country $122,076,000. It has floated in corporate loans in this country $20,250,000. Altogether Poland owes us, in Government and corporate loans, $142,326,000; and while she owes us so much money she has a standing army of war-size strength—that is, organized and unorganized, but equipped—of 2,500,000 men.

Without the loans which we have made to that country it could not maintain its standing army; without the loans that we are making to other European nations they would have to scale down their military establishments, because they would not have the money with which to keep their vast war-time armies; yet we sit idly by, and at this very session of Congress we are going to appropriate almost a billion dollars for defense purposes. Why? Simply because with our money which we have loaned to those foreign nations they have sufficient to maintain standing armies of such large size.

I think the day will eventually come when we will need a foreign policy which will say that, while we are not opposed to lending money to any country, if it will put such loans into productive enterprises, such as railroads or mines or machinery or factories, we are opposed to lending money on the present scale to governments which in time of peace maintain war-size standing armies.

Let us take Yugoslavia. That country has a population of 12,000,000 people and a standing army of 140,000 men and an organized reserve of 2,050,000 men. In other words, one out of every seven people in Yugoslavia is either in the active army or in the organized reserve.

Let us take Czechoslovakia. It has a population of 13,000,000; there are 140,000 men in its standing army and it has an organized reserve of 1,489,000 men. In other words, 1 out of every 10 men, women, and children in that country is either in the active army or the organized reserve. To that country we have made tremendous loans in the form of Government or corporate loans.

Altogether the world owes us, as I have said, $28,000,000,000. Now, it has occurred to me that we might by resolution in this body—I have not prepared one but simply present the idea at this time—say something like this: The United States of America is opposed to loans to foreign governments which in time of peace maintain standing armies in excess of the following: For a country with a population of 5,000,000 or less, one man out of every hundred of population in its standing army; for a country of 10,000,000 or less, one man out of every 150; for a population of 20,000,000 or less, one man out of every 200; until finally we would get up to the figure of our own country, and we only have one soldier for every 833 people in our Nation. If we continue to make these loans abroad with no check on them, we are going to go through the same thing that France and Germany went through in the last war. Those two countries had $9,000,000,000 of foreign loans wiped out and lost forever as a result of the war. Suppose Europe should have another big war, what would become of our foreign loans? Is anyone gullible enough to believe that we would get any proportionate amount of them back, when the nations of Europe can not even pay back the war debts they owe us?

I do not mean to say that I am opposed to lending foreign nations money; I am not opposed to it. Our own country was a borrowing nation until the day of the armistice. European capital helped America greatly to develop, and we should not forget that we were once the borrower and they were the lenders. We should be willing now in the day of our prosperity to extend the hand of friendship to Europe; but I submit that when we were borrowing money we had a very small Army of only 100,000 men. We did not go to Europe and ask the countries there to lend us money while we were maintaining a standing Army of a million men or 700,000 men. If we had, Europe probably would very quickly have told us, "We will let you have the money but you must scale down your Military Establishment first."

I think if the Secretary of State really wanted to render some service toward the end of eliminating war, or at least lessening its possibility, instead of antiwar pacts it would be a good idea for him to adopt in some form my suggestion, for what difference does it make if every nation in the world signs a pact that it will never go to war if it maintains a standing army of war strength at the same time it is signing a peace pact?

Mr. President, at the conclusion of my remarks to-night—and I have not nearly concluded as yet; I am really just commencing on this subject, and I think it should be discussed fully before Congress adjourns—at the conclusion of my remarks I should like now, without relinquishing the floor, to ask unanimous consent to have this table [indicating] inserted in the RECORD. I do not make the request now, because I wish to keep it on my desk so that I can refer to it again, and I do not want the Chair to put the request until after I have finished. At the conclusion of my remarks I wish the Chair would put the request.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. TYDINGS. I do not yield to anyone.

Mr. HEFLIN. I merely wish to make an inquiry.

Mr. TYDINGS. I yield for a question, but only for a question.

Mr. HEFLIN. I have no desire to ask the question now, since the Senator has withdrawn his request to print the table in the RECORD. That is what I was going to ask about.

Mr. TYDINGS. Mr. President, it would be better if, instead of destroying the property of the people of this country, we would devote some attention to the $28,000,000,000 which we have now invested abroad and consider what is going on over there, in view of all of these tremendous military establishments. All of them, perhaps, are signing or will sign antiwar pacts; but what, in the name of common sense, is the good of a nation signing an antiwar pact if it then arms itself to the teeth and supports an army of such size that it almost breaks the backs of its taxpayers? But instead of safeguarding the money of our people which we have invested abroad, I say to the Senator from South Carolina, we are at this good hour—half-past 11 at night—standing here discussing a proposition not to save the money we have invested abroad but to destroy the wealth that we have created at home!

It is a good thing that this is not President Coolidge's first term. It is a mighty good thing for the Democrats, if this measure passes, that the President did not "choose to run," because, in my judgment, when he vetoes this measure—as I hope he will do, and I think he will do—he will simply be kicking himself upstairs so fast that if the convention can get hold of his coat tails they will pull him back and make him run and break the tradition anyhow.

We could not do a more foolish thing than to stand here in the closing days of the session and advocate this proposition—Democrats, believing in State rights, who lost hun-

dreds of thousands of men all through four years of one of the bloodiest wars of all time to preserve the principle of State rights, to fight for local self-government.

Somebody has said we fought the Revolutionary War because of taxation without representation. Rot! We never fought the Revolutionary War for any such reason. The villages were scattered out in the wilderness, where they never saw a tax collector, where taxes bothered them not a bit. They had wooden shacks, and no roads, and homespun clothes, and they lived on the ground and the game of the field. The tax collector did not worry them. They fought for local self-government, the most priceless heritage that a human being can own; but you would take it away from us now. You would take away from Tennessee her natural resource down on Cove Creek. You would take it away from her. You have the right to confiscate it in this joint resolution, to deny that sovereign State what is hers.

I will say to my colleague, the senior Senator from Maryland [Mr. BRUCE], who referred to the building of a big dam up in Maryland—the Conowingo Dam, costing $60,000,000, built 8 miles from where I live—that that dam pays in county and State taxes almost $1,000,000 a year; and you come up and try to take it away from us! The people of Maryland want the results of the taxation of their own natural resources. There may be some wealthy men in this body; there may be some poor men in this body; but whatever they have is theirs, and as long as they handle it decently they are entitled to keep it; but, if this joint resolution is passed, no man's property will be safe hereafter.

Mr. STEPHENS. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. TYDINGS. I yield for a question.

Mr. STEPHENS. From what the Senator has just said——

Mr. TYDINGS. Just a question.

Mr. STEPHENS. From the argument he has just been making——

Mr. TYDINGS. I ask the Senator, is this a question?

Mr. STEPHENS. It is a question.

Mr. TYDINGS. All right; it is my understanding that it is.

Mr STEPHENS. From what the Senator just said, it seems as if his argument relates simply to the Cove Creek Dam proposition. I want to ask the Senator this question: If the Cove Creek Dam proposition is eliminated from the joint resolution, is he prepared to vote for the proposition?

Mr. TYDINGS. In answer to the Senator's question I will say that I would not vote for it. I have attempted to show here to-night not only that objection, but the confiscatory objection; the fact that the Government was going into business; that we were changing our whole philosophy of government; that we were regulating intrastate commerce by a Federal commission and not by a local commission.

Mr. STEPHENS. But so far as the question of State rights is concerned, the only matter involved in this proposition is the Cove Creek Dam proposition?

Mr. TYDINGS. Oh, no! I say to the Senator, in answer to his question, that that can not be so, because the joint resolution says that all of the rates fixed here must be determined to be reasonable, just, and fair by the Federal Power Commission.

Mr. STEPHENS. I understand.

Mr. TYDINGS. That has not anything to do with Cove Creek.

Mr. STEPHENS. I understand, of course, that the Senator is interested in the proposition of having these rates controlled by the States instead of by the Federal commission.

Mr. TYDINGS. That is right. The Senator asks the question. That is right.

Mr. STEPHENS. But what I am getting at is this: The argument the Senator has just made is with reference to the Cove Creek Dam proposition in the main?

Mr. TYDINGS. That is right. That is the argument I just made, I will say in answer to the Senator's question.

Mr. STEPHENS. And the main idea the Senator is arguing, the proposition to which he is opposed, is with reference to the Cove Creek Dam proposition?

Mr. TYDINGS In answer to the Senator's question——

Mr. STEPHENS. Let me say this——

Mr. TYDINGS. I can not yield to the Senator except for a question.

Mr. STEPHENS. I understand. If that proposition is eliminated, then the main objection which the Senator has in regard to this whole matter will be eliminated?

Mr. TYDINGS. I will say to the Senator that if that is eliminated, it is my belief that the main objection I have would be eliminated.

Mr. STEPHENS. That is what I wanted to know, because I have been making an effort to have that proposition eliminated.

Mr. TYDINGS. I doubt if I would support the joint resolution, but I should be less inclined to oppose it as I am doing now if Tennessee were protected in her rights.

Mr. STEPHENS. That is my understanding.

Mr. TYDINGS. I will say to the Senator from Alabama that when he offered his various amendments the last time this proposition was up, I voted for every one of those amendments that would protect his State in its integrity. I will say to the Senator from Florida that when his proposition was up in reference to the inheritance tax I voted every time to protect that State in its right to fix such taxes on inheritances as it desired, without the coercion of the Federal Government. I will say to the Senator from Georgia that when the investigation was up here the other day—I have forgotten what the bill was now—and he made a very able address on this floor, and pointed out some invasion of State rights, I supported his contention within the last three or four days. I have forgotten what the subject matter was. In fact, I never expect to vote, as long as I am a member of any legislative body, for the curtailment of human liberty as expressed by local self-government or for the confiscation of honestly gotten wealth.

Mr STEPHENS. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. Does the Senator from Maryland further yield to the Senator from Mississippi?

Mr. TYDINGS. I yield for a question.

Mr. STEPHENS. Does not the Senator believe that if the proposition with reference to Cove Creek Dam should be eliminated from this joint resolution very much of the opposition to the measure would be eliminated?

Mr. TYDINGS. I will say to the Senator that it would be.

It was only a few days ago that that fine old gentleman the Senator from Florida [Mr. FLETCHER] rose here on this floor and made a plea for his own State to be allowed to do what his people wanted to do, and begged the Congress, "Do not coerce us." But no; we knew how to govern Florida much better than the Floridians did. We knew what they ought to have. We were the masters. We could tell them what form of government they ought to live under. They can not do as they wish. We—supermen, all-wise gods, almost—can lay down a code of conduct for them.

Then the Senator from Alabama comes along. He has already had one of the fine resources of his State taken in time of war. The people did not protest. They perhaps realized that they would have to make sacrifices; but he comes along and asks, now that the war is over, that his State be put back on a parity with the other States of the Union. No; we voted down his proposition.

I used to think—and I say this with real tears in my voice—that the Democratic Party, if it had no other good point, was the champion of local self-government, and would not truckle or stoop, no matter what the issue was, to throw away that priceless heritage which patriots had won on the battle fields. But I am sorry to say it seems that neither party cares any more about the individual, anything about the community, anything about self-reliance. I can see "The Covered Wagon," that fine moving picture, and visualize the sturdy pioneers going forth from the Alleghenies across the Western plains; and when they got to rivers they could not write to Congress and say, "Send out a bridge." No; they unhooked the horses, they cut down a few cottonwoods, they put them under the old wagon, and swam across the stream, and pressed onward.

Ah, it was a strong race of men from which we sprang! It was a race of sweet women, imbued with the finest characteristics known by the human race. But we have grown soft. We have lost our manhood. We have forgotten the struggles and the party battles back and forth across the pages of time. We are socialists. We are communists. We know, better than the successful men who made this Nation the great commercial giant that it is, how they should run their business; and if forsooth there are some crooks among them, if forsooth there are some dishonest methods employed, the thing to do is not to correct by punishing the individuals or trying to check the methods.

The thing to do is to put the Government into the business, and then go through what we went through with Miller in the Alien Property Custodian's office, with Fall in the Department of the Interior, with the Shipping Board and its deficit. I say it with no pride; and in the face of all that graft and corruption and incompetence and expense, the way to get rid of that is to contract another disease. So the way to cure typhoid fever is to give the patient diphtheria as well.

No; my voice will be futile. I will amuse some Senators; and others may perchance see some little spark of reason in something I have said. Others will prefer not to listen, because their minds are already made up. But, oh, how unworthy we are—how unworthy we are, because in effect we are really adding an amendment to our Constitution by the adoption of this joint resolution. We are changing the whole philosophy of our Government. We are going back on all of its glorious past, forgetting Gettysburg and Antietam and the Battle of the Wilderness, forgetting Andrew Jackson at New Orleans, forgetting George Washington.

I wonder, if George Washington could be brought back here to-day and given 25 or 50 years' experience of living in this day and age, if that great patriot would stand on this floor and vote to destroy local self-government, when he led the American hosts for no other reason in the world than safeguarding and giving to the people of this country the right to govern themselves. George Washington, if he lived to-day, would be for local self-government, for which he fought in the Revolution.

I wonder what John Marshall would do—that great Chief Justice of the United States, who, when the Federal Constitution was under attack, in case after case, stabilized and strengthened every timber and fiber of that covenant.

I believe that if he were living to-day, instead of fighting against the wishes of this State and that, as he did in the early formative stage of our country's history, he would be demanding that the rights of the States be not invaded by the Federal Government, just as, almost a century ago, he was demanding that the States not invade the domain of the Federal Constitution. The time has come for a strong man to now defend the States against the aggressor, just as the time was then for a strong man to defend the Federal Government against the aggressor. State rights no longer amount to anything. I do not like the term "State rights." I prefer to call it local self-government, the right of free men to a place in the sun, and to dictate the kind of government under which they shall live, without the coercion of any National Government, except in matters that are essentially national, and which must concern a whole people, and which no State or individual can do for themselves.

What will happen if, under the terms of this measure, the Federal Government goes down into Tennessee and selects Cove Creek on which to build a power site? What will happen? In the first place, Tennessee will lose any amount of taxes which she now derives from that land. Whether those taxes are large or small, as at present constituted, Tennessee has that lopped off over the protest of her two representatives in the United States Senate, over the protest of her legislature, and over the protest of her governor. She has the strong arm of the American Government reaching out into that State and closing down on a part of her resources, against the wish of every person in that State as expressed by their representatives.

What is the second thing? If the Federal Government can do that, if it can go in and take 2 counties, it can take 10 counties, it can destroy the State. Precedents are not made along a large scale.

Mr. ASHURST. Look at what they tried to do to my State.

Mr. TYDINGS. That is right. Precedents are made by the slow-weaving force of little events, as rivulets gather into the strength of a brook, and finally we rush out on the bosom of a giant stream that we can not control. So if we adopt this resolution we are making a precedent that the Federal Government can go into a State, take the property of that State, destroy its source of tax receipts, exercise control over it, and in effect destroy it.

Suppose that where this dam is to be located there were a rich industrial city. I do not think it would be done, but theoretically the whole city could be wiped out if the Federal Government wanted it in time of war; if it became necessary, the whole city could be wiped out. Probably Tennessee would submit to it, even though it were a great hardship. But in time of peace to go into a Commonwealth against the wishes of its two representatives here, against the wishes of its governor and its legislature, and take that land, when there is really no need for it—well, if there ever was any self-government in this country this measure cuts the strings of the last rope which holds it to our shores.

I do not know what should be the right title for this measure. I would call it a communistic bill, or a better name for it would be the "job holders' bill," because any number of job holders can be appointed under this measure. In fact, they could be put head-on from the Atlantic to the Pacific, and still they could employ more of them under the terms of the measure, because the language is just that broad.

It says the board—

May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

I say to the Senator from South Carolina that if the board wanted to, it could employ every man, woman, and child in his State under this provision. There is absolutely no limit to it. You could put enough politicians on this thing, and send them into every county in the United States, to go around and take propaganda to the farmers and county demonstration agents, to almost carry a presidential election. I would like to be in command of this if it goes into existence between now and next November, because I think I know where the balance of power in the next election would be.

I have no doubt that those who designed this measure had in mind the elimination of the Government from the fertilizer business, at least except for nitrogen, but a close reading of it will leave that question very much in doubt. Here is what the measure provides:

The board is hereby authorized and directed—

Not only authorized, but commanded, to do what?—

to operate existing plants for experimental purposes, to construct, maintain, and operate experimental plants at or near Muscle Shoals for the manufacture of fertilizer.

Not nitrogenous fertilizer, not fertilizer with a nitrogen content but fertilizer, and "fertilizer" must mean fertilizer, and therefore it must mean any kind of fertilizer which is now manufactured.

For the manufacture of fertilizer or any of the ingredients comprising fertilizer—

And so forth. This is what else it can do.

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants.

In other words, if it means what it says—and I think everybody admits it does—it simply means this, that this corporation can deal with any manufacturer of fertilizer, for any quantity of fertilizer, for any kind of fertilizer, at any time that it wants to do so, because it says, "To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development." Not experimental program but "program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program."

If there were any doubt about the scope of this thing, if anybody thinks there is just going to be a little experimental station down there, let him lend ear to this:

To arrange for farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

On a large scale, probably sending down to Tennessee 10 carloads, maybe there will be a little charge to it, but Mr. Farmer will find out he is paying for it in the end.

The next paragraph does deal with fixed nitrogen, but that is the only place I happen to see it in this whole fertilizer proposition. It says:

The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients.

They can put one-half of 1 per cent in it. "One-half of 1 per cent." It seems to me I have heard that fraction before somewhere.

With such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

You could take a standard fertilizer now and, under this act, take a cologne bottle, and sprinkle a little of this fixed nitrogen over it and sell it as nitrogenous fertilizer. There is no limit fixed in it. You could put one-half of 1 per cent, you could put

half of it if you wanted to, but as far as the law is concerned they could buy pure fertilizer from a fertilizer concern and send it down to Muscle Shoals and, without doing a thing with it, resell it again to the farmer.

We have been humbugged, I hear some one observe, and I would say that if we embrace this iniquity it will be a long while before we stop being humbugged. Listen to this:

The board is authorized to make alterations, modifications, or improvements in existing plants and facilities.

To establish, maintain, and operate laboratories and experimental plants.

This board will have more power, more scope, more authority, than all the other departments of the Government put together, because they will deal with the big agricultural interests of this Nation, comprising about 30,000,000 people.

Senators, have we gone mad? We are not only satisfied to destroy State rights, we are going back on the philosophy of our Government, demonstrated to be successful through 150 years of trial, we are going to take from the State the regulation of the utilities of the State, we are going to confiscate the property of the people of the Nation, who now have invested in fertilizer production or electricity, we are going to compete with them, and saddle the burden of taxation for the deficit on to the backs of the taxpayers. We are going to create another commission just exactly like the one that Commissioner Esch was kicked out of not long ago. We say that the thing was run badly. I did not say it, but some of the Senators, I believe, perhaps thought that way. At any rate, the papers stated that he was not confirmed in executive session of the Senate. Yet, knowing all of that, it being charged by the Senator from Nebraska on this floor at this session that the Federal Trade Commission and these other commissions were not responsive to the purposes for which they had been created, that they had been packed by men who were out of sympathy with the purposes for which they were created, yet he would establish another commission, when he himself has said he felt like introducing a bill to repeal the whole thing; and I believe perhaps the Senator from Arizona remembers that statement.

Yet every time we have gone out into the realm of private business we have made a mess of it. We have not run one business right, including the business of the Government. We have had grafters and corruption. We have not been able to convict many of them. Here is Forbes, just back from Atlanta to-day, who was put in charge of the expenditure of $500,000,000 to rehabilitate the wounded and disabled veterans of the World War, and this great Congress, which can do everything so well, found that millions upon millions of dollars had been squandered in a proper sphere of Government activity; and now we are going into something even bigger and broader and more far-reaching than that enterprise was, with the expectation that it will never occur again. It is like going to a certain house and catching the smallpox, then waiting a few months and going back to the same house with the expectation that we will not catch it again.

There is just as much analogy and just about as much argument in it as to have all these commissions and have statements made here day after day that they are not responsive to the purposes for which they are created, that they are out of sympathy with our institutions of Government, and yet, in spite of all that, I heard the Senator from Nebraska [Mr. NORRIS] stand here—and there are many things about him which I admire—and ask about the Federal Trade Commission, "What is the use of sending the power investigation to the Federal Trade Commission?" I think even the Senator from Virginia [Mr. GLASS] voted not to send the investigation of the power industry to that commission. The Senator from Virginia said they would not investigate it properly, that they were not responsive to the people's wishes, and yet I shall not be surprised, from what I have heard, if perhaps the Senator from Virginia shall vote to create another commission further to hamstring the people.

I heard the Senator from Wisconsin [Mr. BLAINE]—and I admire him very much because, though I differ with him, I always know he is sincere—stand here, and what has he been doing? Battling, as he thought, to bring the people of Nicaragua local self-government; and yet he is going to take it away from the people of Tennessee if he votes for this joint resolution, over the protests of its two Senators, its legislature, and its governor.

I heard the Senator from Georgia [Mr. GEORGE] here the other day make a protest about the 80 per cent provision in the Federal income tax law. The Senator from Georgia said:

Mr. President, while I am in favor of a Federal inheritance tax, yet I am not in favor of it; and I would rather see no Federal inheritance tax if the State of Georgia or any other State is to be coerced into doing something against its wishes.

I hope the Senator from Georgia will be consistent and will now not force Tennessee to submit to the confiscation of its resources by the Federal Government over the protest of its two Senators here.

Oh, yes; everybody says, "All these commissions are rotten, they do not function right, they are wrong, they are out of harmony with our institutions, they are packed with men who will not do what they are supposed to do." Senators get up here and make speeches like that, and then create more of them to do exactly the same thing over again. What we want, as one Republican President has so aptly said, though it has been said many times before he said it, is "less Government in business and more business in government." Let the Congress of the United States deal with government. The people of the Nation have the enterprise and the vision and the experience to deal with business in a much better way than any of us, most of whose training is as lawyers or as legislators, and who never ran an electric line five minutes in our lives. Yet we stand here without any experts except what the committee had before it, and 90 per cent of the Senators are going to commit this Government to a business enterprise without an expert to advise us as to whether or not it is feasible. The committee had some experts, but how many Senators have read the expert testimony? None at all. They have not read it at all, I venture to say, but they would throw away $150,000,000 of money, part of which came from the poor farmers who have just had the McNary-Haugen bill taken from out their inside pocket when they thought it was tucked very carefully in there, and they had almost bought a railroad ticket home. That $150,000,000 and the $60,000,000 more we are going to spend came from the farmers, because most of the taxes are passed on to the man furthest down the line, and when they are not passed on the only reason they are not passed on is because there is no means of communication.

Senators, I expect to be going for three or four hours more, so if any one wants to take a little nap in the meantime, I advise him to proceed. I do not mind going on for a little while and losing a little sleep and using up a little energy in defense of a man's honest property.

What if there are big interests in the fertilizer business? That does not scare me. Neither does the mere charge that there are trusts amount to a row of pins. I know this much, that it does not take much study to convince anyone that the fertilizer business is about the most precarious business anyone can engage in.

In the first place, we get the raw materials from many countries. We get some from Chile and some from Morocco. Some of it we find in our own country. We are always subject to new duties that might be levied in any of the countries in which the ingredients originate. Freight charges may change. Shipping conditions are a hazard. In fact, I can not conceive of a business that has as many unforeseen ramifications as the fertilizer business has. It is a mighty difficult business to operate, I imagine. Nevertheless, we know more about the fertilizer business than men who have spent all their lives in it. We will make cheap fertilizer. All we will do is to pass a bill and put three men at $50,000 a year, as the bill provides, in charge of it, and then the farmers will come up, their bent backs will straighten, poverty and sickness will be abandoned, and there will be Fourth of July picnics in every county seat five days out of every week just simply by enacting a law. It is no trouble at all. We should amend the Constitution and legislate out of existence poverty and sickness. It is very simple. Then when we have eliminated poverty and sickness we would not have to fool with such things as Muscle Shoals and some of these other projects.

I have marked a number of provisions in the report which I have not yet had the time to read. I want to come to the powers which are conferred on this commission, but let me read something else before I take that up:

SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River, in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

What does all that mean? It means that the Secretary of War is going down into Tennessee with $2,000,000 as a mere starter, and is going to commence the building of a dam. The whole project, I believe, is to cost about $37,000,000 at least when completed—for what purpose? To augment the power at Muscle Shoals? Will there not be enough power there? No. It is not for that purpose particularly, because it has already been said here that all we are going to do is to make experimental fertilizer. We are not going into it on a big scale and, therefore, we will need very little power with which to operate a fertilizer concern. Therefore, we are really going to build another dam not because we have already got it like we have at Muscle Shoals. We have that now. One can reason that a man might to some extent vote for something that he did not altogether like in order to get rid of it in some way.

But here we have nothing. Tennessee has a site, and there is not a thing there that the Government ever thought about. But here by a bill, in time of peace, without any need in God's world for it, we authorize the Secretary of War to go down into that State, against the wishes of its people, and take a great resource from them and waste from $37,000,000 to $60,000,000, which I understand it will cost. What does the Senator from New Hampshire [Mr. KEYES] think of that? That is what the provision means, if it means what it says, and I think it says what it means.

It means that although we do not at this moment own a foot of ground at Cove Creek, although Cove Creek has never been used for war purposes, although Cove Creek has no place, and although it has no part whatsoever in the Muscle Shoals project—think of that, Senators—yet the Government is going down into Tennessee in time of peace, when the people want to get tax reduction, when they want to get rid of the tax burden, when they want the Government to get away from war and get back to peace, when they want the Government to leave them alone and tax them as little as possible, so they can readjust themselves—despite all this we are going down into Tennessee, with no war in sight, and build a great big dam costing from $37,000,000 to $60,000,000. I say it is an outrage and a grotesque waste of the people's money and ought not to be permitted.

Now, let us go to the next section, which is a very different section and rather a long one. It will take a little while to read it, but with forebearance and attention of the Senators who are now in their seats—I am sure there is a quorum now present and in attendance—I will take up section 16 of the joint resolution, which reads as follows:

SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce—

To do what?—

to exercise the right of eminent domain.

What is eminent domain? The right to condemn for a particular use. The Federal Government in time of peace, with no necessity, with no need for so doing in conjunction with Muscle Shoals, is to go into the otherwise peaceful State of Tennessee and exercise the right of eminent domain and take from Tennessee that which is hers. It might just as well go out to a corncrib and take a man's corn, or take his horse. The same principle is involved. It is merely legalized larceny, as I see it.

Mr. McKELLAR. Mr. President——

Mr. TYDINGS. I yield for a question.

Mr. McKELLAR. If the Government can go there and take one county—and the area proposed to be taken is equal to a small-sized county—why would it not have a like right, if it saw fit, to take all of the 94 other counties in the State and in that way obliterate the State of Tennessee from the map entirely?

Mr. TYDINGS. The Senator's question is pertinent, and in answer to it—perhaps he wants to ask me another, but before he does I should like to make this observation, that if the Federal Government can take one State it might take two States and finally it might get as far as Arizona and take that State, and perhaps California, so that the United States would be a nation of States up to the Mississippi River, and it would only be one State from there on to the Pacific Ocean. That is ridiculous, but it is possible if we follow this theory.

Mr. McKELLAR. The Senator does not think that the State of Nebraska would be included, does he?

Mr. TYDINGS. I venture to say that if Cove Creek were in Nebraska and it belonged to the State of Nebraska, and the two Senators from Nebraska should arise in this body and protest, and the governor of that State and the legislature of that State would send in their protest to the Senate of the United States against the taking of Cove Creek, assuming it to be in Nebraska, and the Senator from Nebraska [Mr. NORRIS] were not in the Senate but was a citizen of Nebraska, he would think his little Commonwealth was being treated mighty mean indeed. But Cove Creek is not in Nebraska. There is no more fairness left. When you depart from local self-government you throw justice to the winds, and then you are willing to coerce a community in which you do not live.

Mr. McKELLAR. Mr. President, I think, if the Senator will permit me, I will ask another question.

Mr. TYDINGS. I yield for a question.

Mr. McKELLAR. Can the Senator see any reason why the committee of which the Senator from Nebraska is a member and of which for a long time he was chairman should adopt the course of taking from the State of Tennessee its property and in another bill, namely, the Boulder Dam bill, provide as follows?—

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract, or contracts, executed under this act, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18¾ per cent of such excess revenues and to the State of Nevada 18¾ per cent of such excess revenues.

Does the Senator see any fairness in thus treating the States of Nevada and Arizona by this very same committee and then taking the property of Tennessee?

Mr. TYDINGS. In answer to that question——

Mr. NORRIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator from Nebraska rises to a point of order, which he will state.

Mr. NORRIS. The point of order is that under the guise of a pretended question the Senator from Maryland permitted to be read a long extract and a speech to be made by the Senator from Tennessee. He has, therefore, lost the floor. He can not hold the floor and permit a speech to be made under the guise and pretense that he is being asked a question.

Mr. TYDINGS. Mr. President, the ridiculous position of the Senator from Nebraska is apparent. How should I know before utterance was made whether it was going to be a question or a statement?

Mr. NORRIS. I call the Senator to order. The point of order is not debatable, unless the Chair asks that debate be had.

Mr. TYDINGS. May I be heard——

Mr. NORRIS. The Senator has no right to debate the point.

Mr. TYDINGS. May I be heard, Mr. President?

The PRESIDING OFFICER. The Senator from Maryland may be heard on the question.

Mr. TYDINGS. Mr. President, how can anyone who yields for a question, having made that as a condition precedent to yielding, tell whether it is going to be a question or a statement until after it is uttered? I can not read another man's mind.

Mr. McKELLAR. It was absolutely in the form of a question, and the RECORD will so show.

Mr. TYDINGS. I am very sorry the Senator from Nebraska is so intolerant on this as he is on the State rights question.

Mr. NORRIS. Mr. President, does the Chair think he has been enlightened by that statement, which was made for the purpose of making another speech instead of talking to the point of order?

Mr. TYDINGS. I ask the Chair to rule. If the Chair wishes to rule with the Senator from Nebraska I shall be satisfied, although I shall think I have not received a parliamentary or a square deal, and I shall protest most vigorously.

The PRESIDING OFFICER. The Chair is of the opinion that the Senator from Tennessee was asking a question.

Mr. TYDINGS. I thank the Chair for the fairness with which he has just ruled, although the Chair was in a very embarrassing position.

Coming back to the point where I was when interrupted, the right of eminent domain——

Mr. NORRIS. I desire to make a parliamentary inquiry.

Mr. TYDINGS. Mr. President, I refuse to yield. I am in order and I have the floor.

Mr. NORRIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. NORRIS. The parliamentary inquiry is this: Does the Chair's ruling mean that under the pretense of a question an hour's speech could be included in the question and that the

Senator of whom the question was asked would not lose the floor?

The PRESIDING OFFICER. No; the Chair does not rule that way. The Chair ruled that when the Senator from Tennessee rose he asked a question of the Senator from Maryland, and the Senator from Maryland had a right to answer the question.

Mr. NORRIS. But that does not answer the inquiry which I have made.

Mr. TYDINGS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Nebraska has raised a parliamentary inquiry.

Mr. TYDINGS. A point of order takes precedence over a parliamentary inquiry. The Chair has ruled that I have the floor, and I insist on my right to proceed.

Mr. NORRIS. I ask a parliamentary inquiry of the Chair.

Mr. TYDINGS. If it is the same one the Senator just made, I ask that it be overruled immediately.

Mr. NORRIS. The Senator will find out if it is the same one if he will listen.

The PRESIDING OFFICER. The Senator from Nebraska will state his parlimentary inquiry.

Mr. NORRIS. Does the Chair mean, I ask again, that under the guise of saying "I want to ask a question," and the Senator occupying the floor saying "I yield for a question," that he is going to permit the Senator occupying the floor to be interrupted without regard to the length of the interruption or whether it is in reality a question or a speech?

Mr. KING. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. KING. I submit that the distinguished Senator from Nebraska may not under the guise of a parliamentary inquiry propound a moot question when the Chair has finally decided it.

Mr. NORRIS. That is what a parliamentary inquiry is.

Mr. TYDINGS. Mr. President, I thank the Senator from Utah for being a champion of fairness. Have I the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. TYDINGS. I want again to thank the Senator from Utah for his fairness.

Mr. BLEASE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BLEASE. Is a quorum present?

The PRESIDING OFFICER. A quorum is presumed to be present.

Mr. TYDINGS. I will not yield the floor for a parliamentary inquiry of that kind. No point has been made, and I insist upon going ahead. I still have the floor.

The PRESIDING OFFICER. The Senator from Maryland will proceed.

Mr. TYDINGS. Mr. President, at this point I wish to say that I am not going to yield to any Senator; so if any Senator desires to ask me any question he may save his energy, because I refuse to yield for any purpose whatsoever.

Now, Mr. President, let us get back to the question of eminent domain. We seem to have a great deal of difficulty in getting to that. It is very evident that the domain that is to be condemned is not in some other State but in the State of Tennessee.

The Secretary of War is given the power to condemn, what?—

to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act.

If there is anything that exists beneath the blue sky of heaven that is not included in that language, then the words are not in the dictionary of the English language as spoken. However, it does not stop there; that is only the beginning.

When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be entrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River, and in the Clinch River.

I think Clinch River is not navigable at that point. Certainly, the Government only has jurisdiction over the rivers of America provided they are navigable. But even though Clinch River is not navigable, and for no purpose whatsoever in connection with Tennessee, without any part in the scheme of Muscle Shoals proper, we are going to invest the Government with the power to go into a sovereign State, destroy its resources even though the Legislature of Tennessee, the Governor of Tennessee, and both Senators from Tennessee in this body have uttered their protests—so little do we regard in this day and age the rights of a State, the rights of local self-government, the rights that go back to the time the State came into existence.

In my own State of Maryland, small though it is, the boundary lines are all defined in the charter given by the King of England to Lord Baltimore. Through dispute and controversy, those lines were changed; but our boundary lines and our sovereignty as a State go back away before this Union was created; in fact, they go back 150 years before our Constitution was adopted; yet all these boundary lines are to be as a snap of the finger.

People settle in a State for one reason or another. It offers some possibilities. Some people go to California because they like the climate. Some people go to Michigan because they realize that Detroit is a great commercial center, and they go there and take their money and invest in some business. What surety, what safety is there left if, after people settle without molestation from the Government, the Government comes along wherever it wishes, in time of peace, and takes from a sovereign State what is that sovereign State's, over its own protest?

It seems to me that the proponents of this bill are very short-sighted. In the first place, they can win support where now they have opposition, although I would not, with one amendment only, be willing to vote for the measure; but it does seem to me to-day that if this matter had been resubmitted again, and the Cove Creek proposition had been taken out of it, and it had been brought back in the Senate again, much of the protest that is now being humbly made would have long since ceased to be uttered.

Now let us go on to section 17, which is another interesting section of this joint resolution.

For the first time in the history of this Republic, Congress is delegating the constitutional powers of the United States to a commission. That is a new wrinkle in law. I do not know the genius who conceived it; but, if I interpret it correctly, it is a rather large departure from anything we have had up to date. Mind you, the corporation, the Muscle Shoals Corporation, the three men, the three commissioners who form the corporation, who govern it, who are its heads, are what? The "instrumentality and agency of the Government of the United States."

I ask the Senator from Arizona [Mr. ASHURST] to listen to this: This corporation, these three men, are the "instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers."

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. TYDINGS. I can not yield; I am sorry.

Mr. REED of Pennsylvania. Has not the Senator finished?

Mr. TYDINGS. I refuse to yield, Mr. President, much as I should like to. I ask the Senator from Pennsylvania, however, if he has not left the Chamber, if he will not give his attention just to these few lines:

The corporation—

The three men who form the Muscle Shoals corporation—

is hereby created as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers—

Does that mean the constitutional powers of our Government?

I can not let the Senator answer that question. He will have to answer it in his own mind; but I will say that the language at least is ambiguous and very difficult to interpret, particularly at this early hour in the morning.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I am sorry I can not yield. I am afraid I will get into trouble.

Mr. REED of Pennsylvania. No, Mr. President; I only want to ask a question, not to take the Senator off the floor.

Mr. TYDINGS. I can not yield. I am awfully sorry, but I can not yield.

Mr. REED of Pennsylvania. Will not the Senator permit a single question?

Mr. TYDINGS. I can not yield, Mr. President. If any Senator cares to walk over here I can look at him more closely than I can at that great distance.

The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents—

To the corporation down here, right from the Patent Office—copies of documents on file in his office.

I do not suppose there is a single, solitary patent that this corporation under this law could not ask for, and the commissioner would be in duty bound to send it to them.

Russia! Well, if this joint resolution passes I advise anyone who wants Russia recognized to introduce a joint resolution for that purpose right away, because in my humble judgment we will have put the O. K. on her form of government, and there is no longer any reason why we should not have diplomatic relations. The votes are here if this joint resolution passes. If I were in the Russian foreign office I would say, "There you are! I knew those fellows over in the United States would come to communism. We run all of our public utilities. We own the railroads and the electric-light plants. Why, we have got Colonel Cooper, their own engineer, who built Muscle Shoals, over here. He is over in our country now building one of the biggest dams in the world."

Instead of democracy succeeding, we can tell our good people that the United States, in the Senate of that body and the House of Representatives, have finally adopted the Russian system of government. They are going to confiscate property by unfair competition and drive out all private capital.

Let us hoist the red flag on top of the Capitol. There is no use having the red, white, and blue up there any more. Let us all be communists. Let us include railroads and factories. Let everybody work for the Government. Let us include farm lands, and pay every farmer a salary to work by the day, and have commissions to direct all farm operations. There is no reason why we should not—not a bit in the world. We might as well include it all in the particular proposition before us.

There is an investment of $25,000,000 in the fertilizer business in my State. They are not going to have their property confiscated while there is a spark of energy in my body. I am here to protect their property, if no one else will, until the last ditch. Then I will have done my part; and five years from now, whoever my opponent may be, he can go out with his demagoguery and make appeals to the farmers that I would not let them have free fertilizer, without telling them that they are going to pay the bill for every dollar's worth of fertilizer furnished to them, and they are going to pay it well. I am ready to meet them on that issue; and I am not apologizing for this filibuster, because there is no government left when property is not safe.

Do we not have our marines down in Nicaragua to-day to protect property? So I have heard. Are they not out in China? And here, in the dead of night, we are doing very little for property in the Senate. We are committing the Government to a policy of confiscation.

I saw the hand disclosed in the original conference report brought here. It put the Government in the fertilizer business up to the hilt. I know, if they get an opening wedge in this second conference report, we will go in up to the hilt again. I know that there are hundreds of men depending on the living they get over in those fertilizer plants, because they are big ones. They are employed there every day. They probably have their little homes in the building association. I do not want to make anybody cry, but that is a positive fact. They are depending on their week's salary to take care of their wives and children. They are buying their little homes. They have worked up, perhaps, from laborer to foreman. We are going to take it all away from them. We are going to compete; that is what we are going to do.

Well, maybe we are, and maybe we are not. At any rate I am surprised that when we create anything that makes wealth after it has demonstrated its ability to make money and has erected a great commercial enterprise, our way of rewarding it is by setting fire to the building. We encourage people to go out and build up great enterprises; we strike our bosoms and tell what a great country America is; and then somebody hollers "Wolf!" because some electrical people have been foolish, illadvised, and perhaps corrupt, and we lose all balance, all self-regard, and we say, "This Electric Trust ought to be torn down and the life stamped out of it." And yet we are claiming to be the greatest deliberative body in the world—a body now on the threshold of passing one of the most iniquitous measures that ever found its way into any legislative body!

It is useless to read those provisions that made this country the pattern which was adopted by other governments. It was the little spark of flame lit here on this side of the Atlantic that made the Republic of France an enduring democracy. It was that little fire of local self-government that caused our President during the war to go abroad and, over the council table and over the opposition of some of the most powerful leaders of the world say, "One thing must be brought out of this conference, and that is the right of self-determination." Yet I say to the Senator from Tennessee, we are going to deny to your State the right of self-determination, although millions of men shed their blood in four years of war on the fields of Europe in order that the little countries, the little peoples should not be oppressed and ground down by those who would be their masters.

Go to Austria to-day—a pathetic little country, and one that I think has not been treated fairly. It used to be Austria-Hungary; but Austria to-day is only about one-fourth as large as it was before the war. Hungary is only one-fifth as large as it was before the war. Part of its lands have been given away to Jugoslavia and Czechoslovakia. Part of its lands have been given to Italy. Why? Because in Austria, for example, there were eight different languages spoken. There were many different races of people. Asia and Europe were blended together. There was the Czech and the Serb and the Slav.

The nation and the faction that got in control would coerce the other races. They exploited them. They never paid them any wages. They gave them only clothing and food. They kept them in ignorance. Finally, the result was that they got local self-government; and while injustices were done many of those countries in this redivision, for the first time, after being for centuries under the yoke of oppression, they at last had the golden opportunity, at least, to make the laws under which they should live.

Why, the American Legion would be opposed to this bill—men who went forth into the fire of battle for what purpose? To preserve the institutions of local self-government. Nevertheless we are now seriously debating taking from the sovereign State of Tennessee in time of peace not only its resources but the control over any electricity which is sold in that State by the Federal Government.

If a man's property, be it an electric plant, is not safe, then I say, by analogy, his home is not safe. If you can confiscate property by Government competition for one thing it is inevitable that you can confiscate another kind of property by Government competition for another thing.

We have gotten cold-blooded. Just think, there was a day in this country when the Government was just coming into existence, when men were so stupid that they said, "Before we will ratify that Federal Constitution we insist on an amendment like this being adopted, the first amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I tell you, Senators, the men who lived when this Government was first founded did not take things for granted. They had vision. They did not take laws because somebody said they stated so and so. They read them to see what they meant. They tried to find ways and means to prevent any abuse of power, whether this Government would be operated by a president, a king, or a general.

They knew that power in any man's hands was liable to be abused, and they sought for ways and means to protect the State from the Nation and the Nation from the State, so that the perils and the lessons of the Old World would not be repeated on this side of the water.

Oh, some Senators, perhaps, get scared because somebody rises in the Senate from time to time because they vote a certain way and yells "Power Trust" or "Fertilizer Trust." I am not scared. They may call "Fertilizer Trust" and "Power Trust" all they want to. I would just as soon fight for the Power Trust if its property were to be taken from it as I would to fight for some darkey who had only $5 to his name. It is not the quality of the goods, it is the principle of the thing involved.

I have been opposed at times by organized labor, an organization that I really like and wish well, and would rather have their friendship than their opposition; but if I have to win their support by voting for their sole interests to the detriment of all other classes, then I fear I shall never earn it. If I would have to buy the farmer's support by voting for every monstrosity offered in this body, I am sure I shall never be so rewarded. I think some one must have read the propaganda of Carl Marx, or the philosophy of communism, because there is more of that present in this measure than in anything I have seen lately.

They were fools who lived in this country when our Constitution was adopted. The idea of a man putting an amendment like this into the Constitution of his country:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

They thought so much of the home that they actually insisted that there should be incorporated in the Constitution of our country a provision that no house should be searched without a warrant, under oath. They were not going to have people running in on other people's property.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I will yield only for a question, with the assurance of the Chair that I will not lose the floor if I yield for that purpose. If the Chair wishes to rule in advance on it, I will yield for that purpose.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. TYDINGS. Without losing the floor?

The PRESIDING OFFICER. Without losing the floor, providing it is a fair question.

Mr. TYDINGS. I will say that I have no way of knowing what the Senator from Pennsylvania is going to say, obviously, until he utters it, and if it is not a question I have not yielded. With that understanding——

The PRESIDING OFFICER. The Chair must assume that the Senator will ask a fair question.

Mr. REED of Pennsylvania. Does the Senator yield?

Mr. TYDINGS. For a question only.

Mr. REED of Pennsylvania. When will the Senator finish?

Mr. TYDINGS. I am really unable to answer the question. Just think of it—

and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Oh, my, what sturdy fellows they were in those days. Liberty meant something. A man's home meant something, and you could not come in through a resolution or through Government competition to rob him of the rewards of his honest efforts.

I see no difference, except one of degree, between the thief who holds a man up at the point of a pistol and a legislative proposal which takes away from a man his property by the sheer brutality of the force of law.

They then thought they would put this in the old Bill of Rights, as we call it, the first 10 amendments to the Constitution:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Of course that was self-evident, but they said: "We are not going to take things for granted. We are going to put in the Constitution, as far as we can foresee, all the provisions which will safeguard humanity from a repetition of the wrongs and oppressions of the Old World."

Here is another amendment:

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Mr. President, I really feel that I must apologize to you and to the Senators who have so kindly remained here, but I must detain them for quite some while longer, because the matter involved, as I have stated, is one of principle, and principle can not be compromised with and still be principle. The Senator from Alabama on another subject has uttered that sentiment, and has on many occasions held forth on the floor of the Senate. On this subject I myself feel somewhat inspired, perhaps, as was the Senator from Alabama in furtherance and in the espousal of the subject upon which he has so eloquently embarked from day to day. Therefore, if I detain the Senate, it is not because I would be unkind but rather because there is nothing else for me to do in the present circumstances.

The right of the people to be secure in their persons, houses, papers, and effects.

They will not be very secure after this passes; not at all; not at all. If this becomes the law, what does it mean? It means that we put the Government into an internal business within our country. We have the merchant marine operated as an external proposition, but we are actually going into the ownership of all the transmission lines for all the States, from Alabama on northward as far as you can send electricity, and I am told you can send it for over 1,000 miles with the high voltage that is in force at Muscle Shoals.

We go into the transmission business, the buying and selling of electricity, because that is what it means; we start to sell that. Then somebody comes along and says, "Why not take over the railroads?" That is all right. Then somebody else comes along and says, "Why not take over the coal fields?" That is all right. Then I suppose we will take over the farms, and pay all the farmers day wages. We would then out-Russianize Russia. As I said before, and with the approval and permission of this body will say again, the only difference between this country and Russia, after this resolution is passed, will be that Russia swallowed the whole dose, and we have taken only the first teaspoonful. But I know that the inevitable result will be that in a year or two, when a few more Senators who believe in the philosophy of this particular measure return, other things will be incorporated, where now there is practically nothing at all except the fertilizer and the power business.

The more I reread this proposition, the more damaging it seems to grow. Just think of the horde of job holders who would be appointed under this measure. There would be more people working for Muscle Shoals than would be in the standing Army of the United States under its provisions, because the board—

May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

I say, Mr. President, without yielding the floor, it may occur to some Senators that it might be a good idea to go home and go to bed, to which I would not have the slightest objection provided the Senate met, at, say, 11 o'clock to-morrow, and I were given the floor again when it reconvened. The board—

Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred * * * including the right to exercise the power of eminent domain.

What do you think of that? That is a pretty vicious proposition. If there is any doubt in anybody's mind as to whether this is going to be a mild experimental proposition, or is going to be enlarged as fully as it may be, listen to this:

To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

As I see this thing, it means that they are to spread it as far as they can, to make all the fertilizers they can possibly make, and to cooperate with farm organizations—at least, that is what the measure says—to the fullest extent, and of course do not forget all the time that Mr. John Smith, taxpayer, is paying the bill, and he will find out who is paying it by looking at the lower right-hand corner of his tax bill about one year after this plan is in operation, and it will grow each year after that.

Not only that which I have just read, but they are to cooperate with National, State, district, or county experimental stations or demonstration farms for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

Heaven only knows how long that will be, because there is no time limit on when the experimental part of it will begin and end. It does not say for 2 years, it does not say for 10 years, but it says "during the experimental period of their introduction."

That could be from now to doomsday, and probably is.

The old seed provision has been revised. We used to have it so we got garden seed that we could sprinkle around at the taxpayers' expense. They used to think that they got it for nothing, but we knew all the time they were paying for it. We are going to revise that now and provide that the board may donate not to exceed 1 per cent of the total output of the plant, so that each Member of the Senate and each Member of the House will get his allotment of fertilizer, and the office buildings will be sending it out in half-bushel sacks to the favored few, and John Smith, taxpayer, will always pay the bill.

The board is also authorized—what do you think of this, Senator from South Carolina?—"to make alterations, modifications, or improvements in existing plants and facilities." What existing plants and facilities? What existing fertilizer plants and facilities? Does it mean the private concerns they were authorized to contract with in the third paragraph, which I read before?

Another thing that they are authorized to do is to establish, maintain, and operate laboratories and experimental plants and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

I am very much flattered that the entire Senate is at attention now, with every seat occupied and that I have had hardly any interruptions whatsoever.

Senators, it is a real compliment that at this late hour every seat in the Chamber is filled and that you should be giving me your undivided and complete attention. I trust Senators will not keep up their applause, because I am afraid I will be called to order. [Laughter.]

Those are just a few of the powers the board will have. I believe I neglected to state—probably all of us will remember, but it should be reiterated to impress it on us—that the three men who are to operate the corporation are to be paid $50,000 per year; that is about $17,000 apiece in round numbers that the three men are to get to operate it. Of course, we are only going into it as an experiment. Aside from the agents without number and without limit the suggestion is here made that one of them shall be placed in each and every county as county agent all over the United States. With that scope I think John Smith, taxpayer, will be saying, "I thought you were the farmer's friend, but I have found that you are the farmer's enemy, and I am going to take one of those fellows that has been talking the other way and put him into office and see if my taxes do not come down a little hereafter." That is what he will be saying 5 or 10 years from now if this joint resolution is enacted into law.

Of course, no one can deny, and I certainly shall not, that the resolution is a much better one than we had last night. I heard the Senator from Nebraska [Mr. NORRIS], some time ago when this was first before the Senate, say that he did not believe this plant should be used for fertilizer, that it was not a feasible proposition, but that it ought to be used for power. Then he came back a few weeks after with another proposition, to put the Government into the power business up to the hilt. He went back on everything he had said before. Then, when he could not get the bill through in that shape, what happened? He cut out fertilizer again, so that this is the third proposition we have had before the Senate in relation to the matter. It is just like dealing cards. They come to you and you look them over, and if you do not get two jacks you throw them all away and ask for a new deal.

But of all the propositions in the bill the one that I think is the most atrocious, that has not any fairness in it, that is absolutely out of line with every bit of judicial balance that the Senate should have, is the provision that after all the rates are fixed the Federal Power Commission shall have the absolute and the only say over the rates in a little town in Tennessee.

Let us suppose that the Senator from Louisiana [Mr. BROUSSARD], who has been sitting here all the evening very attentively, had been engaged in the power business for 30 years. Let us suppose he went out with a little capital when the industry was new and hooked up 8 or 10 towns and villages until he had quite a considerable investment. Suppose he had put his profits back in the business and it had gone along until he had quite a little enterprise.

Mr. REED of Pennsylvania. Mr. President, a point of order. I make the point of order that the Senator is not standing.

Mr. TYDINGS. I beg the Senate's pardon.

Suppose the Senator from Louisiana had built up quite a little business. Suppose that after the Senator had built up that business, all contained within the boundaries of the State of Tennessee, Muscle Shoals should come along and I should compete with the Senator, in that I would buy current from the transmission line running from Muscle Shoals to the vicinity of Tennessee that he was serving. Suppose I could buy that current cheaper than the Senator could make it. Suppose through political connections, suppose through my friendliness with the commission or in any other way I could do it—politicians have a way of getting a lot of things—I should get the contract for that power when it came into Tennessee. The Senator's concern would be regulated by the public utilities commission of the State of Tennessee, and my concern would be unregulated by the public utilities commission of the State of Tennessee.

The only concern that could fix the rates on my proposition, inasmuch as I bought from Muscle Shoals, would be the Federal Power Commission, because it is provided that before said corporation shall agree to the resale of such electric power, said person or corporation shall agree to sell to the ultimate consumer of such electric power at a price that shall not exceed the amount fixed as reasonable, just, and fair by the Federal Power Commission.

There is no chance for the State to regulate it—not a chance in the world. What happens to the little municipality down in Tennessee or Louisiana or in any other State? If it does not like the rates, if politics get into the handling of the power, if politics in one section where there is a Republican or Democratic national committman or a man that is close to the commission brings a little bit of an advantage over another one, it means that the community has got to have its case heard, not by the local commission in Tennessee, but that they will have to come all the way to Washington, and the Federal Power Commission will have the case presented here.

Talk about confusion! If this business goes on we will have one half the utilities regulated by the State public-utilities commissions and the other half will be regulated by the Federal Power Commission.

One thing more than anything else that keeps impressing me with more and more force is this: I wonder what John Smith, taxpayer, is going to say when he realizes that this board, which is hereby created, shall have "such powers as may be necessary for the exercise of the powers herein specifically conferred upon the corporation," and what is not specifically conferred no man's imagination can conceive, because everything has been conferred on this board that is conferrable except the manufacture of B. V. D's.

It is provided that upon the requisition of the Secretary of War or the Secretary of the Navy they may manufacture for sale at cost to the United States explosives or their nitrogenous contents. I have no objection in the world to the Secretary of the Navy and the Secretary of War buying a few explosives in time of peace. I only hope the plant is equipped so they can get all they want in time of war. That is what it was provided for. But I doubt if there is ever going to be any more war with all these antiwar treaties and everybody signing them. It is no trouble to break up war. All we have to do is to enact a law. If they would scale down their armies a little more on the other side as well as on this side of the Atlantic, perhaps we could get further toward peace than by antiwar treaties, when, as a matter of fact, every nation in the world, at least every nation in Europe, is armed practically to the war-time standard.

If Tennessee is to lose her rights, I do not know but what next Maryland will have her rights taken away from her. South Carolina will be next in line, and so I might go on, if I were disposed, and call the roll of every State in the Union. But that would be futile. It would not prove anything. It would simply make the evidence cumulative. Then I might take the time to call the roll of the municipalities whose rights would be taken away from them, but even that would not prove anything.

When the fathers brought this country into existence there were some fine provisions in the document which have held us together ever since it was brought into existence. The things that men thought about in those days were the priceless things which mankind has won from time to time, always by terrific struggle, always with great sacrifices, with the bearing of great hardships, hunger, privation, and all the other great barriers that stood between them and a better day. They put into the Constitution, therefore, only the powers to deal with subjects which were essentially national. They did not load it up with a lot of extraneous matters, with a lot of things that had no place or bearing whatsoever. They put in only the essentials. They incorporated into the Constitution a strong framework. They were not worried with ornate details that would weaken it. They wanted it rigid and strong, well shaped and well balanced, because they knew that that would be the only way and the only kind of a Constitution which would endure through the ages.

And so, Mr. President, if we abandon this in part—and it may be wise to abandon it from time to time, as evolution takes place—but to abandon the essentials, to go back on the real fundamentals, would, in my judgment, be a grievous error. In fact, I think we should cautiously approach any change in our form of government. Certainly this joint resolution, if adopted, would change our form of government, because heretofore we have had government for the purpose of government, and now we are to have a government, according to this joint resolution, for the purposes of business. So if our prosperity has not just happened, if we have got to attribute it to something, if we have got to give credit where credit is due, we certainly ought to give credit to that particular philosophy which has made all these things possible.

But we can not always see things alike. I may be wrong; the Senator from Nebraska may be right. I can not see it as he does. He no doubt in his way is trying to bring a better day to the people of this country; but I feel—I may be wrong, and if the joint resolution passes I hope I am—that instead of a step forward we shall be taking a step backward.

It has occurred to me often that more crimes are committed in the name of progress than in the name of anything else of

which I know. Announce a new proposition, say it is progress, and millions will follow you. As a matter of fact, it may be reaction. Nothing could illustrate that philosophy better than to look at the number of religious denominations.

I believe there are 200 different religious denominations in this country to-day. Anybody can start a religious denomination. I can go out on a corner with a certain philosophy, as any other man can do, get a soap box, stand on it and make an impassioned speech, and say I believe this, that, and the other, and it would be very rarely that there would not be a new convert in the audience. Then the converts are organized, and pretty soon there is a new sect. Evangelists quite often start entirely new trains of thought, just as the joint resolution of the Senator from Nebraska is starting a new train of political thought. Of course, no one has a monopoly on being correct, not even the Senator from Texas [Mr. SHEPPARD], much as I admire him. Sometimes perhaps he is in error, and the Senator from Arizona [Mr. ASHURST] occasionally may make a mistake. Therefore, youthful and not well skilled, as I am, in the mazes of parliamentary procedure and the ways of this world, it would only be natural, perhaps, that I may be wrong even at this good hour of 1.20 o'clock of the morning in the latter part of May, 1928. I say that I may be wrong; I do not think I am. Certainly, the country that has adopted this philosophy—that of Russia—is no howling success. It does not compare with out country, not in the slightest way. If it does not compare with our country, why should we adopt its philosophy of government until it demonstrates its success in that undertaking? It seems to me to be most short-sighted to go back, I would say to the Senator from Texas, on 150 years of political philosophy, turn our backs on it all, and throw overboard the very things that have made us great. We create new enterprises to bring wealth to our people, and then, when we get wealthy, we destroy them.

As I have said, take the history of the railroads of the West. People fell over one another to get railroads to come through their State; they gave them very foolishly rights of way miles wide. Railroads came in there and built up communities; and just as soon as the communities started to grow the very people who had begged the railroads to come when the venture was somewhat doubtful turned around and started to abuse the railroads, the very thing that had built up the Nation. Is there any consistency in human souls? Is there any gratitude in mankind? Is there any charity in it? We have consolidation of the railroads going on now; in fact, we are creating monopoly while we are howling against trusts; we have a proposition to create monopolies in one end of the Capitol and are denouncing them in the other; all in the same Congress.

Well, strange things have happened before; but, Senators, seriously—I thank the Senate for its continued attention. The way that the Members have remained in their seats and given me their undivided attention at this late hour has indeed been inspiring, and I want to say that I thank each of the Senators individually and collectively not only for their presence but for the rapt attention which they have given to my poor efforts in the defeat of this joint resolution. I would prefer that Senators would not applaud, but if the Presiding Officer would permit, and the rules would permit, I should not deny them that privilege.

Mr. President, it is too bad that when war descends on a country——

Mr. REED of Missouri. Will the Senator allow me to interrupt him?

Mr. TYDINGS. I am very sorry, but I can not permit an interruption.

Mr. REED of Missouri. I do not want to take the Senator off his feet.

Mr. TYDINGS. I am very sorry, but I can not yield. Much as I should like to yield, I can not do so under the ruling of the Chair.

Mr. HEFLIN. The Senator from Missouri said he did not want to take the Senator from Maryland off his feet.

Mr. TYDINGS. Mr. President, I was saying that war produced many strange things. It was because of war and the necessity for preparing for war that Muscle Shoals was originally built and, for a time, in a small way, operated. It becomes necessary sometimes, and particularly in times of stress, to do unusual things. Of course, in times of peace we never would have given $156,000,000, I will say to the Senator from South Carolina [Mr. BLEASE], to have embarked on an enterprise of this nature. We are now past the war period. We have gone even further back than normalcy. We passed normalcy when Daugherty left the Cabinet, and we have been going back ever since. But, strange to say, even though we have gone further back than a normalcy, we will have gone still further back than we have ever gone to any matter if we shall adopt the communistic, confiscatory principle contained in the joint resolution of the Senator from Nebraska, because no private concern can compete with a Government-operated concern and hope to survive when John Smith, taxpayer, makes up the difference between Government operation from a profitable standpoint and Government operation at a loss. John Smith, the taxpayer, makes it up.

Even though we know that the Shipping Board can not operate profitably, even though we have heard it charged on this floor that the Shipping Board is honeycombed with politics; that it is mismanaged; that it is packed; even though we realize it has not been a success after years and years of trial, we want to put the Government into another business.

Mr. President, I hope those Senators who are always denouncing bureaucracy and the increase of centralization of government and the creation of new boards, commissions, and bureaus will be called to account if they vote for this measure, because if they do, not only will they create a new commission but they will give that commission unlimited power to appoint such officers and employees as may be necessary. By the way, the word "employees" takes in practically everybody who wants to go to work. The corporation to be created can have secretaries, stenographers, traveling men, agents, attorneys, and as many of them as may be necessary for the transaction of its business. It may fix their compensation, define generally their duties, require bonds of them and fix penalties thereof. If there is any kind of business that the corporation to be created under the joint resolution can not go into I have yet to find out what that business may be; in fact, if I read the measure aright, it seems to encourage the employment of numerous agents to go here and there into the various States of the Union and try—

(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

(d) To cooperate with National, State, district, or county experimental stations or demonstration farms for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction;

(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen.

Mr. President, I wish to make one motion and have another pending. I suggest the absence of a quorum; and, pending the delay in getting a quorum here, I move that the Senate recess until 12 o'clock to-morrow.

Mr. LA FOLLETTE. Mr. President, a point of order.

Mr. TYDINGS. A quorum is called for; it can not be debated.

Mr. NORRIS. A quorum can be called for, but the Senator can not do both those things at once.

Mr. TYDINGS (at 1.30 a. m. Friday). I suggest the absence of a quorum; and, pending that, I move that the Senate take a recess.

Mr. NORRIS. When there is not a quorum here, the Senator can not make another motion.

Mr. TYDINGS. Oh, yes. A motion either to recess or to adjourn is in order at all times.

The PRESIDING OFFICER (Mr. DENEEN in the chair). The Senator can not make two motions at the same time.

Mr. TYDINGS. I did not make two motions; I suggested the absence of a quorum; and, pending that, I moved that the Senate recess until 12 o'clock to-morrow.

Mr. HEFLIN. The Senator can not do that, Mr. President.

Mr. NORRIS. When the absence of a quorum is suggested, if the Chair entertains it and it is under parliamentary conditions proper to make it—which I concede that it is now—then it becomes at that instant an impossibility for the Senate to transact any business until a quorum is present.

Mr. HEFLIN. That is true.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Keyes	Sheppard
Barkley	Deneen	King	Shipstead
Bayard	Dill	La Follette	Shortridge
Bingham	Edge	Locher	Steiwer
Black	George	McKellar	Stephens
Blaine	Glass	McMaster	Tydings
Blease	Hale	Moses	Tyson
Bratton	Harris	Norris	Vandenberg
Brookhart	Hawes	Nye	Wagner
Broussard	Hayden	Oddie	Walsh, Mass.
Bruce	Heflin	Pine	Walsh, Mont.
Copeland	Howell	Pittman	Waterman
Curtis	Johnson	Reed, Mo.	Wheeler
Cutting	Kendrick	Reed, Pa.	

The PRESIDING OFFICER (Mr. CUTTING in the chair). Fifty-five Senators having answered to their names, a quorum is present.

Mr. BLEASE. There are gentlemen in this body, and gentlemen all over this country, who believe that Abraham Lincoln was a great man. There was an address, delivered by Paul S. Whitcomb, of Gladstone, Oreg., on Lincoln and Democracy, which is very appropriate to the discussion before the Senate to-night. He says:

Nothing so intrigues the mind of the people of the Northern States of the American Republic as the personality of Abraham Lincoln and the imperial American Union. For 62 years the crescendo of laudation of Lincoln has been steadily rising, and the end is not yet.

That part of this address the Republicans will enjoy. A little later they will get some that will not make them quite so jubilant—

For Lincoln was the central figure and the dominating personality in one of the greatest wars of history, and, in spite of all the theories of democracy, nothing so appeals to the emotions of men, which are the wellsprings of eulogy, as martial and imperial glory. People are not given to repudiating the wars they wage or those who lead them into war. Lincoln himself was retired from Congress for eight years because of his opposition to the Mexican War.

It is an interesting question as to what Lincoln's place in history would have been if there had been no Civil War with its lurid glow to silhouette his eccentric personality for future generations. At the time of his election to the Presidency he was scarcely more than a local character. He had served in Congress without rising above mediocrity. He had played fast and loose with the questions of slavery and secession without contributing anything original or constructive to the discussion, and what he said only served to further agitate the South and to so compromise his own public position as to make secession inevitable when the black Republicans came into power.

He has been called a great thinker, but his attitude toward both slavery and secession was at once doctrinaire and the result of mechanistic logic which failed to recognize the distinction between the laws of physical science and the laws of human action. With regard to the slaves, he appealed from their legal status to the "higher" law, but with regard to secession and the rights of the free and highly civilized white people of the South he argued their rights on the basis of those maxims of despotism which were invented for the express purposes of denying to the people their rightful liberties. He argued that the principles of the Declaration of Independence applied to the negro, but denied that they applied to the free white inhabitants of the States in whose favor they were originally promulgated. He failed to discern that the independence of the slave and the independence of the States involved the same fundamental principle, that the right of secession was absolute and unqualified and no more required oppressive acts to justify it than did the right of the slave to secede from his master. He failed to see that those same class of arguments which denied freedom to the South also denied freedom to all men "and undermined the very foundation of free society."

The indiscriminate and uncritical eulogies which have been heaped upon Lincoln have been pronounced in the face of all but the most superficial facts and as though all the rest of the world was composed of brutes, knaves, and fools. There is no evidence that Lincoln was any more honest, kind, accommodating, or sagacious than the ordinary run of men. His waging of the Civil War was the very antithesis of common sense and statesmanship. There was no catastrophe potential in the secession that in any way justified the waging of the war, viewed simply as a matter of State policy, without reference to the moral and humane aspect of the war. It was one of the most colossal bankruptcies of common sense and humane statesmanship known to modern history. As the situation stood in 1860, it were better for the North and the South both that they should separate. The prosperity which followed in the wake of the Civil War was not due to keeping the South in the Union, but to the development of the West. But even if it was, it is a Prussian, and not an American, doctrine that war is a legitimate agent of national progress, that the end justifies the means. We have no right to do evil that good may abound.

Lincoln has been acclaimed the great democrat, yet the greatest act of his career was the very antithesis of democracy. Washington was infinitely the greater statesman and a greater democrat. Robert E. Lee was greater in all-around character. It has been too readily assumed that lowliness of birth is evidence of greater democracy. But the man of lowly birth can be no more than a democrat and it is no particular credit to him that he is. But the man of aristocratic birth, who has the privilege and opportunity of being more than a democrat, and yet who remains one, not only in simulation but at heart, can truly claim the title of being a great democrat. The purpose of democracy is not to drag the few down, but to lift the many up. It is not to make all common, but to make all aristocrats, to diffuse the benefits of culture and good breeding throughout the community. And Washington, who was an aristocrat by birth, because of the largeness of his heart and the breadth of his character became the first democrat through choice and affection. Never can it be truthfully charged against the man who subordinated the military to the civil through seven long miserable, heart-breaking years of revolutionary struggle and at the finish scornfully spurned a crown, that he was lacking in all the great qualities of a democrat. [It is a remarkable confirmation of this character in Washington that Col. Landon Carter, of Sabine Hall, Va., used the following language on May 3, 1776, before Washington had been called to the command of the American armies: "I never knew but one man who resolved not to forget the citizen in the soldier or ruler, and that is G. W., and I am afraid I shall not know another."—Editor.]

While Lincoln said that the question of union or disunion could only be settled by war, and ridiculed those who decried force as a legitimate and lawful means of maintaining the Union, arguing that "their idea of means to preserve the object of their great affection would seem to be exceedingly thin and airy" and compared them to free lovers, Washington said, "Let us erect a standard to which the wise and the just can repair—the result is in the hands of God"; and of the accomplished Union he said that it was "the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles." Washington based the Union upon the democratic principle of free consent. Lincoln ridiculed the basis of democracy, spoke of it as exceedingly thin and airy, likened it to a free-love arrangement, and asserted that force was the only sound basis of government. He appealed from the basis of democracy to the basis of despotism, from the ballot to the bullet. The Civil War was the result of the putting the new wine of democracy into the old skins of despotism.

Lord Morley has said that "where it is a duty to worship the sun it is pretty sure to be a crime to study the laws of heat." It was Webster who held up the Constitution and the Union to the idolatrous worship of the American people like the Israelites worshiping the product of their own handiwork in the wilderness. The humanitarian ends of the Union have been deliberately pushed out of view and, like as a modern Moloch, it has been declared that its vanity of sovereignty could be satiated only by human sacrifices. The wrong of empire is not in the fact of empire, but in the method by which it is attained, a principle that the American people have lost sight of.

The responsibility for the Civil War has been laid at the door of the South on the grounds that they fired the first shot against Fort Sumter. But the grounds beg the question and the responsibility for the war must await the determination of the question as to whether or not the South had a right to secede. If South Carolina had a right to secede, she had the right to take Fort Sumter. Lincoln's policy in sitting tight and forcing the South to make the first move was identical with that of Bismarck. "Success," Bismarck said, "essentially depends upon the impression which the origination of the war makes upon us and others; it is important that we should be the party attacked."

But the attack of South Carolina upon Fort Sumter was not an attack upon the North in any such a sense as the attack which Bismarck maneuvered an all too willing Napoleon into making upon Prussia.

Fort Sumter was historically and geographically an integral part of the soil of South Carolina. It was there, as Lincoln said in his special message to Congress, for the protection of the people of South Carolina. It was an integral and vital part of their system of common defense. It symbolized the right of these people to defend themselves, a right which is basic to all other rights and which is the very test of manhood. Deny a man or a group of men the right to defend themselves and you deny them all other rights, for what a man has not the right to protect it can not reasonably and intelligently be argued he has a right to at all.

Fundamentally and vitally the fort belonged to the people of South Carolina. The site of the fort had been ceded to the Federal Government for the protection of the city of Charleston, and the moneys with which the fort had been constructed were drawn by taxation from the people of the States by methods to which all the States had agreed in ratifying the Constitution. South Carolina had contributed her share and was morally entitled to a division of the common property. As to the legal phase of it, there was none, for there was no law governing the subject, regardless of the fact that no technical, legal grounds can justify such a social catastrophe as war. War defeats the very end of law and government, which is the conservation of human values.

In spite of the persistent attempt, carried on through school histories and by partisan historians in general, to brand the people of the South in general, and of South Carolina in particular, as so many hell-bent hot-heads, the fact is that the secession movement was done "decently and in order." They did not wantonly and in undue haste fire upon Fort Sumter. They sent a commission to Washington to negotiate a peaceful settlement of all questions arising from secession. The assertion that secession was an essentially warlike act was a Federal doctrine and not a southern doctrine. It was not until this commission had been snubbed on the narrow, childish legalism that the people of the South had no right to speak for themselves that the people of South Carolina took the only other course open to them and asserted their rights by force of arms. [This does not state the full case. Not only were commissioners snubbed and denied audience, but no attack

took place till Lincoln sent an armed squadron to supply the fort with men and provisions. On this very question he took the advice of his Cabinet, on March 15, 1861, and only one of them favored the movement. The rest in effect declared that the measure would inaugurate civil war, and it must be remembered that Mr. Hallam in his Constitutional History of England states that "the aggressor in a war is not the first who uses force, but the first who renders force necessary."—Editor.]

In general principle the right of the people of South Carolina to dispossess the Federal Government of Fort Sumter involves no more than the right of any property owner to discharge a watchman hired to protect his property. The Federal Government had no more reasonable or moral right to wage war against the people of South Carolina and destroy their lives and property than a discharged watchman would have to destroy the property he was hired to protect. The authority of government is not an end in itself but a means to an end. The attempt to give to civil authority a special extra moral status is without ethical or social warrant and is simply one of the superstitions invented by despots as a means of awing the people and maintaining themselves in power.

Unionists would deny that two times two makes four if it were necessary to vindicate the Civil War. To them no statement of principle is valid in favor of the independence of the South and against the war. Secession itself is a true principle when exercised in favor of the Union, as Lincoln declared in the case of the secession of the 49 counties of old Virginia.

The issues involved in the Civil War were not of concern solely to the generation which fought the war but are questions of eternal right and wrong and are subject to the law of Lincoln's doctrine that no question is settled until it is settled right. The objection that the war is water over the dam and that the problems of the present demand our attention is valid, providing that history is all bunk and that there is nothing to learn from our past. But the problems of the present are largely the legacy of the past, and if the past had settled them right they wouldn't confront us at the present time.

It has only been since the late war that an English Premier has quoted the arguments of Lincoln against secession as an answer to the principles of the Declaration of Independence as put forward in defense of the right of the Irish to freedom. And the struggle of Ireland for freedom antedates our Revolutionary War by a century and a half and involved and involves the same questions.

It is thus that our past rises up to meet us and, as Lincoln said of slavery, "deprives our republican example of its just influence in the world." Lincoln ridiculed Douglas's doctrine of squatter sovereignty as the principle that if one man chooses to enslave another, neither that man nor any third man has a right to object. In setting up the sovereignty of the Union as a basis for making war against the seceding States and as a fence against European interference he was acting upon the same principle that if one man chooses to kill another, neither that man nor any third man has a right to object. The logic of the Civil War was that the right to govern is paramount over the right to live; that man is made for government, rather than that government is made for man; and that for men to claim the right of self-government is to deserve and incur the death penalty.

Lincoln's arguments against the right of the South to independence were drawn from baseless exaggerations, the fatalistic sequence of mechanistic logic, an imperial and authoritarian interpretation of the Constitution which ignored its humanitarian purpose, a strange hodgepodge of the maxims of monarchial political science, and an instinctive metaphysical attitude toward government.

Lincoln said of slavery that it was the only thing that endangered the perpetuity of this Union, and that it was the sine qua non of secession, but from the constitutional and historical standpoint this is not true. Slavery, as he admitted, was, "indeed, older than the Revolution." It existed previous to the Constitution and the Union was formed in spite of it. Both from the standpoint of the Constitution and sound statesmanship it was not slavery but the intemperate fanatical abolition movement that endangered the Union.

These abolitionists proposed to apply all the principles of the Declaration of Independence to a race of people that were totally unprepared for self-government. They did not possess as much capacity for self-government as a well-bred 10-year-old white child, and in the abstract slavery is no more a crime than is the status of a child before becoming of age or than is our government of the Filipinos. Undoubtedly there were abuses in the slave system, but there have been as great abuses in the northern system of "free" labor and in the relation of parent to child. There have been as great or greater abuses in the relation of the English to the Irish or in the relation of the white man to the Indians. The singling out of slavery as a unique crime is without justification.

In his temperance address he made some remarks that apply equally to the reaction of the people of the South to the abolition agitations. Of the temperance reformers, he said, "Between these and the mass of mankind there is a want of approachability, if the term be admissible, partially, at least, fatal to their success. They are supposed to have no sympathy of feeling or interest with those very persons whom it is their object to convince and persuade," and admonishes them that "if you would win a man to your cause first convince him that you are his sincere friend." Of their methods, he said, "Too much denunciation * * * was indulged in. This, I think, was both impolitic and unjust. It was impolitic, because it is not much in the nature of man to be driven to anything." When the dramseller and drinker were incessantly told—in the thundering tones of anathema and denunciation with which the lordly judge often groups together all the crimes of the felon's life—that they are the authors of all the vice and crime and misery in the land—it is not wonderful that they were slow—to acknowledge the truth of such denunciations, and to join the ranks of their denouncers in a hue and cry against themselves—

"To have expected them to do otherwise than they did—to have expected them not to meet denunciation with denunciation, crimination with crimination, and anathema with anathema—was to expect a reversal of human nature."

It was the intemperate, arrogant, self-righteous, and academic attitude of the abolitionists that made any constructive solution of the slavery question impossible and forced the South to withdraw from the Union.

The southern people were dealing with a fact rather than with philosophical abstractions, and freedom was no more a solution of the slavery question than it is the solution of the problem of backward races in general. The first need of a backward race is discipline rather than liberty. They, like a child, must first learn to use their liberty, without which it will be but anarchy. This is the only real excuse for keeping the Filipinos under present duress.

Labor is the greatest disciplining agent known, and there was no particular crime in taking ignorant, superstitious savages and putting them to work. The negro through slavery was trained to efficiency, and it is certain that under free conditions he has relapsed and lost much of this efficiency, as any southern man will assert.

The relation of slavery to the Civil War may be illustrated by drawing a hypothetical case of a man driving home to dinner. On his way he is arrested on a charge of speeding. It would be as correct to say that driving home to dinner is the indispensable condition of getting arrested for speeding as to say that slavery was the sine qua non of secession. As a matter of historical fact, South Carolina had threatened to secede over the tariff. The Colonies seceded from Britain over a question of local self-government. Belgium seceded from Holland and Norway from Sweden, where no question of slavery was involved.

The attempt to prejudice the question of secession by linking it with slavery is but an effort to cloud the issue. They both involve the same basic philosophical principle—the right of men to govern themselves—and slavery can be defended by the same argument which Lincoln used against secession, and, as an abstraction, it is true, as Lincoln said "that the class of arguments put forward to batter down that idea (that the principles of the Declaration of Independence applied to the negro) are also calculated to break down the very idea of free government, even for white men, and to undermine the very foundations of free society." But in a practical way if free institutions depended for their perpetuation upon the self-governing ability of the negro, they would never have been heard of. To argue the rights of men in favor of the negroes was as silly as to argue the rights of a strong man in favor of an invalid.

Lincoln said of secession that it was the destruction of the country, of the Union, of the Nation, and of the liberties of the people and of the institutions of the country. He said, "We have, as all will agree, a free Government, where every man has a right to be equal with every other man. In this great struggle, this form of government and every form of human right is endangered if our enemies succeed." The argument was absolutely senseless. One would think to read the argument that some Napoleon, Cæsar, or Alexander the Great were attempting to conquer the southern people and set up a despotism, and that Lincoln was waging a war in aid and defense of those people, rather than that those people were seeking to do nothing more than govern themselves and that Lincoln was warring to conquer them, to keep them from exercising their rightful liberties.

The secession of the Southern States from the Union was no more the destruction of free political institutions than the secession of the southern Baptists or the southern Methodists was the destruction of free religious institutions. It was no more the destruction of political liberty than the secession of the southern Baptists and Methodists from their northern brethren was the destruction of religious liberty.

Secession was not in any substantial sense the destruction of the Nation, nor was it in a proper sense the destruction of the Union. Lincoln apparently was arguing from the viewpoint that a nation is a moral entity, a theory that has no rational basis. A nation is no more a moral entity than is a denomination or any other human organization. A nation is not an end in itself; it is simply a means to an end, the vehicle of civil government. The purpose of government is no more to form a nation than the purpose of religion is to form a denomination, or than the purpose of labor is to form a labor union.

In so far as the principle of government itself is concerned, it is universal in its application. There is as much need for government

between a Canadian and an American or between a German and an American as there is between a New Yorker and an Oregonian. The idea of the sovereign State or Nation has no philosophical basis as at present applied.

True sovereignty resides in the individual, and the purpose of civil organization is to protect him in the exercise of his legitimate sovereignty while at the same time restraining him from trespassing against the legitimate sovereignty of his fellows. Government is the cooperative exercise of the personal right of self-defense, and the basis of its authority is the right of the individual to restrain any who trespass against his rights. A New Yorker possesses no more right to govern an Oregonian that he does to govern an Englishman, and the theory of United States sovereignty is purely an imperialistic dogma.

A nation is simply a corporation through which men exercise certain of their rights, just as they exercise other of their rights through their other organizations. Political rights are not sovereign over other rights but are ancillary to them. Their importance is but the reflected importance of those rights which they protect.

Nationalism is an attempt to isolate and insulate an interest in society, and political nationalism is no more a correct principle than economic, religious, or social nationalism would be. As the purpose of civil society is to protect men in the exercise of their religious, economic, and general social rights, political organization should be coextensive with those social contacts which make government necessary.

The purpose of political organization is not to lift man above the moral law but to give social adherence to the moral law. Men possess no right to make war through their civil societies under any other conditions than would give them the right to protect their religious, economic, and social rights in general. If secession is the essence of civil disintegration, it is no less the essence of religious, economic, and social disintegration. Organization in these spheres is as vital to society as it is in the civil sphere, and in fact more so, for these constitute the vital, constructive activities of man. If political secession can not be allowed, if modern society can not exist upon such a principle, and if the state is justified in making war to prevent secession, then it is no less its duty to deny the right of secession from all organization and establish society throughout upon a basis of authority.

Secession did not destroy the Nation but merely altered its political form. All the vital human values remained intact and, as Beecher has said in his oration on "Man and his institutions," "Man is the primary power and the supreme value." Neither did secession destroy the Union, although, as a matter of reason, the States that created it have the right to destroy it. As the Apostle Paul said, the potter has power over the clay and, as he said of his apostolic authority, so it may be said of the authority of the Union that it was made for the building up and not for the casting down of the States. But the Union existed when there were only 13 States composing it, and it would have continued to exist when there were 20 States left with a boundless public domain.

As for the liberties of the people, all their liberties would have remained intact, and in arguing of secession as the loss of our liberties Lincoln was unintelligently parroting Washington, who described the Union as the palladium of our liberties. But he had in mind the preservation of the liberties of each State as against the aggression of the other States no less than the preservation of the liberties of all against the aggressions of European states. Furthermore, in spite of the gravity of the situation as it existed in 1789, Washington never proposed to use force to compel a Union. He recognized it as the precipitation of one of the very evils they were attempting to guard against and as a violation of the principles of the Revolution.

The idea of liberty as used by Washington, Webster, and Lincoln was of political liberty—the right of self-government. It is the fundamental purpose of all just government—the maintenance of the just liberty of the individuals. In his Missouri compromise speech Lincoln said: "I trust I understand and truly estimate the right of self-government. My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own lies at the foundation of all the sense of justice there is in me. I extend the principle to communities of men as well as to individuals. I so extend it because it is politically wise, as well as naturally just; politically wise in saving us from broils about matters which do not concern us. The doctrine of self-government is right—absolutely and eternally right—but it has no just application as here attempted. Or perhaps I should rather say that whether it has such application depends upon whether a negro is not or is a man.

"If he is not a man, in that case he who is a man may as a matter of self-government do just what he pleases with him. But if the negro is a man, is it not to that extent a total destruction of self-government to say that he too shall not govern himself? When the white man governs himself that is self-government, but when he governs himself and also governs another man that is more than self-government—that is despotism. If the negro is a man, why then my ancient faith teaches me that 'all men are created equal,' and that there can be no moral right in connection with one man's making a slave of another." Again he said, "What I do say is that no man is good enough to govern another man without that other's consent."

No argument could give any stronger support to the right of secession than this argument in favor of freedom for the slave. If the inhabitants of the Southern States are men, is it not to that extent a total destruction of self-government to say that they shall not govern themselves? When the people of the North govern themselves that is self-government; but when they govern themselves and also govern the people of the South, that is more than self-government—that is despotism.

In a letter to a subordinate officer Sherman said, "It is all idle nonsense for these southern planters to say that they made the South, that they own it, and that they can do as they please"; and previously he said, "I think it does good to present this view of the case to many southern gentlemen, who grew rich and wealthy, not by virtue alone of their industry and skill, but by reason of the protection and impetus to prosperity given by our hitherto moderate and magnanimous Government."

The real force of Sherman's argument, and of many of Lincoln's, is an insidious, implicit hypostatization of "government" which is difficult to get a hold of because it never breaks into formal statement. The implicit idea is that of "government" as something begotten, not made; as an exotic being possessing authority and rights underived from men, subsisting, perhaps, by divine right. But the democratic idea of government is that of men cooperating together for the common benefit of each, or, as Lincoln defined it, "government is a combination of the people of a country to effect certain objects by joint effort." It is not a moral entity, but is rather in the nature of a corporate entity based upon the principle of organized cooperation. Governments do things for the people only in the sense that any organization does things for its members. Like all organizations it is simply a device through which men do things for themselves.

Sherman's argument was in reality based upon the feudal system involving the relation of lord and vassal and of alodial title and usufructary right, a system involving principles absolutely incompatible with democracy, which is a society of equals. A democratic government is neither a feudal lord or a sovereign monarch dispensing benefits to its people and demanding allegiance in return. Man no more owes allegiance to his political institutions than he does to his economic, religious, or social institutions or organizations, or to any other device which he creates as a means of furthering his comfort, happiness, and prosperity.

The negro was the beneficiary rather than the victim of slavery, as Booker T. Washington has admitted. Lincoln's talk about "unrequited toil" ignores the fact that the condition of the negro was better under slavery than it was in Africa, it ignores the fact that as compared to white laborers of equal mentality he was not deprived of any substantial rights, it ignores the economic and social status of northern so-called "free" labor which bordered closely upon serfdom, and it ignores the contribution of management to production. The strong probability is that the negro received at least as great a share, in proportion to what he contributed to production, as did the technically free northern laborer.

In any event civil war was no more a legitimate remedy for slavery than were the reputedly revolutionary methods of the I. W. W. a proper remedy for the wrongs inflicted upon free labor by northern capitalists.

Sherman's assertion that "the United States, as a belligerent party claiming right in the soil as the ultimate sovereign, have a right to change the population; and it may be, as is both politic and just, we should do so in certain districts," is contrary to every principle of democracy and just government. It is an assertion that man exists for government and that the right to govern is derived from the soil.

Neither is there any constitutional basis for the assertion, for the Federal Government can not, under the Constitution, exercise exclusive legislative jurisdiction over the site of its own capital or of forts, magazines, and other public buildings without first getting a cession from the legislature of the State in which the site is situated. To call such a government a territorial sovereign is absurd.

If the people of the South do not own the soil on which they live, then the people of the North do not own the soil upon which they live, and no people can own the soil on which they live. The idea of territorial sovereignty as applied to democracy becomes the principle of communism.

In the same letter Sherman said: "The southern people entered into a clear compact of government—" and in his first inaugural address Lincoln said: "I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provision of our National Constitution, and the Union will endure forever—it being impossible to destroy it except by some action not provided for in the instrument itself."

The argument views States simply as political abstractions. It ignores "States" as denoting an organization of men. It assumed

that there is some authority capable of making a contract binding upon all generations of men which shall, throughout the course of time inhabit a certain territory. It assumes that a few hundred thousand voters living along the Atlantic seaboard a century and a half ago possessed authority over all generations of men which may throughout the course of time inhabit all the country from the Atlantic to the Pacific seaboard.

The southern people of 1860 had never entered into "a clear compact of government." It is true that a generation of men previously inhabiting the same territory had done so, but that was not their affair. One generation possesses no such authority over future generations. My great-grandfather could no more impose his political institutions upon me than he could impose his religious and economic institutions upon me.

The generation that ratified the Constitution possessed far more right to extend its jurisdiction horizontally over all contemporary peoples than vertically over generations yet unborn. They possessed some concern in the conduct of their contemporary peoples. Those peoples were in a position to injure their rights. But the conduct of future generations was of no moral concern to the generation that ratified the Constitution, and they could not extend its jurisdiction to them. They could leave it to them just as they do any other institution or property.

Political theorists may call this anarchy, but they take their theories too seriously. Men do not maintain government because their granddaddy said they should any more than they live in houses or eat three square meals a day or go to church because their granddaddy said they should. Political theorists habitually assume that the people are straining at their leash to fly into anarchy and that they must invent some theory to prevent such a catastrophe. But to assert and maintain that the living generation has complete power over its political institutions is no more to imply that they will fly into anarchy than to admit that men could, if they so willed, stop eating to imply that they will do so and starve to death. The historical enemy of social order has not been any anarchial disposition of the people but the despotic disposition of government. There are no grounds whatever for the assertion of an American general that "If for one moment you remove force as the mainstay of government, that moment the civilization of 2,000 years disappears like an exploded soap bubble."

The assertion is a denial of the fundamental assumption of democracy, that the people possess the ability to govern themselves, and is a retreat to the basis and philosophy of despotism. In some notes on government Lincoln said: "Most governments have been based practically on the denial of the equal rights of men, as I have in part stated them; ours began by affirming those rights. They said some men are too ignorant and vicious to share in government. Possibly so, said we; and, by your system you would always keep them ignorant and vicious. We proposed to give all a chance; and we expected the weak to grow stronger, the ignorant wiser, and all better and happier together."

In asserting that if we continue to execute all the express provisions of the Constitution that the Union will last forever, Lincoln asserted no more than is true of any institution whose charter runs in perpetuity. But the assertion contains no argument against secession. Theorize, as men will, with regard to the basis of government it must conform to rational and moral reasoning, and there is no rational and moral reasoning to support the assumption that one generation can bind another generation in any such a way as is implicit in Lincoln's interpretation of the idea of perpetuity as applied to the Union. Many institutions are chartered in perpetuity, but that does not imply a perpetual obligation of membership but simply that it continues at the pleasure of its members without the necessity of renewing its charter at the end of a specified term of years. Such a theory of perpetuity as propounded by Lincoln is no more necessary to the continuity of civil society than it is to the continuity of any of the other equally necessary activities of man.

Lincoln neglected to draw the distinction between the right to dissolve an organization and the right to withdraw or secede from it. The one is a right which belongs to the members as a whole while the other is a right inherent, if not expressed, in the laws of any organization except as membership therein partakes of the nature of a contractual obligation involving a consideration. But the Union is not of such a nature, and there is no authority by which such a perpetual obligation could be established. Lord Blackburn, an English jurist, has reasoned that to deny a stockholder the right to sell his shares and withdraw from a commercial corporation is tantamount to confiscation. The reasoning is sound and applies with equal force to membership in all organization. In fact, the assertion of the sovereignty of the United States is but an assertion that the rights of the States have been confiscated.

In arguing that secession was the essence of disintegration and anarchy, Lincoln asked, "Why may not any portion of a new confederacy arbitrarily secede again?" "Is there such perfect identity of interests among the States to compose a new union as to produce harmony only and prevent renewed secession?"

"Plainly the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations is the only true sovereign of a free people."

In all of his public statements after receiving his election Lincoln attempted to create the impression that the secession movement was "altogether artificial" and a hastily blown-up cloud out of a clear sky. Any candid and competent student of the secession movement knows that there was a community of interest between the Southern States on the question at issue, that the question had been discussed for 20 years, and that it was not a hasty or arbitrary movement on the part of the South. Lincoln apparently didn't dare to approach the situation on a basis of candor and frankness, but sedulously shoved realities into the background and bent his efforts to exaggerating the effect so as to make it appear arbitrary, absurd, and anarchial. Grant has admitted in his Memoirs that if the Southern States had been allowed to secede they would have set up a government that would have been real and respected, and the assertion that secession was the essence of anarchy was purely academic. It is no more the essence of anarchy than the essence of all liberty is anarchy, or than the essence of government is despotism or of war is extermination, or than the essence of discharging a governmental official is to discharge all officials and arrest the processes of government, or than the essence of shaving is to cut one's throat.

Guizot has said in his History of Civilization that nothing tortures more than logic. No sooner does the human mind seize upon an idea than it draws from it all its possible consequences; makes it produce, in imagination, all that it would in reality be capable of producing; and then figures it down in history with all the extravagant additions which itself has conjured up.

It was by such mechanical thought processes as are here described by Guizot that Lincoln arrived at his conclusions which attack the basic assumption of free government. The criterion of free government versus anarchy is not logic, but judgment, discretion, and stability of character. The essence of secession is not anarchy, but freedom, independence, and nationalism.

Lincoln asserted that "All who cherish disunion sentiments are now being educated to the exact temper of doing this (continuous disintegration)." He could have better argued that all who cherish warlike sentiments are being educated to the temper of conquest. His argument that secession was the essence of anarchy and that the movement could end only in the complete disintegration of society is answered by his own words that "Happily, the human mind is not so constituted."

But while the central idea of secession is not the essence of anarchy, war is anarchy. "It is the essence of war to summon force to decide questions of justice—a task for which it has no pertinence." War is not a true function of civil government. It is, as Guizot has said, the destruction of society itself. War is the absence of civil government. If it is treason to overthrow an established government, it can be no less treason to refuse to establish a government, and if governments are to keep faith with their own claims and principles, they must bend every effort to conduct their relations upon the principles of peace and to extend the sphere of organized government so as to encompass the world.

His assertion that a "majority, held in restraint—is the only true sovereign" is paradoxical. A sovereign can not be held in restraint. Majority rule is a political device that has no moral basis. It constitutes a trust, not a sovereign right. President Coolidge has said that "One with the law is a majority," which simply means that one, with the right on his side, has the right to govern. There is no majority or minority in rights. The essence of government is not in the making of laws but in the application of them. Law is an impersonal thing. According to the truth, as the law sees it, the courts will restrain all the people of the United States in favor of one man with the right on his side. Justice and equity alone have the right to govern, and it is only as a majority may better discern truth and justice that they possess any right to govern. According to the principle of majority rule, Lincoln had no right to his office, for he was elected by a plurality, not by a majority, and there are no consistent constitutional safeguards thrown around the principle of majority rule.

Lincoln asks, "Can aliens make treaties easier than friends can make laws?" What is a friend but an alien? Must people join our Federal Union in order to be our friend? Are not Canada and England, Germany and France to be regarded as our friends or may they not be if they so will, without joining the Union? The issues which Lincoln created were utterly fictitious. After being brought up to the idea that the southern leaders were so many hasty hotheads, it is disconcerting to read in the speeches of their real leaders the fairness, calmness, and friendliness with which they faced the situation. And this attitude was not only in their speeches but in their actions as well. They took only those measures which any people who had determined upon their course, would have taken as a matter of good judgment and precaution.

Lincoln asked, "Why should there not be a patient confidence in the ultimate justice of the people?" and again, "Will you hazard so desperate a step while there is any possibility that any portion of the ills you fly from have no real existence?" He had better have asked why he should not have a patient confidence in the ultimate justice of the southern people and why he should hazard so desperate a step as war while there was any possibility that the evils of secession had no real

existence. He had said of the southern people that in point of justice he did not consider them inferior to any people and that devotion to the Constitution was equally great on both sides.

The South in seceding did not take anything that by any moral principle belonged to the North, and if the Civil War is to be justified, either upon policy or principle, it must be upon a showing that secession was an invasion of the rights of the people of the North that justified the taking of human life. [The New York Times, in a remarkable editorial September 9, 1864, justified the war not on slavery or the restoration of the Union, but on the threatened danger to the northern people. It passed a tremendous eulogy on the resistance which had distinguished the southern people beyond any in the world, rendering their conquest absolutely necessary, lest in the future the northern States themselves might become subject to their terrible neighbors. In other words, the more evidence the southerners gave of their right to self-government, the more it was denied to them.—Editor.] No abstract, highly synthetic, and controversial theories of sovereignty can justify the taking of human life.

Man acting gregariously possesses no other right to take life than is possessed by the individual. Murder is murder, whether it is committed by 1 man or 20,000,000 of men, and the empiricisms of political so-called "science" constitute no authority for murder. The idea that a "nation" can commit murder in order to achieve a fancied destiny is the essence of immorality and imperialism. "Morality is the nature of things," and the highest destiny of a "nation" is to live true to moral principles. Lord Morley has said that "those who divorce politics from morality will understand neither the one or the other." The purpose of civil organization is not to place man above the moral law but to give public sanction to moral principles.

Lincoln said: "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government they can exercise their constitutional right of amending it or their revolutionary right to desmember or overthrow it." His theory was that the territory of the United States belonged to the people as a whole as sovereign proprietor. That the soil of South Carolina did not belong to the people of South Carolina, who inhabit it, but to the people of the United States as a whole. Sherman expressed the principle when he spoke of "the United States—claiming rights in the soil as the ultimate sovereign." According to the principle the individual only holds a transferable usufructary right in the soil, what is known as the alodial title being held by the community as a whole.

The theory is a legacy from feudalism and monarchy, and as applied to a republican union or state is the essence of communism. Both feudalism and monarchy were systems which involved the relation of inferior and superior, of subject and sovereign, but in democracy there is no such relation, in spite of the persistency of the ideas and terminology of caste systems. Democracy is an association of equals.

Under monarchy or feudalism the title to both person and property ultimately resided in the monarch or lord. It was this principle which was the cause of the War of 1812, when England asserted that once a subject always a subject, just as Lincoln claimed that once a State in the Union always a State in the Union.

The right of expatriation, which is simply a right of personal secession, is an acknowledged American right, and has been ever since Marshall sat upon the Supreme Bench. We fought for it in the War of 1812 and incorporated it in the Burlingame treaty with China. This right is absolutely inconsistent with the description of the southern peoples as rebels and traitors and the calling of them to return to their "allegiance" to the Federal Government. The idea of "allegiance" is that of the relation of an inferior to a superior and not of the citizens of a republic to their republican society.

Certainly there is a territorial consideration in the formation of civil society, but that consideration is born of practical necessity and must end with the necessity. A seceding individual could not be allowed to move his real estate from the jurisdiction of the State. Society, however, allows the individual all the liberty in this respect consistent with social organization—it allows him to dispose of his real estate and take its value in other commodities with him.

But no such consideration was involved in the secession of the Southern States. They were as able to govern themselves as were the people of the North or of England or of France or any other state.

There are, however, no constitutional grounds for the pretense of territorial sovereignty on the part of the United States Government. It is no more sovereign over the territory of its members than a farmers' cooperative is sovereign over the farms of its members. The term "sovereign" is nothing but a high-sounding name for the right to manage or to govern, as it is called by political writers. The Government of the United States is simply the joint and common agent of the States, members of the Union, just as a farmers' cooperative is the agent of its members. The basic principles involved in the union of States are the same as those involved in the agricultural cooperatives. And, as I have previously observed, the United States can not under the Constitution exercise exclusive legislative jurisdiction over the site for its own capitol, or the sites for forts, dockyards, or other needful public buildings without first getting the consent of the legislature in which the site is situated. To call such a government a territorial sovereign is absurd.

Grant argued that the Union had the same right to defend itself that a natural person has, but who ever heard of a natural person defending itself against its different members? It is to argue that as an arm is to the body, so is a State to the Union, and that in itself possesses no more rights than an arm by itself does. But civil society carries no such implication. The people of South Carolina possess exactly the same natural, moral, and fundamental rights as against the people of the State of New York that the people of Canada do.

Lincoln spoke of the people as possessing a revolutionary right, but such talk is to deny their sovereignty and imply the sovereignty of the Constitution. Revolution is the overthrow of the sovereign not of the Constitution or of the Government. The people do not derive their sovereign authority from the Constitution. It is not the Constitution of the people but of the Federal Government, and is also the record of a compact between the States.

Lincoln admitted that the Government could be overthrown and the Union dismembered, but there is scarcely an argument he used that is not as valid and forceful against disintegration by the authority of the whole people as by the authority of the individual State. Anarchy is a fact, not a theory, and it is not concerned by the method by which it arrives, whether by secession, by authorized withdrawal, or by revolution.

The political doctrine of the right of revolution is simply an empiricism based upon historical events and the result of the passion of political theorists for what they term "legitimacy." In principle it is nothing but the medieval judicial principle of trial by combat. A successful rebel becomes a revolutionist and his success vindicates his rebellion. If he fails to succeed he is the greatest of criminals and subject to the most ignominious of deaths. It is a curious doctrine that success vindicates what would otherwise be a crime.

As a matter of historical fact, these rebellions were generally efforts on the part of the people to regain their rightful liberties and were crimes only in the sense that it is a crime for the victim to rebel against one who is robbing and despoiling him of his rightful property and liberty. As to whether or not secession was revolution depends upon whether the people of the seceding States possessed the right to run their own business.

In habitually giving to secession the status of a hostile movement Lincoln placed himself in the same position that Douglas placed himself in referring to the "struggle between the white man and the Negro" which Lincoln characterized as an "ingenious falsehood," declaring that "this good earth is plenty big enough for white man and Negro both, and there is no need of either pushing the other off." There was also room for both the "United States of America" and "the Confederate States of America," and in any event, waging war to compel the seceding States to remain in the Union didn't expand the continent.

Lowell spoke of those "ineffable sentiments" which would be obliterated by secession, but such sentiments had nothing to do with the right of the States to withdraw, and would not have been affected by secession any more than the sentiments of family life are obliterated by the leaving of the children. They are, in fact, more often sharpened as the trifling annoyances of home life are forgotten. It can scarcely be argued that those "ineffable sentiments" survived the war.

Lincoln said of secession that "It recognizes no fidelity to the Constitution, no obligation to maintain the Union," but the fact is, there is no obligation on the part of the States to maintain the Union. He said, "Surely each man has as strong a motive now to preserve our liberties as each had then to establish them," but in order to justify war he must have a stronger motive, for the Union wasn't established by force and the war overthrew those very liberties for which the Revolutionary War was fought and the Union created—the right of each State to govern itself. He said, "This Union shall never be abandoned, unless the possibility of its existence shall cease to exist without the necessity of throwing passengers and cargo overboard." A more accurate analogy would be to compare the Union to a fleet of ships sailing in voluntary convoy for mutual protection, and Lincoln's act in waging war to the act of the elected commander of such a convoy in sinking any ship that seceded from the convoy.

Of the States Lincoln said they "have their status in the Union, and they have no other legal status. If they break from this, they can do so only against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty. The Union is older than any of the States and, in fact, it created them as States. Originally some dependent colonies made the Union, and, in turn, the Union threw off their old dependence for them and made them States, such as they are."

Lincoln here pretends to be arguing upon legal grounds. The force of his argument lies in the implication that the Union had the legal authority to create those "dependent Colonies, States, such as they are." But the Union of which he speaks possessed no legal status or authority whatever. It was purely an illegal, revolutionary Union, whose acts depended for their force upon ratification by the respective Colonies

represented in the Continental Congress or tacit consent. It was ridiculous for Lincoln to impute legality to such a Union while denying it to the Confederacy, which was established upon the same legal authority as was the United States.

Lincoln hypostatizes the Union and speaks of it achieving the independence of the States. But the Union was not a personality or an entity, but simply a condition of cooperation. If two men united to lift a heavy object, we wouldn't speak of it as the union but the men who did it. If 13 slaves rebelled against their master and in union achieved their liberty, could it be said: "The freedmen have their status in the union and they have no other legal status. The union is older than any of the freedmen, and, in fact, it created them as freedmen." Webster argued that the Union was a "paramount power" over the States as distinctly as was the British sovereignty over the Colonies, but Webster and Lincoln both either missed the point for which the Colonies fought or else purposely concealed it, for there is no similarity in principle between a republican union and a monarchical empire.

Edward Everett has said that from the Declaration of Independence would date the establishment of government upon a rightful foundation after thousands of years of degeneracy. Webster and Lincoln habitually interpreted the Constitution and Union by the principles of monarchical political science.

Water can not rise higher than its source; derived power can not be superior to the power from which it is derived, and the Federal Union can not be superior to the States that created it. The Constitution is supreme only in the sense that the laws of any organization are supreme over its members, so long as they remain members.

Contrary to Webster's assertion and the language of the enacting clause of the Constitution, it was not ratified either by the authority of the people of the United States or directly by the people of the States. In his reply to Calhoun, Webster said: "The powers conferred on the new Government were perfectly well understood to be conferred, not by any State or the people of any State, but by the whole people of the United States." He ridiculed Calhoun's description of the Constitution as a compact, although in his reply to Hayne, Webster had repeatedly spoken of it as a compact. His reply to Calhoun is scarcely anything more than a series of assertions running around in a circle. In the windings of his assertions he repeatedly admits the very fact that he is seeking to disprove, for he says, "On entering into the Union the people of each State gave up a part of their own power to make laws for themselves in consideration that, as to common objects, they should have a part in making laws for other States." Again he said, in speaking of a State, "She herself relinquished the power of protection, she might allege, and allege truly, and gave it up to Congress * * *," and again he said of the Constitution that "It seeks to establish a union among the people of the States * * *."

The phrase "people of the United States" does not bear out the argument of Webster and the imperialists that the people of the United States are united. The phrase is not "united people" but "United States." The present Constitution was ratified when the Union was still based upon the Articles of Confederation. If the Constitution was ratified by the authority of the United States, it must have been by some mode known to those articles. But it was not. The mode of ratification ignored the articles entirely and referred back to the prime authority of the State legislature.

Webster said of the Federal Government and the State governments that neither was primary with regard to the other, and that the authority of the Federal Government rested upon the same deep foundations as that of the State governments. But such is not the case. Every act connected with the ratification of the proposed Constitution was based upon the authority of the State legislatures, and in Virginia the Federalists, of whom Marshall was the leader, were so fearful that the soon-to-be-convened legislature would pocket the ratification that they hurried it off to New York before the legislature assembled.

There is not nor has there ever been provision for ratification of Federal Constitutions by either the people of the State or the people of the United States. It is only in a subjective or administrative sense that the people of the United States constitute one people. In the exercise of their sovereign powers they do and always have resolved themselves into sovereign States. Marshall argued that the United States was sovereign to the extent of its authority, but it is no more sovereign than any agent is sovereign. Its powers are delegated powers. In waging the Revolutionary War the men of 1776 were fighting for everything that Webster and Lincoln argued against. The men of 1776 denied the rightfulness of the asserted British sovereignty. They asserted that they were men with all the rights of men, and Englishmen with all the constitutional rights of Englishmen, and that their colonial situation had not political significance, that it was not a crime for which they could be punished by depriving them of their rights of self-government.

They claimed for their colonial legislature a constitutional parity with Parliament, possessed of exclusive legislative jurisdiction within its respective colony, and that the Empire was bound simply by the theoretical sovereignty of the Crown. They did not fight for union, but for the right of each colony to complete self-government. Lincoln's idea of "subordinate colony" and "States—such as they are," has no more validity than the idea of the slave status of human beings, and to obtain a full and accurate comparison we must draw a hypothetical case of slaves of the same race and in every way the equal of their masters.

The question as to whether the Union is a league, confederation, federation, or nation is not a vital one, but is purely technical and is simply a matter of the mode of administration of the extent of organization, not of obligation. Because it employs some machinery of government also used in national organizations is no more reason for calling it a "nation" than there would be for calling a gasoline engine a steam engine because of certain features they possess in common.

The assertion that secession is treason is not borne out by the nature of the Union by the constitutional definition of treason or the nature of treason itself or by the principles of democracy. Treason is a crime against the "sovereign." The Union is an association of coequal States, and the Federal Government is simply the common agent of those States. The Constitution says that "Treason against the United States shall consist in levying war against them or in adhering to their enemies," etc. It uses the plural "them" and "their," denoting an association of sovereigns rather than a unitary sovereign. It was Lincoln who committed treason and not the States. Lincoln overthrew 11 sovereign States and State governments, which, even according to Webster, were the equal of the Federal Government. The idea of the sovereignty of the whole people of the United States is purely an imperialistic dogma. Analyzed, it means that the people of Oregon are sovereign over the people of South Carolina and that the people of South Carolina are sovereign over the people of Oregon. The people of Oregon possess no more sovereign rights in the government of the people of South Carolina than they do in the government of the people of Canada or Mexico. The doctrine is indefensible by the principles of democracy.

Lincoln has been put forward as the great exemplar of Christianity, but the Civil War was fought in diametrical opposition not only to every principle of democracy but of Christianity. What he said of John Brown may also be said of Lincoln, that "It could avail himself nothing that he might think himself right." That can not excuse violence, bloodshed, and treason.

Like the enthusiast, of whom Lincoln said that he "broods over the oppression of a people till he fancies himself commissioned by heaven to liberate them," so Lincoln brooded until he fancied himself commissioned by heaven as a modern Moses raised up to lead the "oppressed" slaves to freedom, and when the war had brought such misery and destruction that it could no longer be justified upon the original object of saving the Union he then attributed to it the added character of a divinely appointed means of punishing the North and the South for "the bondsman's 250 years of unrequited toil."

But, regardless of the fact that slavery was in no sense a unique crime, Christ said that He "came not to judge the world, but that the world through Him might be saved." The Civil War was a greater crime than slavery. Both were a denial of the right of self-government, but where slavery simply took away the unrestrained barbaric freedom of the negro and put him to constructive employment the war destroyed the very lives of those who had been previously denied the right of self-government. Lord Morely has said that it is not enough that we should do good. We must do it in the right way. War was no more a righteous method of perpetuating the Union than it would have been a righteous method of originally forming the Union. It was no more a righteous method of keeping the Southern States inside the Union than it would be a righteous method for bringing Canada into the Union or the United States into the League of Nations. The end does not justify the means.

Lincoln would have been a true democrat if he had perpetuated the Union by the method by which Washington formed it. He would have been a true Christian if he had followed the example of that other Abraham, who said to his kinsmen, "Let there be no strife, I pray thee, between me and thee—for we be brethren. Is not the whole land before thee? Separate thyself, I pray thee, from me; if thou wilt take the left hand, then I will go to the right, or if thou depart to the right hand, then I will go to the left."

Mr. President, I do not know who this gentleman, Paul S. Whitcomb, of Gladstone, Oreg., is, but that ends the reading of what I consider to be one of the greatest arguments I have ever read. It applies absolutely to the case we are arguing here this morning. Why can some of the States of the American Union say, "We want a part of Tennessee? We are not going to ask Tennessee whether we can have her territory or not. We are going to buy power. We are going down into Tennessee and take away from her two of her counties"—steal them, that is all. There is no difference between a man slipping into your house at night and stealing from you in the nighttime, and, on the other hand, coming to you in the daytime and taking your property. He is a thief just the same. This actually is a piece of thievery. There is no doubt about it. I do not think anybody would say to the contrary. It is

common, plain stealing, just exactly as this article says happened to us down in the South. I do not care to fight the war over.

I read this argument because it is so applicable to what is trying to be done here and now with Tennessee, without any justification, without any excuse, except that the Government wants to make money—out of what? Robbing the farmers again; God bless them. Senators get up here and talk about wanting to help the farmers, but I have not seen a bill since I have been here that was worth a continental so far as they are concerned. I would state it stronger and I wish I could. I will when I get back home and get to talking to the cotton-mill boys and the railroad boys and the farm boys. I am going to say to them, "If you fellows think you have any friends in the Senate, come up here and sit in the galleries and listen-in for a few days. Then go back home and you will find I am telling you the truth when I say you have a few friends left, but they are few and far between."

The corporations have got control of the Senate; got it hog-tied. All they have to do is crack their whip and the Senate either passes through or stops any legislation they want or do not want. I know it; and the Senator knows it. Why? Because we can not get anything through here that is of material interest to the laboring people or the farmers of the country. We can not introduce a bill in the Senate and get it through to save our lives that will touch a corporation. It is an impossibility. It can not be done.

I do not know what the power is. I do not mean to say that there is anything crooked about it. I do not know what it is, but I know that if a Senator comes in here and asks for something for the poor people of the country or for the laboring people of the country, it is stopped either in the committee cemetery or in an Andrew Mellon vault. I have been here three years and I have not seen a bill passed through here yet that was of any benefit to the taxpayers of the country.

Talk about corporations. They do not pay any taxes. That is the biggest fool argument I ever listened to. There is not a railroad company in the country that pays a cent of taxes. there is not a bank in the country that pays a cent of taxes. There is not a corporation in the whole United States that pays a cent of taxes. Oh, yes; their agent carries it up to the office and gives it to the Treasurer, but the consumer, the man who uses the goods of that corporation, pays the taxes.

Look at the tax bill we passed the other day. That helps the poor man, of course. When the Republican Party had an opportunity to help the smaller corporations, the Vice President forgot to go to sleep like he did in the Warren case. He was sitting up in the Chair just like a June bug on a potato vine ready to jump on the first potato bug that comes up. Yet they say they want to do something in the interest of the poor people of the country. Yet they say they want to do something in the interest of the laboring people of the country. Not a bit of it!

Here comes a joint resolution now providing that the Government may go down into the State of Tennessee. I am fighting it, not for Tennessee especially. They have two very able Senators here—clean, conscientious men. The other day my friend the senior Senator from Alabama [Mr. HEFLIN]—and I am his friend and he is my friend—made a terrible plea here along this same line. Do you remember his story about the little boy and the brogan shoes? Do you remember the boy who said, "Daddy, the shoes don't hurt my feet, but they hurt me in my heart." Yet the Senator from Alabama comes right back here to-day and tries to put the brogan shoes on Tennessee. He comes right straight back and tries to do that. He wants Tennessee now to wear the brogan shoes and let Alabama be the baby, the child of the second wife, and have all the fancy clothes and the big red tie and go to church on Sunday. That is true, and the Senator can not get around it.

I have not a word to say about Alabama's attitude. I would fight for her harder than I would for Tennessee, because Alabama has never gone Republican. I think more of Alabama than I do of Tennessee on that account. But the same argument ought to apply to both.

Why should the Senator from Nebraska [Mr. NORRIS] want to come down into the South and meddle and mess up with our business? I think he has enough to do to attend to the West. This is his joint resolution. It is just like the Yankees did when they came down that this man talks about from whom I have been reading. True, I understand Lee turned his sword over, but I can prove to you as a matter of fact that we killed more Yankees than we had Confederate soldiers, so there was a very dear victory, if you can call it a victory. Here comes a man from the same section of the country going into the South and meddling in our affairs. I do not like it. I think the Senator from Nebraska is a fine man, a brainy man, but I think he went out of his way when he came messing in southern business.

I do not go out in the West in that way. If anybody from any section of the West gets up and says they need a dam out there, I sit here and vote for it. If they want a monument to somebody, I sit here and vote for it. We passed some measure last night providing for some kind of a monument out there with reference to some Indians and a battle they fought in 1873. I voted for that. I do not see why their people want to come down into the South and continually mess with us. Do you want another war? Is that what you are looking for? It looks like it. I know that if this bill were being passed for South Carolina, to treat South Carolina as you are attempting to treat Tennessee, you would have some trouble. I warn the Senate right now that if the United States Government ever passes a bill like this relating to South Carolina, trying to take two of our counties away from us, they are going to have to fight through every court in the land before they get it—right straight through all the courts—and then they had better be careful who they send down there to take charge of it. I will tell you that right now. I know my folks, if I do not know the folks of Tennessee.

There is no excuse for this thing. You do not need it. You own Muscle Shoals and we are willing for you to have it. All this talk about making nitrates over there is a farce and a humbug. What is it going to amount to? The fertilizer companies will take it and charge the farmers more than they have ever been charged before. I would be willing to wager anything I have in this world that if this joint resolution is passed, within 12 months after the proposition gets under way down there the farmers will be paying more for fertilizer than they are paying to-day. There is nothing to it. Why go down there and let the Federal Power Commission fix the rates in South Carolina or Tennessee? We have a concern down in my State that is supposed to look after that class of business.

As I said here this afternoon, we are building, I understand, one of the largest dams in the world. It takes water from Columbia, S. C., to Chappells, a distance of 75 miles. That concern is going to pay taxes to the State; it is going to help my people. Am I to sit here and vote for a joint resolution—and even if the conference report is signed by my colleague that does not make any difference to me; I simply differ with him; he is honest, I suppose, in his view—which authorizes the Government to go down there and say to the customers of those who have spent millions of dollars building that dam, "We are generating power at Muscle Shoals; we will sell you power cheaper than your home concern will sell it to you. So Sears, Roebuck & Co. will sometimes sell things cheaper than the home merchant; but I never have believed in people patronizing them, and I never have done so.

The merchants of Columbia, S. C., vote for me—some of them—and all of them pay taxes in the same office where I pay taxes; all of them send their children to school there and help to employ the teachers in the graded schools; they give other people who have not the money to pay to educate their children an opportunity to have them educated. Why should I take my money and send it to Sears, Roebuck & Co., or spend it in Washington. I buy my clothes in South Carolina, except some little things that I find it necessary to buy here. I buy my hats and shoes from the merchants of South Carolina, except sometimes I am forced to buy here. In the same way the merchants of Washington ought to be patronized by the people of Washington, because they are the ones who are helping to build up the community. Instead of sending money off to merchants somewhere else—I do not care where they may be—I say patronize the home merchant.

Now, we have before us a measure that would cause the power from Muscle Shoals to be transmitted into my State and other States. I do not believe in it and never have believed in it, and whether this joint resolution shall be passed or not I do not expect to vote for it. If it shall pass, I hope the President of the United States will veto it; and, if it comes back here and God spares me to be here on that day, I will certainly stand by him in his veto message. I will be very much disappointed in him if he shall not veto it, because he said the other day that he believed in State rights and I do not believe he would have said it if he had not meant it.

There are some objections to him; I objected to him sending a Georgia man into South Carolina and making him a postmaster there. I have not quite gotten over that as yet. Perhaps I should say that he allowed his henchman, Harry New, to do it; but it is the same thing. I have been fighting them ever since and am going to keep on fighting them until that man is removed from that post office. If it takes all of the next three years, I am going to fight them until he goes out of there. If we believe in State rights, as we say we do, if we believe in freedom, let Tennessee alone.

I would not have said a word against this joint resolution—I do not approve of it and I would have voted against it for the reasons I have given, but I would not have said a word against it if it had been confined to Alabama. The people of Alabama came here and said, "We want it." If representatives of South Carolina should come here and say, "We want to turn the State over to the Government," I say turn her over; I have no objection; but until they do come here and say so, then I say, Mr. President, let South Carolina alone.

Now I wish to read another short article, a very interesting one, too, entitled "James Buchanan and his Cabinet." I read from Tyler's Quarterly Historical and Genealogical Magazine of July, 1927, the same magazine from which I read a few moments ago the article on Abraham Lincoln.

"James Buchanan and his Cabinet, on the eve of the secession," by Philip G. Auchampaugh, professor of history, State Teachers' College, Duluth, Minn.

It will be noted the other article was written by a man from Oregon, while this one is written by a man from Minnesota, so that they are not southern authors. The article is as follows:

The scope of this work embraces the period from the election in 1860 to the close of Buchanan's term of office, and is a successful attempt of the writer to set forth the real facts relating to the closing months of James Buchanan's administration. It is a relief to see the moderate men of the North coming into their own again. The disgusting and unscrupulous manner in which facts have been misrepresented by northern extremists since 1861 receives a signal rebuke when men of the North, with the impartial spirit of P. G. Auchampaugh, Claude G. Bowers, George Morgan, Gamaliel Bradford, and Paul S. Whitcomb, use the pen. Mr. Auchampaugh justly observes that "the defeated parties in civil conflicts are twice unfortunate, once on the field of arms and again in the matter of bards, for few minstrels love to sing of defeats"; and as time goes on, even the conquered begin to forget their ancestors under the conditions to which they have to conform themselves. It is that way with the South to-day.

The cause, therefore, of the Democratic Party of the North in 1860 is more a "lost cause" than that of the South. As a Nation, practically unanimous, the South has had no small number of able writers who have placed their case before the world, but the Democrats of the North, who put their confidence in peaceful measures for the maintenance of the Union, have been overwhelmed by the successful party in their midst, and they have had few defenders in the South, because they stopped short of admitting the doctrine of secession. Such was the fate of James Buchanan, one of the kindest, ablest, and noblest men the North has produced. The party to which he was opposed in the North, who believed in a Union cemented by force, plunder, and slaughter, have spared no pains to detract from his ability and character, and in the South his wish to do justice to southern interests, his hatred of sectional domination, and his love of a real Union of peace and consent have been forgotten because he could not cut the ties which as a Pennsylvanian bound him to the North.

Lincoln, who became the idol of the Republican Party after their successful war to destroy the principle of self-determination, embodied in the very creation of the Union, cuts a poor figure compared with James Buchanan, as viewed under the luminous light which Mr. Auchampaugh has turned on. The first and the most outstanding difference between the two men was that Buchanan was a thorough gentleman—refined in his feelings and chaste in his language. He could as little have indulged in the filthy conversations of Lincoln as Robert E. Lee or Jefferson Davis. In the next place, Buchanan was an old and tried statesman, who contrasted with the inexperience and ignorance of Lincoln.

After the evidence produced in this work there can be no question that he was master in his Cabinet. The submission of Lincoln to Seward and Stanton is one of the facts of history, which all the soft soap employed by his admirers can not wash away. How impossible it would have been for the old tried statesman Buchanan to have signed important papers without reading them, and yet this is what Lincoln did, according to Welles, his Secretary of the Navy. As to democracy, Buchanan was a Democrat both in feeling and party name, while Lincoln was one only in lowly birth and fancy speech, positively revelling in authority over the Constitution.

When we come to consider the question of Fort Sumter the contrast is even greater; Buchanan acted the gentleman in his dealings with the southern and Virginia commissioners, and both wrote and talked to them kindly, but he steadily kept from affording them any hope that he would ever abandon Fort Sumter. Lincoln snubbed them and refused them audience, but allowed his Secretary of State, through a third party, to give them all sorts of assurances that the troops would be withdrawn from Fort Sumter. It is idle to suppose that the commissioners could have lingered in Washington a month without Lincoln being a party to Seward's communications.

The policy of the able and unscrupulous Seward was to reinforce and hold Fort Pickens and allow Fort Sumter to go. Thereby he thought that the national authority might be asserted without an immediate resort to arms and time might be given for peaceful settlement. But the weak and vacillating Lincoln could not hold to a policy to which he was committed through Seward, but influenced by a conference of war governors reversed it, and by an attempt to reinforce Fort Sumter hurried the country into war and drove off Virginia, North Carolina, Arkansas, and Tennessee, who did not want to leave the Union, and whom it was Seward's, as well as Buchanan's, policy to retain.

What emphasizes the inefficiency of Lincoln is that after four long years of bloody strife, he did what he failed to do in 1861, held a conference with Confederate commissioners.

Mr. Auchampaugh's story of the Kansas difficulties is very valuable and instructive. It is very different from that which is canonized by writers like Rhodes, Hart, Hay, and Henry Cabot Lodge. According to them the civil strife was begun by a murderous slaveholder, and the resistance which arose was that of a majority of people enlisted in a holy cause to repel the attacks of a minority of cruel men from Missouri, upheld by Buchanan and Federal troops. As a matter of fact, the reverse was the case. One can not doubt that the true story is told by J. W. Williams, who was Territorial judge—a Pennsylvanian and an opponent of slavery. The war began with one of these highly moral Free Soilers meeting a Mr. Letterman in the road and wounding him seriously with a pistol shot, merely because he would not answer whether he was "a free-State or proslavery man." The war thus begun was wholly on one side, and all unauthorized acts were performed by the "plug uglies" sent by the Emigrant Aid Societies of New England armed with Sharps rifles. Under "the cry of law and order" the New England people in the early days of the Republic had gone crazy in applying the false and immoral doctrine of the end justifying the means to the attempt to make Aaron Burr President, and now under the cry of "Liberty" they were even more insane in applying the same doctrine to the question of slavery. If the term "rebel" was ever applicable to anyone, it was so to these emigrant societies and their mercenary cutthroats in Kansas in their resistance to the Federal courts and the Federal Executive. (See letters of Judge J. W. Williams, pp. 38–47.)

Virginia was to have a taste of these bloody murderers in the thrice sainted John Brown.

Quite refreshing, too, are the facts disclosed by Mr. Auchampaugh with reference to John B. Floyd. He entirely disproves the charges that he used his position to supply the South with arms; that he plundered the Interior Department bonds and that he was a secessionist at heart. The most that Mr. Auchampaugh alleges against Floyd, after a view of all the circumstances, is occasional carelessness, but it is to be remembered that we see only one side, and the judgment might be wholly different if Floyd had lived long enough, as Mr. Buchanan did, to prepare his own defense to all charges. Then things now only vaguely understood might appear in a very different light. Floyd left Washington so poor that he had to borrow money to pay his expenses home. Of what one of the Cabinet officers of a later day can this be said?

Probably the only important criticism that can be made upon Mr. Buchanan is that he did not withdraw the body of the troops from Fort Sumter. John Tyler, the Virginia commissioner, pledged the honor of the South to make no hostile move against the fort if a sergeant and five or six men were left behind to symbolize with the flag the authority of the Government. As long as it was made a depot of troops and supplies, it constituted a menace against the city of Charleston.

Freed from all subtleties the war was a war of subjugation and conquest. It was an immense crime—a denial of the right of self-government to a highly civilized people occupying a country half the size of Europe. What makes the crime absolutely colossal is that Lincoln, to win, had to call in the aid of 800,000 foreigners and 200,000 negroes, and resort, in the last year especially, to the barbarous warfare of the Middle Ages. His own words are that without the negroes in the Army he would have had to give up the war in "three weeks!"

Mr. Auchampaugh, while not voicing these views directly, does so indirectly, when he says that Lincoln, instead of preserving the Union, destroyed "the whole fabric and theory of government handed down by the fathers." We have now a great Nation, it is true, but it is a great northern nation to which the South has had to conform all its policy and sacrifice all its ideals. Whatever liberties it enjoys are by permission, and the attitude of the North is that the South may be indulged but must be carefully watched.

Here it is again in the Muscle Shoals bill. Just what these two writers say in those articles about the South comes back to us this evening.

Here is the North coming again, going into one of the States of the South, for money—that is all—mercenary, unprincipled,

without excuse, without justification, going into the South to steal the southern power. Why? It is the same old fight. You need not try to keep it down. Why do you not go up North and have a Muscle Shoals? Why do you not go out in the West and have a Muscle Shoals? Answer me that question. Why is it that you have got to go down in the South and steal our property, as you did from 1861 to 1865, and then sent Sherman down and burned Columbia, and had a blaze of fire from Atlanta, Ga., down through south Georgia, through South Carolina and North Carolina and on up, and burned us up? Your great General Grant sent word, "Salt down the city of Charleston." The message came back, "You need not be uneasy; when we get through with South Carolina she will know we have been here"; and she did know it. They burned her to the ground, and in some instances raped her women. Not satisfied with that, now you come back. With all the water powers you have in the other parts of this country, you want to go down in the South and take her water power, to build up what? Simply to make money for the United States Government.

It will not do the people of this country one particle of good. Mark that prediction this morning, at 25 minutes to 4 o'clock. If this bill goes through, the only good it will do the people of the South is the money that may be spent right around Muscle Shoals in Alabama by local interests. It is going to be a menace to the South. It is going to be destructive not only to the South but to these people in New York and Connecticut and Massachusetts who are buying up the cotton mills in the South. These people up there, who are investing their money in the South, are going to suffer from this very bill that you are passing to-night.

Oh, you think you are not hurting anybody but the South, but you are making a serious mistake. I am mighty proud to tell you to-night that at this very time there are many millions of dollars in South Carolina that came from the North. We are glad to have it; we appreciate it; and our people stand in those cotton mills and in those banking institutions and in other institutions that are owned by northern capitalists and give their most faithful service.

I see men every time I go home that I knew when I was a boy. I see women that I knew when they were girls. Now they are like myself, getting on the shady side, with gray hair. Their lives have been spent in the cotton mills, working for men in the North without a word of complaint.

Why, now, come and want to strike them down? I resent it. I do not care whether any other southern man here resents it or not; I do, and I consider it an act of hostility for men who live north of the Potomac River to vote for this bill. I shall so treat it as long as I am a member of this body, and I propose to retaliate if I ever get the opportunity to do it; and I think that opportunity will come, possibly not between now and the 29th, but it will come. If one vote or one voice can retaliate, that voice shall be raised and that vote shall be counted to you northern people who support this measure, and steal from the State of Tennessee that which God Almighty has given to her, and not to the United States.

I have put more material in the CONGRESSIONAL RECORD about the Confederate soldiers—Lee, Jackson, Jeff Davis, and the others of the Confederacy, and the private soldiers—than all the Senators from the South who have been here since the Civil War, and I propose to continue to put it in. I propose to go back home and tell my people that the same spirit prevails in the Senate to-day that prevailed in it when Jeff Davis walked out of it; and to prove it, I will show what northern men voted to steal from the State of Tennessee her rightful property which God has given her.

Yes; I resent it. I would not vote for this bill if I knew that I would have to resign my seat before this day at 12 o'clock. I would not vote for it if I knew that every man in the Senate would refuse to speak to me for the rest of my natural life. You can not justify it from any standpoint except that the North wants to continue to try to keep her heel upon the neck of the South; and if this bill passes the Senate, and one vote can keep some others from passing, there are some others here that are not going to be passed at this session, nor next session, either.

Now, Mr. President, I want to put in this RECORD something that I have never seen before. It reads as follows:

States normally Democratic—The solid South

	Delegates Democratic convention	Electoral votes
1. Alabama	24	12
2. Arkansas	18	9
3. Florida	12	6
4. Georgia	28	14
5. Louisiana	20	10
6. Mississippi	20	10
7. North Carolina	24	12
8. South Carolina	18	9
9. Tennessee [1]	24	12
10. Texas	40	20
11. Virginia	24	12
Total	252	126

[1] Republican in 1920.

NOTE.—All Democratic since 1880 with the exception of Tennessee, which voted Republican only in 1920.

States normally Republican

	Delegates Democratic convention	Electoral votes
1. California	26	13
2. Connecticut	14	7
3. Delaware	6	3
4. Illinois	58	29
5. Indiana	30	15
6. Iowa	26	13
7. Kansas	20	10
8 Maine	12	6
9 Massachusetts	36	18
10. Michigan	30	15
11. Minnesota	24	12
12. Nebraska	16	8
13. New Hampshire	8	4
14. New Jersey	28	14
15. New York	90	45
16. North Dakota	10	5
17. Ohio	48	24
18. Oregon	10	5
19. Pennsylvania	76	38
20. Rhode Island	10	5
21. South Dakota	10	5
22. Utah	8	4
23. Vermont	8	4
24. Washington	14	7
25 West Virginia	16	8
26. Wisconsin	26	13
27. Wyoming	6	3
Total	666	333

	Republican since—	Exception—Democratic
1. California	1872	1880, 1892, 1916
2. Connecticut	1896	1912
3. Delaware	1896	1912
4. Illinois	1872	1892, 1912
5. Indiana	1896	1912
6. Iowa	1872	1912
7. Kansas	1872	1892, 1896, 1912, 1916
8. Maine	1876	1912
9. Massachusetts	1872	1912
10. Michigan	1872	
11. Minnesota	1872	
12. Nebraska	1872	1896, 1908, 1912, 1916
13. New Hampshire	1872	1912, 1916
14. New Jersey	1896	1912
15. New York	1896	1912
16. North Dakota	1896	1912, 1916
17. Ohio	1872	1912, 1916
18. Oregon	1888	1912
19. Pennsylvania	1876	
20. Rhode Island	1876	1912
21. South Dakota	1892	1896
22. Utah	1900	1916
23. Vermont	1872	1892
24. Washington	1892	1896, 1916
25. West Virginia	1896	1912
26. Wisconsin	1872	1892, 1912
27. Wyoming	1892	1896, 1912, 1916

NOTE.—In 1912 the Roosevelt-Taft split occurred resulting in Democratic pluralities sufficient to obtain the electoral vote but not a majority popular vote.

Doubtful States

	Delegates Democratic convention	Electoral votes
1. Arizona	6	3
2. Colorado	12	6
3. Idaho	8	4
4. Kentucky	26	13
5. Maryland	16	8
6. Missouri	36	18
7. Montana	8	4
8. Nevada	6	3
9. New Mexico	6	3
10. Oklahoma	20	10
Total	144	72

Doubtful States—Continued

	Republican	Democratic
1. Arizona	1920, 1924	1912, 1916
2. Colorado	1888, 1904, 1920, 1924	1892, 1896, 1900, 1908, 1912, 1916
3. Idaho	1904, 1908, 1920, 1924	1892, 1896, 1900, 1912, 1916
4. Kentucky	1896, 1924	(1)
5. Maryland	1892, 1900, 1904, 1908, 1920, 1924	1880, 1884, 1888, 1892, 1912, 1916
6. Missouri	1904, 1908, 1920, 1924	1892, 1896, 1900, 1912, 1916
7. Montana	1892, 1904, 1908, 1920, 1924	1896, 1900, 1912, 1916
8. Nevada	1904, 1920, 1924	1900, 1908, 1912, 1916
9. New Mexico	1920, 1924	1912, 1916
10. Oklahoma	1920, 1924	1908, 1912, 1916

[1] Since 1872 except 1896 and 1924.

Territories and districts

Delegates to Democratic convention:	
1. Alaska	6
2. District of Columbia	6
3. Hawaii	6
4. Philippines	6
5. Porto Rico	6
6. Canal Zone	6
7. Virgin Islands	2
Total	38

Recapitulation

	Delegates to Democratic convention	Electoral votes
27 States normally Republican	666	333
11 States normally Democratic	252	126
10 Doubtful States	114	72
Territories and Districts	38	
48	1,100	531
Necessary to nominate (two-thirds)		733⅓
Necessary to elect		266

Mr. President, I think these tables are accurate. I had them made up because I wanted to show some of the people in this country just exactly the standing of the different States. I wanted to show particularly to the Democratic Party just what chance they have to win the Presidency of the United States, when they are fussing and scrapping as they are doing now.

Now, I want to read the platform of the South Carolina Democratic Party. I want to put it in the CONGRESSIONAL RECORD, because I want people to see why I fight just as I am fighting to-night. This is taken from the Columbia State, Columbia, S. C., of Thursday morning, May 17, 1928:

[From the State, Columbia, S. C., Thursday morning, May 17, 1928]

ADOPT PLATFORM WITHOUT DISSENT—DEMOCRATS AGREE READILY TO REPORT AT NIGHT SESSION—DOZEN PLANKS IN DOCUMENT OF SOUTH CAROLINA PARTY

The following State platform was adopted by the South Carolina State Democratic convention last night:

"The Democratic Party of our State and Nation are called upon in this year 1928 as never before to wage an uncompromising battle for our form of Government and republican institutions, the very existence of which are threatened by the combined forces of corruption in office and the power of predatory wealth. To this end we unqualifiedly pledge our party:

"1. To place our agricultural interests on a parity with industries, and to so adjust our economic system and laws as to insure the farmers a fair return for their labor and investment.

"2. Relief from the present burdensome tariff system.

"3. We favor careful enforcement of the restrictive immigration laws and pledge ourselves to such further amendments thereto as will prohibit seasonal labor being imported from neighboring States.

"4. More power and efficiency in our State government and the enforcement of its laws, and an end of the encroachments of national power, with the widest latitude.

"5. Recognition of the rights of small nations, and repudiation of any imperialistic ideas on our part in regard to them.

"6. We deplore the lack of respect for our laws and the lax enforcement which many of them receive, and pledge ourselves to honest and efficient enforcement of all our laws.

"7. Cooperation by every honorable means, in good faith, with other nations, to prevent future wars.

"8. A fair deal to American labor.

"9. We denounce the corruption which has permeated our national administration in recent years. We commend the prosecutions which have been made and call upon all who believe in our institutions for more vigilant efforts to detect, prosecute, and bring to justice those who prostitute public office for private gain.

"10. A policy, national and State, based upon the weal and welfare of the great body of citizens as distinguished from gross materialism for the benefit of classes.

"11. Conservation of national resources, a policy of watchfulness and vigor with reference to the program of the Power Trust.

"12. We stand squarely for the eighteenth amendment to the Constitution, for the Volstead Act, for the State prohibition law, and for the strict and vigorous upholding and enforcement of each one of these. And we condemn any attempt to nullify these laws by lax or corrupt enforcement methods."

That platform was adopted in the South Carolina convention just a few days ago. That is the platform I am instructed to follow.

Along with that platform we passed a resolution and bound our delegates to it by adopting a unit rule that they should not cast their ballots for any man who was in favor of the amendment or repeal of the eighteenth amendment, or any act of Congress with reference thereto.

We called attention in that platform to the Power Trust in my State, but we did not mean, as this resolution provides, that we were willing for outside people to come down there and fix the price of our electricity or our other power. That did not mean that we wanted the Federal Government to interfere with our business. That did not mean that I was to vote in the Senate for a resolution to investigate any power trust in my State save those under national control. That meant that we wanted the United States Government, as in another paragraph it is set out, to stay out of South Carolina in so far as meddling and interfering with our business is concerned.

Just a few weeks ago a commission up here committed a most outrageous offense against my State. A trolley system runs from Greenwood, S. C., by way of Anderson and Greenville, over to Spartanburg. The same trolley system runs from Charlotte, N. C., down in the direction of Spartanburg, covering some other North Carolina towns. That trolley system wanted to build a connecting link between the North Carolina point where they stopped and the South Carolina point at Spartanburg. The men representing that interest came here, had a hearing, and that distinguished statesman and jurist, Charles E. Hughes, represented South Carolina, or at least certain interests who were working in the interest of South Carolina, before that commission. The commission sat back and said, "No; you can not build that link of that railroad, because it would hurt the Southern Railway Co." Do you mean to tell me that men will cast that sort of a ballot who are not bought by somebody, who were not being unduly influenced by somebody? Freight rates is what is ruining the people of this country. If you want to help the farmer, instead of trying to steal part of Tennessee, as is being attempted here, reduce freight rates.

The truck farmers of my State, such as you heard me speak about here yesterday—I believe it is now, in reference to this Federal farm loan bank matter, down in Beaufort, Allendale, Barnwell, Bamberg, and other counties in my State—raise their truck, ship it up here, and sometimes, instead of sending them back pay for their truck, the people here actually send them a bill for freight. The freight actually eats up what the truck sells for in the northern markets sometimes, right here in Washington. Some of it comes here. The freight actually eats it up, and instead of the people to whom the truck is shipped sending some pay for it, they send back a bill for balance due on freight. The same thing happens as to cantaloupes, and the same as to watermelons.

Why can we not touch up the railroads a little bit? Oh, no; if you put your hand on them, you have to jerk it back. A bill was introduced by the Senator from Arkansas to take off a piece of railroad stealing that makes a man pay extra in a Pullman. We used to be able to come from Columbia, my home, to Washington, paying only $3 for our Pullman fare. To-night you pay $5.60, and then pay the railroad company for hauling the bed you are riding in. There is no reason in that. A correction of that would be a help to the farmers.

Oh, no; when you talk about reducing freight rates—Senators have never seen that done, have they? Senators have never seen the Interstate Commerce Commission reduce any rates, have they? Reduce the freight rates and help the farmers. The way to help the farmer is to locate a market for him where he can have his produce disposed of at the proper price, and that is also the way to help the consumer—to let the farmer have a fair price for his product, and then fix it

so that the man who is going to eat it or wear it can get it at a reasonable price.

God Almighty made this country right. He did not make any mistake. He knew exactly what He was doing. We can raise in this country, if necessary, everything in the world we eat and wear, and everything in the world we have to have. But there should be provision made by which the corn and the meat that comes from the Western States and goes to the Southern States could be hauled at reasonable rates. Look at the railroad earnings. Examine them. None of the railroads claim to-day that they are losing money. They are making money all the time, making excessive profits. They claim that the automobiles are ruining their business in the passenger line. But, Mr. President, telephone down and try to get a Pullman berth going south. I know of two people this week being delayed on their trip 24 hours because they could not get a berth. The trains are crowded. I stayed over one day myself not long ago because they said I could not get a berth.

But you can not come in here and touch a railroad. You can not come in here and reduce their freight rates. You can not come in here and take off their surcharge on the Pullmans. But you can come in here with a bill and say you are going down South and take our property, take our power, and that you are going to send your Federal Power Commission down there for the purpose.

I know in my own State, so I have been told by good people, that when they were burning corn in the West, actually burning it, making fires out of it, my people were paying $1.10 a bushel for it. If that Western farmer could have gotten that corn down into the South at a reasonable freight rate my people would not have had to pay $1.10 a bushel, and the Western farmer would not have had to burn up his corn. Out of the thousands and thousands of bushels of corn that were burned in the West they could have made thousands of dollars if they had been able to ship it to the South at reasonable freight rates. The people in South Carolina and the other Southern States would not have been compelled to pay such an enormous price for the corn they needed. The same is true of hogs and of other meats when they are shipped down there.

I want some of you Senators who are such great friends of the farmers to think about these matters. I am glad Mr. Coolidge vetoed the McNary-Haugen bill. If there ever was a humbug and a farce passed through the Congress, God knows that is it. I am glad Mr. Coolidge vetoed it. I hope I will live until some time later in the day when the Senator from Oregon [Mr. McNARY] gets that veto message out of his cemetery and brings it on to the floor of the Senate and makes an effort to pass the bill over the President's veto. I am the only man from the South, that is a cotton-growing State, who voted against the bill, and I was glad when the President vetoed it, because now I can go back home and laugh at the balance of them and say that I was right that time anyhow. If you want to help the farmer do not pass this Muscle Shoals bill. It will not help them in any respects. Reduce your freight rates and help both producer and consumer, the man who needs it, and quit serving the corporations and rich only, as you now do, and we will have a happier people.

Mr. President, having concluded what I have to say on this matter, I suggest the absence of a quorum.

Mr. NORRIS. Mr. President, I make the point of order that no business has been transacted since the point of no quorum was made before, and that the suggestion is dilatory.

Mr. BLEASE. Then I make the point of order, and want it put in the CONGRESSIONAL RECORD, that there are only eight Senators in the Chamber at this moment.

The PRESIDING OFFICER (Mr. DALE in the chair). The Chair will sustain the point of order made by the Senator from Nebraska [Mr. NORRIS].

Mr. McKELLAR. I appeal from the ruling of the Chair, and on the appeal I ask for the yeas and nays.

Mr. NORRIS. I move to lay the appeal on the table.

Mr. McKELLAR. I call for the yeas and nays on that motion.

Mr. BLEASE. Mr. President, I make the point of order and want it to appear in the RECORD that there are only nine Senators in the Chamber at 4 o'clock in the morning, this moment, and I object to any business being conducted or any work proceeding until a quorum is present.

Mr. McKELLAR. Mr. President, I desire to make the statement that there are not 15 Senators in the Chamber and were not at the time the motion was made and the demand submitted for the yeas and nays. The rule calls for the raising of the hands of 20 per cent of the Senators present, and more than that many hands were raised. Other Senators have come in since, but they were not here when the motion was made and the demand for the yeas and nays was submitted. The roll ought to have been called then and it ought to be called now.

Mr. NORRIS. Mr. President, the point of order is that there has been no business transacted since the last quorum call and that the suggestion of the absence of a quroum is only dilatory.

Mr. BLEASE. Mr. President, the Senate has no right to transact business with no quorum being present no matter when it is.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to lay the appeal on the table.

Mr. McKELLAR. On that motion I ask for the yeas and nays. There are four hands up, and there are only 18 Senators in the Chamber.

Mr. GLASS. Mr. President, is it competent for a Senator on the floor to determine how many Senators are here?

Mr. McKELLAR. I can count them and thus help the Chair.

The PRESIDING OFFICER. The Chair has to assume that there is a quorum present. On that assumption there is not a sufficient number who demand a roll call.

Mr. McKELLAR. How many Senators are present now?

The PRESIDING OFFICER. There were 55 Senators present when the roll was last called.

Mr. BLEASE. They are not here now. There is not a quorum here now, and I want the RECORD to show it. We may need this later in some court proceeding.

The PRESIDING OFFICER. The Chair can not count a quorum from the Chair. The question is on agreeing to the motion of the Senator from Nebraska to lay the appeal on the table.

The motion was agreed to.

Mr. NORRIS. Mr. President, I make the point of order——

Mr. McKELLAR. Mr. President, business having been transacted, because the Senate has just voted, I now suggest the absence of a quorum.

Mr. NORRIS. I make the point of order that no business has been transacted. The only thing that has been done was to ascertain that there had not been any business transacted since the point of no quorum was last made, and that does not constitute business.

Mr. McKELLAR. There has been a vote taken on the motion to lay on the table and that is business.

The PRESIDING OFFICER. The Chair so holds, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	La Follette	Reed, Pa.
Barkley	George	Locher	Sheppard
Black	Glass	McKellar	Shipstead
Blaine	Hale	McMaster	Steiwer
Blease	Harris	Moses	Tyson
Bratton	Heflin	Norris	Vandenberg
Brookhart	Howell	Nye	Wagner
Copeland	Johnson	Oddie	Wheeler
Curtis	Kendrick	Pine	
Dale	Keyes	Pittman	

The PRESIDING OFFICER. Thirty-eight Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and there were no responses.

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. None of the absent Senators whose names have been called have responded. There is not a quorum present.

Mr. NORRIS. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

At 4 o'clock and 30 minutes a. m., Friday, Mr. DENEEN entered the Chamber and answered to his name.

Mr. TYSON. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee. [Putting the question.] By the sound, the noes have it.

Mr. TYSON. I ask for the yeas and nays.

The yeas and nays were not ordered.

So the Senate refused to adjourn.

At 5.20 a. m. Mr. THOMAS entered the Chamber and answered to his name.

At 5.28 a. m. Mr. WATERMAN entered the Chamber and answered to his name.

At 5 o'clock and 35 minutes a. m. Mr. SMOOT entered the Chamber and answered to his name.

At 5 o'clock and 40 minutes a. m. Mr. GREENE entered the Chamber and answered to his name.

Mr. LA FOLLETTE. Mr. President, I suggest that the Sergeant at Arms submit a report of the progress he is making under the direction of the Senate to request the attendance of absent Senators.

The PRESIDING OFFICER. The Sergeant at Arms will submit his report.

The SERGEANT AT ARMS (David S. Barry). Under the order of the Senate that the Sergeant at Arms be directed to request the attendance of absent Senators, I submit the following report:

The following Senators have advised that they will come: BAYARD, CARAWAY, CUTTING, HARRISON, ROBINSON of Arkansas, ROBINSON of Indiana, STECK, TYDINGS, WALSH of Montana, and WARREN.

From the following Senators there was no response to the telephone call: BINGHAM, BORAH, CAPPER, BRUCE, COUZENS, EDGE, FLETCHER, GERRY, GILLETT, HAWES, HAYDEN, REED of Missouri, SHORTRIDGE, SWANSON, WALSH of Massachusetts, PHIPPS, BROUSSARD, and METCALF.

The following Senators are out of the city: EDWARDS, FRAZIER, GOFF, GOULD, MAYFIELD, NEELY, TRAMMELL, and WATSON.

Senator FESS had retired and left orders at the hotel desk not to be disturbed until 7.30 o'clock.

Senator KING left the Senate Chamber ill.

Senators JONES, RANSDELL, and NORBECK are also ill.

Senator SMITH is detained at home by illness.

Senator DU PONT is sick and out of the city, as is also Senator GOODING.

At Senator MCLEAN'S residence the reply was made that he would be given the message; and a similar response was received on calling the residence of Senator MCNARY.

The following Senators have arrived since the order to the Sergeant at Arms was issued: GREENE, SMOOT, THOMAS, WATERMAN, and SACKETT.

The PRESIDING OFFICER. The report of the Sergeant at Arms will be received.

At 7.10 a. m. Mr. ROBINSON of Arkansas and Mr. STEPHENS entered the Chamber and answered to their names.

At 7.15 a. m. Mr. BAYARD entered the Chamber and answered to his name.

At 7.18 a. m. Mr. CUTTING entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present.

Mr. MCKELLAR. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MCKELLAR. Mr. President, there are two motions which I desire to make with reference to this matter. I move first to recommit the conference report to the conferees with instructions to the conferees on the part of the Senate to insist upon the insertion at the end of section 16 of the following proviso:

Provided, That the corporation herein created shall be subject to all the laws of the States in which it operates in the same manner and to the same extent as would a private corporation engaged in such enterprises, and when the Cove Creek Dam and power plant hereinafter provided for shall have been constructed by the United States Government the laws of the State of Tennessee and the regulations of the constituted authorities of Tennessee shall apply in full force and effect to the sale, lease, distribution, or other disposition of the power produced and of the water released for power-development purposes at the downstream plants or projects, to the imposition of taxes and tolls on all the properties, and to the regulation and control of all rates and charges: *Provided further*, That the provisions of this section shall not apply to navigation locks nor the operations concerned therewith: *Provided further*, That such a percentage of gross profits from the sale of power shall be paid to the State of Tennessee as would have been paid if the corporation had been privately owned.

Mr. NORRIS. Mr. President, I am sorry that the Senator offers that motion now, because I have got to make a point of order against it.

Mr. MCKELLAR. Will the Senator just consider the motion as pending?

Mr. NORRIS. No; I would rather not do that. The Senator can debate the motion and offer it afterwards, if he does not want the point of order raised now.

Mr. MCKELLAR. Then I prefer that course; I will merely put these motions in the RECORD at this time.

Mr. NORRIS. Then, the Senator should not offer them at this time.

Mr. MCKELLAR. I will not offer them, then, at this time.

Mr. NORRIS. If the motion is offered, I would make a point of order against it. It is subject to a point of order.

Mr. MCKELLAR. When the Senator is present, of course, I will offer the motion I have read. I wish to offer another one if the first one should not be agreed to or a point of order should be made against it. I will at this time take the liberty of reading the second motion.

Mr. NORRIS. I shall make the point of order against it when it is offered.

Mr. MCKELLAR. It will not be offered at this time.

The second proviso I desire to offer is as follows:

After section 16 add the following proviso:

"*Provided*, That the said corporation shall keep an accurate account of the cost of said dam, and of the cost of operation and maintenance, and shall out of the profits derived from the sale of power create such an amortization fund as will repay to the United States Government in such a period of time as the said corporation may find feasible the full amount of the cost of said dam together with 4 per cent interest annually thereon. If during the amortization period said corporation shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States and all costs of operation and maintenance as provided in the amortization plan adopted by the corporation for paying back to the United States the cost of said dam, then, immediately after the settlement of such periodical payments, the said corporation shall pay the excess revenues to the State of Tennessee annually. When all the cost of said dam, together with 4 per cent interest thereon, shall have been repaid, as herein provided, then said dam and other properties acquired and used in connection therewith shall be deeded to the State of Tennessee."

Mr. President, as I have heretofore pointed out, I am earnestly, heartily, and whole-souledly in favor of what is known as the Muscle Shoals Dam measure. For many years, as I stated on yesterday, I worked with the Senator from Nebraska to bring about the enactment of the bill that was actually passed. That bill was to my mind a most excellent bill. It provided for the retention of the plants for use in time of war, and it provided for the manufacture of fertilizers for the farmer in time of peace so that they might obtain cheaper fertilizers. It also provided for the distribution of surplus power to municipalities and States and counties in a way that seemed to me to be excellent. It favored no combinations or trusts, as they are frequently called; it favored neither the Power Trust nor the Fertilizer Trust. It was a measure intended, I believe, for the benefit of and to care for the rights of the people in reference to the plants and dams. Under those circumstance I was, as I have said, earnestly in favor of it and I spoke in favor of it. We secured an amendment perfecting the measure, and I felt very proud of it. There was no mention in that measure, or practically no mention, of Cove Creek. The only mention of it was that it was agreed by all that it should be eliminated, and it was eliminated in the Senate bill, I thought to the satisfaction of everyone. Then the House of Representatives for some reason almost at the last moment put in this entirely new feature. The cost of it is large; the plant is large. It adds an additional project to a problem that has troubled the mind of Congress for many years in connection with Muscle Shoals, and it seemed to me to add a feature that was wholly unnecessary. With Cove Creek Dam out of the pending joint resolution, I believe that even as modified by the conferees it could be passed certainly within three minutes. After the elimination of the Cove Creek Dam provision by the conferees I do not believe there would be any votes—there might be some votes against it, but there would be no additional argument in reference to it; it would settle this matter, and the measure would go at once to the President for his signature, and thus the troublesome question of Muscle Shoals would be settled so far as the present Congress could settle it.

I had no reason to expect that this question, affecting vitally the interests of my State, would be injected into the measure at the last moment, but it was, although so far as I know practically everyone from my State, with one exception, certainly everyone from my State who has written to me or telegraphed to me about it—and there have been many—everyone except one distinguished gentleman in my State, a man who is the editor of a newspaper and stands high in the State, has protested against the inclusion of Cove Creek Dam.

I wish to say about Cove Creek Dam that under other circumstances I probably would agree to its inclusion; but, with the exclusion of every right that the State of Tennessee has—the right of regulating, the right of compensation—and in view of the taking the property of the State away without let or hindrance and without regard to the desire of the State, it has been made impossible to have the provision agreed to by the committee or by the two Houses without a violent fight; and so I was compelled to object to that part of the report.

I want to say again that if Cove Creek had not been included, the report as originally made would have had my earnest and hearty and most active assistance. I have stood here for months working side by side with the senior Senator from Nebraska in an effort to get the Muscle Shoals question adjusted

at this session of Congress. I had no reason for thinking that this new issue would be injected.

Some say, "Well, while it was injected, that was exactly the way we did in reference to the State of Alabama." As I tried to point out yesterday, the two questions are entirely dissimilar. There is no similarity between them, for this reason:

When the question of building the dam at Muscle Shoals was up in 1915 and 1916, the State of Alabama, through its legislature, in the way pointed out by the Constitution and laws of the land, took steps about it. It passed a resolution urging the Government to accept that site. Not only did its legislature do that but all of its public bodies in its various cities and its citizenship generally came to the Congress and urged the Congress to accept that site, to build that dam, to build it purely as a Federal project, to take entire charge and jurisdiction of it, and to bear the entire cost of it; and after months of effort upon the part of the two then Senators from Alabama and after months of effort on the part of every Congressman from Alabama the Government was finally induced to take that position.

I most cheerfully entered into that fight with the Representatives of Alabama, at the earnest request of the Hon. Oscar W. Underwood, one of the strongest of the men in the House at that time; and, by the way, I stop here long enough to say that perhaps there was never a more distinguished body of men in the House than there was about that time. Let me add that I am referring now to the men that I found there when I came to the Congress in 1911 and early in 1912—such men as Champ Clark, Senator Underwood—who was then Congressman Underwood—and Martin W. Littleton, of New York, on the Democratic side, and I could name dozens of others; men like James R. Mann, on the Republican side, one of the greatest legislators that we ever had in this country. They were the men in control of the House.

It happened that I was put on the Military Affairs Committee of the House; and Mr. Underwood came to me and urged me in 1914 to offer an amendment as a member of the Military Affairs Committee, it being at that time a committee that appropriated money, not like it is now. I did offer that amendment for the appropriation of $20,000,000 to begin that great project. It was done, as I say, at the request of Mr. Underwood, who was then our majority leader in the House of Representatives. He had great influence with the House—tremendous influence. No man, perhaps, ever had greater influence in the House than did Mr. Underwood at that time.

There were other strong men from Alabama in the House; and through the aid of all of Alabama's Representatives we agreed to the offer of the State of Alabama, expressed through its legislature, expressed by its governor, by all of its officials, by all of its public bodies, and by the various public bodies of the various cities of Alabama; so that question was entirely different from the question that now presents itself.

Under the present circumstances the governor of our State is wholly opposed to it. The legislature went on record, as I recall, in opposition to the Government's building the dam at that place and at that time and in that way. The State utilities commission have protested against it, earnestly protested against it, forcefully protested against the Government's taking that dam site and leaving them no regulatory authority of the power that is to be generated at the dam. So, under those circumstances, it presents an entirely different question.

This is a new question. This is the question of building a new plant, with one of the parties not agreeing to it. So, even under those circumstances, when I found that the committee intended to include this matter I presented to the committee certain amendments, the same amendments that I read just a little while ago, which will guarantee to the State of Tennessee its regulatory power, which will guarantee to the State an income in lieu of taxes, if that were preferable, and I understood that that would be preferable—some guaranty that the rights of Tennessee in this great property would be respected.

That is precisely what has been provided for in the Boulder Dam bill in one respect; that is, in respect of the excess profits going to certain States under the provisions of the Boulder Dam bill. It is not unreasonable. It is not unfair. It is not unjust; and it seemed to me that if we were to build this plant, and if the amendments I have suggested here were put in the bill, I should gladly support it, I should gladly work for its adoption, and it would be adopted.

Under these circumstances, I can not help but appeal to the Senators who are here not to take away the rights of Tennessee without her consent and over the protest of her representatives. I am quite sure that in the case of any other State, unless it had been foreclosed, as in the case of the State of Alabama, the Senate would not, over the protest of the two Senators from that State, take away the rights of that State.

In this particular case, my colleague [Mr. TYSON] and I are agreed. We could do nothing else. We are both whole-heartedly for the Muscle Shoals proposition. We want to see it go through; and I want to say to you that if you eliminate the Cove Creek Dam it will go through almost instantly. I have no doubt that those on this side who have been good enough to stand with my colleague and me in regard to this matter would cheerfully and willingly yield to the Muscle Shoals bill even in its amended state, and it would go through within 10 minutes after it is presented to this body. I hope Senators will yield and agree that this may be done in the interest of fairness, in the interest of justice to a State that has rights, and admittedly has rights.

No one has challenged the rights of the State of Tennessee in this matter. The Senator from Nebraska [Mr. NORRIS], ordinarily the fairest kind of a man, has stated that he would introduce a separate bill to give us these rights to which we are justly entitled. So it seems to me that under these circumstances we might put it in this bill, if we are going to have this property taken away, or, in the alternative, not to include it at this time, until we can include in the same measure a statement and a guaranty of the rights of the State of Tennessee in the matter.

I do want to say something about the fertilizer provision of this bill.

It will be remembered that we provide in a real and a substantial way, in the Senate bill, for the production of fertilizers down there. Senators, if the farmers are ever to have any real chance at cheaper fertilizers, they can only get that chance by providing for the manufacture of fertilizers there. It can not be done, they can get no benefit simply from an experimentation there, or very little benefit. The real benefit would come from actual sales to the farmers of cheaper fertilizers at that plant. Under the provisions of the amended conference report I very much fear that the farmers will not be guaranteed cheaper fertilizers; and the only reason why I would be willing to agree to this report, even if Cove Creek should be left out, would be the fact that we could afterward amend the bill so as to give a measure of relief to the farmers.

As we all know, as every man here knows, the Fertilizer Trust fixes the price of its product. There are many of them in combinations. Just a short time ago, as I pointed out a day or two ago, perhaps several days ago, the Department of Justice charged these several companies at Baltimore with being in a combination or trust, contrary to the antitrust law; and my recollection is that they pleaded guilty to the charge. If they did not plead guilty, they certainly were found guilty by the court; and my recollection is, though I will not be positive about it, that they pleaded guilty to the charge, and were fined $100,000; and yet in less than a year we find them fixing the prices of fertilizers in Tennessee. They admit that they fixed the prices of fertilizers at least $2.05 a ton higher in Tennessee than they did right in the same field, across the line, in Alabama.

If we are going to manufacture nitrates there—which are the principal ingredient of fertilizer—and sell them to the fertilizer people, what hope can we have, under these conditions, that the fertilizer people will sell them cheaper to the farmer?

I hope that some good may come out of it, but I can not see where it would come. I can not imagine how the farmers could get them cheaper as long as the Fertilizer Trust fixes the price of fertilizers when they sell them to the people. In my judgment, it is a monstrous thing for this great organization to fix prices higher in one State than in another. I never knew why they fixed them higher. They made some explanation of it, only one explanation, however, being the least bit tenable, and that was the explanation that there was a 20 cents per ton higher tax in Tennessee than there was in Alabama. That is inconsequential. There may have been other charges in Alabama that overcame that higher tax; but, whatever the facts were about that, certainly 20 cents a ton should have been the maximum of the increase in price to the Tennessee farmers.

Those of you who do not live in the South perhaps are not acquainted with the absolute necessity of fertilizers. The farmers can not get along without them. Millions, nay, hundreds of millions of dollars, perhaps, are spent for fertilizers every year in our southern country. We have to restore the lands in order to make them productive.

The fertilizer question is one of the principal questions to the farmer. The fertilizer expense is one of the principal expenses of the farmer. With the present low prices of our farm products, with the farmers of the country at the low ebb in which they find themselves, with prices generally going down, with the prices of everything they have to use constantly going up,

including fertilizer, their condition has been almost an intolerable one.

Every one in this country realizes that intolerable condition. Newspapers write about it every day. Magazines publish it in every issue. Statesmen talk about it. They all admit it. Lawyers and doctors agree that it is so. Business men and bankers everywhere admit and deplore the tragic condition in which the farming interests of the country find themselves. Why, indeed, Mr. President, President Coolidge—who has vetoed the McNary-Haugen bill the second time—admits that there is a serious condition affecting the farmer, and he has a plan by which he thinks he could help them. Yet, with this frightful condition existing as to the farming in our country, we find that the Fertilizer Trust is fixing its prices, and we find this legislation, which will benefit the Fertilizer Trust perhaps more than it will benefit any other class of our people.

I understand that the Fertilizer Trust is entirely satisfied with this measure, and I think they should be. I hope it may be amended if it is to go through, and that it will go through without the Cove Creek Dam provision in it.

I would be willing to agree to the conference report as it has been presented if the provision as to Cove Creek could be stricken out of it, with the hope that in the future the act could be amended so as to make it a better act for the farmers of the country.

Mr. President, I happen to have been born on a farm. I think I know the farmer's condition. I have certainly the warmest sympathy for the farmers in their present plight, and I have tried as faithfully as a representative ever tried to do everything possible for their relief. In voting and in working for the McNary-Haugen bill I could not be assured that that was the real cure for the present ills of the farmer. Nobody could say that. But what I can say about that bill is that it is certainly the only plan the farmers themselves think is a real plan. They are almost uniformly for it. I think wherever they have studied it and understood it they have recommended it to the Congress. They have been here for years applying for that relief. We might certainly try that plans, as nobody has suggested a better one. Nobody has suggested any real plan at all except that plan. It is the only plan. So it has met the overwhelming approval of the Congress, and I regret more than I can say that the President, in his consideration of the matter, could not reach the same conclusion Congress has reached. I hope the bill will be passed over the President's veto. I shall certainly vote to pass it over his veto, and I hope this body to-day, perhaps, will pass the bill over the President's veto and that it will go to the House and will there be repassed over the President's veto.

I think it would be for the best interest of the farmers that that should be done. I do not know whether it can be done or not. The vote will be close in this body, and probably, from what I have heard, the bill can not pass the other House. But if it can not be passed, I regret that that is the fact. I believe it would be to the highest interest of the farmers of the country for that bill to become a law.

I might say here, Mr. President, that the American people have become divided into five large groups or classes. One is the banking capital class, one is the industrial class, one is the laboring class, one is the transportation class, and one is the farming class. Congress has passed laws for the benefit of all these classes except the farmers. We have passed the highest tariff laws in the history of this country for the benefit of the industrial class. They are prosperous to the extent they are now prosperous because of Government aid and benefit, which has been constantly given.

The transportation class of our citizens have been greatly benefited; they are prosperous now, and why? Because of Government aid through the Esch-Cummins law. They have been allowed to raise their rates; they have been allowed to become prosperous because of the Government aid.

So with the banking class of our people. By reason of Federal laws it has come about that they have become prosperous. Indeed, the banking conditions of the country are so well upheld by our national laws that it is almost impossible for any bank not to make large profits so long as the officers and agents are honest.

We take next organized labor. Organized labor has been given large benefits by Federal law, very large benefits. Some of my good Democratic friends say, "The condition of the farmers will be all right provided you take away all these special benefits that have been given to these other classes." The capital banking class, the industrial class, the transportation class, and the labor group of our people constitute now 70 per cent of all, and the farmers constitute the other 30 per cent. We have passed legislation voting into the pockets of the 70 per cent large returns for their labor and their capital. But we have not done anything, substantially speaking, for the other class, the farmers of the country. We have done nothing at all. We have given them no special benefits. So my Democratic friends say, "The thing to do to help the farmers is not to give them special benefits also, but to take away the special benefits now being given the other four classes."

My friends, if we could do that, that perhaps would be the ideal way to arrange the matter, but, looking at it as reasonable and ordinarily prudent men, does any man believe that we are going to do away with the protective tariff entirely? Even if we Democrats get into power, we are not going to do anything more than lower the rates. We are not going to abolish the system. Perhaps it could not be abolished, in justice and right. But certainly we are not going to do it; we are going to continue to give that class of our citizens better protection than we are giving the farmers.

So it is with the transportation class. We have given them benefits by the enactment of laws. Does any reasonable person believe that those laws are going to be repealed? We are going to continue to uphold that class of our citizens.

We are going to continue to uphold the laboring class of our citizens. It is the pride of every American that in these late days the man who labors with his hands should receive a reasonable and a fair and a just reward for that labor. So in the last few years by Federal law we have improved the condition of those who labor in industry, and those who labor in the transportation companies, and those who labor in the other walks of life. Does anybody believe we are going to take that away from them? We are not going to do it.

So with the banking class. Does anybody believe we are going to take away those special benefits? We know we are not going to do it. Then how can we help the farmer? By talking about taking away from the other classes the benefits they have? That is not the way to do it. The way to do it is to put the farmer on the same plane with these other four classes, and it can be done only by Federal law.

In order to help do that surely we ought to pass this bill as a fertilizer bill, to reduce the farmer's fertilizer expenses, to give him cheaper fertilizer, to take him out of the hands of the Fertilizer Trust in America, to take him out of the hands of those who fix prices, without regard to the farmer's need or without regard to competition.

I greatly regret that the Senate bill as it passed, and that the original conference report as it was brought here, have been changed in regard to the fertilizer provision of the measure, and, as I said before, I shall do all I can to have the report changed to the extent of providing for cheaper fertilizer to the farmers, just as was provided in the original bill.

Mr. President, I looked up the record in regard to the building and disposition of Muscle Shoals. We have had it ever since it was completed, and I want to recall the history very briefly.

In 1919 our Republican friends came into power, and one of the first things they did was to interfere with Muscle Shoals. At that time Dam No. 2, so-called, the Wilson Dam, the dam that generates enormous power there, was incomplete. It required many millions more to complete it. There was a recommendation from the War Department that the Congress appropriate the necessary money in the year 1919 to complete that dam.

The distinguished senior Senator from Utah [Mr. SMOOT], than whom there is not a more industrious or a more active legislator in this body, made a speech against making that appropriation, taking the position that every dollar the Government had put in Muscle Shoals had been wasted, and that if Congress appropriated any more money for the completion of that dam, it would be throwing good money after bad money, and all of it would be lost. He said that the dam if completed would be a liability to the Government instead of an asset. It was about that time that Henry Ford, who had caught the public imagination by his wonderful success as a manufacturer of automobiles, came forward with an offer for that dam. I should have said that the Republican Congress of 1919 defeated the appropriation bill by which the dam could have been completed, and stopped the work on the dam, on the theory, as the Senator from Utah [Mr. SMOOT] explained, that it would never be worth anything, that it was a liability instead of an asset.

Then it was that Mr. Ford came forward with his offer, and galvanized Muscle Shoals into life. A short time thereafter, at the next session of Congress, the money was forthcoming to build that dam, and the very Senators who had said that it was a liability instead of an asset suddenly became aware of what a splendid property it was, and many of them took the position that it was too great a property, too valuable a property to be turned over to Mr. Ford for the consideration he offered.

Mr. Ford caught the public imagination, and the whole country seemed to want him to have it. I think in my State practically nine-tenths of the people wanted him to have it.

They thought he would establish a great manufacturing plant there. They thought he would move his plant, perhaps from Detroit, down to that locality. At all events, as I said, it caught the imagination and for some years many Members of Congress tried, and I was one of them, to get the Congress to accept that offer; but they did not do it and Ford withdrew the offer.

In the meantime the dam was completed and the Government is now earning, selling the power at the extremely low price of 2 mills, or one-fifth of a cent, to the Alabama Power Co., a good return, much larger than the return from any of the offers that had been made before it. In other words, since the time when Ford's offer was withdrawn the Alabama Power Co. and its associates presented an offer. I think the Cyanamid Co. presented an offer and the Carbide Co. presented an offer, but from none of those offers would the Government have received as much as the Government is now getting by the sale of power at 2 mills, or one-fifth of a cent, per kilowatt. It is getting a very excellent income from the property at that price. Frequently, we hear that the Government is doing nothing at Muscle Shoals. It is doing everything at Muscle Shoals that it could do under the plan adopted by the President, namely, the selling of the power simply to one company, the Alabama Power Co.

What do we find is being done with the property? The Alabama Power Co. is reselling the power to the people down there at a maximum of 12½ cents a kilowatt. That is something like an 8,500 per cent spread between its cost price and selling price when we regard the 12½ cents as the maximum. But the power company comes back and says in answer to that that it is the small consumer that they sell at that large price; that to the large users they sell at a very much less price, and that is true.

Why is that? It is because of the potential competition of the large users. A large manufacturing concern can generate electricity for something like 1 cent to 1⅛ cents, as I understand the proposition. Therefore, if the power company that receives this at one-fifth of a cent from the Government does not sell to the large consumers the power at a reasonable cost, the large consumers can put in a steam plant and generate the power at about 1 to 1¼ cents. For that reason, what the power company does with the large consumer is to fix the price the slightest degree under what that large consumer could put in a steam plant for, and in that way a large amount of the current is sold to large consumers at that price. But when we remember that the power company pays only one-fifth of a cent for it and sells it for 1½ or 2 cents or 3 cents, as the case may be, all depending upon the cost of putting in an independent steam plant, it shows that they make an enormous profit.

But it is the small user of the current that the power company charges. For instance, if the Senator from Delaware [Mr. BAYARD] is a small user and has his residence in Birmingham, and if he does not pay the price asked, which is probably 10 cents in Birmingham and which is a 6,250 per cent spread over the price which the power company pays for it, they turn off his current. He can not enter into competition with them. The small consumer has no way to compete. He is obliged to take what the power company gives and pay what the power company asks.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. McKELLAR. I yield.

Mr. BAYARD. Is it not a fact that the power purchased by the Alabama Power Co. from the Federal Government and then resold to individual consumers is sold at a price which is not regulated by the public utilities commission in the community in which the power is sold?

Mr. McKELLAR. It is regulated by the State.

Mr. BAYARD. And in the regulation of those rates does not the State commission, or whatever body it may be called, take into consideration the cost of the transfer and delivery of that power from the Muscle Shoals plant, where it is bought by the Alabama Power Co., until it is delivered to the ultimate consumer?

Mr. McKELLAR. Of course, but I will say to the Senator that the distribution charge—and, of course, there is some slight loss in transmission—including the cost of transmission and the cost of distribution, would not be more than another 2 mills, so that if the Alabama Power Co. gets this particular current at a very low rate, the result is that the small consumer has the brunt of the burden to bear. Of course, I am very hopeful that the passage of the joint resolution will provide for that very situation. One of the things that we have all worked for is to help the small consumer.

I have nothing in the world against the Alabama Power Co. or any other company. As an American citizen I want to see them prosper. I want them to make a good profit, a generous profit, a full profit; but such a profit as that out of Government property is, to my mind, unreasonable and unfair and should be regulated in some way. We have attempted to do it in an indirect way in the pending measure and I hope it will be the means of great help to the people of my State and to the people of the surrounding States. If the municipalities secure a portion of the surplus current from Muscle Shoals, I have no doubt they will secure the distributing plant, under contract, to distribute that power. I believe it would be helpful to the power companies as well as to the people. I suppose that by reason of the joint resolution the price of current to the small consumer should be made, instead of a maximum of 12½ cents, a maximum of 5 cents a kilowatt, giving to the companies, as in the case of the other cities, a large profit, a profit that will pay large dividends, which, it seems to me, will be of immense value to the people. That is one of the reasons why I am constrained to vote for the joint resolution if the Senator in charge will leave out Cove Creek Dam.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. McKELLAR. I yield for a question.

Mr. BAYARD. The thing that worries me is this: I do not quite understand the Senator's argument, or else he is omitting something.

Mr. McKELLAR. I hope I am not.

Mr. BAYARD. There is a very great spread between a fraction of 1 cent and 12 cents per kilowatt. The 2 mills is the purchase price paid to the Government, and the 10 or 12 cents is the price paid by the individual ultimate consumer. I suggest to the Senator that that rate to the ultimate consumer was probably allowed by the public utility commission in the State in which it was sold, or by the public utility commissions in the several States in which it is sold.

Mr. BLACK. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. BLACK. The Senator from Delaware is not asking a question. I insist that if he makes a speech while the Senator from Tennessee yields to him the Senator from Tennessee loses the floor.

Mr. McKELLAR. It was in the form of a question. All the Senator was doing was putting it in the form of a question.

Mr. BLACK. I insist the Senator from Tennessee has lost the floor.

Mr. McKELLAR. No; I have yielded only for a question.

Mr. BAYARD. I was asking a question. I would rather form my own question in my own way, if I may.

Mr. BLACK. I am raising the point of order not because I object to the Senator from Delaware speaking, however.

Mr. BAYARD. Perhaps the Senator is so sleepy that he does not recognize the form of a question.

Mr. McKELLAR. It is certainly a question.

Mr. BLACK. I make the point of order that the Senator from Delaware, instead of asking a question, was making a statement which is the basis of an argument, and when he does that the Senator from Tennessee, if he yields, loses the floor.

Mr. McKELLAR. I have not yielded to the Senator from Delaware for anything except a question.

The PRESIDING OFFICER. The Chair will request the Official Reporter to read the matter in dispute.

The Official Reporter (Mr. Wick) read as follows:

Mr. BAYARD. Mr. President——

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Mr. McKELLAR. I yield for a question.

Mr. BAYARD. The thing that worries me is this: I do not quite understand the Senator's argument or else he is omitting something.

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The PRESIDING OFFICER. The Senator will state the point of order.

Mr. BLACK. The Senator from Delaware is not asking a question. I insist that if he makes a speech while the Senator from Tennessee yields to him, the Senator from Tennessee loses the floor.

The PRESIDING OFFICER. It would seem to the Chair that the matter is not in the form of a question.

Mr. McKELLAR. Is the Chair going to refuse to take the word of the Senator from Delaware? I have always understood that the word of the Senator from Delaware was good.

Mr. BAYARD. I started to formulate my question, and the Senator from Alabama interrupted. Just what he said I could not hear, but I was giving the ground for my question. I started my colloquy a moment ago with the Senator from Tennessee by asking him a question.

Mr. McKELLAR. And I yielded for a question.

The PRESIDING OFFICER. We will hear the Senator from Delaware complete the question.

Mr. McKELLAR. I yield for the purpose of enabling the Senator to complete the question.

Mr. BAYARD. I would like to restate my question so the Senator from Alabama may not take offense or object.

Mr. McKELLAR. I yield, provided it does not take me off the floor.

The PRESIDING OFFICER. The Chair can not act until the matter is presented, because the point of order has been raised.

Mr. McKELLAR. This question will not interfere with the rule.

Mr. BLACK. I had raised the question that whenever any Senator——

Mr. McKELLAR. Oh, Mr. President, I can not yield to the Senator from Alabama.

Mr. BAYARD. Mr. President, I withdraw my attempt to propound any question whatsoever.

Mr. BLACK. If any talk is being made, whether it is called a question or not, the Senator from Tennessee loses the floor if it is a speech instead of a question.

The PRESIDING OFFICER. As the record stands, the matter is not a question.

Mr. McKELLAR. The Senator from Delaware stated that he was about to complete his question when he was interrupted by the Senator from Alabama. I take it the Senator from Alabama was not correct in his point of order. I would like to have the Chair rule.

The PRESIDING OFFICER. The Chair rules that, as the record stands, no question has been asked, and the Senator has, therefore, lost the floor.

Mr. BLACK. Mr President, I understand this is the second speech the Senator from Tennessee has made.

Mr. McKELLAR. Oh, no; it is not. I spoke yesterday on the subject of recommitting the conference report.

Mr. NYE. Mr. President, has the Chair ruled that the Senator from Tennessee has lost the floor?

The PRESIDING OFFICER. The question before the Senate is the adoption of the conference report.

Mr. McKELLAR. I know, but does the Chair rule that I have lost the floor?

The PRESIDING OFFICER. The Chair so rules.

Mr. McKELLAR. I appeal from the ruling of the Chair. I will say to the Senator from Nebraska that I am compelled to do so by reason of a point of order which has been raised. I believe I told the Senator from Nebraska that I would make no point of order or anything of that kind while he was out, and I am just saying to him now that I feel that I should appeal from this ruling, if it meets his approval. I do not want to be put in the attitude of acting contrary to any statement that I made a while ago to the Senator from Nebraska.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. No, Mr. President; I decline to yield.

Mr. GEORGE. I am not asking the Senator to yield. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. GEORGE. I think if the Chair had heard all that was said by the Senator from Delaware [Mr. BAYARD] he could not sustain his ruling. If he will call for the official reporter and have him read all that was said, I think he will see that I am correct. The Senator from Delaware began with a very proper, pertinent, and direct question, which involved two or three other questions. From so much of the record as was read to the Chair it may have appeared that the interruption was not in the form of a question, but if the whole colloquy be read it will be seen that the Senator from Delaware clearly asked a question; there was no argument about it.

The PRESIDING OFFICER. The Chair would like to have the whole colloquy read, of course.

Mr. GEORGE. If the Chair will call for the return to the floor of the reporter who took the notes, and have it all read, he will see that it was a very proper question which the Senator from Delaware directed to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I am appealing from the ruling of the Chair. May I speak upon the appeal? I ask to be recognized in order to speak upon the appeal. I have the floor; I think I have been recognized on that subject.

Mr. BLACK. I will state that I knew nothing of any agreement or suggestions of any kind between the Senator from Tennessee and the Senator from Nebraska. So, for this time, I will withdraw the point of order, but I give notice that during the continuance of this filibuster if any more speeches are made for relief during the time that a Senator is supposed to be speaking I will raise the point of order.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. McKELLAR. Mr. President, I was speaking——

The PRESIDING OFFICER. The Chair understands the Senator from Tennessee to withdraw his appeal?

Mr. McKELLAR. Yes; I withdraw it.

Mr. HARRISON. A parliamentary inquiry. What is now the status of this controversy?

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. HARRISON. Is he speaking on the appeal or is he speaking on the conference report?

The PRESIDING OFFICER. He is speaking on the conference report.

Mr. HARRISON. What become of the appeal? Why was it withdrawn?

The PRESIDING OFFICER. The point of order was withdrawn by the Senator from Alabama, and the Senator from Tennessee then withdrew his appeal.

Mr. McKELLAR. Mr. President, when I was interrupted——

Mr. HEFLIN. Mr. President, I make a point of order.

Mr. McKELLAR. I decline to yield.

Mr. HEFLIN. I make a point of order.

The PRESIDING OFFICER. The Senator from Alabama will state his point of order.

Mr. HEFLIN. I make the point of order that it is out of order for Senators who slipped off last night and slept somewhere, and not knowing what has been going on, to come walking in at this time making inquiries.

The PRESIDING OFFICER. The point of order is well taken, but it does not interfere with the situation so far as the Senator from Tennessee is concerned.

Mr. McKELLAR. Mr. President, when I was interrupted, I was giving a history of the Muscle Shoals Dam project. I have before me a very interesting report submitted by the late Senator Edwin S. Ladd for himself and Messrs. SMITH, HARRISON, HEFLIN, and CARAWAY, from the Committee on Agriculture and Forestry on June 3, 1924. I will read from that report.

The undersigned members of the Committee on Agriculture and Forestry have long been convinced that the public interest will best be served by the acceptance of the offer of Henry Ford for Muscle Shoals. The extended hearings which have been held by our committee on the various offers have merely added strength to our conviction. The summary of his offer is as follows:

1. He completes Dam No. 2.

It will be remembered, Mr. President, that at that time Dam No. 2 was incomplete and was just being completed—

1. He completes Dam No. 2 and builds Dam No. 3 as rapidly as possible at cost and without profit, subject to the approval of the Chief of Engineers.

2. He leases both dams and manufactures commercial fertilizers in accordance with the demand, but he must produce annually at least the equivalent of 250,000 tons of Chilean nitrate, either mixed with other fertilizers (phosphoric acid or potash) or unmixed. This is enough for 2,000,000 tons of 2–8–2 fertilizer.

I digress long enough to point out the difference between that bill and the pending measure. Under that bill Mr. Ford was required to produce commercial fertilizers in accordance with the demand, while under the pending joint resolution, as reported by the conferees, there is no provision for the manufacture of fertilizer except for experimentation. Under the Ford offer the farmers would have unquestionably received cheaper fertilizer; under the conference report now pending there is no guaranty at all that the farmers will receive cheaper fertilizer.

I proceed with the reading of the report:

The present demand is for about three and one-half times as much phosphoric acid as nitrogen, and his obligation requires at least 257,000 horsepower continually throughout the year, or its equivalent, although the power dependable throughout the year at both dams is only 240,000 horsepower, including the steam plants. He must improve some of the irregular and unreliable power that is available for only a part of the year in order to carry out his minimum obligations as to fertilizer. There would be only 326,000 dependable all-year horsepower after storage dams in the upper tributaries of the Tennessee River have been built.

Witnesses all agreed that the price of commercial fertilizers to the farmers can be reduced one-half at Muscle Shoals, so Mr. Ford probably could not supply the entire demand; but he would have to do so at Muscle Shoals to the extent of his reasonable ability. Possibly a ton of fertilizer may be produced with less power than is now required. Then Mr. Ford could supply a greater portion of the demand from Muscle Shoals than otherwise.

Mr. President, this refers, no doubt, to the synthetic method of producing fertilizer at Muscle Shoals about which there has recently been so much talk. I am inclined to think that former Senator Ladd was correct. He was one of the most accomplished chemists that this country ever produced; he certainly was one of the most accomplished chemists that ever sat in this body. He had a wonderfully fine mind; he worked most assiduously on the Muscle Shoals problem, and sought, in a general way, to bring about the very thing that was proposed in the original Muscle Shoals bill as it passed the Senate and is brought about by that part of the joint resolution which does not undertake to take in Cove Creek. Reading further from the report:

3. He agrees to a policy of regulation by the consumer through a board of nine voting members, seven from the three leading national farm organizations, nominated by the President by and with the advice and consent of the Senate, who inspect his books, limit his profits to not more than 8 per cent of the fair actual annual cost of production, and regulate the price and distribution of the fertilizer. Since it is left to these farmers to say what items are "fair" in the fertilizer operations, the entire scheme of manufacture is virtually placed in the hands of the consumers.

4. He maintains nitrate plant No. 2 or a better one ready for use by the Government in time of war for manufacture of explosives.

5. He pays 4 per cent on the entire cost of completing Dam No. 2 and on the entire cost of building Dam No. 3, including dams, power houses, equipment, and locks, except that during the preliminary period his payments are $200,000 per year for the first six years at Dam No. 2 and $160,000 per year for the first three years at Dam No. 3.

I merely wish to say that there has been no year since that offer was made when this property has not produced a much larger return to the Government than was provided for in the Ford offer.

6. He provides for a sinking fund, which if invested in Federal farm-loan bonds will return the Government more than $100,000,000 at the end of the 100-year lease. The Government in addition to its interest would receive far more than its entire capital investment in the dams, including $17,000,000 of war-time expenditures on Dam No. 2. Thereafter the water power will be free from interest charges and its cost greatly reduced.

7. He pays $55,000 annually for maintenance and operation of the locks and dams which the Chief of Engineers agrees is sufficient for the purpose. The responsibility for the maintenance of the dams is left to the United States, but the Government is not required to rebuild the dams if they should be destroyed. He furnishes free power to operate all locks.

8. He researches improved methods of fertilizer manufacture at his own expense, employing such as are found successful, thus keeping the nitrate plant up to date.

9. As a cash payment in addition to the foregoing considerations he pays $5,000,000 for nitrate plants No. 1 and No. 2 and their accessories. Plant No. 1 is admittedly unsuccessful and would require a prohibitive expenditure to make it operative, and all agree that nitrate plant No. 2 is obsolete and must be completely rebuilt.

I call attention here to the fact that many people think—and I believe it is included in this bill—that this nitrate plant No. 2 is to be experimented with, though Doctor Ladd at that time, even that far back, thought it was obsolete and would have to be rebuilt.

10. In lieu of the Government's interest in the Gorgas steam plant (sold to the Alabama Power Co.) only the amount received from that plant shall be used to construct a similar plant so as to retain the status of the Government properties existing when bids were asked.

OPPOSITION EXAGGERATES OBJECTIONS

We do not claim that the Ford proposal is a perfect instrument. We are quite aware that objections to certain of its provisions have been industriously spread throughout the country. But we realize that no proposal made by any human being, however good or great or wise, can satisfy everybody.

The Ford offer has been made the subject of the most savage attacks which we have ever seen in any legislation. These attacks have not been of a character calculated to lead to a calm and logical decision. There have been exaggerated statements as to the amount of power involved, while the power necessary for the manufacture of fertilizer has been grossly underestimated.

By the way, I will stop long enough to say that I think it is still greatly underestimated—

The value of the property which Mr. Ford would receive, the title under which he would receive it, the significance of the lease period, the effect of the Federal water power act—in all of these particulars statements which grotesquely distort the picture have been made without fear of contradiction because of the technical difficulties involved in stating the real facts. These impassioned exaggerations have tended to lead us away from the actual facts and to appeal to our prejudices rather than to suggest constructively as to how the great benefits admittedly possible at Muscle Shoals can be best made available to this Nation.

FERTILIZERS THE PEACE-TIME PURPOSE

When Congress authorized the development of water power and the construction of nitrate plants in 1916 under section 124 of the national defense act the legislation made it clear that the peace-time purpose of the enterprise was the production of fertilizers. It was due to the farmers that the original legislation was passed. It was a consideration for their interests that caused this enterprise to be established at Muscle Shoals adjacent to a great water power and close to the Tennessee phosphate fields.

The adoption of this legislation by Congress was a pledge to the farmers that Muscle Shoals should be operated primarily for the production of cheaper and better fertilizers.

I will stop here long enough to say that I fear that this pledge is not being kept in the present report. The present report provides only for experimentation. It does not provide for the manufacture of cheaper and better fertilizers for the farmer.

Then the report goes on to say:

Have the farmers hoped in vain? The experts before our committee unanimously declare that they have not, for all agree that under a businesslike management, such as may be reasonably expected with competent private operation at Muscle Shoals such as is to be expected under the Ford plan, the cost of fertilizers to the farmers can be reduced one-half.

The feasibility of such a reduction is evident, for all agree that the nitrogen, which is the most expensive part of the fertilizer that the farmer must buy, can be produced at Muscle Shoals in the form of ammonia for 5 cents per pound, as against 15 cents per pound for ammonia in the form of Chilean nitrate at our ports, and 20 to 25 cents per pound in the form of mixed fertilizer delivered on the farm.

Among those who have made proposals for Muscle Shoals only one bidder from the beginning has undertaken to carry out the purposes of Congress at his own expense. It was his bid which originally redeemed Muscle Shoals from the program of dismantlement and destruction which had already begun when bids were requested by the Government on April 2, 1921. It was his bid which gave the lie to the representations of the group of power companies dominated by Wall Street who, when asked to bid, declared that the project was without merit and should be abandoned by the Government and that the great Wilson Dam should be left unfinished—that neither private nor Government capital should be invested in its completion.

It was his bid which carried consternation to the group of allied fertilizer companies who, with one accord, declined to make an offer when earnestly besought by the former nitrate director, Dr. A. G. Glasgow, to undertake the operation of the nitrate plants, rent free until they should earn 9 per cent on whatever investment was necessary for their operation, thereafter dividing additional profits evenly with the Government. These are the interests which, like the power companies, now heartily indorse the chairman's bill. They see real danger in Ford competition, but in the chairman's poverty-stricken Government corporation they see nothing to fear.

The chairman of the committee at the time referred to, 1924, was the senior Senator from Nebraska [Mr. NORRIS].

NO LIMIT TO FERTILIZER PRODUCTION IN FORD OFFER

The fact is most significant that while none deny that fertilizers can be made and their cost can be reduced one-half at Muscle Shoals, yet only one bidder agreed to produce fertilizers with the full capacity of

nitrate plant No. 2 as a minimum, and, unlike all others, one bidder alone placed no maximum on the amount of power to be devoted to fertilizer production. Other bidders copied the provisions of that proposal as nearly as they dared, but they dared not copy the fertilizer provisions of the offer of Henry Ford for Muscle Shoals. So, aided and encouraged by the chairman of our committee, they sought to belittle and discredit the only proposal that offers the farmer the full measure of the benefits possible for him at Muscle Shoals.

Mr. Ford's minimum obligations to produce fertilizer are limited as to the kind to be produced and the maximum amount to be produced, only by the demand. His fertilizer obligations will require more power than the entire supply of the dependable power available at Muscle Shoals with both steam-power plants in operation, and they will require the improvement of some of the irregular and unreliable power in order to carry them out.

To produce 40,000 tons of fixed nitrogen by the most approved process (Haber-electrolytic), and to furnish with that the phosphoric acid that must be supplied to market these fertilizers according to demand, will require the continuous use of 257,000 horsepower or its equivalent, while the entire dependable supply of power available at Muscle Shoals is only 241,300 horsepower, including the steam-power plants. The frequent statements of the newspapers that the useful power at Muscle Shoals is 850,000 or 1,000,000 horsepower are simply idle exaggerations. We brand all such misleading declarations as false, and we base our statement on the testimony of the United States engineers. Instead of representing one-third or one-fourth of the water-power resources of the Southeastern States, Muscle Shoals in reality constitutes only an insignificant part of these resources, and its entire possibilities amount to a very small fraction of the undeveloped water powers of the United States.

EFFECT OF IMPROVED PROCESSES

It is to be expected that as the processes become improved the amount of power necessary for the manufacture of fertilizers will be reduced; i. e., a ton of high-grade fertilizer probably will be made in the future with less power than is now possible. We can not agree, however, that the time ever will come when no power at all will be required to manufacture fertilizers or anything else. A manufacturing operation of any kind, by its very nature, requires the expenditure of energy and always will.

Since it is agreed that at Muscle Shoals, under competent private management, the cost of fertilizers can be reduced one-half, it is not reasonable to expect that Mr. Ford will be able to supply the entire fertilizer demand of the United States, for witnesses agree that as the cost is reduced the demand will be multiplied, but Mr. Ford will be obliged to meet the demand at Muscle Shoals to the extent of his reasonable ability. In fairness to Mr. Ford, we must therefore conclude that as the power requirements diminish the tonnage of fertilizer will be increased and the effect of improved processes will be, not to place at Mr. Ford's private disposal a large amount of power for private purposes, as has been represented, but to enable him to supply a greater part of the demand for these improved fertilizers than he could supply otherwise.

Mr. Ford under his offer agrees to research these improved processes and adopt such as are commercially successful. His obligation to do this is not dependent upon whether or not he has been able to amortize his investment in any particular process or plant. Nitrate plant No. 2 must be rebuilt not once but many times over, no matter whether it has been possible to write off the cost of the plant and pay for its reconstruction out of the earnings or not. To our minds this constitutes as valid an assurance as this Government could obtain from any source, guaranteeing that for 100 years this Nation will keep pace with the nations of the world in its means of obtaining the nitrogen that is indispensable to our national life, whether in war or in peace.

It has been claimed that Mr. Ford desires Muscle Shoals chiefly to produce aluminum, magnesium, and their alloys, and other metals, and it has been brought to the attention of our committee that on the authority of the United States Fixed Nitrogen Research Laboratory processes do exist whereby aluminum can be produced as a by-product of fertilizer.

Since the determination of the fairness of the items which constitute the cost of the fertilizer under the Ford offer is placed in the hands of the consuming public themselves, it may safely be assumed that the more valuable the by-products which can be produced in connection with the fertilizer manufacture the cheaper the fertilizer itself will become, and we believe that the production of useful by-products in this way, as suggested to our committee by Mr. Ford's chief engineer, Mr. W. B. Mayo, should be encouraged.

PUBLIC INTEREST PROTECTED THROUGH REGULATION BY CONSUMER

Under the Ford proposal a new policy in the utilization of a great natural resource would be adopted; a policy of regulation by the consumer in the manufacture and sale of fertilizers. This is a policy which has been proposed only by Mr. Ford. It is a policy which the special interests are fighting with every resource at their command, and it is accomplished in the Ford offer by limiting the profit on fertilizer to a maximum of 8 per cent upon the fair actual annual cost of production, as determined by a board of farmers' representatives who inspect the books and determine the price and distribution of the product. Since it is left to these farmers to say what items are fair in the operations, the entire scheme of manufacture is placed in the hands of the consumers.

The production of fertilizers under the Ford offer is not made conditional upon the ability of Mr. Ford or his company to make a profit of 8 per cent or any other per cent, but his profit, if any, is limited to this amount.

Since this regulation by the consumer applies to the principal operations at Muscle Shoals, namely, the manufacture of fertilizer, contrary to all the misrepresentations that have been broadcasted throughout the country by a willing press, the truth is that under the Ford offer the Muscle Shoals power will be employed primarily in the public interest and primarily under public control.

FAVORING POWER COMPANIES AT FARMERS' EXPENSE

There is another policy, the adoption of which has been urged at Muscle Shoals; namely, that this power should be devoted primarily not to fertilizers but to public utilities and used for operating cotton mills, street cars, small motors, and electric lights. To adopt such a policy and distribute this power insteady of utilizing it first of all for the purpose for which the dam was built, namely, for the production of cheaper and better fertilizers, would be to violate our pledge to the farmers of the country and to decline to bring this effective aid to the farmer at the time of his greatest distress.

Public utilities already control 90 per cent of the water powers of the country, yet they have done nothing to help the farmer reduce his expenses by the sound and feasible method of increased production at less cost through the use of cheaper and better fertilizers. Since only 16 per cent of the water powers of the country have yet been developed, and 8,000,000 horsepower are available in the section of the country in which Muscle Shoals is located, we believe that the least we can do for the farmer is to permit this one development to serve agriculture by the acceptance of the Ford offer.

POWER DISTRIBUTION UNDER FORD BID

As for distribution of power under the Ford proposal, we are convinced that since the production of fertilizers is the purpose of the development in peace time it is not a matter of importance whether power is distributed from this plant or not. It will be interconnected with other plants, of course, as a matter of common business sense, whoever operates it. Mr. Ford has promised the public in a statement published October 11, 1923, that he will build transmission lines 200 miles each way from Muscle Shoals. This is feasible, since undoubtedly there will be a period of years while the new fertilizers are being introduced, during which time there will be power available for distribution. When, later, the demands of fertilizer manufacture require the use of this power it is reasonable to expect that it can be supplied to the consumers from the storage dams to be built in the upper tributaries of the Tennessee River, or from other sources. In any event, when Mr. Ford distributes power to the public his company becomes a public utility, and, like any other public utility, including the chairman's Government corporation, his company automatically becomes subject to regulation by the State public-utility commission of the State in which he does business.

EXAGGERATED VALUE OF PROPERTY

We repudiate the extravagant statements that have been made by the chairman of the committee and others to the effect that the Government is selling $85,000,000 worth of property for $5,000,000. The property has no such value. Half-price fertilizers can not be furnished to the farmer by utilizing either of the present nitrate plants. Either plant would have to be completely rebuilt to accomplish such a purpose.

Nitrate plant No. 1 is a small, unsuccessful experimental plant having a capacity of 30 tons of ammonia per day and requires a prohibitive expenditure from the standpoint of cheap fertilizer in order to make it operative at all.

Nitrate plant No. 2 was built to use the cyanamide process, which is admittedly obsolete, and the plant must be rebuilt to use another process and must be supplemented by other plants before it can serve agriculture effectively.

The salvage value of these two nitrate plants has been estimated by the Ordnance Department, first, as scrap only, $7,952,000, and second, as an operating concern for those portions which can be commercially operated and the remainder as scrap, $12,597,000. They have no value at all approximating their original costs.

Neither of these unsuccessful and obsolete plants, however, is to be conveyed in fee simple to Mr. Ford. He does not get a clear title to any real estate, improved or unimproved, for the provisions of his offer are written into his deeds and become a cloud on the title for 100 years.

PROVISIONS OF POWER ACT DO NOT APPLY TO FERTILIZER MANUFACTURE

To ask Mr. Ford to come under the Federal water power act would be unfair to him, for this is an entirely different form of enterprise

from those which the Federal water power act is intended to cover. It would be equivalent to asking him to invest $50,000,000 or more in an enterprise to be controlled by three political appointees sitting here in Washington. Furthermore, it is a matter of serious doubt, in view of the testimony as to the decisions of the Supreme Court, whether the "50-year" limit and other so-called regulations of the Federal water power act could be enforced against private operators who own their own dams in navigable streams, while there is no question that such provisions could be enforced against Mr. Ford as conditions attaching to a lease of Government property.

As Mr. McKenzie has declared in the House, the length of the lease of a water power has no more to do with the rate at which that power is sold than the length of the lease of a railroad has to do with the price of a railroad ticket. We believe it is absolutely immaterial as to whether the lease is for 50 years or for a hundred years if the terms of the lease are in the interest of the public.

GREATER REGULATION IN FORD OFFER THAN IN POWER ACT

We contend that Mr. Ford and his company are regulated in the public interest under the terms of his proposal to a far greater degree than is any licensee under the Federal water power act.

Under the power act a private operator who develops a water power can use that power for whatever purposes he pleases, and he can sell the products made by its use at whatever price the market will bear. No consumer is entitled to inspect his books. He fixes his prices as he pleases and he distributes his product to suit himself.

Under the Ford offer the chief product must be fertilizer, and in its manufacture the profits are limited to 8 per cent of the fair actual annual cost of production. Mr. Ford's books are subject to inspection by a board of consumers, who determine what items in his costs are fair and what his actual cost has been, and who fix the price of the fertilizer and control its distribution. No more complete case of regulation of a great industry by consumers ever was proposed, and nothing in the history in this or any other country for the past hundred years that has come to our notice justifies the belief that by defeating the Ford proposal we will secure something better for the farmers and other consumers.

FALLACY OF 50-YEAR LEASE

A short lease accomplishes but one purpose—it provides an opportunity whereby the Government can step in at the end of the lease period and demand a greater charge. No objection to this charge is made by the power companies who are licensed under the power act, for such a charge becomes at once a fair part of the cost of the power, which is not paid by the power companies, but is merely added to the consumer's bill and becomes in effect a tax—not a uniform tax upon the industry as a whole but a special kind of a tax upon the particular class of consumers who happen to be dependent upon this particular power.

We agree with Mr. McKenzie that electric power generated from coal is one of the very few commodities that is cheaper to-day than it was 20 years ago, and since it is well known that more than 80 per cent of the energy in our coal is wasted in the best of our steam power plants, there is a vast room for improvement; and improvements, we believe, will continue to be made. As Mr. McKenzie states, the new mercury boilers are an excellent example of the progress that may be expected in this direction.

A mere superficial examination of the case will convince anyone that if the Ford offer is rejected the taxpayers will lose far more in 50 years of Government ownership and operation at Muscle Shoals than they can possibly gain by refusing to consent to the 100-year lease period in Henry Ford's offer.

NO REGULATION OF PROFITS OR RATES UNDER POWER ACT

It has been claimed that under the Federal water power act the profits of a licensee would be limited and the public would secure all profits in excess of a fair return on the licensee's actual net investment. This is denied by the official statement of the executive secretary of the Federal Power Commission himself, who admits in his last annual report that he does not expect to expropriate a dollar of excess profits, for this is a function of the States. The State of Alabama can regulate Mr. Ford's profits, but not the Federal Power Commission.

Another State function in which the Federal Power Commission has little or no voice is the regulation of rates. The Federal Power Commission can not intervene except in the unlikely contingency in which two State utility commissions fail to agree on the rates. In all other cases the rates are in the hands of the State public-utility commissions themselves, as are also the terms of service and amounts of security issues.

Under section 8 of his bill the chairman attempts to put his Government corporation into the public-utility power business on a different basis from any other power company operating in the State of Alabama. He undertakes to give his board of directors the power to make rates. This provision of his bill is illegal, and the Senator's company will soon discover that they have no such power as is here attempted to give them, either as to rates or service, including the construction of transmission lines, for, like any other public utility, they will be subject to the rulings of the State utility commission.

The constitutionality of the entire Federal water power act, aside from its provisions for the control of navigation, has been called into question by the States of New York and New Jersey, and the attorney general of New York reports that an adjustment has been reached in their case under which the State is to retain its rights and that a settlement of the case is in sight.

In view of the benefits which have been claimed for the Federal water power act by the advocates of the chairman's bill and their loud protests against the Ford offer for not coming under it, it is surprising to see that no effort is made in this bill to extend the benefits of this act to the chairman's corporation at Muscle Shoals.

It, indeed, would be a flimsy pretext for ignoring the welfare of the farmer to deny to him the benefits of the Ford offer because that offer failed to conform to certain arbitrary conditions wholly inapplicable in the Muscle Shoals case, conditions which even the advocates of the power act are unwilling to meet at Muscle Shoals and which conditions in all probability will be found to be illegal and unenforceable.

NO GOVERNMENT INSURANCE OF DAMS

The fund of $55,000 per annum provided in the Ford offer for the maintenance of the dams and locks has been declared sufficient for all ordinary maintenance costs both by the Chief of Engineers, Gen. Lansing H. Beach, and the Assistant Chief of Engineers, Gen. Harry Taylor.

So far as insuring the dams is concerned, while the United States is responsible for their maintenance, there is nothing in the Ford offer which compels the Government to guarantee their stability during the lease period. The Government is no more in the insurance business under the Ford offer than it is under Government operation itself. While Henry Ford does not agree to rebuild the dams in the very remote contingency of their failure, neither is the Government compelled to do so.

THE FERTILIZER MONOPOLY

Since the chairman's report attempts by indirection to make it appear that the Fertilizer Trust is a mere fiction created in the farmers' minds to deceive them, we offer the following editorial from a leading trade journal:

"CHILEAN NITRATE PRODUCERS TIGHTEN GRIP ON MONOPOLY

"News of exceptional interest in the nitrate industry is reported elsewhere in this issue regarding recent action of the Chilean Nitrate Producers Association. This body, which controls 98 per cent of the production of Chilean nitrate, voted to continue its organization for the next six years, reduced the price of nitrate for the current year, and passed a resolution not to sell nitrate to purchasers who may also buy from nonmembers of the association. About the same time the Chilean Government published a decree permitting the sale of nitrate lands only to members of the association during the life of that body.

* * * * * * *

"This decision to restrict sales of nitrate, if inclusive, means that American producers and dealers are either blacklisted by the organized producers or limited in their activities by the American law which restrains them from entering price-fixing organizations. It is a clear declaration of war against American interests in the nitrate business. The means to meet this hostile act are not obvious nor will the contest be short or easy. The ultimate result, however, is already clear. The United States will take steps to insure at the earliest possible moment full independence in nitrogen supply. It is intolerable that an act of this sort should permanently place a limitation upon the industrial and fertilizer use of nitrates." (Chemical and Metallurgical Engineering, May 19, 1924.)

If anyone doubts the reality or the effectiveness of this monopoly let him examine this country's nitrate bill, which totaled $62,972,054 for 1923, and since the beginning of importations has reached the staggering total of $1,103,153,964.41, some 60 per cent of which is paid by the farmer.

The statements about the existence of a Fertilizer Trust are undeniable, and the farmer's interests will not be served by any attempt to ridicule the facts.

Muscle Shoals under efficient private operation as would follow the acceptance of the Ford offer would have a radical effect upon the prices of the Nitrate Trust, for Mr. Madden testified before the House Military Committee:

"I was told by one of the men heavily interested in Chilean nitrates the other day—I was talking to him about this plant, and I told him I thought we would be able to produce nitrates and sell to the farmer much more economically than they have ever purchased them before. He said, 'If that shall prove to be the case, we will cut the price of Chilean nitrates in two—in three, if necessary' * * *."

TWO COURSES OPEN

We agree with the majority of the committee who have finally come to the conclusion that we, like many others, reached two years ago, namely, that there are but two courses open to the Government, and after hearing the additional testimony of the past six weeks we are the

more firmly convinced that Acting Chairman McKenzie, of the House Committee on Military Affairs, correctly appraised the situation when he stated in his majority report:

"Two courses are open, one Government ownership and operation, which in view of the character of the project would, in the judgment of the majority of the committee, mean not only failure from the standpoint of income but disaster to the hopes of the farmers and other users of commercial fertilizer. To have the Government undertake to engage in the manufacture of fertilizer ingredients, with political superintendents, foremen, and straw bosses is unthinkable, and to undertake such a scheme would be unspeakable folly.

"The alternative course is to sell the tangible property to private individuals or to a corporation on conditions prescribed by Congress, lease the power at a fair rental, and permit individual American initiative and ingenuity to have an opportunity at this place, where the greatest water power in our country can be developed, requiring the preservation of the element of national defense, and at the same time giving an opportunity for relief, if such there can be, to not only the Southland but our entire country in the way of commercial fertilizer at reasonable prices.

"Is this possible? Does the Ford proposal promise such a consummation? We feel that it does" * * *.

We heartily concur in these views.

THE FOLLY OF A GOVERNMENT FERTILIZER BUSINESS AT MUSCLE SHOALS

We speak in the interest of those who favor Government operation as a principle when we declare that they do a grave injustice to the cause which they indorse when they urge that this course be followed at Muscle Shoals. If they were proposing that the Government should go into the shoe manufacturing business, for example, even so radical a course would be open to less objection than that which the majority propose: The shoemaking business is an old-established industry. Its operations and methods are well known; they have been standardized for a generation or more.

The electrochemical fertilizer industry, on the other hand, exists in large commercial form only in Germany where, according to the testimony of Doctor Cottrell, it has been operated entirely by private enterprise. In the United States there is no such industry, and there are no precedents to follow. Mr. E. H. Hooker, one of the most competent electrochemical engineers in the United States, well expressed the situation to our committee when he said, "This art is changing so fast that you can hardly follow it."

The majority of the committee would have the Government engage in an undertaking in which any plant, however well designed, admittedly may become obsolete even before its construction is completed. How can any reasonable man insist upon taking the taxpayer's money by the scores of millions of dollars and sinking it in great fertilizer plants under such conditions when, with the Ford offer accepted, private capital agrees to research these improved processes on a commercial scale and to adopt such processes as prove their worth, insuring that the nitrate plant will be kept up to date without 1 cent of expense to the United States Government?

OUR EXPERIENCE WITH GOVERNMENT OPERATION AT MUSCLE SHOALS

Our own experience in this nitrate business should be a warning to us. Nitrate plant No. 1, utilizing the so-called Haber-Bosch process, was built on the strength of a report which recommended the expenditure of $3,000,000 for this purpose, but actually cost $13,000,000, and then was unsuccessful as a nitrogen plant. The cost of making that plant a success has been estimated at $4,000,000 to $5,000,000, but its capacity is only 30 tons of nitrogen in the form of ammonia per day. Such an investment for so small a production would be prohibitive from the standpoint of cheapening the cost of fertilizer. It was not until the process was perfected by the Atmospheric Nitrogen Corporation (a subsidiary of the Solvay Process Co., and of the General Chemical Co.) under private initiative at Syracuse, N. Y., that it was made physically possible to operate this process successfully.

Whether this Haber-Bosch process is best for fertilizer is a disputed question; the former advocates of the process now recommend the "Haber-electrolytic" process; but no manufacturer in the United States has undertaken to build a large-scale plant to utilize either of these processes for fertilizers or for any other purpose.

Nitrate plant No. 2, utilizing the cyanamide process, was authorized when it became apparent that we had to have a domestic supply of fixed nitrogen for explosives regardless of cost in order to win the war. It was originally contended by the American Cyanamid Co., who built the plant, that the cyanamide process was the only process suitable for the production of nitrogen fertilizers. The war-time estimate for its cost was $30,300,000, but it actually did cost, not including the Gorgas steam plant and transmission line, $67,800,000. Yet all witnesses agree that for fertilizers, the cyanamide process is obsolete, and it has been declared by Maj. J. H. Burns that to change to the Haber-electrolytic process now in favor, would cost not less than $10,000,000.

Government operation in the construction of the nitrate plants has demonstrated: First, that where a process had not been commercially worked out under private initiative it was not solved under Government management; second, that the cost of construction greatly exceeded the war-time estimates; third, that the processes of both nitrate plants became obsolete before the plants were completed.

If we are to undertake public operation of industry in the United States, then let us give it a fair trial. Let us begin with some well-established industry in which the day of radical changes has long gone by. To begin with such an industry as commercial nitrogen fixation, with the chances all against us, with only one thing certain, and that is that the expenditure will be many times the original estimate, is a course which would do a grave injustice to the general policy of Government operation. It could be justified only if we had no satisfactory offer from private sources. With the offer of Henry Ford before us, it is neither justifiable nor excusable.

WHY GOVERNMENT OPERATION FAILS AT MUSCLE SHOALS

At the very outset the success of the Government enterprise is jeopardized by a three-way division of responsibility: The Secretary of War builds the power dams and the upper storage dams; the Government corporation builds an addition to the steam power plant at nitrate plant No. 2 and transmission lines and operates the dams and this steam power plant, selling power to the Secretary of Agriculture and to the public; the Secretary of Agriculture operates either or both of the nitrate plants (although his power supply is limited to barely half enough to operate nitrate plant No. 2 for nitrogen alone, to say nothing of phosphoric acid) and makes fertilizer and sells it at any "reasonable" profit to the trade in general.

The opportunity for advancing a perfect alibi on the part of any or all concerned in case of misfortune is too evident to require comment. No one is responsible for the conduct of the enterprise as a whole, and no one must take the sole and direct responsibility if it fails. The very first axiom of successful industry is inexcusably violated.

The success of a manufacturing enterprise is very largely dependent upon competent experienced management. Executives capable of successfully operating an enterprise of such a magnitude are not to be had for $7,500 per year and are not likely to be found in a Government bureau. Such men would be hard to find, particularly in an undeveloped industry, for they are already employed at salaries many times this amount.

The influence of politics presents another easy road to failure under Government operation. The chairman has endeavored to prevent political considerations from affecting the success of the enterprise, but so long as human nature remains as it is, the element of politics, directly or indirectly, must be reckoned with in any Government undertaking. If Congress wishes to repeat the scandals of the Veterans' Bureau, the Shipping Board, or the oil leases it needs only to turn this great plant over to a Government bureau to be operated as a commercial undertaking.

GOVERNMENT OPERATION MEANS MANY MILLIONS MORE APPROPRIATIONS

The overwhelming objection to the chairman's bill, however, when Congress is endeavoring to reduce taxes, is the large and unwarranted additional expense which the taxpayers must shoulder under the chairman's bill with no assurances of any adequate return on the investment or of ever recovering any part of the principal. Chairman Madden, of the House Committee on Appropriations, forcibly brought this feature of the situation to the attention of the House on June 30, 1923, and again on March 6, 1924.

Mr. Madden took the official estimates of the cost of remodeling the nitrate plants so as to utilize the process which at present is most in favor, and the estimated cost of partially stabilizing the flow of the Tennessee River in a way similar to that proposed by the chairman in his bill, and found that if the Government undertook to engage in the fertilizer business there would be required the following additional appropriations:

1. Auxiliary or reserve water supply to stabilize the flow of the Tennessee River that a more uniform amount of power would be available the year around	$20,000,000
2. For remodeling nitrate plant No. 1	4,000,000
3. For remodeling nitrate plant No. 2	10,000,000
4. For a phosphoric acid plant to meet the demand for mixed fertilizers	15,000,000
5. Operating fund	10,000,000
Total	59,000,000

Since Mr. Madden prepared these figures, however, experts before our committee have indicated that they are too low. For example, the phosphoric-acid plant necessary to enable the Government to produce nitrogen and other commercial fertilizers according to demand has been estimated to cost $20,000,000 instead of $15,000,000. It also appears that the $20,000,000 estimate for the cost of the upper river storage dams may be entirely inadequate, for the surveys of these dams have not yet been completed.

The Secretary of War is directed in the Norris bill to build as many storage dams as he sees fit to regulate the flow of the Tennessee River. Without denying the desirability of regulating the flow of the river, this is an unlimited authorization to take funds from the public Treasury for the purpose of building dams when private power companies

are already competing for the privilege of constructing these very dams at their own expense. The Federal Power Commission already has conflicting applications for permits to build many of these storage dams.

The chairman's bill also provides for adding 50 per cent to the capacity of the steam power plant at nitrate plant No. 2. This is an authorization to add 40,000 horsepower to the capacity of the plant which at the reasonable figure of $100 per horsepower would cost $4,000,000.

In section 3 of his bill, Senator NORRIS undertakes to compel present and future owners of dams on the Tennessee River which would benefit by these storage dams, to pay for a share in the cost of these dams proportionate to their benefits, but this provision, however fair it may be, is clearly unconstitutional, for the Federal Government has no authority over navigable streams by virtue of which it can compel developments on one stream to pay for their share or proposed storage reservoirs while those on other streams do not.

NO CHEAP FERTILIZER FOR FARMER UNDER NORRIS BILL

The change in the title of the chairman's Government corporation from the Federal Chemical Corporation to the Federal Power Corporation, is very appropriate. While it might conceivably have been agreed that the principal aim of the chairman's bill of last year was to preserve the purpose of Muscle Shoals as a source of better and cheaper fertilizers for the farmers of the country, it can not be denied that in this bill as now amended the fertilizer becomes a very minor and secondary consideration.

I might add that unfortunately, under the provisions of the amended conference report, the fertilizer becomes, in my judgment, a most minor consideration, even more so than under the original bill.

Muscle Shoals under the chairman's bill is a public utility power proposition in which the interests of the farmers have been utterly lost in a giant superpower scheme in which Muscle Shoals would be but an insignificant part. The national value of Muscle Shoals disappears and the great dam that was built to serve the farmer becomes a mere cog in a machine for operating street cars, cotton mills, and electric lights in a limited section of the country. Let no farmer expect cheaper fertilizer under such a plan—his chance is gone.

It needs no argument to show that this is so, for the chairman's bill provides that no more than 25,000 primary horsepower shall be used for the manufacture of fertilizer, together with 75,000 horsepower of the secondary or irregular power which would exist not more than four or five months of the year and perhaps less.

Among the proposals made to the committee were several in which the bidders sought to throw a fertilizer sop to the farmers in order to secure control of the water power, but none of them offered to provide as little as 25,000 primary horsepower for fertilizer purposes. If we would protect the farmers' interests then any of the bids which were considered by our committee would be far superior to what the chairman proposes. The fertilizer monopoly and the Alabama Power Co. and their associates could not have drawn a bill that would have more effectually freed them from any real competition at Muscle Shoals than this Government corporation.

WHY NOT AWARD IT TO THE ALABAMA POWER CO.?

The power companies see in this bill a wide-open gateway to the power that they long have coveted and which they could not get directly by offers of their own.

It is a well-known fact that the Alabama Power Co. and its associates have been endeavoring to secure control of the Muscle Shoals power for years, and if under Government operation we are merely to operate the hydroelectric plants for the benefit of the power companies, turning over the power to them to distribute and sell, then, in our judgment, we would deal more honestly with the country if we accepted the offer of the power companies directly. We do not believe that this Government should try to do by indirection what it is unwilling to do frankly and openly.

$130,000,000 MORE APPROPRIATIONS

Since the chairman has proposed to take away this power from the farmers and to distribute it over independent lines to the principal cities within a radius of 400 miles, and since this is the policy to be voted on under this bill, we want the Senate to know what that means:

The present estimate of $51,000,000 for the cost of Dam No. 2 complete does not include the cost of the transformers, transmission lines, and other equipment necessary for long-distance transmission.

Considering only five main lines—Cincinnati via Nashville and Louisville; Little Rock, Ark., via Memphis; New Orleans via Meridian; Atlanta via Birmingham; and Knoxville via Chattanooga—the transmission distance would be at least 1,500 miles, and, according to General Taylor, a single power line would cost on an average at least $20,000 per mile, not including the right of way. This would cost $30,000,000 for transmission lines alone, and the additional equipment, not including the local distribution in the various towns and cities, would require at least $5,000,000 more.

If we confine our transmission system only to those cities within 200 miles of Muscle Shoals, we would require at least 550 miles of main trunk lines.

The cost would be:

550 miles of high-tension transmission line, at an average cost of $20,000 per mile	$11,000,000
Right of way, transformers, and other equipment (estimated)	4,000,000
Total	15,000,000

Correcting the estimate of probable appropriations necessary on which no reasonable return can be assured, we must increase Mr. Madden's figures as follows:

Estimated additional cost to Government if United States engaged in fertilizer business (Madden estimate)		$59,000,000
For additional cost of phosphate plant	$5,000,000	
For transmission system to near-by cities	15,000,000	
Addition to steam-power plant	4,000,000	
		24,000,000
Total		83,000,000

If, however, the power is to be distributed over a 400-mile radius by means of the five transmission lines referred to above, we must add $21,375,000 to this estimate, bringing the total new appropriations to $104,375,000.

To this we must add $25,000,000 for building Dam No. 3, and our immediate future expenditure then becomes $129,375,000.

When we have completed Dam No. 2, our expenditures at Muscle Shoals will total (exclusive of Dam No. 3)	$107,400,000
To carry out the chairman's program we would have to invest another	125,375,000
Bringing our total investment to	232,775,000

without the slightest assurance that any part of this huge sum could ever be returned to the taxpayers.

The capital of the corporation consists of $3,472,487.25 received by the United States from the sale of the Gorgas steam plant to the Alabama Power Co., together with such surplus materials as are available at Muscle Shoals, and the sum of $1,500,000 for the purpose of rebuilding nitrate plants and carrying on a great commercial fertilizer business. In other words, with less than $5,000,000 of actual cash this company is expected to obtain enough appropriations to do at least $119,000,000 worth of construction work and carry on a business which has been estimated by Mr. Madden to require at least $10,000,000 for operating capital alone. If, however, the expectations are to be carried out as recited in the chairman's report and this power is to be distributed over modern high-tension lines into even a few principal points within the area from Louisiana to the Ohio River, the immediate future appropriations for which this Government corporation would call upon us will total practically $130,000,000.

CHEMISTS AS MANAGERS

Section 14 of the chairman's bill providing for the turning over of nitrate plants Nos. 1 and 2 to the fixed-nitrogen research laboratory for operation is an amazing proposal. With no reflection upon the character or ability of the high-grade chemists of the nitrogen research laboratory, the fact remains that they are not operating executives and do not claim to be. The problems of plant operation in the production of the equivalent of 2,000,000 tons of commercial fertilizer per year (the capacity of nitrate plant No. 2) are not problems with which research chemists can be expected to deal successfully. They are problems of money, men, and management. The man who can take a new industry and operate it from the beginning on a large scale and not make any mistakes has never yet been found. Mistakes, costly ones, will be made. Some one must pay the bill. According to the chairman's plan the taxpayers of the United States will pay it, and under his plan the bill will be a large one. Under the Ford offer Henry Ford will pay it, whether it is small or large.

RISK IN MANUFACTURE OF NEW NITROGEN COMPOUNDS

There is another side to the operation of these nitrate plants which to our minds presents an unanswerable argument as to the folly of our attempting to salvage a war-time expenditure and to utilize an obsolete nitrate plant and a few houses and town lots down in Alabama by going into the manufacture of fertilizer as a Government enterprise. We refer to the serious element of physical risk which accompanies the manufacture of new nitrogen compounds.

On February 8, 1923, Senator Ladd called attention to the record of disastrous explosions which have occurred at plants using the Haber process of nitrogen fixation. He particularly made reference to the great explosion at Oppau which destroyed 1,500 lives and more than $50,000,000 worth of property in a few moments. It is now claimed that this was not an explosion due to the process but that it was an explosion of a stored supply of a new fertilizer compound containing ammonium nitrate (the latter being the same material which it has been proposed to produce under Government operation at nitrate plant No. 2) which was responsible for this terrible calamity. Assuming that

the nitrogen fixation process was in no way responsible for the accident, the fact remains that there is a serious element of risk in the preparation and handling of new nitrogen compounds.

Still more recent is the explosion on March 1, 1924, of a batch of ammonium nitrate at the plant of the Columbia Salvage Corporation at Nixon, N. J. Commenting on this explosion editorially, the Oil, Paint and Drug Reporter of March 10, 1924, says:

"As was the case with respect to the disaster at Oppau a couple of years ago, the recent explosion of Nixon, N. J., which may reasonably be considered to have much in common with the German catastrophe has given rise to a great variety of opinion as to the cause * * *.

"There are so many factors of hazard connected with the handling of such material as ammonium nitrate that it would be extremely difficult to determine whether the fault was a mechanical one or one of contaminated material or lay in human error. Temporarily faulty control of evaporation might result in overheating. Momentary carelessness on the part of a workman might easily lead to disastrous results. It is, at best, doubtful whether the investigations that have been ordered will reach a solution of the mystery; although, for the sake of progress in the production of nitrogen compounds, it is to be hoped that they will uncover evidence that the explosion was not due to an irremediable hazard in such processes. It will be recalled that the owners of the Oppau plant decided after the disaster there, to give up the manufacture of ammonium nitrate.

"Whatever the cause, the explosion at Nixon points clearly to the fact that the production and handling of fixation compounds of nitrogen are not the child's play which some comment in Congress and elsewhere on the disposition of the Muscle Shoals plant might be taken to assume. Even though ammonium nitrate be somewhat more hazardous than the other compounds more generally associated with the economic consideration of nitrogen fixation, the importance of efficient chemical control of fixation plants can not be gainsaid. Such establishments are not to be classed with cider mills among the enterprises adaptable to agricultural cooperative movements."

As the Chemical and Metallurgical Engineering Magazine of March 17, 1924, remarks:

"It is to be hoped that the different investigations now under way may reveal something of the cause of the explosion—information that will help to fill the admitted void that exists in our knowledge of the behavior of ammonium nitrate, particularly under conditions in which it is associated with other materials."

When we realize that right to-day we have accumulated in the process of manufacture at nitrate plant No. 2 some 1,700 tons of ammonium nitrate, a nitrogen compound which, in itself, is supposed to be harmless, but which has already cost the lives of thousands and untold millions of property damage by its explosion, and when we realize how little is really known of the behavior of this and other nitrogen compounds, we can not avoid the feeling that if we reject the offer of Henry Ford and undertake Government operation, we may awake some morning to find that our supposed economies have vanished in the untold losses of a great calamity.

Since we have before us a responsible offer to develop this industry at private expense, backed with adequate capital which is able to command the best technical talent that the world affords, and since by accepting this offer we can assure ourselves that the United States will maintain its advanced place among the nations in this most important industry, we believe that we are indeed fortunate to have such an offer available, and in our judgment common prudence and a regard for the public interest demand that we accept it.

Mr. President, in fairly presenting the history of this plant it is necessary to present the opposing view, as presented by the then chairman of the committee, Mr. NORRIS. This is dated May 31, 1924:

The Committee on Agriculture and Forestry, having had under consideration the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala., nitrate plant No. 2, at Muscle Shoals, Ala., Waco quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, report the same back to the Senate, with the recommendation that it be amended as follows:

1. Strike out all after the enacting clause of said H. R. 518 and insert the following:

"That the Secretary of War is hereby authorized and directed to complete the construction of Dams Nos. 2 and 3 in the Tennessee River, at Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation: *Provided further*, That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors; and in order to provide for a larger amount of primary power to be developed on the Tennessee River, if a suitable site or sites can be found upon investigation, where practical storage reservoirs can be obtained at reasonable cost, the Secretary of War is directed to take the necessary steps to secure such sites and to build the necessary dams for the impounding of water therein. If the Secretary of War, under authority of this act, constructs one or more dams for the purpose of impounding the waters of said river, he shall give due consideration in the construction of such dams to the development of hydroelectric power, to the necessities of navigation, and flood control.

"SEC. 2. That in the construction of said Dam No. 3, or in the construction of other dams or other works provided for in this act, the Secretary of War is hereby authorized to use and to remove any of the temporary buildings now owned by the Government of the United States and erected anywhere in the vicinity of Muscle Shoals or nitrate plants Nos. 1 or 2, providing the removal of such buildings will not interfere with the operations of the Federal power Corporation as hereinafter set forth.

"SEC. 3. That if the Secretary of War should find it advisable and practical to construct storage reservoirs on the Tennessee River or any of its tributaries as hereinbefore provided, and that by virtue thereof the flow of the Tennessee River is equalized and a larger amount of primary power thereby developed, he shall require of any private person, partnership, or corporation maintaining a dam on said river for the development of power to contribute his or its proportionate share for the construction of said reservoirs, and he is hereby authorized to take the necessary action or actions in court for the purpose of compelling contribution to such development by any person, partnership, or corporation receiving the benefits therefrom; and if the right to dam said river for the purpose of developing hydroelectric power is hereafter given by virtue of any law of the United States to any person, partnership, or corporation, one of the requirements of said grant shall be that the person, partnership, or corporation given the privilege to build any such dam shall pay his or its proportionate share of the expenses of the construction of any such reservoir or reservoirs, either then constructed or thereafter constructed by virtue of this act."

I call attention to the fact that the same provision, or substantially the same, was passed by the House. It was stricken out in conference on the theory, as I am told, that it was already contained in the Federal power act, and therefore it was not necessary to be repeated; but it is the same provision which allows this corporation to take over the power of other companies that are benefited by the building of Cove Creek Dam.

SEC. 4. That there is hereby incorporated and created a corporation by the name, style, and title of "The Federal Power Corporation"—hereafter referred to as the corporation. Said corporation shall have perpetual succession and shall have power—

(1) To adopt, use, and alter a corporate seal;

(2) To sue and be sued and to complain and to defend in any court of law and equity within the United States;

(3) To make and enforce such contracts as may be necessary to carry out the provisions of this act;

(4) To appoint and fix the compensation of such employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them, and fix the penalties thereof; but in no case shall any such employee receive a salary in excess of $7,500 per annum;

(5) To prescribe, amend, and repeal by-laws not inconsistent with this act for the conduct of its business;

(6) In the name of the United States Government, to exercise the right of eminent domain, and in the purchase of any real estate or in the acquisition of real estate by condemnation proceedings the title to such real estate shall be taken in the name of the United States Government; and

(7) To exercise all the rights, powers, and privileges conferred upon it by this act and such additional powers as may be necessary to carry out the provisions of this act.

SEC. 5. That the business of said corporation shall be transacted by a board of directors—hereinafter called the board—consisting of three persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. Members of said board shall hold their offices during good behavior and shall receive a salary of $7,500 per year, payable monthly: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the House of Representatives and the Senate. No member of said board shall during his continuance in office be engaged in any other business, but shall give his entire time to the business of said corporation. Said board shall select one of its members as president. It shall select a treasurer and as many assistant treasurers as

it deems proper, and such treasurer and assistant treasurers may be corporations or banking institutions and shall give such security for the safe-keeping of the moneys of said corporations as the board may require.

SEC. 6. In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to public inspection.

Apparently, Mr. President, that is left out of the conference report. There is no reason why under this bill political appointments can not be made.

Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political considerations in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding $1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

SEC. 7. That upon the completion of the organization of said corporation the President and Secretary of War shall turn over to said corporation the steam plant located at nitrate plant No. 2, at Muscle Shoals, Ala., together with all the real estate used in connection therewith; all machinery, tools, equipment, accessories, and materials thereunto belonging; the railroad, together with the engines, cars, tools, materials, machine shops, and all accessories used in the operation of said steam plant; and all transmission lines connecting said plant with nitrate plants Nos. 1 and 2 and Dam No. 2: *Provided however*, That the transfer of any of the property above described to said corporation shall be subject to such use of said property by the Secretary of War as he may elect in the construction and development of the dams herein provided for. As soon as any of the dams herein provided to be constructed by the Secretary of War have been completed, the President and the Secretary of War shall turn the same over to said corporation, and thereafter said property shall be in the control and under the management of said corporation, and the said corporation shall manage said dams and keep the same in first-class condition: *Provided, however*, That said corporation shall be under no obligation to repair or to maintain any of the locks in said dams placed there for the purposes of navigation. There shall also be turned over to said corporation all the real estate, including all residences and other buildings now owned by the United States in the vicinity of Dam No. 2.

SEC. 8. That in case all the power developed at Dams Nos. 2 and 3, or any other dam or dams constructed by the Secretary of War under the provisions of this act and turned over to said corporation, can not be used to practical advantage and is not necessary for the manufacture of fertilizer or explosives as herein provided, the board may, in its discretion, sell any such surplus power so developed to any State, municipality, district, corporation, partnership, or person, upon such terms and under such conditions as the board may deem just; and in making such sale the board shall give preference to States, counties, municipalities, and districts, and if the sale of such surplus power is made to private individuals, corporations, or partnerships, for distribution or resale, the board may, as one of the conditions of such sale, provide in the contract therefor, for the regulation of the price at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power. It shall be the policy of said corporation in selling electric energy to fix the time of such sale for as short a term as possible and in no case for a longer term than 25 years.

In order to convert secondary power into primary power, and thereby cheapen the hydroelectric power produced and increase the number of people to be benefited by such use, as well as to cheapen the price thereof to the consumer, the corporation is hereby authorized to enter into agreements with the owners of existing transmission lines, or with the owners of transmission lines hereafter constructed, to bring about the exchange of power whenever the same can be advantageously done. The corporation is authorized to construct transmission lines for the purpose of giving wider distribution to the use of the hydroelectricity developed at any of said dams, and to enter into contracts with persons, partnerships, corporations, municipalities, districts, or States for the joint construction and joint use of such transmission lines, having always in view that one of the objects of this act is to give as wide a distribution as possible at the smallest practical cost, the use of the electric current developed at any of the dams herein provided for.

SEC. 9. The corporation is hereby authorized to complete the steam auxiliary plant at nitrate plant No. 2, in accordance with the original plan.

It shall also have power to purchase or lease transmission lines owned by other parties, or to purchase or lease an interest in the same for joint use.

SEC. 10. There shall be turned over to said corporation by the Secretary of the Treasury the sum of $3,472,487.25, received by the United States for the sale to the Alabama Power Co. of the Gorgas steam plant at Gorgas, Ala., and said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to sell all surplus materials at Muscle Shoals not needed by said corporation or the Secretary of Agriculture in carrying out the provisions of this act and turn the proceeds thereof over to said corporation, which sums shall be considered the operating capital of the corporation. The corporation shall continue to increase said capital from its net earnings until the sum amounts to $25,000,000, and thereafter all the income from said corporation not necessary for depreciation, management, and other legitimate expenses of said corporation shall be turned over to the Treasury of the United States.

SEC. 11. The corporation shall supply to the Government of the United States, free of charge, a sufficient amount of power necessary to operate all the locks that are established in any of the dams herein provided for for navigation purposes.

SEC. 12. The corporation shall at all times furnish power for the operation of nitrate plants Nos. 1 and 2, as the same may be demanded or called for by the Secretary of Agriculture or any other agency having in charge the operation of said nitrate plants except as provided herein; and in the reconstruction or modification of either one or both of said nitrate plants the corporation shall likewise supply all power necessary for such construction purposes.

In order to cheapen the cost of fertilizer products as much as possible, it shall be the duty of the Secretary of Agriculture in the operation of said nitrate plants to use the most economical grade of power available, and he shall not demand of the Federal Power Corporation for such purpose more than 100,000 horsepower, of which not more than 25,000 shall be primary power. The price charged for power so supplied shall not exceed the lowest price for similar power at which the same is sold to any other purchaser.

SEC. 13. The board shall make a complete and detailed report of its operations as soon after the close of each calendar year as possible to the Congress, and the Secretary of War shall at least once each year make a complete audit of all the accounts and of all the financial operations of said corporation and shall include in his annual report to Congress a detailed statement thereof.

The principal place of business of said corporation shall be established by the board at or in the vicinity of Muscle Shoals, Ala.

SEC. 14. Upon the passage of this act nitrate plants Nos. 1 and 2, the Waco Quarry in Franklin County, Ala., the steam plant at nitrate plant No. 1, the railroad and the engines, cars, and other personal property necessary for the operation of the same, together with the real estate and residences owned by the United States at nitrate plants Nos. 1 and 2 and at the said Waco Quarry, shall be placed under the control and jurisdiction of the Secretary of Agriculture. The Secretary of Agriculture is hereby authorized to provide for the operation of one or both of said plants, through the fixed nitrogen research laboratory, or through such other means as he may deem advisable, and he is hereby authorized, if in his judgment better results can be obtained, to enter into a contract or contracts with private persons or corporations for the operation, either in whole or in part, of said nitrate plants, or other property or parts thereof, and to likewise, through the instrumentalities aforesaid, provide for experimentation, study, and research in any other manner that he may deem advisable for the cheapening of the manufacture and sale of fertilizer or other products. He is hereby authorized to remodel nitrate plant No. 1 and to use the same in the manufacture of fertilizer or other products and in experimental work designed to cheapen the production of such products. He is also authorized to add to or change nitrate plant No. 2 for the purpose of supplying fertilizer or other ingredients: *Provided, however*, That no change shall be made in nitrate plant No. 2 that will interfere in any way with its use to its full capacity in the manufacture of explosives to be used for war purposes, unless and until by the experiments above provided for it shall have been ascertained and developed that the manufacture of explosives can be cheapened and improved over the method provided for by the use of nitrate plant No. 2, and until the Secretary of War shall have determined that such new improved method has been installed with sufficient capacity to equal the present capacity of nitrate plant No. 2.

SEC. 15. It is hereby declared to be one of the objects of this act to cheapen as much as possible the cost of fertilizer and fertilizer ingredients and other products helpful to agriculture, and to bring about such objects the Secretary of Agriculture shall have power to manufacture fertilizer ingredients or a completed fertilizer and such other products ready for use, and in order to prevent a monopoly of the fertilizer or other business or an undue or unreasonable enhancement in the price thereof he is authorized to sell such products direct to farmers or to organizations of farmers, or to dealers in and manufacturers of fertilizer, and to likewise sell to the trade generally fertilizers and any by-products that may be obtained in the manufacture of fertilizer or other products. In the sale of such products to dealers and manufacturers he shall likewise

have authority to provide that in the resale by the purchaser of said products to consumers thereof that no more than a reasonable profit shall be exacted.

At this point I want to say that section 15 has been stricken from the pending conference report. No longer is the purpose to cheapen fertilizers to the farmer, no longer is it to be made an aid to agriculture, no longer is this plant to be used for the benefit of the farmer, but the provision that has been inserted means that it will be used for the benefit of the Fertilizer Trust of the country.

SEC. 16. In the appointment of officials and the selection of employees under this act by the Secretary of Agriculture, or any of his subordinates, such appointments and selections and all promotions shall be made in accordance with the requirements of section 6 of this act, and all of the provisions of said section shall apply with full force and effect to all such appointments, selections, or promotions.

SEC. 17. To enable the Secretary of Agriculture to carry out the provisions of this act with reference to the cheapening and improvement of fertilizer products and other products, and the manufacture of fertilizer, by or under the authority herein given to the Secretary of Agriculture, there is hereby appropriated, out of the Treasury of the United States, the sum of $1,500,000, available until expended, and all receipts for the sale of any such fertilizer products or other products shall be covered into the Treasury of the United States as miscellaneous receipts and a full and detailed report of all such operations shall be made annually to Congress.

SEC. 18. All laws relating to embezzlement, conversion, improper handling, redemption, use, or disposal of moneys of the United States shall apply to moneys of the corporation while in the custody of any officer, employee, or agent of the United States or of the corporation.

SEC. 19. All transmission lines constructed by the Federal Power Corporation, excepting transmission lines connecting the dams herein provided for any other properties of the Government at Muscle Shoals, shall be subject to taxation under the laws of the State wherein located.

I call attention here to the fact that even away back in 1924 the Senator from Nebraska, in the measure that was then reported out by him measurably took care of the rights of the States in providing that the property should be taxed, but in this conference report that provision is left out.

SEC. 20. It is hereby declared to be the spirit and intention of Congress in passing this act—

(a) Primarily to provide for the national defense by maintaining ready for immediate use for war purposes, nitrate plant No. 2.

(b) To promote agriculture by developing cheap fertilizers and other things of benefit to agriculture to the highest degree.

(c) To assist in the development of electric power by the complete storage and utilization of the waters of our rivers and their tributary streams in conjunction with steam and other sources of fuel to the end that electrical energy may be carried to all citizens.

(d) These objects shall be carried out as nearly as possible without interference with private enterprise.

2. Amend the title to said act so as to read as follows:

"An act to provide for the manufacture of explosives for the use of the Army and Navy, to provide for the manufacture of fertilizer and other agricultural products, to incorporate the Federal Power Corporation, and for other purposes."

As thus amended, the committee recommends the passage of the bill.

The question presented in the Muscle Shoals problem is one that we have inherited from the Great War. Primarily, it is a question of national defense. It became evident during the progress of the World War, even before we entered it, that modern warfare required the manufacture of explosives in such large quantities that the life of our Nation might be put in jeopardy because of our inability to supply such explosives in sufficient quantities to carry on a modern war. We were dependent to a great extent upon the importation of nitrates to keep our Army and our Navy supplied with a sufficient amount of explosives to defend our country and preserve the life of the Nation in times of great emergency.

Nitrogen is one of the ingredients of the air, and an inexhaustible supply exists everywhere; but the question of extracting it from the air was a very difficult and not fully understood proposition. Several processes for this extraction have been known for years in the scientific world, but all of these processes were expensive and required an immense amount of cheap power in order to accomplish results with any degree of economy. It was primarily to solve this question that the Government engaged in its activities at Muscle Shoals, Ala.

We have expended of public funds in the neighborhood of $125,000,000, and by the time the contemplated work is completed we will have expended over $150,000,000. We built nitrate plant No. 2, with a capacity of 40,000 tons annually of atmospheric nitrogen. This plant is designed to utilize what is known in the scientific world as the cyanamide process. It is a well-established and well-understood process, but it was known when the plant was constructed that this system was expensive and required a large amount of power. As a war proposition the expense of securing the explosives, while an important consideration, is nevertheless secondary in importance to certainty in production. This plant is not excelled by any other plant using the cyanamide process in the world. It is capable of producing 40,000 tons of fixed atmospheric nitrogen per annum.

Knowing the expensive nature of this process, the Government officials also constructed at Muscle Shoals another nitrate plant of much smaller capacity, which was designed to extract nitrogen from the air by what is known as the Haber process. It was known that this was more or less an experiment, although the experts believed then, as they do now, that the Haber process was the one which presented a greater field for improving the method and cheapening the production.

Nitrate plant No. 1 was never a success. The experience, however, that was obtained from this more or less experimental plant has resulted in improved methods, and it is known now that this plant, by the installation of new machinery, can extract nitrogen from the air more cheaply than can be done at nitrate plant No. 2, equipped for such work by the cyanamide process.

The Government constructed a steam-power plant at nitrate plant No. 2 capable of producing 120,000 horsepower. There was installed at this steam plant units amounting to 80,000 horsepower. The additional unit is provided for in the construction of the building, and it only remains to install additional boiler capacity in order to increase the present power facilities to the original design. There was installed a steam plant likewise at plant No. 1, with a capacity of 5,000 horsepower. These steam plants are modern in every way and are not surpassed to the extent of their capacity by any other steam plants in the world.

FERTILIZER

There is a definite connection and relation existing between the production of explosives for war purposes and the production of fertilizer for use in agriculture. Nitrogen is one of the ingredients of every fertilizer product, and therefore this question presents a peacetime problem as well as one of war and national defense. It is extremely desirous that the machinery and the investment used for the production of explosives in time of war should be used for the purpose of increasing and cheapening fertilizer products in time of peace; and when we consider the fertilizer problem we are at once faced with the question of cheapening the product. It is advisable of course, to cheapen it in time of war, but this is a secondary consideration. In time of peace, for fertilizer, the question of economy is a paramount one, and these great plants can not be used for the production of fertilizer unless the process can be cheapened to a price that will at least not exceed the cost of fertilizer by other methods. The question of fertilizer will be discussed more in detail later on in this report.

WATER POWER

At the same time the Government constructed these plants it planned the construction of two dams on the Tennessee River at Muscle Shoals. One of these dams, known as Dam No. 2, is now nearing completion, and it is estimated that it will be completed and ready to produce hydroelectric energy by the 1st of July, 1925. It will take from three to five years to complete Dam No. 3.

POSSIBILITIES OF POWER AT DAM NO. 2

The weakest point in the development of hydroelectric energy, especially in the South, is the great difference between high and low water flow of the rivers. The flow of the Tennessee River at the location of Dam No. 2 is sometimes sufficiently high to produce nearly if not quite a million horsepower if the entire flow could be utilized, while in case of extreme drought at very short intervals, the minimum flow would produce a little less than 100,000 horsepower. Gauge readings of the river have been carefully taken for a period of 50 years, and these readings show that at Dam No. 2 there will be developed horsepower as follows:

	Horsepower
99.4 per cent of the time	87,300
97 per cent of the time	100,000
88.3 per cent of the time, or about 10 months	141,000
66⅔ per cent of the time, or about 8 months	205,000
50 per cent of the time, or about 6 months	306,500
20 per cent of the time, or about 2½ months	600,000
7 per cent of the time, or a little less than 1 month	1,000,000

DAM NO. 3

The amount of power that will be developed at Dam No. 3 can be readily understood when it is known that the power possibilities of that dam are 40 per cent of the power possibilities at Dam No. 2. The difference between high and low water, and therefore the difference between primary and secondary power, is practically the same at Dam No. 3 as it is at Dam No. 2.

PRIMARY AND SECONDARY POWER

Primary power is the power that can be utilized every hour in the day and every day in the year. Secondary power is that which is only developed a portion of the year. In the use of power it can readily be seen that there is a great difference between primary and secondary power. For most purposes, primary power is required, and therefore its value is much greater than secondary power. Moreover, there are various degrees in value of secondary power. Secondary power, for instance, that can be utilized for 11 months in the year is much more

valuable than secondary power that can be developed for only one month in the year. By the use of an auxiliary steam plant, or by the construction of a storage dam, that would equalize the flow of the river, much secondary power can be converted into primary power, and wherever this can be accomplished there is more economy and great gain in power. Secondary power, sometimes almost valueless, can by one or both of these means be converted into primary power at very little additional expense.

TWO PROPOSITIONS AT MUSCLE SHOALS

It can readily be seen, therefore, that there are two definite and distinct propositions presented for consideration, and they have no very definite connection with each other. The question of power and the question of explosives and of fertilizer material.

POWER PRODUCTION

The production of power at Muscle Shoals is comparatively a simple question. All the elements involved in it are well understood and well known. It is assumed that everybody is in favor of cheapening the cost of hydroelectric energy as much as possible, and that in a general way this power should be distributed over as wide an area as possible in order that the greatest number of our citizens may receive benefits from such production.

It must be remembered the power at Muscle Shoals is developed from a navigable stream over which the Federal Government has jurisdiction. The power thus produced from a waterway belonging to all of the people should not be given away to any private individual or corporation for his or its personal financial benefit. We should adopt a method that will give the benefits of electricity to just as many of our citizens as possible. Modern methods of transmission of electric current have revolutionized the possibilities of such distribution. It can readily be seen that one of the necessities in economic power development and distribution depends to a great extent upon the conversion of secondary power into primary power. It is likewise apparent that to develop the maximum amount of hydroelectric energy the entire stream and all its tributaries should be considered as a whole. Every dam site should be selected with reference to all other dam sites, keeping always in view the question of navigation. In addition to this, it is important that in order to regulate the flow in any stream and keep it as nearly uniform as possible we should construct storage dams where large amounts of flood waters can be stored and let out at times of low water, thus decreasing the maximum and increasing the minimum flow.

It should be borne in mind that the maximum flow is often as damaging to the production of hydroelectric energy as the minimum flow. The amount of hydroelectric energy that can be developed at any given time is often very materially decreased by too large a flow of the stream, which has a tendency to back the water up below the dam and thus decrease the fall of water over the dam, which in turn materially decreases the amount of hydroelectric energy produced. It is therefore seen that the storage of flood waters not only increases the amount of hydroelectric energy upon the dams on the stream during low water, but likewise increases it during high water by holding the water back when it would do damage rather than good.

The construction of storage dams has also another important feature. It is a very important element in flood control and holds back floods that would do damage, while it increases the electric current that can be produced both at high and low water, and likewise regulates the stream so as to make navigation possible at all times.

STEAM AUXILIARY PLANTS

Another method of converting secondary into primary power is by the construction of steam auxiliary plants. Such plants would not be able to produce electricity as cheaply as water power, but if they can be used for portions of the year when the water is low, and thus bridge over the gap of such portion of the year, they convert into primary power what would ordinarily go to waste and be absolutely of no value.

GIANT POWER

But after we have constructed flood reservoirs and steam auxiliary plants, we have not yet completely converted all secondary power into primary power. There will be seasons and perhaps times in every season when the watershed supplying the stream with water, is deficient in rainfall, and notwithstanding the help of storage dams and auxiliary steam plants, there is still a large amount of secondary power going to waste.

When one stream has a period or even a season of low water, some other stream on the other side of a mountain or a different watershed, may have an oversupply—indeed, it may have so much as to seriously interfere with the production of the maximum amount of electric current. Modern methods of the transmission of electricity require that these different systems be hooked up together with transmission lines, and when one system is short of water, and another system has too much water, a transfer of electricity from one system to another can be brought about by simply pushing a button—and thus on a larger scale do we utilize all the electricity developed in both of the systems.

It is now possible to transmit electricity direct from 250 to 300 miles without material loss, but the same effect of transmitting electric power from one system to another can be brought about by what is known as a relay of power from one system to another system, and in this way the same practical effect can be had as though electricity could be carried direct indefinite distances. There is no limit to which power can be thus relayed.

This was well illustrated a few years ago by relieving a condition that existed in the State of North Carolina. North Carolina has a system of electric distribution that covers a quite large portion of the State, but in the year 1921 the rainfall in North Carolina was very deficient. It was evident that the requirements for power were so great that the system could not be supplied on account of the decrease brought about by the drying up of the streams, and, had there been no way of relief, it would have been necessary for many of North Carolina's industries to shut down and some of her residences would have had to go back to kerosene lamps, and in many ways great damage and inconvenience would have resulted to millions of people and many industries.

Between North Carolina and the Government's great steam plant at nitrate plant No. 2 at Muscle Shoals there is a distance of 600 miles. The power company in North Carolina secured power from companies in South Carolina, but the companies in South Carolina could not have supplied this had they not been able to get a supply of power from companies in Georgia, and the Georgia power companies had no power to spare and could not have supplied this extra energy had it not been possible for them to get power from the Alabama Power Co. in Alabama. The Alabama Power Co. had no power to spare, but they had leased the steam plant owned by the Government at nitrate plant No. 2, and they supplied the Georgia company with some of their power and in turn made up the deficiency by starting up this great governmental steam plant, which poured the electricity into their system from the western side, and thus the effect was to transfer electricity from the Government steam plant at Muscle Shoals to the factories and homes in North Carolina 600 miles away.

The Alabama Power Co. is now building storage reservoirs and power dams on the Tallapoosa River in that State. It seems that this river possesses wonderful capacity for storage water. It has likewise a certain definitely known power possibility. Dam No. 2 at Muscle Shoals has likewise a known power capacity. If these two systems were hooked up together with a transmission line, it would be possible, by using the two together and trading power back and forth, to increase the output by more than 100,000 horsepower above the combined estimate of the Tallapoosa system and Muscle Shoals put together.

It can be seen, therefore, that the economic way of securing all the benefit possible from the flow of our streams is to combine them into systems, with interchangeable transmission lines, so that the maximum amount of power can be developed and the maximum amount of secondary power be converted into primary power.

The State of Virginia has potential power possibilities of 459,000 horsepower. The State of Kentucky has potential power of 77,000 horsepower. The State of Tennessee has a potential power possibility of 432,000 horsepower. Arkansas has potential power of 125,000 horsepower. This is in all cases primary power. There would be about an equal amount of valuable secondary power. It is conceivable and reasonable that within a few years these power possibilities will be developed either by the States and municipalities or by private persons or corporations. They should be connected with Muscle Shoals, which in turn would connect them up with all the other hydroelectric companies of the South. The Senate has passed a bill recently providing for the utilization of the power possibilities of the Potomac River. If the House passes the bill and that improvement is made, there will be twice as much power produced as can be utilized by the District of Columbia. It in turn could be connected up with the Virginia power development, and thus become a feeder in a great system of power production that would extend from the Potomac River to the Gulf of Mexico, and from the Atlantic Ocean to the municipalities and the farms of Mississippi and Louisiana. But this would not necessarily be the limit. The great State of Pennsylvania is already making a survey with the idea of utilizing her streams and many of her coal mines in the organization of a giant power proposition. It is reasonable to assume that in the next 10 or 20 years, all water power east of the Mississippi River, together with numerous auxiliary steam plants located at the mouth of coal mines, will be united into one giant power scheme in which the maximum amount of electricity will be developed and distributed to the maximum number of people at the lowest possible cost. This electricity will be developed to a great extent by the flow of the streams which, as a matter of fact, belong to all the people, and it is therefore but fair that the greatest number of people possible should secure the benefits of such development.

I desire to call particular attention to this giant power scheme, as it is called, to unite all the great power companies, I can not imagine how the power companies could be any better pleased than by this scheme. It is a scheme of the Senator from Nebraska. This is his report. If that is what is provided for in the joint resolution, it ought to be defeated. I want to be perfectly frank about it. I do not think that it provides for it

to the extent that is here set out, but if it does provide for that sort of scheme, and, if I am not mistaken about that, it ought to be defeated.

DANGER OF MONOPOLY

To the writer there is one possible danger in such a scheme, and that is the danger of monopoly. With a network of wires spread over the country, carrying light, power, and heat to all the people, it is absolutely incumbent upon governmental authority to provide by proper regulation that such a great plant shall not be utilized for the financial benefit of individuals or corporations and that those controlling such a system should not in any way be permitted to utilize the great power in their hands, unrestrained and unregulated. Practically all the States have commissions that regulate not only the price of electricity but the service as well, but in addition to such regulation the most effective help to save the people from such a monopoly would be to have the Federal Government own at least some of the power-producing elements that enter into such a system.

It is therefore important that the Government should retain the ownership and management of Muscle Shoals. In the system that I have above outlined Muscle Shoals, if properly developed and improved by the construction of storage dams on the Tennessee River and its tributaries, will be the greatest one unit in the entire system. It will be, as it were, a partner in this great plan. It will have a direct voice in the management and control of the entire system. It can therefore more directly control any tendency toward monopoly than can be done by State commissions, however valuable their service may be.

No one can tell us just what the future will bring forth. Improvement in the production and the transmission of electricity are constantly taking place. In my opinion the time will come at no distant date when the Government will have to take a still greater part in the regulating, the generating, and the distribution of electricity. Present indications are that electricity is going to be demanded in every home and on every farm for light and power purposes at least, and it ought to be one of the duties of Government, both Federal and State, to see that the one danger to what will be the happiness and comfort of all the people is prevented from exercising any monopolistic control.

The consummation of giant power systems will be to stop the present tendency that has been going on ever since the economic use of steam has been in use, which because the power thus generated was used in the immediate vicinity of its generation, turned the tide from the country, the village, and the small city into the great population centers. The sending of electricity over a wire throughout the country will divert the tide of manufacturing enterprises from the congested centers into localities where the raw product is produced. The generation of power from steam can be most economically produced in very large units and under conditions of the past years, such economy in the production of steam power necessarily brought manufacturing establishments and the millions of employees and other people together into congested centers. The small manufacturer was driven out of business. The economy of large steam plants increased the population of manufacturing centers, to the detriment of the country and the smaller cities. The new electric age which is just dawning will change this tide. It will make it possible for the small manufacturer located in the vicinity of the production of his raw material to economically produce a finished product and successfully compete with the larger concerns.

With this great economic change going on in our country, it would be almost criminal to permit any person or any corporation to utilize all of the electric power at Muscle Shoals for one concern and for the benefit and profit of one corporation. It is not contended, of course, that there will be sufficient power developed at Muscle Shoals to supply the entire South, but it is the key to the entire problem. It will be the dominating influence in the system that will grow up, and an examination of the map will show that Muscle Shoals is practically in the northwest corner of existing systems of production, covering several Southern States. Tennessee, immediately to the north, has but partially developed her power. Mississippi and Louisiana, to the immediate west and south, ought to receive the benefit of proper distribution of this power. Arkansas is within transmission distance, and she possesses a large amount of potential water power. There is no reason why these States should not be covered with a network of transmission lines, of which Muscle Shoals would be the one most important distributive point. Moreover, if Muscle Shoals is turned over to one corporation, particularly if that corporation is given a governmental subsidy in the way of cheap money, on a basis of 100 years' time, and then the corporation permitted to use all of this cheap power in its own manufacturing business, it would in effect be giving to such corporation a governmental subsidy running over a period of years, which would give it an undue advantage—an advantage backed up by money of the taxpayers of the country—over every other manufacturing establishment of a similar nature in the entire South.

If we turn over this valuable property for 100 years to one corporation and then give it money at an extremely low rate of interest, it would be using the taxpayers' money and the taxpayers' property to give an advantage to a favored corporation, which would be able to put manufacturers of similar products entirely out of business, and once having put them out of business, such a favored corporation would be able to fix its own price and levy tribute upon the people at will; and if such a corporation were given such a franchise that ran over a period of 100 years, it would be no defense that the present organizer of such a corporation would be moved by the highest kind of philanthropic motives. It would be but a few years until by the operation of nature itself those now living would pass away and such a corporation would be as cold and as clammy as any trust or monopoly that has ever existed in the history of civilization.

INVESTIGATION OF THE COMMITTEE

The committee has given months of study to the questions involved at Muscle Shoals. It held extensive hearings two years ago, and this year it has just finished the most minute and elaborate study of the question involved ever undertaken by any committee of Congress and, perhaps, by any investigating body in the country. We have had before us various bids and propositions made by individuals and corporations. We have had two alternative propositions submitted by the Union Carbide Co.; one bid submitted by Mr. Hooker and his associates; another one by Henry Ford; still another one by a body of several allied electric power companies already operating in the South; and we have had also a proposition submitted by ex-Congressman Lloyd, who represented no bidder but who proposed to the committee a plan of development which contemplated the retention of the property in the hands of the Government. We have also had before us for consideration a bill introduced by the chairman of the committee providing that the Government should retain title to all this property and operate the same through the instrumentality of a governmental corporation, providing for the widest possible distribution of the power development and the continued exploitation and experimentation with a view of cheapening the ingredients, production, and distribution of fertilizer products. The amendment to the House bill, which the committee proposes, follows in substance the bill of the chairman of this committee.

THE HEARINGS

These bidders, with one exception, have furnished the committee much valuable information. A great amount of it was, from its very nature, quite technical. The intricate problems connected with the extraction of nitrogen from the air and kindred subjects were discussed in great detail by experts representing these various bidders. They placed themselves at the disposition of the committee and frankly and courteously answered all questions propounded to them relating to their various bids, and in every way showed a fair and honorable disposition to assist the committee in every way possible in the solution of this difficult problem.

The only exception to this rule was Mr. Ford. He not only declined to come before the committee and be questioned but he did not send anyone with authority to represent him. In this connection it is fair to call attention of the Senate to the fact that although Mr. Ford's bid has been pending for two years, and that in the preceding Congress hearings were held by a House committee and by the Senate Agricultural Committee, and that during this Congress hearings were again held by the House committee and also by the Senate committee, Mr. Ford has never yet appeared in person before either committee or before any other authorized committee of the Senate or House. He has been invited by the House committee to appear before it, and on both occasions when hearings were had by the Senate committee a request for him to appear was officially sent to him. No opportunity has ever been given for anyone to ask him a single question regarding his bid. He has either ignored or declined every respectful request that has been sent to him. He is the one bidder for this great property who has pursued such a course, and yet, as queer as it may seem, he is the only person who has made a bid for Muscle Shoals that any committee of either House of Congress has reported favorably on or given serious consideration to as far as acceptance is concerned. It seems to be universally considered, both in Congress and out of Congress, that under no circumstances should this valuable governmental asset be turned over to any person or corporation unless it be to Mr. Ford; and he is the only one of all the bidders who has ignored every request of Congress to appear before authorized committees for examination. It is unnecessary to discuss the other bids made, because after full hearings no member of the committee was in favor of accepting any of them, and yet, in the opinion of the writer, Henry Ford's bid was by far the most undesirable of any that has been submitted. After many months of serious consideration I am of the opinion that not only is Mr. Ford's bid the most undesirable for the Government to accept but it is so much more undesirable than any of the other bids that it is not in the same class with any of them.

It is difficult to understand how there can be any sentiment either in the country or in official circles favorable to the acceptance of Mr. Ford's offer. This I state with perfect respect to Mr. Ford. He has, of course, a perfect right to make any bid he pleases, however undesirable it may be to the Government or however favorable it may be to his corporation. The only explanation that can be given to the sentiment in favor of the acceptance of this bid is the wonderful propaganda that has been spread over the country, asking Congress to turn

Muscle Shoals over to Mr. Ford. This propaganda has not been equaled by any that I have come in contact with during a service in Congress of over 20 years.

Mr. President, I have thus given both sides of the Muscle Shoals question. It will be seen that these reports and the debates in the Senate at that time were purely about Muscle Shoals. There was some vague reference to storage dams on the Tennessee River, but there was no proposal such as is now made at the last minute in this case; and, Mr. President, I want to appeal again to the Senate of the United States not to put in the bill this provision that has been reported by the conferees.

This bill would pass within five minutes if it were stricken out. It would have an infinitely better opportunity to receive Executive approval, I am advised, if it were out. There is no necessity for its going in. Even if it should go in at some future time, even if it should be found desirable to be enacted into law at some future time, it is not necessary to put it in now. Why jeopardize this great Muscle Shoals matter that we have been working over for seven years by putting in this provision at the eleventh hour—for, indeed, it was put in at the eleventh hour?

It was not in the bill as originally reported in the House. It was only put in of late; and, as I understand the House conferees, they are not insistent upon this provision. I talked to the chairman of the House conferees on yesterday. He was not insistent on this provision. I talked to other members of the conferees of the House. They were not insistent upon this provision. Why jeopardize this legislation—this legislation that we have all been working for—by putting in it this provision which means, if it means anything, that it vastly increases the prospect of Executive disapproval? Why take that risk? Why put it in jeopardy? What is the reason for it? What is behind it?

In all the other bills presented by the Senator from Nebraska he provided for taxation by the local authorities in Tennessee and by the State of Tennessee. It is in his original bill. It was stricken out in the report. It is provided in this bill alone that the Federal Government goes to Tennessee and takes territory equal in area to an ordinary sized county, or parts of two counties. It will practically break up two counties, as I am informed and as I believe. It will take the better part of the land of the two counties. It will leave some mountainous districts in those counties, but it will take the rich and valuable land. It will take the homes and farms down there for this great reservoir without any compensation to the State, without any consideration to the State, without any consideration to the county or the counties.

I believe three of them are interested in it. Three of them have territory in this proposed area. Not only that, but it takes this plant, that has been variously estimated in its raw state, in its undeveloped state, at something like a million dollars, which, if developed by private enterprise, will be subject to taxation, and it removes the power of the State, so far as it can do so, to tax that plant when constructed.

In the other bills presented by the Senator from Nebraska he provided for State taxation. He did not take it away. He did not undertake to override the rights of Tennessee and the counties thereof. Why is it brought in here at this late hour? What is behind it? What reason is there for it? None has been offered. Why should it be connected with Muscle Shoals?

Muscle Shoals is owned by the Government in fee simple, bought in the proper way, with the consent and upon the application of the State of Alabama. It is a wholly different thing; and I want to appeal to Senators, in all common fairness, do not take this property away from Tennessee without her consent. Do not do it. If she wants it, if she sends an application in here for it, no one will be more willing to uphold what she wants than I will. My purpose in taking the course I have taken about this matter was to protect the interests of my State. I would be unworthy to represent her if I did not stand up for her rights. I said on yesterday and I say to-day that I am going to do everything humanly possible to prevent this rape of the State of Tennessee of a part of her domain without compensation to her or to her counties.

I mean no disrespect. I am serious and in earnest about it, Senators. I am astonished beyond measure that Senators on this floor, on this side of the aisle as well as on the other side of the aisle, should be willing at this late moment, when there can not be any useful purpose subserved, to put this measure in over the protest of the two Senators from Tennessee.

If it were United States property, and we were dealing with it, it would be a different thing; but this is private property and county property and State property, and you are taking it without compensation. Senators, it is not fair; it is not right, and I protest against it.

I have offered amendments here. I have offered to send this bill back with amendments putting in the very provisions, in substance, that were submitted in previous bills by the Senator from Nebraska. One of those amendments incorporated in this bill, just what he told me he would be willing to put in a bill at the next session of Congress. If it is right to go in at the next session of Congress, why, in God's name, is it not right to go in at this session of Congress? What excuse is there for such action? What reasons are there for such action? None has been advanced.

This dam site is not accessible to Muscle Shoals. It is 300 miles from Muscle Shoals; and provision is made here to generate what power there is there and build a transmission line for the purpose of sending that power out of Tennessee to Alabama. It is not fair; it is not right; and I again appeal and appeal to my colleagues here on this floor not to take this property away from my State without compensation.

Mr. President, this morning at an early hour I offered a motion which I then read, and which I now send to the desk; and I want to appeal to my friend from Nebraska, with whom I have collaborated as vigorously and as earnestly and as effectively, I think, as any Senator on this floor, and I think the Senator from Nebraska will say so. There was not a step in this legislation in which I did not aid him. We conferred daily and hourly about it. I got my colleagues together in the Democratic cloakroom of the Senate, and got them to agree on a measure that we could all agree upon. It was a give-and-take proposition. The Senator from Nebraska acted in a splendid compromising spirit. The Senators on this side of the aisle did the same thing. The question of Cove Creek was never referred to at that time, except that I said to the Senator, and he agreed with me, that it ought not to go in this bill at this time; that we ought to dispose of this long-unsettled question; and yet, after we have worked together, after we have collaborated, after we have agreed on every feature of this great measure, at the last moment a conference report is made which has a disastrous effect upon the property of Tennessee, as Tennesseeans think.

The Senator from Nebraska says Tennessee ought to be glad to get it. He may be right, and the people of Tennessee may be wrong, but that is not what they advise me they want. I am their representative; and as long as I am here, and as long as I am able to present what they want in this body, I intend to do it. It is my duty to do it.

I want to say that while I am earnest about it, I have not the slightest feeling in the matter in any manner, shape, or form. I should be delighted to vote for the Muscle Shoals bill with this provision out of it. It has been one of the dreams of my legislative career. I have been working on it longer, even, than the Senator from Nebraska. I started it in the House, as I have heretofore explained. He has worked along similar lines, and in most respects we have agreed, and I am happy that we have agreed. After going together right along, working in perfect harmony, and keeping in view the main idea, which was the disposition of Muscle Shoals, at the last minute to bring in here an amendment, put in by the House conferees, that I never dreamed would be accepted, is something that I can not understand.

I went to the Senator from Nebraska and told him my complications about it. I told him the situation in Tennessee about the matter, and urged him not to put in the amendment; but it came in. I urged other conferees not to put it in. One of them said he thought I was joking. Why, Senators, I would not joke about a great interest of my State. If I appeared to be in a joking humor for the last 24 hours while this matter has been under consideration, Senators who thought so were laboring under a misapprehension. I have not joked about it. I do not want anything but what is right. We are dealing with Muscle Shoals. We ought not to be dealing with new projects.

You may have a majority for this amendment. Apparently you have. You may jam this down our throats, because physical endurance will not permit me to speak forever; and if you are just going to keep us here you may, through physical exhaustion, ram it and jam it down the throats of the two Senators from Tennessee; but I appeal to you, is that fair or just? Is it right?

Look into your hearts, my friends, and tell me: After collaborating with me for all these months in reference to this subject on terms of perfect understanding, as I said, do you think it is right at the last minute to bring in here a measure separate and apart, calling for the expenditure of $37,000,000 in aid of another project, having no real relation to this project, violating the rights of my State, violating the rights of my county, violating the rights of the regulatory powers of Tennessee? I should be unworthy of representing that State in

this body if I did not protest as earnestly as I can against such a course.

Somebody said, "Why, you ought not to have taken up all this time." I want to say that I have taken the time in an earnest endeavor to the best of my ability to prevent this rape of the property rights and the sovereign rights of the State that I love.

Mr. President, this instruction to the conference committee embodies amendments substantially equivalent to what the Senator from Nebraska has already stood up for and upheld in other bills on this subject. I had no idea that he would ever be willing to take away the rights of Tennessee without compensation; so I offer this motion, which I ask the Clerk to read.

The VICE PRESIDENT. The Secretary will read the motion.

The Chief Clerk read as follows:

I move to recommit the conference report to the conferees with instructions to the conferees on the part of the Senate to insist upon the insertion at the end of section 16 of the following proviso:

"*Provided*, That the corporation herein created shall be subject to all the laws of the States in which it operates, in the same manner and to the same extent as would a private corporation engaged in such enterprises, and when the Cove Creek Dam and power plant hereinafter provided for shall have been constructed by the United States Government the laws of the State of Tennessee and the regulations of the constituted authorities of Tennessee shall apply in full force and effect to the sale, lease, distribution, or other disposition of the power produced and the water released for power-developing purposes at all downstream plants or projects, to the imposition of taxes and tolls on all the properties, and to the regulation and control of all rates and charges: *Provided*, That the the provisions of this section shall not apply to navigation locks nor the operations concerned therewith; that such a percentage of gross profits from the sale of power shall be paid to the State of Tennessee as would have been paid if the corporation had been privately owned."

Mr. NORRIS. Mr. President, I make a point of order against the proposed motion. First, on the ground that it is out of order because it is illegal for the Senate to instruct its conferees and ask the House for a full and free conference with the conferees on the part of the Senate having their hands tied.

Second, it is out of order and illegal for the Senate to instruct its conferees as to what to do in a conference, unless there is a disagreement in the conference and the conferees have reported that disagreement to the Senate.

Third. It is illegal and violates parliamentary law and procedure for the reason that the proposed amendment, if inserted by the conferees, would make their conference report subject to a point of order both in the Senate and in the House, because it inserts as an amendment matter that is not and has not been in either the Senate resolution or the House resolution.

Fourth. It violates the Constitution of the United States by providing for the taxation of United States property by State authorities.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator wish to speak on the point of order?

Mr. KING. Yes; and particularly on the fourth proposition announced by the Senator from Nebraska.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. KING. I have just returned to the Chamber and did not hear the entire motion submitted by the Senator from Tennessee. As I understand, the Senator has moved to recommit the conference report with instructions that the conferees insert a provision in the bill—and that means, of course, in the conference report—providing that the corporation to be organized under the bill shall be subject to State taxes and regulations in the same manner and to the same extent as are private corporations engaged in similar enterprises. And also that when the Cove Creek Dam and plant are built the laws of Tennessee, and the regulations of the constituted authorities of the State, shall have equal application to the sale, lease, and distribution of the power produced and the water released for power-development purposes, and to the same taxes imposed and controlled with respect to rate and charges as are private persons or corporations engaged in similar activities. The Senator's motion also calls for an amendment to the bill requiring that the gross profits from the sale of power shall be subjected to the same regulations with respect to the payments to be made to the State as are imposed upon like private corporations engaged in the production of power.

The Senator from Nebraska [Mr. NORRIS] takes the position that no instructions of the character indicated can be given by the Senate to its conferees. His fourth objection raised in his point of order is that if the provision offered by the Senator from Tennessee were accepted and became part of any statute enacted by Congress, it would be violative of the Constitution of the United States because it would seek to impose State taxes upon property of the United States.

Mr. President, this is to my mind a rather singular objection to be urged in raising a point of order. Whether a law may be constitutional or unconstitutional may be important and should be to lawmakers, but I submit that the alleged unconstitutionality of an act may not be challenged upon a point of order when it is properly before the Senate for consideration. But the doctrine announced by the Senator from Nebraska, if the point of order is to be decided upon the question as to whether the amendment offered by the Senator from Tennessee is constitutional, calls for some examination. I do not admit that all property owned by the United States and under all circumstances and conditions is free from State taxation, and that Congress may not declare by appropriate statute that property which belongs to the United States shall be subject to State regulation and State taxation.

The United States is fast becoming a business proprietor and the owner of valuable property used for purely business purposes. When the Government is engaged in activities, not of a governmental character, when it exercises functions that are not governmental and are not connected with its sovereign and governing character, then a different proposition is presented. When it enters the domain of business and exercises what is denominated as a proprietary right or authority, then it may not complain if it should be subject to the same laws, rules, and regulations as are imposed upon private corporations and private individuals. When the Government leaves its exalted station as a sovereign and becomes a mere business proprietor and entrepreneur then it subjects itself, or at least it should be subjected, to the same limitations and the same laws and regulations as are applied to private persons or corporations engaged in similar undertakings.

To hold otherwise would be to subject private capital and private enterprises to an overpowering danger; indeed, to destructive forces which they could not escape. To organize corporations under Federal statutes to go out into the field of private endeavor and to engage in business activities which command the attention and capital of private persons and private corporations is, generally speaking, not only unwise but unjust. Moreover, it is usually accompanied by the assertion of an authority and power not committed to the Federal Government and not intended by the founders of the Republic to be exercised by it.

The Constitution limits the authority of the Federal Government. Certain political and governmental powers were granted to it; not authority to engage in business pursuits, not authority to become a tyrannous, paternalistic government, or a deadly and destructive socialism. Our fathers sought to get away from the evils of paternalistic government. They believed in the capacity of the people to govern themselves, and the people conferred no power upon the Federal Government to invade those domains reserved to the people themselves.

The proposition of the Senator from Nebraska postulates the view that there are no restrictions upon the General Government; that it may engage in all kinds of business activities, even though in so doing the Government comes into competition with private business, and in such a way as to destroy capital and investments to the utter ruin of those engaged therein. The Senator's position is that the Federal Government in its competitive and destructive business activities may enjoy advantages denied to private persons and private corporations. If the Federal Government may organize corporations to build power plants and railroads and fertilizer plants and to manufacture and sell commodities essential to the welfare of the people, and intrench them in the various States of the Union and throw around these precious children of its creation the protection of Federal authority under which they are immune from State regulation or State taxation, then it is manifest even to the dullest persons that such advantages and special privileges will crush all private enterprise occupying the same field of business activity.

I submit, Mr. President, that if Congress is so unwise and so unjust as to enact legislation that places the Government in business either in its own name or in the name of corporations which it creates, it should not claim further advantages by demanding freedom from State taxation and regulation of the same character as that imposed by the States upon private persons and corporations engaged in similar business activities within their borders.

Mr. President, I insist that if the United States becomes a business man and engages in private business it should be subject to the same laws and regulations as are imposed by the States upon private persons and corporations engaged in the

same character of business. There is a powerful movement in our country in favor of paternalistic policies. It ignores the rights of the States and regards them as possessing no prerogatives or powers which the Federal Government may respect. Unfortunately many of the people encourage Federal aggressions and the assertion by the Government of unconstitutional and indeed autocratic power. This movement contemplates that the Federal Government shall take over and operate the railroads, shall engage in the shipping business, shall take over, own, and operate anthracite and bituminous coal mines; deprive the States of their control over the streams within their borders in order that the Federal Government may construct power plants and manufacture, sell, and distribute electric energy and engage in various forms of industrial activities for the utilization of power. Indeed, those who support this movement find no limitation upon the powers of the Federal Government. State sovereignty is a fiction. An indestructible union of indestructible States is a meaningless expression, not a solemn and living truth.

The Muscle Shoals proposition is a part of this movement. It is the purpose of some to weaken private capital and to further project the Government into the important activities of our country. This policy, of course, means further Federal corporations and bureaus and agencies. It means the withdrawing of property from taxation by the States. It means that the General Government, even within the States, is to be advanced to the position of paramountcy, even where the questions involved are domestic and under the Constitution purely of State cognizance.

The Senator from Nebraska insists that the Government corporation to be created by the measure under consideration shall build plants, manufacture fertilizers, sell and dispose of the same, build power plants, impound waters, build distributing lines, and sell and dispose of electric energy to the people within various States and that in all of these activities it shall be subject to no State laws or regulations; it shall pay no State taxes, tolls, or licenses; it shall have turned over to it property of the value of $150,000,000 and have opportunity to draw upon the Treasury of the United States for millions of dollars to carry on its activities; that it shall do all these things in competition with private corporations and individuals regardless of the consequence and in defiance of State laws and the rights of sovereign States.

Mr. President, this is a dangerous doctrine and one which, if accepted, will bring a train of evil consequences, the ultimate results of which even the wisest can not accurately determine. These efforts to weaken and destroy the States and to compound them into a colloidal mass should be vigorously opposed. We are, however, encouraging them and lending momentum to the centripetal forces which have so powerfully and destructively operated in all ages of the world. But I have consumed too much time in discussing this fourth provision in the point of order raised by the Senator from Nebraska.

With reference to the other questions raised by the Senator I am free to confess that he has some precedents in parliamentary procedure to sustain him. He insists that the Senate may not instruct its conferees, but must leave them entirely free to conduct such negotiations as to them seem proper. When the Senate passes a measure it expresses itself, and when it appoints conferees it is because it has a view not acceptable to the other legislative body. The conferees when appointed are supposed to represent the views of the Senate. It is not an uncommon thing for Senators when an amendment is offered to the bill and the amendment is carried to express more than a hope, indeed their views often take the form of a demand, that the conferees shall not recede but insist upon carrying out the wishes of the Senate as expressed in the provisions of the bill after having been perfected by the Senate. Conferees in a way are bound. They are not entirely free to carry out their own wishes. They are expected to represent the legislative body appointing them and to respect all instructions given for their guidance.

Parliamentary bodies should not be governed by mere technical rules. They should seek to enact measures representing their views. If it is the view of the Senate that the Federal Government in building and operating hydroelectric plants and plants for the manufacture of fertilizers should be subject to the laws and regulations of the State of Tennessee imposed by it upon corporations engaged in similar pursuits, then it would seem to me that we have the right to so state and to so indicate to the conferees. If the measure before us was being considered as a bill, it could be amended in conformity with the views expressed in the motion offered by the Senator from Tennessee. Why should the Senate be denied the right to express its views because the measure appears in the form of a conference report not adopted either by the House or Senate?

The conferees may not roam throughout the legislative skies without restraint. Those appointed by the Senate are its servants to do its will. Why may not the Senate now express its will so that the conferees when they confer with representatives from the other legislative branch may seek to carry out the views of the Senate?

The fact that the conferees chosen by the House and Senate have submitted a report does not shackle either the House or the Senate; nor does it, in my opinion, prevent either the House or the Senate from rejecting the report and asking for further conference and indicating to their respective conferees the views of the Senate and the House. If the Senate believes that the Federal Government, when it asserts its proprietary power and goes into business pursuits in Tennessee, should not be free from the usual taxes and regulations imposed by that State upon their corporations engaged in the same line of business, why may not the Senate so declare and require its conferees in their negotiations with the conferees selected by the House to try and secure the adoption of that view.

Parliamentary rules should not be so highly technical as to impede legislation or prevent legislative bodies from executing their wills. The Senator, in making his point of order, contends that it is illegal for the Senate to instruct conferees when there is no disagreement. Perhaps there are precedents to support this view, and yet it would seem that pushing this technical view to the extreme would lead to undesirable if not absurd consequences. Suppose a majority of the Senate believed the views expressed in the motion of the Senator from Tennessee are sound, and that the bill before us should contain provisions expressing such views, are we to wait until the conference report now before us is rejected and another conference sought and the same or other conferees appointed who, failing to agree, report disagreement to their respective bodies? And if in this circumstance a disagreement is reported, is the Senate in a better position to express its views upon this question than it is at the present time?

I submit, Mr. President, the common-sense view of this situation supports the position of the Senator from Tennessee. Does the Senate desire that the measure before us shall be so amended as to carry out the views expressed in the motion made by the Senator from Tennesse? If so, why may not the Senate so declare in order that the conferees may be apprised of the character of legislation desired by the Senate, so that in their negotiations they may strive to achieve the thing desired by those whom they are appointed to serve?

Mr. President, I submit that the point of order should be overruled and the Senate given an opportunity to vote upon the motion offered by the Senator from Tennessee.

The VICE PRESIDENT. The Chair has had ample time during the night for reflection upon this question.

The Chair has caused an investigation to be made into the question of recommittal of conference reports with instructions to conferees, and has found that there is a practical unanimity of opinion, where a conference report is before the Senate for consideration, that a motion to recommit with instructions at that stage is not in order. The rule appears to be that instructions are only in order after a motion to ask or agree to a conference has been agreed to, and prior to the appointment of conferees. In the present case, the conferees have already been named, and following the rule established by the decisions extending over a period of several years, the Chair feels impelled to sustain the point of order.

Mr. McKELLAR. Mr. President, I offer the following motion, the same motion as before with an addition. I hope the Senator from Nebraska will not make the point of order against the proposal.

The VICE PRESIDENT. The motion will be stated.

The CHIEF CLERK. After section 16, add the following proviso:

Provided, That the said corporation shall keep an accurate account of the cost of said dam, and of the cost of operation and maintenance, and shall out of the profits derived from the sale of power, create such an amortization fund as will repay to the United States Government in such a period of time as the said corporation may find feasible, the full amount of the cost of said dam, together with 4 per cent interest annually thereon. If during the amortization period said corporation shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States and all costs of operation and maintenance as provided in the amortization plan adopted by the corporation for paying back to the United States the cost of said dam, then, immediately after the settlement of such periodical payments, the said corporation shall pay the excess revenues to the State of Tennessee annually. When all the cost of said dam, together with 4 per cent interest thereon, shall have been repaid, as herein provided, then said dam and other properties acquired and used in connection therewith shall be deeded to the State of Tennessee.

Mr. NORRIS. Mr. President, I make the point of order that it is improper and illegal to attempt to instruct the conferees in a case where there is an agreement of the conferees upon a report and that report is pending in the Senate; also, whether the Senator calls it an amendment or instruction—I do not know which the Senator calls it—if it is an amendment, it is illegal under all circumstances to amend a conference report. If it is an instruction, then it proposes to insert into a conference report a provision that is not in either the House or the Senate measure, and would, therefore, be subject to a point of order now if it were in the conference report.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. McKELLAR. Mr. President, for nearly 24 successive hours I have been on the floor, either talking or acting, trying to obtain from the Senate the exclusion of this project from the joint resolution. An utter lack of physical endurance compels me to suspend my activities. In order that we may have a vote, I am not going to take the time to make another speech but only for the reason just stated.

I want to say that during the 17 years I have been in Congress I have never seen or known of such a flagrant injustice done or attempted to be done to a State, or such a flagrant injustice done or attempted to be done a colleague who has been cooperating with another Senator about a measure. If there was any way humanly possible to defeat the measure with the Cove Creek provision in it, I would do it. But I am not physically capable of going on indefinitely, and so I am regretfully compelled to yield the floor with the statement that in my judgment the insertion of this provision, without the semblance of right or excuse, will cause its disapproval by the President of the United States, and all the good work that the Senator from Nebraska [Mr. NORRIS] has done in so far as Muscle Shoals is concerned will come to naught, not only for this session, but probably for all time.

Mr. TYDINGS. Mr. President, I do not care to take more than five minutes at this time to continue the discussion in opposition to the joint resolution. From sources which I deem to be reliable I am informed that the joint resolution in all probability, even though passed by both Houses of Congress, will not become a law. While I do not wish to transfer my responsibility to any other source, having stated my position last night at some length, I will be content to say nothing more about the measure except to register my protest in a vote.

I want to take this occasion to say that it has never been my intention to engage in a filibuster against it. I believe that what was brought out last night resulted in presenting both sides of the argument and to some extent has acquainted the people of the country with the iniquities which permeate the measure from the first word to the last period. I shall, therefore, be content to withdraw from the discussion and to register my vote against it when opportunity permits.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, before the conference report is voted upon I desire to briefly consider some of the provisions of the joint resolution which is a part of the report. The joint resolution before us contains most remarkable provisions. Under the guise of "national defense" unwise and oppressive measures have become laws. These sonorous words often silence criticism and prevent opposition. During the World War substantially every legislative enactment contained a declaration that it was in the interest of "national defense." The habit then formed still clings to the Congress. The high sounding words "national defense" in these days of peace should arouse some suspicion as to the merits and justice of proposed legislation which it is claimed is demanded upon the ground of "national defense." Of course, it is absurd to say that this Republic is menaced by any foreign foe or that the joint resolution before us is required to fortify our country or protect it from dangers seen or unseen.

Mr. President, the question before us is not that of "national defense," but whether a policy is to be adopted inconsistent with our form of government, invasive of the rights of sovereign States, and at variance with the economic views and policies which have, in part at least, been applied during the life of this Republic. The question is presented in one form or another as to whether the Federal Government may invade States, take over the property of individuals for business purposes, tax the people of the United States to enable the Federal Government to engage in activities of a private and business character, and generally to engage in business activities in competition with private persons or corporations. In a word, shall the Government ignore constitutional limitations and follow the lead of paternalistic or socialistic governments whose melancholy experiences, and in many instances tragic ends, are recorded in the volumes of history open for our enlightenment?

The so-called Muscle Shoals bill now before us is not the beginning or to be the end of paternalistic and socialistic undertakings. It is one of a series of contemplated measures, having for their object the projection of the Federal Government into fields of business activity and into industrial and business enterprises. These measures have been devised or are being formulated by individuals and organizations who are imbued with Marxian philosophy, or who desire to see the National Government extend its jurisdiction and activities so as to take over responsibilities which belong to sovereign States and to set up business enterprises in competition with individuals and corporations.

It is a patent fact that there is considerable sentiment in the United States favorable to Government ownership and operation, not only the railroads, but of ships and boats and barges upon our inland waterways, and bituminous and anthracite coal mines as well as other industries and properties connected therewith. It is no easy task to confine governments to their legitimate sphere. No matter how sound and just the basis of a political structure may be, and no matter how wise and just the policies of a government are, there are bound to be some injustices and inequalities socially, economically, and industrially. And these are seized upon by many thoughtless, and by some sincere and patriotic, persons as pretexts for the government to extend its authority beyond constitutional lines, and to undertake functions and activities wholly outside of constitutional limitations or wise governmental policies. Moreover, there are some persons who sincerely believe that all governments should be paternalistic or socialistic, and that the greatest felicity may be had under communistic or socialistic systems. It must also be conceded that bureaucracy contributes to the development of a paternalistic and socialistic spirit. Bureaucracy maintains a sleepless vigil for the purpose of extending its authority and power. It finds a multitude of fields into which it projects its authority, and discovers a thousand plausible arguments to justify its usurpatory acts. It conceives itself to be endowed with gifts denied to others and to possess wisdom superior to the great mass of the people struggling in the fields of private life. With professions of altruism and disinterestedness bureaucracy proclaims its purpose to take the Government to the people and to make the latter the beneficiaries of governmental bounties, favors, benefits, and activities. Bureaucracy would supplant industrialism and private initiative and personal courage with the splendid, if not necessary, audacity required particularly in modern life. Bureaucracy is a challenge to democracy. It is an unrelenting foe to the democratic spirit, and to the aims of a living and vital democracy. It seeks to level the people and to exalt officialdom and make of it a caste to dominate and rule. The growth of the bureaucratic spirit in the United States has been astounding, and its influence, not only nationally but in the States, constitutes a danger to republican institutions. The astonishing growth of bureaus, departments, executive agencies, and administrative boards not only in the Federal Government but in the States, may well challenge the attention of thoughtful people in our country. In many States there are not scores but hundreds of bureaus and boards and departments. The increase in the number of officeholders in our cities, counties, and States is wholly unjustificable and has resulted in imposing upon the people grievous burdens of taxation. The National Government is multiplying its agencies, departments, bureaus, and administrative instrumentalities. Many of these organizations are given power to promulgate rules and regulations containing penal provisions, the enforcement of which call for additional organizations and employees. It will be but a few years before the number of Federal employees will reach the million mark, and within the next five years the salaries and compensation of the officials and employees of the Federal Government will exceed $1,000,000,000 annually.

Notwithstanding this record of bureaucracy its power is increasing, and no earnest efforts are being made by any important agency of organization to curb its avaricious demands for more power and its unconcealed efforts to control legislation and determine political and governmental policies.

Officialdom is never satisfied with administering the law. It seeks to control legislation. It has always been and always will be indifferent to proper or constitutional limitations. It conceives the functions of Government subject to no restrictions, and paternalism is one of its objectives.

It must be admitted, however, that when corporations become arrogant and when monopolies are formed to control the industrial and economic life of the people, paternalism and socialism receive a mighty impetus. Some persons are driven into socialistic and paternalistic movements because of the abuses by private capital, and the efforts of some possessing

great wealth to stifle competition, and dominate, through monopoly and giant organizations, the industries of the country and control national policies and State legislation. It is certain that if this movement, directed toward the consolidation of industry with resulting monopoly, and the destruction of the middleman and the competitive system shall continue, a different governmental policy will be required to meet the situation. The Sherman law and the Clayton Act, either because of inherent defects or misconstruction by the courts, or indifference upon the part of the Executive branch of the Government, have not accomplished the purposes for which they were intended; nor have they effectively dealt with the great conspiracies in restraint of trade and the monopolies which have grown to such huge proportions. Undoubtedly the great consolidations of capital which are being affected in all lines of industry, have contributed to the growth of socialism and to the insistance that the Government shall enter into business activities outside of its constitutional authority.

The bill before us has received almost fanatical support from groups who view with apprehension the centralizing movements existing in our banking and financial institutions and in the industries of our country.

Undoubtedly there are those who believe that the greed of corporations can only be curbed and the dangerous concentration of capital can only be arrested, if not entirely stopped, by the Government entering business fields and engaging in enterprises universally conceded to be outside of the functions of government. Unfortunately there are many in the United States who do not understand that we have a dual form of government and that the National Government possesses limited powers. Its duties and authority are clearly pointed out in the Constitution which prohibits it from transcending the limits set therein. The States have wider fields within which to operate than does the Federal Government. The States, unless there are limitations in their constitutions, may construct power plants and manufacture fertilizers and engage in various activities which are within the field of private endeavor. It may be unwise to do so; it may be socialism or paternalism, but the people of the States with respect to local and domestic affairs are the supreme judges of the policies to be pursued. A number of years ago North Dakota went into the banking business and built elevators and undertook many private activities of an experimental character. That some of its activities were socialistic or paternalistic can not be denied. It is unnecessary to inquire whether or not they were justified under the circumstances. However, the results were disappointing, and, as I understand, the State abandoned its experimental enterprises. But North Dakota's experiments furnish no ground for the Federal Government to engage in business pursuits. As stated, the National Government possesses only limited and enumerated powers, and it may not do what the States or the people within the States, operating through their State governments, may do.

In considering the policies of the Government and legislation relating thereto, we are not at liberty to disregard the Constitution or place a construction upon it not warranted. But waiving, for a moment, that proposition, we should inquire whether it is wise, whether the results will justify the National Government embarking in all sorts of private business enterprises. Will it prove in the long run for the best interests of the Republic for the Government to develop a powerful paternalism or foster socialism or create a bureaucracy which constantly increases its members and extends its powers? In my opinion, no greater service could be rendered the people than to abolish many bureaus and Federal agencies, repeal many Federal laws, vigorously enforce those that are permitted to remain upon the statute books, strengthen the antitrust laws so that monopolies and great consolidations of wealth may not destroy competition, or crush the small business man and those who are really the foundation of our political superstructure as well as of our social organism.

But, Mr. President, I arose primarily to call attention to a few of the provisions of the joint resolution embodied in the conference report. It declares that—

> for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Muscle Shoals Corporation of the United States."

I have referred to the words "national defense" and the absurdity of seeking to justify this proposed legislation upon the ground that the national defense requires it. The declaration that the measure is to "aid navigation" is absurd and, in my opinion, wholly insincere. A number of corporations have been created by Congress to undertake business activities, and this measure adopts the same policy and provides for the creation of a corporation. Recently a corporation was created to operate barges upon the Mississippi River. The Shipping Board operates as a corporation, the Government owning all of the stock. The policy seems to be to have Congress create a multitude of corporations to engage in business pursuits; by so doing the impression is conveyed that the Government is not in business. These corporations are to possess authority, however, denied to private corporations and, of course, are to be backed by the Federal Government and the Treasury of the United States. If this policy shall continue, we shall soon have Federal corporations engaged in acquiring and operating coal mines, smelters, manufacturing plants of various kinds, railroads, and, indeed, property of all descriptions for the purpose of being employed in every variety of business pursuits.

If this policy shall continue for a number of years it will materially modify our industrial and economic life. Private capital will hesitate to make investments, and individuals will shun certain fields of private endeavor, finding a powerful and destructive competitor in the Government, which should protect rather than destroy. More and more the Government will cease to be a political entity, and develop into a huge business organization which will create and send out a brood of business concerns controlled and directed by bureaucrats whose sympathies will not be with those engaged in competing private business, and who will trample upon State rights, local authority, and the domestic policies of the people within the States. The language of the joint resolution is to "maintain and operate property." This indicates that the Government is not entering upon a mere experimental scheme which is to be terminated within a limited period. The language, as well as the resolution itself, is a commitment of the Government to the definite "maintenance and operation" of fertilizer plants, power plants, distributing systems, and such ancillary activities as are common to such undertakings. It is not contended that the vast expenditures made, and that will be made under the terms of the joint resolution, are required to produce nitrogen for governmental purposes. It is known that corporations are now producing nitrogen by various processes and that new plants are being constructed for the purpose of supplying nitrogen to be used in manufacturing fertilizers for agricultural purposes.

The German processes are well known in the United States, and American chemists are making distinctive progress in all chemical lines. The discoveries of yesterday are being superseded by those of to-day and the morrow will bring developments that make obsolescent or obsolete the triumphs of the past. Those engaged in the industry in the United States are spending millions annually in research and scientific investigation and for the promotion of the industries with which they are identified. More than $150,000,000 have been expended by the Government at Muscle Shoals and the measure before us contemplates the expenditure of perhaps a hundred millions of dollars more. Indeed, it is impossible to determine what the Government ultimately will be compelled to spend if this visionary enterprise is carried forward by the National Government. Not satisfied with developing Muscle Shoals, this bill commits the Government to the gigantic task of entering the State of Tennessee and securing approximately 60,000 acres of lands at enormous cost, which will be converted into a reservoir. The pretext is that more power must be developed and so the property of Tennessee is to be taken from the people of that State; a large dam is to be constructed and power generated to be transmitted to Muscle Shoals, there to be used for the production of nitrogen. If there is a surplus of power it is to be supplied to the people residing within a limited radius of Muscle Shoals. Tennessee is to be deprived of the revenue derived from the property within her borders and which is to be taken over by the Federal Government. Neither Tennessee nor Alabama can derive any revenue from the holdings of the Federal Government. Private corporations engaged in the manufacturing business or the production of power within these States pay large sums as taxes and license fees, but the Federal Government may not be taxed. It may use the moneys derived from the residents of Tennessee and Alabama and from the corporations engaged in business therein, for the purpose of putting into operation business enterprises in competition with private enterprise. The Federal power plants and manufacturing plants not only will pay no taxes but capital is furnished from the taxpayers of the county, and the Federal Treasury is the never-failing fountain from which deficits will be met.

An examination of the hearings before the House and Senate committees and the statements made by Senators have led many to believe that this enterprise is not for the manufacture of fertilizers but is essentially a power scheme. The Senator from Nebraska in speeches made in former sessions of Congress clearly indicated, as I remember his position, that Muscle Shoals could never successfully produce fertilizers; that it was a power proposition and nothing more. I have no doubt that if nitrogen is produced the cost will be so great as to be prohibitive; so that as a fertilizer enterprise, in my opinion, it is foredoomed to failure. If the provisions of the resolution before us are carried out, and the additional millions required are expended, I believe that as a power scheme the project will not be a success. I do not mean that power will not be generated and that a market will not be found for the same. I do mean, however, that the cost of production and distribution will be so great that the Government will receive no returns upon the investment and will be met with annual deficits to be paid out of the Treasury of the United States. As stated, the aggregate cost under the plan contemplated will perhaps be from two hundred to two hundred and fifty millions of dollars. To acquire the 60,000 acres in Tennessee and construct additional dams and transmission lines and distribution systems will, in my opinion, bring the total capital investment to the enormous sum just indicated. The returns will never compensate the Government for the expenditures called for, and it is obvious that with the Government going into the power business with the United States Treasury behind it, private capital will not be inclined to seek permits to construct power plants upon the Tennessee River or its tributaries. When the Government with its great authority and with the Treasury behind it enters into any field of business, it means that private capital will hesitate to measure arms with the Government.

Returning to the resolution, one of the provisions is as follows:

> All members of the board shall be persons that profess a belief in the feasibility and wisdom * * * of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

The absurdity of this provision must excite the risibilities of the most languid person. I presume that the Government will be required to have psychoanalysts ascertain the belief of persons as to the "feasibility" of a scheme.

The Government must secure Professor Freud or some of those who accept the Freudian philosophy to inspect the members of the board with their psychic microscopes in order to ascertain whether they "profess a belief in the feasibility" of the project. It may be said, though, that if the aspirants for membership upon the board "profess a belief in the feasibility" to produce fixed nitrogen, then they will be eligible to appointment and competent to draw the salaries which the jobs created by this resolution provide. Of course, persons wanting a job will loudly profess their belief in the feasibility of the scheme; nay, they will cry to Heaven that it is the most perfect scheme ever devised by the wit of man. They will aver with great unction that fixed nitrogen can be produced, and at prices so low as to induce not only a "reasonable" but an unreasonable "expectation that farmers" will buy nitrogenous products developed and manufactured at Muscle Shoals. They will affirm with zeal that the corporation will be "self-sustaining" and a continuing success. There would be much more sanity in this provision of the resolution if it provided that men of scientific knowledge and business judgment and experience were to be selected for service upon the board, no matter what their views were as to the "feasibility" of the scheme, than to make the sine quo non for eligibility a professed belief in the "feasibility and wisdom" of producing fixed nitrogen at such prices as "to induce the reasonable expectation that the farmers will buy it and its products" and that the "corporation will be a self-sustaining and a continuing success."

I do not believe that any legislative body ever had before it a provision so grotesque as the one to which I have just referred. Any person competent to occupy a position on the board, and with a proper sense of responsibility, and who knows the weaknesses and evils of bureaucracy, could not qualify for a place upon the board if he honestly answered the requirements contained in the provisions just quoted. What is meant by the words "feasible and successful" as applied to the enterprise? Will it be considered "feasible and successful" if in time the corporation meets current expenses without allowing anything for reserves or amortization of cost or interest upon the investment? I have in mind a Government project which it is claimed is successful, though additional millions are asked to be appropriated, a portion of which will be required to meet operating costs. No interest has ever been paid upon the investment, and the capital invested by the Government is treated as a gratuity. This scheme may be "successful" if the Treasury is to pour forth its golden stream whenever it is called upon to do so, even though no provision is made to reimburse the Government for the two hundred millions invested and if no interest is to be paid upon the investment, and if a number of other conditions are to be regarded as unimportant.

Senators will remember that the tax burdens of the American people are exceedingly grievous. The expenditures of the National Government for the next fiscal year will, in my opinion, exceed $5,000,000,000. In 1917 they were approximately $1,000,000,000. The curve of expenditures is rising, and with the indifferent attitude of the executive department and Congress toward appropriations it is certain that the expenses of the Federal Government will rapidly increase during the next few years. Projects such as that of Muscle Shoals will swell the Government appropriations and add to the tax burdens of the people. It is quite likely that the Seventy-first Congress will be compelled to increase the taxes and to seek out other sources from which to obtain revenue or to derive larger revenues from personal incomes and corporations.

Mr. President, I have heretofore criticized the executive department as well as Congress for unwise and improvident appropriations. The President has recommended during the last five years appropriations aggregating approximately $300,000,000 in excess of the amount approved by Congress. In other words, the exultant and boastful claims that economy has been enforced by the Executive are without basis. Congress, notwithstanding its propensity to make drafts upon the Federal Treasury, has cut appropriation bills during the period mentioned about $300,000,000 below the Budget recommendations.

The resolution before us provides that the board is authorized and directed to "operate existing plants for governmental purposes; to construct, maintain, and operate governmental plants at or near Muscle Shoals for the manufacture of fertilizers or any of the ingredients comprising fertilizers for governmental purposes." This provision, and subsequent ones in the resolution, clearly indicate that the corporation to be created is not limited to the manufacture of "fixed nitrogen." When the United States entered the World War there were various projects entered upon which were not necessary and some of which were visionary. Nitrogen was needed for munition purposes, and it was believed that nitrogen could quickly be produced at Muscle Shoals. Accordingly Muscle Shoals project was entered upon. Many changes have occurred since then, and the situation to-day demonstrates, in my opinion, that the Government is not warranted in expending an additional sum of $100,000,000 for the production of fixed nitrogen or fertilizers or power at Muscle Shoals. As stated, in the provisions just quoted, the corporation may engage in the manufacture of any form of fertilizers, though nitrogen may be a rather unimportant constituent part. There are various kinds of fertilizers, and under this bill any sort of fertilizer could be produced. It is, therefore, disingeneous to declare that this bill is for the purpose of producing "fixed nitrogen."

The resolution also provides that the board is authorized:

> (c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

Mr. President, this provision is not only uncertain but it is absurd. In what manner is the board to "arrange with farmers or farm organizations for large-scale practical use of the new forms of fertilizers"? How are they to arrange this? Are they to extend credits to farmers and farm organizations? If so, upon what terms? What is meant by the words "large scale" as applied to farmers? If a farmer has only 10 acres of land to which he desires to apply fertilizers, may he be denied the right to obtain fertilizers from the board because he has a very small farm and therefore would not answer the meaning of the words "large scale"? Is the "large scale" to be applied to annual consumption of fertilizer or for an indefinite period? I direct attention to the concluding part of the sentence "under conditions permitting an accurate measure of the economic return they produce." How is an "accurate measure" of the "economic return" to be determined? I presume the board will require bookkeepers and accountants. Experts will be required to ascertain the value of lands upon which fertilizers will be used. They will have to ascertain former yields upon the same ground, take into account climatic conditions and the manner in which the ground in previous years has been farmed, make allowance for rainfall and lack of rainfall, determine whether the methods employed in farming during preceding

years were proper or improper, and what effect they had upon the crops raised. Experts will be required to determine what is a fair economic return. To make such determination the capital invested must be considered and the value of the labor employed from year to year upon the farms together with the earnings of capital in other industries. Comparisons will necessarily have to be made not only as to the character of labor employed, and the value of the same, but all other factors which constitute the basis and foundation in determining what is a "fair economic return."

I recall that the Couzens committee, of which I was a member, had its attention brought to the difficulties involved in fixing the value of property which was necessary to the determination of what the excess-profits tax should be. Upon certain mining properties one expert placed a valuation of approximately $600,000,000. Another expert upon the same property gave it a valuation of considerably more than $1,000,000,000.

The resolution requires that the existing plants at Muscle Shoals are to be "modernized." What the costs will be no one knows. We know that the cyanamide plant may be changed and brought down to date. There is considerable testimony before the committee indicating that the cyanamide process is a success where it is employed not by bureaucrats and governmental agents but by keen up-to-date business men engaged in private activities. It is pertinent to state that five or six plants in the United States are now producing fixed nitrogen and within a very short time there will be produced all the nitrogen required for all purposes and by all persons in the United States. It is needless to say that it will be produced at a price less than the cost of production by the Government.

And the question is worthy of consideration as to the effect of a legislative enactment which requires the Government, or the corporation which it creates, to expend millions of dollars for the production of nitrogen or nitrogenous products for fertilizers. I have heretofore called attention to what the effect would be of the announcement by the Government that it intended to spend tens of millions of dollars in some private enterprise. Manifestly those who might contemplate engaging in the same business would turn their attention to some other enterprise. Notwithstanding their superior knowledge and their competency to carry on the business successfully, they would not measure arms with the Government knowing that the Government's purse was longer than theirs. Their knowledge that governmental operations are wasteful and inefficient would not overcome their determination to not compete with it. They would know that they could produce much cheaper than the Government but they would know that they would be placed at a great disadvantage when competing with the Government. They would be required to pay taxes, State and national. They would have fixed charges upon their investments, perhaps interest upon borrowed moneys, dividends to pay upon preferred stock, and other obligations not assumed by Federal corporations; they would be required to make provisions for amortization, and to meet all the conditions that prudent business men would feel compelled to make provision for, in all their business pursuits. They would know that the Government enterprise would have none of these burdens and responsibilities to carry.

Under the provisions of this resolution the Government may expropriate the patents of chemists and scientific men engaged in the production of nitrogen and various forms of fertilizers. This provision will tend to retard chemical research, particularly in the field of nitrogenous compounds. A scientist who has devoted his time and means to discover new processes will feel that a spectre is ever at his side, ready to seize the product of his toil and the child of his brain.

I submit, Mr. President, that this joint resolution is a measure that will discourage private endeavor, interfere with initiation, and be regarded as a thrust at the development of the chemical industry. It is a challenge to those who are now producing fixed nitrogen and those who are engaged in the production of various forms of fertilizer. It is, in effect, a challenge to them not to make further investments or to continue their investigations and developments because the National Government has created a corporation and given to it property which has cost approximately $150,000,000, and to which will be contributed approximately $100,000,000 more—all taken from the Treasury of the United States, and upon which no interest or dividends are to be paid.

Mr. President, those who are engaged in the power business, as well as those producing fertilizers, will know that Government investments will be free from taxation, whereas they will be required to meet heavy Federal, State, and municipal taxes. The State in which I live derives annually a large sum from the corporations engaged in the production and distribution of electric energy. The same may be said of other States. My recollection is that Utah derives a larger revenue from the corporations producing electric energy for sale than it does from either of the great railroads whose lines cross the State.

Mr. President, there are some who are giving support to this measure who desire to have the National Government enter into the power business. They would deny to the States any control whatever over the streams, whether navigable or unnavigable, found within their own borders. They deny the right of the States to license power plants built upon streams navigable or unnavigable. They would nationalize what, in the absence of proper words, I call the power industry. There are some extremists who would go so far as to drive out of the field corporations now engaged in the production of hydroelectric energy. The large sums invested in the development of power they would destroy.

Mr. President, I am not defending corporations engaged in the power business. Some of them have been oppressive and have engaged in practices reprehensible, if not illegal. The policy pursued in consolidating electric-light plants and companies has not always been fair or just, and often has been against the best interests and welfare of the public. Enormous prices have often been paid for electric-light plants and potential power enterprises, and I have no doubt that fictitious values have in some instances been ascribed to merged or consolidated properties, and bonds and securities issued, based upon such fictitious values. These practices deserve condemnation and call for legislation that will prevent a continuation of these practices.

I have heretofore stated that the rapacity and injustices of capital are in part responsible for the demand for governmental ownership and operation of public utilities and some of the key or fundamental industries of our country. While I am opposing the Government engaging in private business pursuits, I am not defending, but upon the contrary, I am denouncing many of the practices of corporations and the oppressive policies which they have often pursued to the great injury of the public. I warn these great captains of industry that they must abandon all unfair practices in the conduct of business; they must not seek to monopolize trade and commerce; they must not stifle competition and drive to the wall by unfair practices or otherwise those whose resources are not so great and who are engaged in the same lines of business. This must remain a land of freedom—freedom in business and freedom in industry. Political and civil liberty are important, but economic and industrial liberty and freedom are equally as important. Economic and industrial domination have produced revolutions; it will certainly change political institutions when it becomes oppressive and ruthless.

Upon several occasions since I have been in this body I have invited attention to the growth of trusts and monopolies and combinations in restraint of trade, and to the unfair practices obtaining in some of our industries. I have insisted that the Sherman anti-trust law and the Clayton Act be vigorously enforced; that those who violate these laws should be indicted and punished; and that corporations offending against the provisions of these acts should be proceeded against and monopolies and illegal combinations and trusts dissolved. I favor the strengthening of these acts to the end that there shall be competition and the free flow of the economic forces in all parts of our country. And while so contending I have expressed my disapproval of the Government transcending the limitations of the Constitution and embarking in all forms of business activities.

During the discussions of the measure before us reference has been made to navigable and unnavigable streams within the States. It is insisted by many that the Federal Government owns and controls all streams within the States; that it may prescribe their use and exercise complete control over the beds and banks and waters thereof. This view is contrary to that which has obtained in the United States from the beginning. It has been repeatedly held by the Supreme Court of the United States, as well as by State courts, that the Federal Government has no control whatever over unnavigable streams, and that with respect to navigable streams its authority is limited to preventing any interference with navigation. The States are the owners of the banks and beds of navigable streams, and they have the sole right to determine how rights in and to the waters of the streams within their borders may be acquired. The States may adopt the riparian doctrine or, as has been done very largely in the West, the rule of appropriation. The States have the right to derive revenue from the use of the streams and to grant licenses for their development. But under this new doctrine they are to be shorn of all control over the waters within their borders, and the Federal Government is to exercise unlimited authority and to be the overlord with respect to all streams and the waters thereof in all parts of the United States.

Recently the Governor of the State of New York repudiated this un-American and unconstitutional doctrine, and in effect told the Federal Government to keep its hand off from the waters and streams of the State of New York.

Under the joint resolution before us, the corporation to be created is to produce electric power and to sell the same. There are no restrictions upon its authority in this matter. It may fix rates so low as to destroy competition. It is not required to derive any revenue from corporate operations or to prevent corporate deficits. This unlimited authority, of course, will result in discouraging private investments and may materially injure those who may now be engaged in producing and distributing electric power. And of course, as I have stated, the States in which any part of this enterprise is conducted may not interfere in any manner with its operations, nor may they tax the property of the corporation or license it or derive any possible revenue therefrom.

I am amazed that Senators give their approval to a doctrine that declares that the Federal Government may enter their States, take over the streams therein, engage in competition with corporations producing power, or commodities of any kind, and that in all of such activities it and all corporations created by it shall be free from any State supervision or control, immune from any State regulation, and, of course, from all forms of State or municipal taxation. I can not believe that Senators appreciate the consequences that will inevitably follow the acceptance of this doctrine. It is a direct assault upon the States. It is a blow made at the integrity of the States and at the right of local self-government.

Mr. President, I should like to further analyze some of the provisions of this bill, buf I know that Senators are eager to have the conference report disposed of. Some will vote for its adoption because they are tired of the very name Muscle Shoals, and hope that this measure will enable them to write "finis" at the end of the chapter. To those who may take this view I can only say that if this measure becomes a law the matter is not ended. Muscle Shoals will be before Congress during their lifetime and for an indefinite period. They will discover that this action will be regarded as a precedent calling for further departures from sound policies and from the path of constitutional legislation. They will find that additional demands will be made for paternalistic and socialistic legislation; one false step often leads to another still more dangerous. It were well to resist the impulse to take the first step.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. McKELLAR. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], which I transfer to the junior Senator from Texas [Mr. MAYFIELD], and will vote. I vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I am informed, however, that I am released from that pair, and I vote "nay."

The roll call was concluded.

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] is detained at his home on account of illness. He has a pair on this question with the Senator from West Virginia [Mr. GOFF]. If my colleague were present and at liberty to vote, he would vote "yea," and the Senator from West Virginia, if present, would vote "nay."

Mr. DILL. My colleague [Mr. JONES] is absent on account of illness. If present, he would vote "yea."

Mr. NYE. I desire to announce that were my colleague [Mr. FRAZIER]—who is unavoidably absent—present, his vote would be "yea."

Mr. BLACK. I wish to announce that my colleague [Mr. HEFLIN] has been here throughout the entire night and left a few moments ago, not knowing that this vote would come at so early a period. If he were present, he would vote "yea."

Mr. REED of Missouri. My colleague [Mr. HAWES] is detained from the Chamber by illness. If he were present, he would vote "yea."

Mr. SHEPPARD. My colleague [Mr. MAYFIELD] is unavoidably absent. If he were present, he would vote "yea."

Mr. HALE. I wish to announce the necessary absence of my colleague [Mr. GOULD] on account of illness in his family. He is paired with the senior Senator from Louisiana [Mr. RANSDELL]. If my colleague were present, he would vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Idaho [Mr. GOODING] with the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 43, nays 34, as follows:

YEAS—43

Barkley	Dill	McMaster	Simmons
Black	Fletcher	McNary	Smith
Blaine	George	Neely	Steiwer
Borah	Glass	Norris	Stephens
Bratton	Harris	Nye	Swanson
Brookhart	Harrison	Reed, Mo.	Thomas
Capper	Howell	Robinson, Ark.	Wagner
Caraway	Johnson	Robinson, Ind.	Walsh, Mass.
Copeland	Kendrick	Schall	Walsh, Mont.
Couzens	La Follette	Sheppard	Wheeler
Cutting	Locher	Shipstead	

NAYS—34

Ashurst	Edwards	McKellar	Smoot
Bayard	Fess	McLean	Steck
Bingham	Gerry	Metcalf	Tydings
Blease	Gillett	Moses	Tyson
Bruce	Greene	Oddie	Vandenberg
Curtis	Hale	Phipps	Waterman
Dale	Hayden	Pine	Watson
Deneen	Keyes	Reed, Pa.	
Edge	King	Sackett	

NOT VOTING—17

Broussard	Gould	Norbeck	Trammell
du Pont	Hawes	Overman	Warren
Frazier	Heflin	Pittman	
Goff	Jones	Ransdell	
Gooding	Mayfield	Shortridge	

So the conference report was agreed to.

PAYMENT OF TAXES IN VIEW OF DISCLOSURES (S. DOC. NO. 157)

The VICE PRESIDENT. The Chair lays before the Senate a communication from the chairman of the Joint Committee on Internal Revenue Taxation. The attention of the Senator from Montana [Mr. WALSH] is requested. What disposition does he desire to have made of the communication?

Mr. WALSH of Montana. I ask that the communication be read.

The VICE PRESIDENT. The clerk will read it.

The Chief Clerk read as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, May 24, 1928.

The VICE PRESIDENT OF THE UNITED STATES,
Senate Chamber.

SIR: Pursuant to Senate Resolution 235, adopted May 18, 1928, I have the honor to transmit a report of the Joint Committee on Internal Revenue Taxation, relating to taxes and penalties paid consequent upon disclosures before the Committee on Public Lands and Surveys of the Senate in the course of the investigation by it pursuant to said Senate Resolution 101, and related matters.

Very respectfully,

W. C. HAWLEY,
Chairman Joint Committee on Internal Revenue Taxation.

REPORT OF THE JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

(Pursuant to S. Res. 235, adopted May 18, 1928)

WASHINGTON, D. C., *May 24, 1928.*

Senate Resolution 235, adopted May 18, 1928, is as follows:

"*Resolved*, That the Joint Committee on Internal Revenue Taxation be, and it hereby is, requested to secure from the Secretary of the Treasury and submit to the two Houses of Congress full information concerning what taxes and penalties, if any, have been collected by or paid into the Treasury consequent upon disclosures made before the Committee on Public Lands and Surveys of the Senate in the course of the investigation conducted by it pursuant to Senate Resolution 101, or through inquiries prosecuted incidental to such investigation, including the date of payments, the amount of the same, and the persons making the payments; and likewise, in so far as it may not be incompatible with the public interest, further information concerning any claims or demands being made by the Treasury against any persons or corporations for taxes or penalties over and above such sums as may have been heretofore paid on account of the receipt of assets so disclosed and not duly reported for taxation as required by law."

A copy of the resolution was transmitted to the Secretary of the Treasury on May 19, 1928, with a request that the information specified in the resolution be furnished to this committee as soon as possible. The reply of the Secretary of the Treasury, dated May 23, 1928, is as follows:

THE SECRETARY OF THE TREASURY,
Washington, May 23, 1928.

DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter dated May 19, 1928, in which you quote Senate Resolution 235, adopted May

18, 1928, requesting your committee to secure from the Secretary of the Treasury full information with respect to the amount of taxes and penalties that has been collected as a result of the disclosures made before the Senate Committee on Public Lands and Surveys in the course of its investigation under Senate Resolution 101, or other inquiries prosecuted incidental to such investigation; also, if not incompatible with public interest, to furnish your committee with information with respect to any claims or demands being made by the Treasury for taxes and penalties in addition to such sums as have already been paid.

While this department has availed itself of the information secured by the Committee on Public Lands and Surveys of the Senate, the department has made an independent investigation of various matters connected therewith. We are unable to say that the payments hereinafter referred to are wholly the result of disclosures made before the said committee, but as a result of these disclosures and of the department's own investigations, these payments have been made. You are advised that these investigations disclosed that the Continental Trading Co. (Ltd.), of Canada, was liable to the United States for income taxes for the years 1922 and 1923 in the total amount of $393,653.42. The corporation, having failed to file income-tax returns for those years, was held liable also for a penalty of 25 per cent, or $98,413.36, making a total liability of $492,066.78, plus interest. Jeopardy assessments were made against the corporation on March 13, 1928.

The corporation being out of existence, steps were taken to collect the liability from the transferees of the corporate assets, Messrs. James E. O'Neil, Henry M. Blackmer, Harry F. Sinclair, and Robert W. Stewart. On April 25, 1928, the attorney for Mr. O'Neil requested the immediate assessment of one-fourth of the corporate tax liability against his client, and on May 9, 1928, he made payment on behalf of Mr. O'Neil in the sum of $151,305.91, representing one-fourth of the taxes and penalties of the corporation, plus interest to the date of assessment against Mr. O'Neil.

On May 9, 1928, the attorney for Mr. Blackmer made a payment on behalf of his client in the full amount of $151,597.10, representing one-fourth of the liability of the corporation for taxes and penalties, plus interest to the date of assessment against Mr. Blackmer. On May 10, 1928, the president and general counsel of the Sinclair Crude Oil Purchasing Co., of Tulsa, Okla., paid on behalf of the Continental Trading Co. (Ltd.) the balance of the latter's liability, amounting to $246,033.38, plus interest in the sum of $57,160.80, a total payment of $303,194.18. The amount thus collected in full satisfaction of the corporation's liability for taxes, penalties, and interest was $606,097.19.

A further result of these investigations was the payment from other sources of $1,398,910.09 additional tax. Inasmuch as these matters are the subject of further investigation, it is deemed incompatible with the public interest to disclose the name or names of the persons involved.

The department is taking appropriate steps to determine the liability of all individuals or corporations for taxes and penalties based upon the receipt of income from the assets mentioned in Senate Resolution 235, but I feel that it is not compatible with the public interest to disclose at this time the detailed facts in connection therewith.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Respectfully submitted.

W. C. HAWLEY,
Chairman Joint Committee on Internal Revenue Taxation.

Mr. WALSH of Montana. Mr. President, briefly this report from the Secretary of the Treasury advises us that there have been recovered by the Treasury in taxes, penalties, and interest, in consequence of the investigation into the affairs of the Continental Trading Co., ordered by the Senate, an aggregate of something better than $2,000,000. Six hundred-odd thousand dollars was taxes, interest, and penalties assessed against the Continental Trading Co. and paid by the four gentlemen who were prominent in the organization of that institution, Mr. Blackmer, Mr. O'Neil, Mr. Stewart, and Mr. Sinclair, each paying one-fourth thereof. The other $1,300,000 comes from sources which it is deemed inadvisable at the present to disclose, but the story of which is somewhat romantic in its features.

In addition to these sums there will still be due further sums from the individuals into whose hands the profits of the Continental Trading Co. transactions went. The amount paid for the Continental Trading Co. is the simple 12½ per cent tax due from the corporation, but its assets having been distributed, an income tax is due from those who received the amount.

I am informed by the financial clerk of the Senate that the expense of this investigation up to the present time is $14,165.

CONTROL OF EUROPEAN CORN BORER (S. DOC. NO. 155)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $7,000,000, for the Department of Agriculture, fiscal year 1929, for the eradication or control of the European corn borer, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.; and

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

PUBLICITY OF INCOME-TAX RETURNS

Mr. SMOOT. Mr. President, as a partial report from the committee of conference on the bill (H. R. 1) to revise and equalize taxation, to provide revenue, and for other purposes, I move that the Senate recede from its amendment No. 54, and that the conferees on behalf of the Senate be instructed accordingly.

Mr. JOHNSON. Mr. President, this is in the nature of a conference report, I understand.

The VICE PRESIDENT. Yes; it will not interfere with the unfinished business.

Mr. JOHNSON. It will not interfere with the unfinished business. Of course, I wish the unfinished business could remain before the Senate, but under the circumstances it is impossible to debate the matter.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah.

Mr. BRUCE. Mr. President, I would like to discuss that motion.

Mr. SMOOT. It is not debatable.

Mr. REED of Pennsylvania. I make the point of order that the motion is not debatable.

The VICE PRESIDENT. A motion to proceed to the consideration of a conference report is not debatable.

Mr. SMOOT. Mr. President, I will ask the Senator from Maryland to let me submit my motion.

Mr. BRUCE. Certainly.

Mr. SMOOT. I move that the Senate recede from its amendment No. 54, and that the conferees on behalf of the Senate be instructed accordingly.

Mr. President, I desire to make a very brief statement. The Senate conferees have stood out for the amendment and they do not feel justified in yielding unless it is so ordered by the Senate. In fact, I want to say to the Senate frankly that the conferees on the part of the Senate are in the position that each one of the conferees voted against the proposition when it was before the Senate. Therefore, none of us felt like receding unless the Senate authorizes us to do so. The House conferees are a unit and will not yield, so we are told by them, but before the Senate conferees do so, we ask instructions from the Senate.

Mr. DILL. Mr. President, will the Senator yield for a question?

Mr. SMOOT. Certainly.

Mr. DILL. What will be the result if the Senate refuses to recede? Is it not possible for the House to take a vote on the question? The Senate has already voted on it. Why should not the House vote on it?

Mr. SMOOT. The House has already voted on it in the bill itself.

Mr. DILL. But not on this amendment.

Mr. SMOOT. Yes; upon this amendment.

Mr. DILL. It was not in the bill when it was introduced in the House.

Mr. SMOOT. Oh, yes. In other words, the existing law will remain as it is to-day.

Mr. DILL. But the House has not voted on this particular amendment at any time.

Mr. SMOOT. Does the Senator mean the amendment of the Senate?

Mr. DILL. The amendment the Senator is asking to recede from.

Mr. SMOOT. Of course, the House conferees will not yield on it.

Mr. REED of Missouri. I presume the House passed the usual resolution that it adhered to its bill as passed, and in that way it did vote on the amendment.

Mr. SMOOT. I say that they insist upon the publicity amendment as provided in the House bill. The only question is that we thought it was proper and right to bring the Senate publicity amendment here, and let the Senate decide and instruct its conferees. That is what the motion is at the present time.

Mr. BRUCE. Mr. President, in view of the importance of the matter which the Senator from Utah is submitting to the Senate, I gladly waive my right to the floor, but I hope the Senate will give me an opportunity later to say what I want to say.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah.

Mr. COUZENS. Mr. President, I have no desire to delay the Senate in a vote on the pending question, but there is such a general misconception throughout the country as to the meaning of the amendment adopted by the Senate that I think it proper to have the matter straightened out.

No sooner had the amendment been adopted by the Senate than the press, and the Associated Press in particular, sent out stories that the old publicity feature of the law had been again voted by the Senate; in other words, the whole public got the impression that the Senate amendment provided the same sort of publicity that was so objectionable in the 1924 act and which was properly repealed in the 1926 act.

Just to give Senators an idea of some of the misconceptions that have been sent around the country as to the meaning of the amendment, I want to read an editorial which appeared in the Washington Post on the 23d of May:

PRYING INTO PRIVATE AFFAIRS

Republican leaders in the Senate, with the aid of Vice President Dawes, succeeded in keeping the tax reduction bill within the bounds set by the financial authorities of the Government. The measure as it goes to conference is only $4,000,000 above the mark set by Secretary Mellon. The problem now is to iron out the differences between the House and Senate in conference. A way must be found to reach a compromise between the views of the two Houses, which vary more than $84,000,000 in their tax-reduction proposals.

In addition to this disparity there is one other important question to be settled. The Senate, at the instance of Senator NORRIS, amended the bill to provide once more for publicity on income-tax returns. Senator SMOOT did not, as was anticipated, move to reconsider this vote, which was taken when a bare majority of Senators were present. He hopes to eliminate the amendment in conference.

The conferees should make short work of this amendment. The Nation has had one dose of snooping into tax returns and wants no more of it. The practice of throwing open income-tax payments served no legitimate purpose. The benefits went to persons who made shady use of the information so obtained. Business heads and individuals were subjected to criticism which was not deserved, since it was never possible to determine from the total tax paid the circumstances under which the figure had been reached.

The demand of vulgar curiosity is not sufficient excuse for making public income-tax returns. The fact that a citizen contributes to the support of his Government should not make his affairs the property of snoopers and blackmailers. The pledge of secrecy which the Government gave at the time the income tax law was passed should be observed. There is too much interference with private affairs already without adding this amendment.

The amendment offered by the Senator from Nebraska [Mr. NORRIS] and adopted by the Senate was simply this:

Returns under this title shall be open to examination and inspection as other public records, under the same rules and regulations as may govern the examination of public documents generally.

That is the amendment which the Senate adopted. The provision which the newspapers and the country are commenting on, the provision of law that was put in the 1924 act and which everybody admits was objectionable, was set forth on page 24 of the 1924 act:

The commissioner shall, as soon as practicable in each year, cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal revenue district, and in such other places as he may determine, lists—

I want to emphasize the fact that he had to publish lists—

containing the name and post-office address of each person making an income-tax return in such district, together with the amount of income tax paid by such person.

That was the provision which was so generally objected to, and properly so. It absolutely meant nothing. I mean that the internal-revenue collectors, after having received the tax from the individuals, were required to go through the entire list of taxpayers, prepare a list of the names, with the amount of tax paid, and lay it on the counter of the office of the internal-revenue collector. Immediately the press went in and took those lists and published them, page after page, throughout the United States. That obviously was objectionable. That provision never should have gone into the 1924 act. It was properly repealed in the 1926 act.

This provision now under discussion does not provide any such sort of publicity. When we talk about publicity of income-tax returns we do not contemplate what is implied in the Norris amendment. What is implied is that the records should be open to inspection if a man goes in and makes a requisition for the name of the corporation or concern whose income-tax returns he desires to see. If that procedure were possible, there would not be the many inaccuracies and unfair decisions between taxpayers as to taxes.

I want to show how very evident it is that the Secretary of the Treasury does not understand the new amendment. In yesterday's Evening Star he gave out a statement which indicates his absolute lack of knowledge of the new amendment. The article reads:

MELLON ATTACKS INCOME PUBLICITY—PROVISION IN TAX BILL NOW BEFORE CONFEREES FUTILE, SECRETARY HOLDS

Sharply attacking the publicity provision inserted by the Senate in the revenue bill now before conferees, Secretary of the Treasury Mellon to-day declared the provision to be "entirely futile for any purpose."

In addition to doing no good, the Secretary believes it is definitely harmful in many ways. He is hoping the "objectionable" feature of the bill may be eliminated by the conferees, but explained he has no assurances as to what the conferees will do.

The principal objection to publicity of income-tax figures, the Secretary emphasized, was that the Government had no right to disclose the private business of the individual.

It will be observed that he continued to talk about publicity. There is nothing in the amendment which provides that the Treasury Department shall give any publicity whatsoever to any of the income-tax returns.

Continuing to read:

"No civilized country I know of," said the Secretary, "publishes the private affairs of its people. There is nothing of the sort in England or any of the leading countries of the world."

"The publicity provision is entirely futile for any purpose," Mr. Mellon declared, "because the return as published does not give any accurate idea of the actual income back of the return. Many factors enter into the making of a return, such as deductions or matters which belong in the year before."

Again I point out that he is talking about publishing the private affairs of the people. There is nothing in the amendment which requires him to publish the private affairs of the people.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. COUZENS. Yes; I yield.

Mr. SMOOT. The newspaper that wanted to obtain the names of the taxpayers and the amount of their taxes could go to the Treasury Department and collect that information and publish it, under the Norris amendment.

Mr. COUZENS. But what would the agent of the newspaper collect—the names of all the taxpayers?

Mr. SMOOT. He could collect them all or any one that he wanted in any district of the United States. Under the Norris amendment a newspaper or any number of newspapers could secure a complete list, as in the case of all public records, and the newspapers could publish what they wanted just as they did under the 1924 act.

Mr. COUZENS. But the list will not be prepared by the department, as it was in the old days.

Mr. SMOOT. That is the difference between the two. Under the 1924 act it was compulsory to prepare the list, and the newspapers could take it and publish it as prepared by the department, while under the Norris amendment a newspaper can send a man there and examine every document that there is and take every name that he wants to or all of them just as he could under the 1924 act.

Mr. COUZENS. In answer to that I wish to say there is not the same object in view, because he would have to requisition the names of the particular persons whose income taxes he wanted to ascertain.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. ROBINSON of Arkansas. Making income-tax returns public records opens them to the inspection of any person who desires to see them.

Mr. COUZENS. The same thing is true as to public records in any other department of the Government.

Mr. ROBINSON of Arkansas. It would devolve upon the custodians of the records the continuous duty of exhibiting the

records to such persons as might want to examine them. So the making of them public records, while not a publishing of them in the sense the Senator has discussed, is in no sense a denial of publicity; it is giving the broadest publicity, in fact.

Mr. COUZENS. I disagree with the Senator.

Mr. ROBINSON of Arkansas. I wish to say, with the permission of the Senator from Nebraska, that I do not believe there exists a substantial demand for the publicity of income-tax returns. The subject has been agitated, I know, in the Congress for a great many years, but the only discussion of it that I have ever heard is right here in the Congress. I believe that it is repugnant to the majority of the men who make income-tax returns to have them published and to have them made public records. The time may come when it will be found necessary to take that course, but under present conditions——

Mr. COUZENS. I submit the Senator is making a speech in my time, and he rose, as I thought, to ask a question.

Mr. ROBINSON of Arkansas. Yes. I thought the Senator yielded the floor. However, I have concluded what I desire to say. I merely wish to reiterate that I do not believe there is any demand or substantial necessity for the publicity of income-tax returns.

Mr COUZENS. The Senator does not know whether there is a demand or not.

Mr. ROBINSON of Arkansas. That may be true.

Mr. SHIPSTEAD. Mr. President, the other day I think the Senator from Michigan addressed the Senate and during the course of his remarks stated that in the administration of the internal revenue act the rulings and decisions of the bureau were kept secret. Is there anything in this amendment that provides for the making public of such secret rulings so that the taxpayers may understand what the rules and regulations of the Treasury are when they make out their tax returns?

Mr. COUZENS. Not in the provision which I have been discussing, but there is a provision of the law which requires the rulings to be made public.

Mr. SHIPSTEAD. Does the Senator mean to say that the Treasury Department does not obey that part of the law?

Mr. COUZENS. Absolutely not, and the excuse they offer is that they can not publish the decisions without disclosing the names of the taxpayers; in other words, it is impossible to disclose the decisions and to delete the names. In other words, they arrive at a conclusion, and reach a decision based on a particular case and then say in their record, "This is not to apply to any other case." Of course, that is a decision, and is one of the perhaps 20,000 which were disclosed in the report of the special committee.

Mr. SHIPSTEAD. Does the Senator mean to say that tax cases are settled not according to the law but according to the conscience of whatever clerk happens to sit in judgment?

Mr. COUZENS. There is possibly a difference of opinion sometimes as to the interpretation of the law, but the investigation of our committee disclosed that many cases were decided upon the whim of an individual officer, engineer, or accountant, because it was easy to do it, for after it was done the record was absolutely closed to anybody's inspection or examination unless Congress asked to have the particular case examined. Under a resolution of Congress, of course, it could be done.

Mr. SHIPSTEAD. May I ask the Senator another question?

Mr. COUZENS. Certainly.

Mr. SHIPSTEAD. Does the Senator mean to say that these secret rulings are not applied uniformly in the decisions of the Treasury applying to cases of the same character and kind? In other words, are these secret rulings in the administration of the Revenue Bureau of the Treasury Department not applied uniformly to all taxpayers in like cases and like circumstances?

Mr. COUZENS. That is absolutely correct, because they do not know that a certain decision has been rendered. Within the bureau itself decisions are made by individuals that other individuals do not know about, and, therefore, they can not apply the ruling, as it has not been printed or promulgated. As a consequence, a man sitting in one room considering a case may decide it in an entirely different way than a man in the next room may decide a similar case, because there is no method of promulgating the rulings and decisions as rendered in each specific case.

Mr. SHIPSTEAD. Then, the application of the law is not uniform to all taxpayers?

Mr. COUZENS. Absolutely not, and it never has been.

Mr. SHIPSTEAD. I can only say that I am very much amazed.

Mr. COUZENS. So long as these records are secret, so long as no one can go in and see how a particular case was settled, the condition will continue to exist.

The Senator from Connecticut [Mr. McLEAN] just said that there were no secret rulings. I challenge the statement that there are no secret rulings. I question whether the Senator from Connecticut ever read the record of the hearings before the special committee to investigate the Revenue Bureau.

Mr. McLEAN. Mr. President, there is now and always has been a wide difference of opinion as to how secret these rulings have been. I call the attention of the Senator to the fact that now any aggrieved person has an appeal to the Board of Tax Appeals if he is not satisfied with any ruling or any decision.

Mr. COUZENS. That is entirely true, and I am glad the Senator has raised that point, because I want to point out that any time a taxpayer wants any money from the Government or any time he wants a refund or any time he wants a tax abated he exposes every bit of his tax record before the Board of Tax Appeals or before a Federal court. When he wants money out of the Treasury he never hesitates about exposing the most intimate details of his tax returns to the public.

Just why this pretended objection to exposing one's income-tax return is made I do not understand, in view of the fact that, as I have said, when a case is tried before the Board of Tax Appeals or in a Federal court every item is made public. The taxpayers in that position do not object that their income-tax returns are going to be exposed in the record. There are 22,000 cases before the Board of Tax Appeals. Thousands and thousands of them involve the returns of corporations, and in those proceedings every detail of the corporate returns is exposed to the public gaze; and, in fact, detailed and discussed and argued before the Board of Tax Appeals or before the court. In that case there is no objection. The real objection to this is the fact that when taxpayers receive favorable decisions, decisions that sustain their viewpoint, they then, of course, do not want any other person to know what kind of settlement they made, especially if the bureau has stretched the law in favor of the taxpayer.

Mr. HOWELL. Mr. President——

Mr. COUZENS. I yield.

Mr. HOWELL. Where a taxpayer may receive a favorable settlement is there anyone to audit the case?

Mr. COUZENS. There are auditors in the bureau, of course.

Mr. HOWELL. There are auditors in the bureau, but the same department that makes the favorable credit or reduction audits that account.

Mr. COUZENS. I want to be perfectly fair. There is this distinction: The collectors and their staffs in the respective districts of the country audit the returns of the taxpayer. Then their audit is sent for final determination, in most cases, to Washington, to be reaudited and a determination reached to see whether the auditors in the field are in agreement with the auditors in the office at Washington.

Mr. HOWELL. But is there any other department of the Government that has the authority to make expenditures and enter into contracts that also audits its own accounts?

Mr. COUZENS. I think there is a difference. This is a tax collection agency, not a disbursing agency. What the Senator says is entirely correct with respect to any department that is disbursing appropriations made by the Congress, and, in that connection, it is provided that the comptroller shall have control of disbursements. This, however, is not an analogous case, because the Bureau of Internal Revenue is a tax-collecting agency and not a disbursing agency.

Mr. HOWELL. Why should any single agency be allowed to collect and expend money without an audit, even if the expenditure is in the nature of a return?

Mr. COUZENS. I do not call a refund an expenditure. I think there is a difference between a refund that is legitimately due a taxpayer and a disbursement made from an appropriation by Congress. I appreciate what the Senator has in mind, but I believe it is absolutely impossible. As much as I should like to see it done, I think it would be impracticable to have all of the millions of tax returns audited by two agencies. There are millions and millions of cases, and thousands and hundreds of thousands of them, in fact, are as yet undetermined, and we would have to set up another agency almost comparable with the Bureau of Internal Revenue in Washington if there was to be an absolute check on each transaction by the Bureau of Internal Revenue.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. SMOOT. I wish to say to the Senator that in the case of every tax return there are eight audits before it is finally disposed of.

Mr. COUZENS. I should like to say in that connection that that means nothing.

Mr. SMOOT. It is not by the same person, of course, but it is in the department. Each tax return has to go through that order of procedure.

Mr. COUZENS. But that means nothing, Mr. President, because the judgment of the chief auditor is taken. We have record after record that discloses that fact. When the chief auditor has reached his conclusion as to the method of determination he says to his subordinates, "sign on the dotted line," and the subordinate auditors do sign on the dotted line, for obvious reasons. One is they want promotion; another is that they do not want to lose their jobs. Protest has been discouraged in the bureau. When a subordinate in the auditor's office or in the engineer's office protests against a ruling by his superior he is reprimanded instead of being encouraged. So, the whole bureau is permeated with men who know that conclusions and decisions are wrong, but are afraid to protest because they are discouraged from protesting against the action of their superior officers.

Mr. HOWELL. Is not that the very reason why there should be an independent audit?

Mr. COUZENS. I believe if these records were open so that anyone who questions a decision could go in and review it, that that would automatically stop these preferences.

Mr. LA FOLLETTE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Senator will state it.

Mr. LA FOLLETTE. The Senate is in such disorder that it is impossible to hear the proceedings.

The PRESIDING OFFICER. The Senate will be in order and audible conversation will cease.

Mr. COUZENS. The viewpoints of the junior Senator from Nebraska [Mr. HOWELL] are ideal, but I believe to a large extent impracticable because of the enormous detail. I also think that the audit in the field and the audit in the Washington office would be quite sufficient if the final audit were not secret. I think that that secrecy in its itself encourages men to do the very thing that I have said they have done.

We disclosed cases in the hearings where a single individual in charge of a division—and there are many of them—would take a taxpayer into a room and settle his case all alone. Then, afterwards, he would go out and say to his subordinates, "I have agreed with Mr. Jones that this is the basis of settlement, and you will make up your report accordingly." The records disclosed that in many cases these decisions were unlawful. I hesitate to say that they were fraudulent, but they were in effect fraudulent so far as the Government's revenue was concerned.

I do not know what these men got, if anything, for making these favorable decisions. The committee did not have a detective agency or an investigating department which investigated the private lives of the auditors to see whether or not they had secured any compensation for performing these favorable acts for the taxpayers.

The whole thing is greatly misunderstood by the public. There is not a particle of difference in effect between the Norris amendment and what happens in every State in the Union.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. COUZENS. I yield.

Mr. HOWELL. If we are not to have publicity of the kind that is provided by the Norris amendment, ought we not, then, to have an independent audit?

Mr. COUZENS. I think that would be highly desirable. I think an independent audit would be highly desirable if we are not going to have these records open for supervision and inspection; and I entirely agree with the Senator from Nebraska.

For instance, in my State a taxpayer files with the assessors a statement showing the value of his furniture, his personal property, his jewelry, his cash in bank, his personal holdings in stocks and bonds, and it is absolutely open to public inspection. I can walk into the assessor's office in the city of Detroit and call for the tax return of any individual taxpayer. I can have a clerk hand me that record, and I can look it over and observe the minutest details; and, in fact, that has been done on occasion, but the newspapers take no interest in it. They do not go into these things to investigate the tax returns of individuals or corporations.

If the newspapers were to do as the Senator from Utah suggests, retaliation could be made against them by another newspaper, and their tax returns exposed. In other words, there would be no incentive for newspapers or others to go in and dig out these tax returns for the mere sake of publishing them. Anybody who did that would be subject to retaliation.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. COUZENS. I do.

Mr. LA FOLLETTE. There would be no more incentive, may I suggest to the Senator from Michigan, than there is for their publication now of the property-tax return.

Mr. COUZENS. Absolutely not; and, as stated by the junior Senator from Wisconsin [Mr. BLAINE], the income-tax returns in the State of Wisconsin have been public records to the same extent as these returns would be under this provision, and yet there has been no objection to it. The newspapers have not gone in and requisitioned the returns of individual taxpayers or corporations and published them in the press.

It is this misunderstanding that is created throughout the country that brings about this campaign of opposition. Some Senators said to me yesterday, "We voted for the Norris amendment in the original Senate bill. We now have to reverse ourselves, because we have received some telegrams from home objecting to the provision." How do they get the information to object to this provision? It is based on the kind of editorials and statements that I have just read, alleging that an effort is being made to return to the old publicity methods of 1924, which is not contemplated at all. Even the Secretary of the Treasury does not understand the proposal. He disclosed in his statement last night that he is unfamiliar with the provisions of this amendment. Every effort is being made to mislead the public; I do not say intentionally, but it certainly is being done in opposition to this amendment, for the reason that the act of 1924 did create a very unsatisfactory and disagreeable situation, and was entirely unjustified.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I do.

Mr. BARKLEY. I have heretofore, as a Member of the House, voted for publicity of these tax returns. I voted against the repeal of this tax in the last tax bill. I have been inclined to draw an analogy between the records of a county tax assessor, which are public records in the courthouse in every county seat, and the publicity feature of the income-tax reports.

But does the Senator draw any distinction between public records in every courthouse in every county seat in the country which are open to inspection, such as deeds of conveyance, which in most cases do not disclose the real consideration, where everybody in the county can easily have access to the records in a courthouse, and a situation where there is only one collector in a whole State, and there will be no incentive for the people of the whole State to go to that collector's office in order to inspect the returns of all the income-tax payers in the State.

I ask that question with reference to the practical value of the publicity which the Senator himself has in mind, and which is contemplated in this amendment.

Mr. COUZENS. The Senator asks if there is an analogy?

Mr. BARKLEY. Yes.

Mr. COUZENS. With reference to the filing of deeds or mortgages, I do not think there is an analogy; but I tried to draw a picture of an analogy where a tax payer files a property return tax for local assessment.

The point which the Senator from Kentucky makes, that with one collection agency in a State there would in all probability be no great desire of the people of the State to go into the tax returns, because they are all concentrated in one district, is probably true; but if the Senator were a lawyer for a taxpayer, and his client was uncertain as to the method of settlement that should be made with respect to a specific tax case, he then could say, "Well, I happen to know that John Jones has a like case. I will see how the bureau settled that particular case." He walks in and requisitions John Jones's tax return, and he sees how the bureau determined the case, and he therefore has a guide. In other words, it would create uniformity of assessments against taxpayers, instead of the diversity of systems that now exists.

Mr. BARKLEY. That might aid lawyers representing taxpayers who have cases in the Bureau of Internal Revenue; but what worries me is, what public benefit would be conferred by a provision that might be helpful to such lawyers, in view of the fact that for all practical purposes the public would have no access to these returns, and would have no interest in them?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield, and, if so, to whom?

Mr. COUZENS. They may not have any interest. If they have no interest, they do not go and examine them; but I contend that if they have an interest they should have access.

Mr. BARKLEY. Even if they have an interest, for instance, in the State of Kentucky—which is more than 500 miles in length, with more than two and one-half million people, and with one office in the city of Louisville, practically in the center of the State—if all of them, or any considerable number of them, had an interest in knowing how much income tax any citizen of that State had paid, what practical help would they have from this provision; and how many of them would journey all the way to Louisville for the purpose of inspecting the income-tax returns in order to satisfy either their curiosity or their interest?

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. COUZENS. I should like to reply to the Senator from Kentucky first. The very point that the Senator makes is the point that I believe would perhaps exist—that is, that there would be no interest on the part of the general public as to the taxes paid by any particular individual, and therefore they would not journey to the collector's office to see the returns—but that is the very thing that the opponents of this amendment contend would happen.

Mr. BARKLEY. That they would journey to the office to see the returns that were made?

Mr. COUZENS. Yes; out of curiosity—that they would journey to the office for the purpose of snooping into the tax payments of their neighbors.

I contend that the public interest is greater than the interest of the individual who may want to know what a taxpayer pays. The great public interest is to see that there is a uniformity of application of the law to all taxpayers alike. It would insure the employees of the Government, scattered all over the United States, giving fair and equitable treatment to all the taxpayers, because they never would know when their records were going to be checked and when any inaccuracy or favoritism might be disclosed. Under the present law, however, the employee is free to do as he chooses; and he knows that the tax discrepancy may never be discovered, and probably never will be discovered. That was clearly disclosed in the hearings which the committee held.

Mr. BARKLEY. I think uniformity of practice would be very desirable in the administration of the tax laws and the decision of contested cases; but I imagine that if there is any field of legal jurisprudence or jurisdiction where uniformity is impossible, it is in the application of a tax law under the varying circumstances that surrounds every man's individual tax and his individual business. Desirable as it might be to have uniformity, I doubt whether we shall ever attain it.

Mr. LA FOLLETTE. Mr. President, will the Senator permit me to trespass upon his time for a moment to make an observation in response to the suggestion of the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. LA FOLLETTE. The Senator asked for practical results. In Wisconsin from 1913 to 1923 our income-tax returns were secret, just as they are under the Federal law now. In 1923 we enacted a provision precisely like the one offered by the Senator from Nebraska and adopted by the Senate. A reaudit of income-tax returns from 1916 to 1923 in Wisconsin disclosed that taxpayers in Wisconsin had fraudulently withheld from the treasury of the State approximately $9,000,000 during the period when the income-tax returns were secret.

Since 1923 and down to date, when we have had these income-tax returns public records, we have found no such discrepancy in the amount of returns made by the taxpayers and the amount of tax which they should pay according to the law. In other words, Mr. President, it is a very clear indication, I believe, that the fact that the income-tax returns are public records produces a very different psychology upon the part of the individual taxpayer when he makes out his return, whether it be under a secret provision or whether it be under a provision where it is a matter of public record.

Mr. BARKLEY. Mr. President, may I ask the Senator, for information, whether these tax reports were available for public inspection at the State capitol or whether they were available in each county courthouse?

Mr. LA FOLLETTE. They are available only at the office of the Income Tax Commission in Wisconsin for corporations. Of course, for individuals they are open to inspection in the respective districts; but for corporations the tax returns are available for public inspection only in the office of the commission at the capitol at Madison.

Mr. BARKLEY. Are those incomes collected by the local collecting officer of the county or only by the State authorities?

Mr. LA FOLLETTE. They are collected by the State income tax collectors. I thank the Senator from Michigan for yielding.

Mr. COUZENS. Mr. President, I continue to read the misunderstanding the Secretary had of this provision:

The publicity provision is entirely futile for any purpose.

In that connection I want to say that in the examination of the United States Steel Corporation returns we found that the Bureau of Internal Revenue had allowed depreciation, amortization, and depletion for the United States Steel Corporation railroads, though the law specifically prohibited amortization for railroads. In other words, there was no other railroad in the country that we knew of that was getting amortization for railroad extension and expansion for the prosecution of the war. But the steel corporation railroads were allowed that.

It was cumbered up in the records of credits which the Steel Corporation asked for, and we discovered it, and said, "This is in violation of law. You are not permitted to allow amortization for railroads, and yet you are allowing it in the case of the Steel Corporation"; and the bureau admitted their error, and I am informed, at least, have agreed to correct it. There is a case that could have gone through without anybody observing it. As I understand, the Steel Corporation tax cases have been held open by waivers ever since 1917 because of a failure to agree upon credits and the exact amount of tax due the Government. I contend that the opening of these records to inspection is not futile.

The publicity provision is entirely futile for any purpose, Mr. Mellon declared, because the return as published—

Nobody talks about publishing the return—

because the return as published does not give any accurate idea of the actual income back of the return.

There he is talking about the old tax provision in the 1924 act. That is not the provision in the pending bill. There is no publication of the tax paid, and as applied to the 1924 act the Secretary was absolutely right, the publishing of those amounts by the individual taxpayer meant nothing. It was a silly sort of a provision to be put in the law in the first place, and I am convinced that the opponents on opening these records to publicity put that in the law as a joker—

because the return as published does not give any accurate idea of the actual income back of the return. Many factors enter into the making of a return, such as deductions or matters which belong in the year before.

If these records could be examined by people who were justified in examining them, the returns themselves, and especially the work sheets of the auditors and engineers who make up the final determination of the taxation, would show that.

Former provision repealed. A provision requiring publicity for income-tax figures was inserted in the 1924 revenue law, but Secretary Mellon emphasized it was repealed in the 1926 law.

That was perfectly correct. It should have been.

And has since been inoperative. Although it was not in effect long enough to make any material change in the amount of revenue to the Government—

A practical admission that if it had been in force long enough it might have secured additional returns to the Government.

Secretary Mellon thought the publicity given returns did not serve the purpose of increasing returns.

The returns as formerly made public, or as proposed to be made public—

There is the deception or misunderstanding. He says that—

The returns as formerly made public, or as proposed to be made public under the present bill, Secretary Mellon said, would not give a clue to the current income of the taxpayer.

Nobody wants to give a current report of the income of the taxpayer.

As one might suppose, but on the contrary would very likely be "entirely misleading."

Of course, he is again talking about the old act, and it was entirely misleading, and meant nothing.

Assistant Secretary of the Treasury Bond, in charge of the Internal Revenue Bureau, branded the publicity provision as "impractical."

I do not see how it is impractical so far as the bureau is concerned, because it does not affect the bureau. It does not entail any publishing of the lists, as the old act did, and the only part that can be impractical, as applied to the bureau, is

the fact that they may be required to go on and treat taxpayers all alike, and have a uniformity in the application of the law. That, of course, from the bureau's standpoint, may be impractical.

Two main objections were voiced by Mr. Bond. First, he said it would embarrass the bureau in its normal work.

Just think of the fact that the ability of somebody to walk in and look at the records embarrasses the bureau in its normal work. I confess that under the present arrangement of the bureau that may be so.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. COUZENS. I yield.

Mr. REED of Missouri. As to that point, the rule is well settled that when a record is a public record to which any person coming at proper hours has a right to have access, that access is always governed by the rule that it must be under such circumstances and conditions that it will not materially interfere with the conduct of the business of the office. It always must be a reasonable request, made for some reasonable purpose, but always the examination must be made in a manner that does not conflict with running the business of the office.

Mr. COUZENS. That is correct, and since the Senator raises that question I want to point out that these records are public records according to law, but they are public records with certain restrictions, which makes it possible only for people whom the President approves to get the returns, because in a part of the 1924 act which was not repealed by the 1926 act it was provided that returns upon which the tax has been determined by the commissioner shall constitute public records, but they shall be open to inspection only upon order of the President, under rules and regulations prescribed by the Secretary and approved by the President.

So all of this time these records, according to law, have been public records, but the public has access to them only by an order of the President. In other words, the President is in a position to get all the tax returns of everybody he desires for his friends, for himself, or for anybody that he desires to have them, but no one else under this provision can have access to those returns.

Every presidential candidate who may be opposing a President anywhere at any time may have his tax returns examined by his political opponent to the smallest detail, and yet nobody else can get the return under the present law and a law which it is proposed shall continue. I want to say further—I overlooked this—that the law further says that the Ways and Means Committee and the Committee on Finance, or a special committee, shall have the right to call on the Secretary of the Treasury for and it shall be his duty to furnish any data of any character contained in or shown by the returns, or any of them, that may be required by the committee.

Mr. NORRIS. Mr. President, I want to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. COUZENS. I yield.

Mr. NORRIS. I want to ask the Senator first, the question of this amendment has never been passed on by the House except in a general way, has it?

Mr. COUZENS. This provision of the law has never been passed on by the House.

Mr. NORRIS. I remember it was a Senate amendment, of course, but I mean the House has never had an opportunity to express its judgment on this particular amendment?

Mr. COUZENS. It never has.

Mr. NORRIS. Then I would like to ask the Senator what was the idea, when the Senate had expressed itself on this amendment by a roll-call vote, in sending it back to the Senate for another vote, instead of sending it to the House, where they had never had an opportunity to vote on it? Why should we vote on it a second time, and never permit the House to vote at all?

Mr. COUZENS. The chairman of the Finance Committee, the Senator from Utah [Mr. SMOOT] said that the House conferees declined to do it, and the Senator perhaps can tell the reason why they declined. I understand there are some other extraneous reasons.

Mr. NORRIS. Does the Senator mean declined to take it back to the House?

Mr. COUZENS. Declined to take it back to the House.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. COUZENS. I yield to the Senator from Utah.

Mr. SMOOT. I will say this to the Senator, that all of the House conferees said that not a third of the House would vote for that provision, and that there was no need of taking it back. They said they knew that, and that there was no need of undertaking to get the House to agree to it.

Mr. COUZENS. I assume that is correct, because of the superficial understanding of just what this means. I will warrant that there is not 1 per cent of the House, or 10 per cent of the House, at least, that knows just what this amendment is and the purport of it, and its intent, and the difference that exists between this amendment and the law of 1924.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. COPELAND. A moment ago the Senator from Nebraska spoke about the roll call that was had in the Senate. I was not present when that was taken, but by the RECORD it was indicated that there were very few Senators here.

Mr. COUZENS. I do not see what difference that makes to the discussion. Senators had a right to be here; they ought to have been here.

Mr. COPELAND. It makes this difference, that some of us who did not have an opportunity to vote would like to vote on this.

Mr. COUZENS. The Senator will have a right under the pending motion.

Mr. COPELAND. I am opposed to this publicity feature.

Mr. COUZENS. I expected the Senator would be.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. COUZENS. I yield.

Mr. NORRIS. It is quite evident that not only did we vote—and that will be disclosed upon an examination of the CONGRESSIONAL RECORD—not only did the Senate vote, and not only did every Senator have an opportunity to vote, but there was considerable discussion and debate on this question in the Senate pro and con. In the House there has been none. The House has never voted on it. They have never had a chance. Now come the conferees and say, "The House is opposed to it," but the House has not had a chance to say whether it is opposed to it or not. It seems to me the conferees were in a position to say to the House conferees, "We have considered this, and the House has not. If anybody is going to take it back, you take it back and debate it and come back and tell us what the judgment of the House is."

Mr. SMOOT. When the bill was up before the House, anyone could have offered an amendment to the provision in the bill. If anyone had wanted a vote, it could have been had at that time.

Mr. NORRIS. Oh, yes; but everybody knows how those things are voted on when they are laid before either House. The chairman of the conferees says, "Mr. Speaker," or "Mr. President," according to the House in which it happens to be, "I ask that the amendments of the House" or "I ask that the amendments of the Senate" "be disagreed to and the House" or the Senate, as the case may be, "asks for a conference, and that the Chair appoint conferees." In that sense the House did consider this amendment, together with all the other amendments that the Senate put on the bill as it passed the House.

Mr. COUZENS. Oh, no; I do not think the House has considered the conference report yet.

Mr. NORRIS. Not the conference report.

Mr. COUZENS. I do not believe any amendment was offered. I am quite sure no amendment was ever offered.

Mr. NORRIS. No; but in the House. The Senator does not get my idea. This bill passed the House and then came to the Senate, and we put on it a lot of amendments, including this one.

Mr. COUZENS. That is right.

Mr. NORRIS. Then it was messaged back to the House, and there, I presume—I have not looked up the RECORD, but it is the usual case—the chairman of the committee said, "I ask unanimous consent that all the amendments of the Senate be disagreed to, that the House ask for a conference, and that the Speaker appoint the conferees." Probably that is what happened. They never discussed any of the amendments. They were acted on en bloc.

It is a matter of form. We take the same course here, although, as the Senator says, we could insist on taking a different course when the bill came over here and have the amendments referred to the committee, and by the committee brought before the Senate, and every one of them discussed in detail. But that is not the usual practice; and I assume that in this case the House has never given any consideration to this particular amendment, but we have. Now they are asking us to reconsider it rather than the House, the branch of the legislature that never has even had an opportunity to consider it.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. SHIPSTEAD. I want to ask the Senator from Nebraska a question. Is it proper for the Senate to instruct its conferees to take up the matter with the conferees of the House and have the House conferees requested to take the question back to the House?

Mr. COUZENS. No; we could not do that.

Mr. NORRIS. I do not know why we could not.

Mr. COUZENS. The particular motion before the Senate——

Mr. NORRIS. The Senate can instruct its conferees whenever its conferees report disagreement to the Senate and can give them any instructions we want to.

Mr. COUZENS. The Senator from Minnesota asked if we could give instructions to the House conferees.

Mr. NORRIS. Oh, no; we can not instruct the House conferees.

Mr. COUZENS. The motion asks us to recede from the provision we put in the bill to make the records public. That is the motto: Shall we recede from the position we heretofore took because the House conferees refused to go back to the House and have the House consider the amendment? That forces the Senate conferees to come here and ask for instructions.

Mr. SMOOT. And that is what we have done.

Mr. SHIPSTEAD. If the Senate votes to sustain its original position and the conferees go back to further conference, then what is the procedure?

Mr. COUZENS. They have to go back and tell the House conferees that they are not permitted to recede. They will have to debate the thing all over again, and it will probably force the House conferees to go back and ask their body what they desire to do.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. REED of Missouri. I would like to ask the Senator a question. I am in favor of the amendment. I supported it. I am very much in favor of it. But under the present situation does the Senator believe there is any chance to get the conferees of the House to report to the House and to have the House accept the Senate amendment?

Mr. SMOOT. I will say to the Senator that every amendment in the bill was agreed to and this one was left to the very last. They will not agree to it, and therefore we came here and asked for instructions about yielding before the Senate conferees would yield.

Mr. REED of Missouri. I want the amendment in the bill just as much as the Senator from Michigan does, I believe. No; I will not say that, because he has given so much time to the question that he is probably better informed regarding it than any other Member of the Senate. But I ask whether at this late hour in the session, with several important matters that ought to be considered, we really gain anything by insisting upon the amendment? I very much doubt it.

My attention has been called to the fact that the old Mississippi-Warrior Boat Line matter is a question of vast importance. That line is liable to be terribly crippled unless a bill which has already passed the House can have a vote in the Senate. There are other bills in the same situation on the Senate calendar. The Senator from Michigan takes so little time of the Senate, and when he does speak always speaks so well to the point, that I hesitate to make this appeal to him.

It seems to me to be an utterly useless thing to insist on the amendment. I think we might as well let it go because of the situation, and bring it up at the next session. We can bring it up at any time we want to and discuss it. As long as I am here, unless I very materially change my mind, I will be standing with the Senator on the proposition. I think the arguments against it are ridiculous. I think they can be shown to be ridiculous. But that does not do us any good unless we can get it to the House.

Mr. COUZENS. The question of expediency will have to be determined by each individual Senator. I am not here to discuss the question of expediency. I am by no means hopeless, however, that if the Senate votes to insist on the amendment, in all probability, in a desire to have the bill passed, the House conferees will submit it to a vote in the House. If the House conferees are so sure that it will not be adopted, why not let the House have a chance to vote on it? Why hesitate about it? Why not let them take it back to the House and vote on it? That will not delay the work of the Senate at all, because while the conferees are taking it back to the House the Senate can proceed with its normal business.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. The question raised by the Senator from Missouri is one which has given me some trouble as to my own vote. It has been rumored—we hear all sorts of rumors here—and it has come to my attention that the statement has been made that rather than agree to the amendment, the House conferees and the House would see the whole tax-reduction program defeated. Is the Senator from Utah in a position to say whether that is reliable, or whether it is mere rumor?

Mr. SMOOT. I will say to the Senator that I never heard of it.

Mr. COUZENS. Nor have I.

Mr. BARKLEY. I have heard it from half a dozen sources.

Mr. REED of Pennsylvania. Mr. President, if the Senator from Michigan will yield——

Mr. COUZENS. I yield.

Mr. REED of Pennsylvania. I was told by the House conferees, all five of them, that in their honest judgment if the Senate insisted upon the publicity amendment the bill had no possible chance of passage. While I was skeptical of that at first, I became convinced of their good faith in making the statement. They said it was utterly impossible to get the House to agree to the provision.

Mr. BARKLEY. I should like to ask the Senator from Michigan if it should turn out that, in order to secure tax reduction at all, it is necessary to eliminate the publicity amendment, would the Senator then feel it is his duty to insist that the amendment should be insisted upon by the Senate regardless of the result on tax reduction?

Mr. COUZENS. I was interrupted at the time the Senator asked his question. I understood the Senator from Pennsylvania, who was one of the conferees, to make a statement which I did not hear.

Mr. REED of Pennsylvania. What the Senator from Kentucky asked was whether we had heard the statement that this amendment would not be agreed to by the House, and that insistence by the Senate upon it would practically kill the bill. I said that I had heard that statement. It was made, I think, by all five of the conferees on behalf of the House, and while I was skeptical of it at first, I became convinced, and I think some of my fellow conferees from the Senate became convinced, that that was the situation.

Mr. COUZENS. Without criticizing my friend from Pennsylvania I want to say that, of course, when 10 conferees are opposed to a provision in the bill it is very easy to reach the conclusion the Senator from Pennsylvania has reached.

Mr. REED of Pennsylvania. Of course the Senator knows my prejudice against the amendment. I am trying to be perfectly candid about it. We tried to play square with the Senator and with the Senate by bringing it back for a separate vote. That is the only reason why it is not a full report.

Mr. COUZENS. I am not charging the conferees with not being fair. I want to say that they have been perfectly fair, because they went into conference, every one of them, disagreeing with the amendment, and promised us that they would see that the Senate had another chance before they agreed with the House on the amendment. All I ask is that the House be given the same opportunity to vote on it. I can not see any reason for defeating the bill. If the House votes to reject the publicity amendment, so far as I am concerned, I will not try to insist.

Mr. SMOOT. The House will have a chance to vote upon it, because when the conference report is adopted here, if it is adopted to-day, it will immediately go to the House and the House can vote on the conference report.

Mr. COUZENS. Oh, yes; but that would be a vote on 100 amendments. They would vote on 100 amendments en bloc.

My position is that if the conferees of the Senate will tell the conferees of the House to go back and submit this identical question, and the House does not agree, then so far as I am concerned I will not be a party to blocking the tax reduction bill or defeating it. I will be willing then that the Senate shall recede if the House, after voting upon it, say they will not adopt it.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a suggestion?

Mr. COUZENS. I yield.

Mr. REED of Pennsylvania. As I understood it, our arrangement was that before we would recede on the amendment we would bring it back here for a separate vote, on which the Senate could register its will.

Mr. COUZENS. That is correct.

Mr. REED of Pennsylvania. Is it not changing that program somewhat to ask that, instead of the Senate doing it, the House shall do it?

Mr. COUZENS. I am not asking that. What I am seeking is that we shall continue to maintain our position that we pre-

viously took without any fear of intimidation on the part of the House.

Mr. REED of Pennsylvania. I think the Senator is perfectly right in that.

Mr. SMOOT. So do I.

Mr. COUZENS. The debate has led us into a situation where we are talking about expediency, where we say the bill will be wrecked if we do not recede on this amendment. I object to that sort of intimidation and trying to get Senators to change their votes as a matter of expediency before the House itself has rejected the amendment.

Mr. REED of Pennsylvania. I think the Senator is exactly right in that, because necessarily the question of opinion and prophecy applies to what the effect of our standing by the amendment would be. As the Senator has explained, the bias of the House conferees might lead us to blame them for the rejection of the amendment, and perhaps I might suggest that his own belief in the amendment would give him a corresponding bias in the other direction. So it will be for the Senate to make up its mind whether, everything considered, it wants to risk jeopardizing the bill and to form an opinion as to whether it does risk and jeopardize the bill. We are all agreed on that proposition.

Mr. COUZENS. I think that is true, but I want to say that I do not think that is a feature to be considered at this time. It is wholly practicable for the Senate to maintain its position and go back to the conference and insist that the conferees on the part of the House submit the question to the House. That is all I am asking the Senate to do.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. SWANSON. Some one said something about an understanding. What understanding was that? We ought to carry out any understanding. An understanding with whom? That the thing should be submitted back to the Senate before it should be yielded in the conference?

Mr. COUZENS. If the Senator wants an explanation of that, I will say that the night we passed the tax bill the Senator from Utah [Mr. SMOOT] had given notice that he was going to ask for another vote on the Norris amendment when the bill reached the Senate. It was getting late and they were anxious to pass the bill. The Senator himself was auctioneering off the time here to stop debate. Out of my respect and consideration for the Senator from Utah, I said to him, "If you do not insist upon consideration of the vote at this time when the bill reaches the Senate, but will agree to bring it back here in case the conferees do not agree, I will not insist on another vote." That is the kind of agreement we had.

Mr. SWANSON. It did not extend any further than that?

Mr. COUZENS. No.

Mr. SWANSON. It had nothing to do with the exemptions in connection with the corporation tax?

Mr. COUZENS. Absolutely not. It was made right on the floor of the Senate.

Mr. SWANSON. I am very glad it did not extend any further.

Mr. COUZENS. I am not disclosing all the agreements we had, but that is the one the Senator asked about.

Mr. SWANSON. I would like to know about all of the agreements.

Mr. COUZENS. I am not going to tell that. The Senator knows that his party has caucuses. I want to make it plain that I have no desire to defeat the tax reduction bill, but I still contend there are three or four days, even if we adjourn according to the concurrent resolution sent here by the House, for the conferees on the part of the House to go back and do the fair thing and submit it to a vote of the House. If the House disagrees, I will be one of the first to yield on our part and let the bill go through.

Mr. SMOOT. That will come about in the regular way. If the Senate now instructs its conferees not to yield, the House conferees will have to take it back to the House. The only question is what the Senate will do with the motion.

Mr. LA FOLLETTE. Mr. President, if the Senator from Michigan will permit me——

Mr. COUZENS. I yield.

Mr. LA FOLLETTE. If the Senator from Utah thinks that is the logical outcome of the Senate's insistence upon its amendment, how can we talk about it jeopardizing the tax bill?

Mr. SMOOT. We do not know what the House will do.

Mr. LA FOLLETTE. It makes no difference what the House does so far as the ultimate passage of the bill is concerned.

Mr. SMOOT. I think it would make quite a difference.

Mr. LA FOLLETTE. In what respect, may I ask the Senator?

Mr. SMOOT. Mr. President, if the Senate shall now adopt my motion there will not be anything in conference, and the conference report will go right over to the House, but if the Senate votes against the motion that I have offered, automatically the bill will go back to conference, and then, of course, it will have to go back to the House for action.

Mr. LA FOLLETTE. Certainly, but that does not jeopardize the ultimate passage of the bill.

Mr. SMOOT. I have not said a vote upon it would do so.

Mr. LA FOLLETTE. There has been talk to that effect here, and Senators are being urged to change their votes on the theory that if they vote to sustain the vote of the Senate on this amendment they will jeopardize the bill. I merely wanted to point out that; from the remarks made by the Senator from Utah, there is no such issue at stake.

Mr. COUZENS. Mr. President, that is the point I am trying to make. All I ask, and all I asked in the first place was that the Senate vote on the merits of the Norris amendment. Now there has been injected into the discussion intimidation, so as to get Senators to change their votes in order to assure the passage of the tax bill. That is what I resent. I want this amendment voted on on its merits, and then we will take our chances upon it after the conferees shall have been instructed.

Mr. SMOOT. I wish to say to the Senator that I have not asked a single Senator to change his vote.

Mr. COUZENS. I am not charging the Senator from Utah with anything. I am saying that the first intimation of it came from the Senator from Missouri, who talked about the expediency of it; then the Senator from Pennsylvania talked about the probability of the defeat of the tax bill, all of which naturally has an influence upon the minds of Senators when this question comes to be voted on. That is what I object to having injected into this discussion, because Senators for that reason may not vote on the merits of the Norris amendment.

Mr. REED of Pennsylvania. Mr. President, all I did was to answer truthfully the question as to the attitude of the House as expressed by their conferees.

Mr. COUZENS. I am not finding fault with the Senator from Pennsylvania because the question was first raised by the Senator from Missouri, and it led to the suggestion as to voting on the ground of expediency rather than on the merits of the amendment.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. EDGE. I want to say that, from my viewpoint, I agree absolutely with the Senator from Michigan, and sincerely trust that the result of the vote will indicate absolutely the opinion of Senators on the merits and the merits alone of this proposal.

Mr. COUZENS. Mr. President, I say to the Senator that can not be done now, because a fear as to the passage of the bill has been put into the minds of Senators who may have been in doubt or may have been on the edge, and they will now vote against the amendment, for fear that the tax bill might be blocked if the motion were defeated.

Mr. BLACK. Mr. President——

Mr. COUZENS. I yield to the Senator from Alabama.

Mr. BLACK. I thought the Senator had yielded the floor.

Mr. COUZENS. No; I wish to make a few more comments.

Mr. President, I wish to complete this discussion about the misapprehension existing in the minds of some people. I have already taken too much time, but I still think that such a misapprehension exists, and I want to make it plain that the misapprehension the public has about this amendment is not justified.

Mr. Bond, the Assistant Secretary of the Treasury, continues to say:

> Two main objections were voiced by Mr. Bond. First, he said it would embarrass the bureau in its normal work; it would interrupt its functioning merely to "satisfy idle curiosity." Second, Mr. Bond thought, was the even more serious objection to publishing the private business affairs of the individual.

That is the point I keep emphasizing; there is no provision for publishing the private affairs of individuals contained in this amendment.

> Such publication, he thought, would probably assist a man's creditors in further embarrassing him, and might prove to be a hindrance to business.

Think of the absurdity of that suggestion coming from a man competent to be Assistant Secretary of the Treasury. There is not a business man in America who does not know that he can get the most intimate details of his competitor's financial standing and his profits either through Dun or Bradstreet or some other credit agency. That is merely a mountain raised to protect the bureau from having to give these decisions and

records to the public as they ought to do. The amendment if it should become a part of the law would hinder business and help creditors. Does any man think that a creditor can not find out the condition of the debtor? It is perfectly absurd. He can get it through his banker; he can get it through a credit agency. Such talk is indulged in for the purpose of misleading the public with respect to this amendment.

Outside of the publicity feature of the revenue bill, Secretary Mellon thought it was "not a radical bill," generally speaking.

The words "not a radical bill" are in quotations.

When publicity first was given to income-tax returns following enactment of the 1924 law, a storm of opposition arose from the entire country, with the result that the next revenue act repealed what had been caustically dubbed the "Paul Pry" section.

I think that name was given to the amendment by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I am not to blame for everything.

Mr. COUZENS. I agree with the Senator from Pennsylvania that that kind of a publicity provision was a "Paul Pry" provision. It was put in the bill as a joker to help defeat what the proponents of the making of these records public were really trying to get at.

The Government was castigated by cartoon, comedy, and stage for "sticking its nose" into everybody's business, and Congress was quick to respond by striking from the law the objectionable provision.

I want to compliment those who put that provision in the law as a joker, because they certainly accomplished the purpose desired; it certainly set back, probably for years, the movement in Congress to have these records public.

Assistant Secretary Bond also expressed the opinion that the provision in the bill as it stands to-day would not only force making public of the actual amounts paid but also of the files of the income tax returns made by the individual or corporation to the Government.

If he knows how to read English he knows that there is nothing in the amendment which would force making income tax returns public.

The Supreme Court of the United States held that newspapers had the right to publish the names of taxpayers and the amounts of taxes paid by them, under the 1924 provision, regardless of another apparently contradictory provision of the Revised Statutes which would have made such publication a violation of the law.

Then there is a brief note at the bottom which no effort was made to explain. It reads:

Language of the new publicity provision, however, is somewhat different from that in the 1924 act.

But there was an entire failure to point out the differences between the two provisions. I hope that the amendment will be insisted on by the Senate.

Mr. BLACK. Mr. President, I desire to speak briefly on the pending question. It is my judgment that the law at present with reference to the publication of income-tax returns is entirely too restrictive in its scope. It is also my judgment that the amendment which the Senate adopted is entirely too broad. For that reason I voted against the amendment, but I now find myself placed in a situation where, in order to express my views by my vote, I shall be compelled to vote against receding from the amendment which, in my judgment, covers too broad a territory. That arises in this way: The law at present does not give even to the Governor of a State, who may be interested in tax returns from his State, the right to have those returns inspected. Two representatives from Alabama came to the city several weeks ago, and I requested that the Secretary of the Treasury permit those representatives of the chief executive of my State to examine the tax returns, in order that they might obtain information upon which properly to work out a taxation system for Alabama. The Secretary of the Treasury, rightfully in my judgment under the existing law, declined to grant such permission. As I read the law, there is no Member of the House of Representatives and no Member of the Senate to-day, unless he be the chairman of two certain named committees in the law, who has a right to look at the tax returns from his State or from any other State.

I am thoroughly in sympathy with the arguments which have been presented by the Senator from Michigan [Mr. COUZENS] and by others to the effect that tax returns should be public records. I am just as much opposed, however, to a system which permits such tax returns to be flaunted on the front page of the daily newspapers in order to satisfy people who may have a curiosity. By reason of the fact that, in my judgment, contrary to the judgment of the distinguished Senator from Michigan, for whose judgment I have the highest respect, the amendment offered by the Senator from Nebraska would permit such unwarranted publication in the newspapers, I voted against the amendment, but I now find that, although I had an amendment which I would have offered, and which had been proposed——

Mr. SMOOT. And which if offered would have been accepted.

Mr. BLACK. And would have been accepted, for I will state that the Senator from Utah had already agreed to accept it, and so had certain other members of the Finance Committee. That amendment would have provided that the proper officers of any State could, upon request of the governor, have access to the returns of any taxpayer or to an abstract thereof showing the name and income of the taxpayer at such time and in such manner as the Secretary might prescribe. If we recede from amendment adopted by Senate, neither the State of Alabama nor any other State in the Union will have the right, even though it desires, to inspect the tax returns of the citizens of such State.

Mr. SMOOT. Under the present law the governor of a State has the right to inspect any corporation tax return.

Mr. BLACK. Yes, sir; the Senator from Utah is correct in that statement. The governor of a State has the right under the present law to inspect such returns.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Alabama that his amendment failed to be offered, but it was not the fault of the chairman of the Finance Committee.

Mr. BLACK. That is correct. I will state in a moment just how that happened. The chairman of the committee, I will again state, had agreed to accept the amendment. I sought to get the floor several times, but, in the rush of passing the bill and the difficulty of the then occupant of the chair to recognize me by reason of the fact that I was not on the committee—which was proper—I did not secure recognition until after the amendment with reference to the general publication of tax returns had been adopted. It was then useless to offer an amendment for the limited publication of such returns when the Senate had already adopted language providing for general publication. In my judgment, it would have been out of order. So now, unless there can be some kind of compromise reached by the conferees—and perhaps it would have to be initiated by the conferees of the House—we still retain a restrictive system under the law, which does not even permit the governor of a State, charged with the chief executive functions of that State, to have access to a tax record which, in my judgment, should be a public record.

I thought, and I so stated to the Senator from Nebraska, that if his amendment had provided an additional statement such as was in the old law referred to by the Senator from Michigan, that the newspapers should not publish the tax returns, it would have been a very fair and just law, based on sound public policy and sound public principles because tax returns should be public records; but they should not be, in my judgment, so public that to satisfy mere curiosity they are placed on the front pages of the papers.

I have no criticism to make of the papers for publishing them if they have the opportunity and it is good news. There is no reason why they should not, if they are given the privilege; but I find——

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. BLACK. I yield.

Mr. COUZENS. I should like to ask the Senator if he sees any real difference between the publication of the tax returns in the case of litigation and where there is no litigation? In other words, where there is litigation you will find that every metropolitan paper gives in great detail the evidence in the litigation.

Mr. BLACK. That is correct.

Mr. COUZENS. What is the difference between a case of that kind and the case of the ordinary taxpayer?

Mr. BLACK. There is this difference, in my judgment: When the tax returns were made public in Alabama, I did not hear a single citizen of that State—not a citizen, and I traveled around a good deal—express to me that he thought it was proper to publish these tax returns in the papers. On the contrary, there were hundreds and hundreds of criticisms made to me about publishing these tax returns in the papers; and they were not made by the big-tax payers. Strange to say, most of the objections which were made to me were made by the smaller-tax payers, who felt that it was not right to put their names on the front page of the paper to advertise the smallness of the income tax which they paid.

Personally, it is my judgment—it may be entirely wrong, of course—that there is no added income to amount to anything which goes into the Government's Treasury by reason of the publication of income-tax reports. Lest I be misunderstand, I want to say that I would vote for an amendment or a law which would open up every tax record as a public record to any citizen of this Nation if it carries with it a restriction, which in my judgment is honest and right and fair, that it shall not be published as a long list merely to satisfy curiosity.

I shall only take about one or two more minutes, Mr. President, to make this position clear.

If we decline to recede from the amendment, it will afford a chance to have some kind of added privilege given, certainly to those who by all means should have it, by a compromise conference report. We know that if there is no effort to reach an agreement by sending the bill back to conference, there is no chance to extend it a particle.

I do not want to delay the revenue bill. I think it ought to pass. If that can not be done, we can get it back, and it may be disposed of with great rapidity. But in order to extend the right to view the tax records to those who by all means, according to all reasonable logic and argument, ought to have the right to that view, although, as I stated, for the reasons given I am not in favor of the amendment offered by the Senator from Nebraska in its entirety, I sincerely trust that the Senate will not recede from that amendment in the present conference report, but will wait, so that, if possible, we may reach some kind of a reasonable compromise which will meet certain injustices with reference to publication at the present time.

Mr. BRUCE. Mr. President, the first client I ever had in my life was an old colored woman. The amount involved in the controversy was about $15. I was a young fellow, and my opponent was quite an elderly man, though I did not regard him then, and certainly would not now regard him, as a very formidable opponent for anyone.

I lost the case; and a friend of my client, another colored woman, was overheard talking to my client about the result of the case; and she was heard to say: "Well, didn't I tole you so, honey? Didn't I tole you so? Sperience is the thing, honey—sperience is the thing!"

In connection with this matter of income-tax publicity we have had the fullest measure of instructive experience. When publicity was first proposed in the Senate in 1924 I voted in favor of it. I did that deliberately, though I did it with the gravest misgivings. I did it because I believed that the public mind would never be at rest until the virtue of tax publicity had been actually tested by administrative experience.

It was tested. After the law had been in operation I addressed to the Secretary of the Treasury a communication asking him whether he would not obtain reports from the internal-revenue collectors of the country as to how publicity had worked in point of practice, and he wrote me that he would do so, and he did do so; and all that one has to do to satisfy himself as to the side on which the merits of the pending proposition lie is to read those reports, if I have been correctly informed as to their contents.

As I recollect, the only one of the collectors who declared that he could refer any increase in his income-tax collections to tax publicity was an internal-revenue collector who said he thought that he could attribute an increase of $180 to its operation.

Why should the matter be argued any longer, after such a convincing course of experience? It shows that this thing of attempting to swell the income-tax collections of the country through the agency of such publicity is like the process of shearing a hog—all cry and no wool.

Publicly proved sterile of revenue, barren of any public benefit, but fertile in the highest degree of vexation, of annoyance, of prurient curiosity, of invidious business rivalry, of business injustice. It had about the same effect that a sensational social scandal has in stimulating the morbid impulses of human curiosity. It enabled inquisitive persons to avail themselves of the opportunity that it created to obtain information relating to the pecuniary incomes of their friends or acquaintances.

There is not a man in the United States who had any income worth publishing who did not, a short time after tax publicity went into effect, have a whole raft of insurance solicitors, bond solicitors, realtors, and other members of the eager tribe of solicitation come down on his head; and, worst of all, as I have intimated, it afforded a man in business the opportunity to gather information with reference to the prosperity or adversity of his business rivals that he could turn to his own purely selfish advantage. The truth is that, after all, there is nothing like the amount of cheating and fraud in connection with the workings of the income tax law that some suspicious individuals are prone to suppose.

I have had income-tax agent of the Government after income-tax agent to tell me that the cases in which the citizen overstates his taxable income far, far exceed the cases in which he understates it.

Speaking from the experience of all the internal-revenue collectors throughout the country, that splendid public official, Mr. Blair, confirmed this view only a few days ago in a conversation that I happened to have with him.

From no point of view, therefore, it seems to me, is there any reason to think that tax publicity is likely to be fruitful of any public benefit. We have all heard of such a thing as "pitiless publicity." I call this form of publicity pitiable publicity—publicity utterly ineffective for any good purpose and effective only to irritate and harrass and to work injustice to the citizen in one insidious form or another.

As I said, I voted for tax publicity in the first instance, not only for the reason that I have already given but because with us politicians publicity is a word of no little moment. We are afraid of it. We are not disposed to take any chances with it. Nothing is more likely than opposition to reasonable publicity to destroy the standing of a public man. But now we have an ample fund of administrative experience to draw upon, and the consequence is that when at the last session of Congress the proposition came along to repeal the publicity tax provisions of 1924, I voted for it with other Members of the Senate and publicity was repealed. I am glad that I voted as I did, and I have never had any reason to believe that I made a mistake in doing so.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. COUZENS. Does not the Senator see any difference between the act of 1924 and the Norris amendment?

Mr. BRUCE. I do not see any substantial difference, and I had a conversation only a few moments ago with the Senator from Mississippi [Mr. HARRISON], one of the conferees, and he believes that there is no essential difference.

Mr. COUZENS. That just shows that the Senator does not understand it, because there is as much difference as there is between daylight and darkness; but anyone who does not want to go into the matter will not see the difference.

Mr. BRUCE. That is the way the Senator looks at it, but it is by no means the way that the ordinary man looks at it.

Mr. COUZENS. It is a matter of fact. There are two statutes, and they are nowhere near alike.

Mr. BRUCE. I am opposed to it in any form in which it presents itself.

Mr. COUZENS. No one can have any objection to the Senator taking that position if he wants to.

Mr. BRUCE. There is never any real difficulty in getting at the returns of income tax.

Mr. COUZENS. That is not a correct statement, because every experience has indicated to the contrary. You can not get at these changes without getting the consent of a committee of Congress, or going through a lot of red tape, or getting the consent of the President to get the returns, and that does not help the general public.

Mr. BRUCE. Consent can always be obtained, and I think that there is nothing in the idea that the only restriction on publicity should be that against newspaper publication of income. That restriction might have some value if access to income-tax returns were sought only by mere busybodies and gossips; but when a man desired to find out what the income of his business competitor was, he would hardly shrink from going down to the collector's office in his district and ascertaining the facts.

Mr. COUZENS. Does the Senator think a man could not get the facts about his competitor?

Mr. BRUCE. He can get them to a certain extent, of course, by inquisitive methods of one sort or another.

Mr. COUZENS. Certainly.

Mr. BRUCE. But only approximately, as a rule.

Mr. COUZENS. Oh, no.

Mr. BRUCE. Not with the certainty that is afforded by an income-tax return.

Mr. COUZENS. If the income-tax returns are no more accurate, perhaps, than some of the statements that are filed with Dun and Bradstreets, that may be so, but some of the corporations are honest, and some are dishonest. Some file correct statements with the credit agencies, and some correct statements with the Bureau of Internal Revenue, and others not, but I want to say, as a business man with long experience, that I can find out the details of any business in America.

Mr. BRUCE. The Senator is a good sleuth hound; we all know that. In some instances, it should be remember, income-tax returns are absolutely misleading in effect. I recall the fact that immediately after the tax publicity provision of 1924

went into effect the city of Baltimore was astonished at a certain gentleman, one of the wealthiest and best of our Baltimore citizens, making a very small tax return; but it turned out, when investigation was had into the circumstances, that he had suffered an enormous loss, though he was so wealthy that the loss, after all, did not make any lasting difference to him. Consequently, he had no income to return, and the result of the exposure of his income was to bring his loss to the public attention.

Mr. COUZENS. Under the Norris amendment that would not happen, because it would not be given to the papers as it was under the 1926 act.

Mr. BRUCE. That would not make any difference, in my humble judgment. As I have said, some gossips up on Nineteenth or Eighteenth Street in Washington, for instance, might not take the trouble to go to the collector's office to find out just what the income of some social friend or acquaintance of his was, but do you think that the mere absence of newspaper publication would keep some fellow who really wanted, for selfish purposes, to know what the income of his business rival was, from going to the collector's office to gratify his desire?

Mr. COUZENS. He may do that, but it would not be published in the press, the same as the case to which the Senator just referred.

Mr. BRUCE. The injury that results immediately from newspaper publication is comparatively a trivial thing. It may result in nothing but the mere gratification of ordinary human curiosity.

Mr. COUZENS. That was the thing the Senator said chagrined his friend in Baltimore, that he paid such a small tax, and that was the part that was humiliating.

Mr. BRUCE. Yes; that helped to rub it in; that helped to aggravate it.

Mr. COUZENS. But if they had seen the return instead of just having seen the published amount, if they had gone down and looked at the record, they would have found that the reason he paid a small return was because he had the big losses.

Mr. BRUCE. But I imagine that it would have been bruited about that there was a very small tax return, and that people interested from a business point of view in the material welfare of this gentleman would have gone down to the collector's office all the same.

Mr. COUZENS. Does the Senator think the whole Nation would be such snoopers that they would go out and investigate everybody's tax returns?

Mr. BRUCE. I do not think this is a Nation of snoopers except so far as prohibition has made it so; but, at the same time, we know that there is nothing more deeply implanted in human nature than the instinct of curiosity. We all know how curious even the best of us is to know a little bit about what our friends or acquaintances are doing, or what good has come to them, or what harm has befallen them. So, as I said, when tax publicity came up the last time I voted against it, and now, naturally enough, I trust sincerely that the pending motion will prevail and that the Senate will recede from the publicity feature of the pending tax measure.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

Mr. HARRISON. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOWELL. Mr. President, the Treasury Department is not only the cashier of the Government, but also keeps books of account therefor, so far as income taxes are concerned. If the Treasury Department expends the smallest amount of money, under an ordinary appropriation, the expenditure has to be audited by the Comptroller General. But the Treasury Department has made refunds and repayments on account of income taxes that, up to the present time, amount to probably a billion dollars, and there is no independent audit whatever by the Comptroller General or anyone else. True, the accounts go to the Comptroller General, but the duty he has to perform is merely to determine the proper persons to whom that money should be paid. He has no authority whatever to audit these expenditures but he does audit other expenditures, not only of the Treasury but every other department of the Government.

What is the consequence? Billions of dollars have been repaid or credited by the Treasury upon the Government's books in secrecy—without review—by the auditing department of the Government. It will be recalled that a few moments ago, when the able Senator from Michigan [Mr. COUZENS] was discussing the publicity amendment, he thought that if such an amendment were adopted it might obviate the necessity of a separate audit for these repayments and credits. But he acknowledges that if the publicity amendment is defeated, by all means there should be an independent audit by the Comptroller General.

To meet the situation, I offered an amendment to the tax bill, which was accepted by the Senator from Utah [Mr. SMOOT] on last Saturday evening, but I understand that whereas that amendment was accepted, it has not been agreed to by the conferees. As a consequence, it is out of the bill; and now it is proposed to put out the publicity amendment also and thus continue to maintain secrecy respecting credits and refunds on account of income taxes by the United States Treasury.

Mr. President, this is an intolerable practice. No private institution would consent to such a conduct of its affairs under any circumstances. Why? It leads to favoritism, fraud, and consequent scandal. But the conferees now come back to the Senate and tell us that the provision for auditing has been eliminated, and under the rules we know that there is no way to restore the provision for audit, and yet they ask that the amendment providing for publicity be stricken out also, which in effect will perpetuate in the Treasury Department the secret repayment and crediting of huge sums of money, without any proper accounting. Inasmuch as we can not restore the amendment for the independent audit of these accounts, certainly, as suggested by the Senator from Michigan, we ought to insist upon the publicity amendment which was offered by my colleague, the senior Senator from Nebraska [Mr. NORRIS] on last Saturday evening, and adopted by a record vote.

This is not a trifling matter. It involves billions of dollars, and the perpetuation of conditions which ought not to be tolerated for another year. Therefore, in my opinion, upon this ground alone, we should hold to this publicity amendment proposed by my colleague—that is, hold to it in this way: Vote down the proposal that the Senate recede therefrom.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Locher	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McLean	Simmons
Bingham	George	McMaster	Smith
Black	Gerry	Metcalf	Smoot
Blaine	Gillett	Moses	Steck
Borah	Glass	Neely	Steiwer
Bratton	Greene	Norris	Stephens
Brookhart	Hale	Oddie	Swanson
Bruce	Harris	Overman	Thomas
Capper	Harrison	Phipps	Tydings
Caraway	Hawes	Pine	Tyson
Copeland	Hayden	Pittman	Vandenberg
Couzens	Heflin	Reed, Mo.	Wagner
Curtis	Howell	Reed, Pa.	Walsh, Mass.
Cutting	Johnson	Robinson, Ark.	Walsh, Mont.
Dale	Kendrick	Robinson, Ind.	Warren
Deneen	Keyes	Sackett	Waterman
Dill	King	Schall	Watson
Edge	La Follette	Sheppard	Wheeler

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The clerk will call the roll.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. What is the pending question on which we are about to vote?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah [Mr. SMOOT] that the Senate recede from its amendment No. 54, the publicity amendment to the tax reduction bill.

The Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. I am informed that I can transfer that pair to the senior Senator from South Carolina [Mr. BLEASE], which I do, and vote "yea."

Mr. WHEELER (when his name was called). I have a general pair with the Senator from Idaho [Mr. GOODING]. I understand if he were present he would vote "yea." I transfer that pair to the Senator from South Dakota [Mr. NORBECK], and vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Oregon [Mr. MCNARY] with the Senator from Florida [Mr. TRAMMELL].

The Senator from Delaware [Mr. DU PONT] with the Senator from North Dakota [Mr. FRAZIER];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from North Dakota [Mr. NYE] with the Senator from Louisiana [Mr. BROUSSARD].

Mr. GERRY. I wish to announce that the Senator from Louisiana [Mr. RANSDELL] has a general pair with the Senator from Maine [Mr. GOULD].

The result was announced—yeas 57, nays 23, as follows:

YEAS—57

Ashurst	Gerry	Oddie	Steck
Barkley	Gillett	Overman	Stelwer
Bayard	Glass	Phipps	Stephens
Bingham	Greene	Pine	Swanson
Bruce	Hale	Pittman	Tydings
Caraway	Harrison	Reed, Mo.	Tyson
Copeland	Hawes	Reed, Pa.	Vandenberg
Curtis	Hayden	Robinson, Ark.	Wagner
Dale	Kendrick	Robinson, Ind.	Walsh, Mass.
Deneen	Keyes	Sackett	Warren
Edge	Locher	Schall	Waterman
Edwards	McKellar	Shortridge	Watson
Fess	McLean	Simmons	
Fletcher	Metcalf	Smith	
George	Moses	Smoot	

NAYS—23

Black	Couzens	Johnson	Sheppard
Blaine	Cutting	King	Shipstead
Borah	Dill	La Follette	Thomas
Bratton	Harris	McMaster	Walsh, Mont.
Brookhart	Heflin	Neely	Wheeler
Capper	Howell	Norris	

NOT VOTING—14

Blease	Goff	McNary	Ransdell
Broussard	Gooding	Mayfield	Trammell
du Pont	Gould	Norbeck	
Frazier	Jones	Nye	

So Mr. SMOOT's motion was agreed to.

TAX REDUCTION—CONFERENCE REPORT

Mr. SMOOT. I now present the conference report on the tax reduction bill, being House bill 1, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes; and there being no objection, the Senate proceeded to its consideration.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to reduce anl equalize taxation, provide revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 13, 21, 24, 25, 26, 27, 28, 36, 54, 81, 82, 88, 139, 149, 175, 176, 191, 192, 194, 195, 196, 197, 198, 199, and 200.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 11, 12, 14, 16, 17, 18, 19, 20, 22, 23, 29, 30, 31, 32, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 89, 90, 92, 93, 94, 95, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 179, 180, 181, 182, 183, 184, 185, 188, 189, 193, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 221, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 404. Credit of gift tax and a period"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted and restore the matter proposed to be stricken out by the Senate amendment, and on page 6 of the House bill strike out the sixth line under the heading "Title IV—Administrative Provisions," and in lieu thereof insert the following:

"SEC. 605. Retroactive regulations and a period"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 702. Basis of property upon sale by estate—retroactive.

"SEC. 703. Deduction of estate and inheritance taxes—retroactive.

"SEC. 704. Taxability of trusts as corporations—retroactive.

"SEC. 705. Installment sales—retroactive.

"SEC. 706. Contributions to charity—retroactive.

"SEC. 707. Income tax on sale of vessels built before 1914.

"SEC. 708. Definition of the term 'motor boat.'

"SEC. 709. Remission or mitigation of forfeitures.

"SEC. 710. Refunds and credits to be referred to joint committee.

"SEC. 711. Commissioners of Court of Claims.

"SEC. 712. Bureau of Internal Revenue—details to Washington.

"SEC. 713. Salaries of collectors of internal revenue.

"SEC. 714. Repeals.

"SEC. 715. Separability clause.

"SEC. 716. Effective date of act."

And a period.

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per cent"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 224 of the House bill, after line 8, and after the section inserted by Senate amendment 215, insert the following:

"SEC. 706. CONTRIBUTIONS TO CHARITY—RETROACTIVE.

"In computing the net income of any individual, other than a nonresident alien, for the taxable year 1923, there shall be allowed as a deduction (subject to the percentage limitation prescribed by section 214(a)(11) of the revenue act of 1921) any contributions or gifts to or for the use of a trust organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, if such individual made during the taxable year 1924 contributions or gifts to the same trust and in the aggregate of substantially the same amount. In no case shall there be allowed as a deduction under this section contributions or gifts to an amount in excess of $50,000. Any tax paid in respect of such deduction shall, subject to the statutory period of limitation applicable thereto, be credited or refunded."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(q) Pension trusts.—An employer establishing or maintaining a pension trust to provide for the payment of reasonable pensions to his employees (if such trust is exempt from tax under section 165, relating to trusts created for the exclusive benefits of employees) shall be allowed as a deduction (in addition to the contributions to such trust during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (a) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions, but only if such amount (1) has not theretofore been allowable as a deduction, and (2) is apportioned in equal parts over a period of 10 consecutive years beginning with the year in which the transfer or payment is made."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 12 of the Senate engrossed amendments, line 8, strike out the period and insert a semicolon; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: On page 14 of the Senate engrossed amendments, at the end of line 14, insert a period and the following:

"In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, the basis of such property in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be the same as if the trust instrument had been a will executed on the day of the grantor's death."

And the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91,

and agree to the same with an amendment as follows: On page 20 of the Senate engrossed amendments, line 17, strike out all after "group" and insert in lieu thereof a period and the following: "An insurance company subject to the tax imposed by section 201 or 204 shall not be included in the same consolidated return with a corporation subject to the tax imposed by section 13" and a period; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: On page 166 of the House bill, line 4, strike out "three" and insert "two"; and on page 178 of the House bill, line 20, strike out "three" and insert "two"; and on page 178 of the House bill, line 25, strike out "three" and insert "two"; and on page 179 of the House bill, line 2, strike out "three" and insert "two"; and on page 180 of the House bill, line 10, strike out "three" and insert "two"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 186 of the House bill, line 13, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 186 of the House bill, line 16, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 186 of the House bill, line 18, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(a) No refund shall be made of any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921 or of the revenue act of 1918, unless either—

"(1) Pursuant to a judgment of a court in an action duly begun prior to April 30, 1928; or

"(2) It is established to the satisfaction of the commissioner that such amount was in excess of the amount properly payable upon the sale or lease of an article subject to tax, or that such amount was not collected, directly or indirectly, from the purchaser or lessee, or that such amount, although collected from the purchaser or lessee, was returned to him; or

"(3) The commissioner certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchases, and that such bond, in the case of a claim allowed after February 28, 1927, was filed before the allowance of the claim by the commissioner.

"(b) The second proviso under the heading 'Internal revenue' in section 1 of the first deficiency act, fiscal year 1928, and the second proviso of the fourth paragraph under the heading 'Internal Revenue Service' in section 1 of the Treasury and Post Office appropriation act for the fiscal year 1929, are repealed" and a period.

And the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 442. TAX ON STEAMSHIP TICKETS.

"(a) Subdivision 5 of Schedule A of Title VIII of the revenue act of 1926 is amended to read as follows:

"'5. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, or Cuba, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.'

"(b) Subsection (a) of this section shall take effect on the expiration of 30 days after the enactment of this act."

And the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "or the Undersecretary" and a comma; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: On page 37 of the Senate engrossed amendments, lines 7 and 8, strike out "extinguishment of liability by bar of statute of limitations" and insert "effect of expiration of period of limitation"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 611. COLLECTIONS STAYED BY CLAIM IN ABATEMENT.

"If any internal-revenue tax (or any interest, penalty, additional amount, or addition to such tax) was, within the period of limitation properly applicable thereto, assessed prior to June 2, 1924, and if a claim in abatement was filed, with or without bond, and if the collection of any part thereof was stayed, then the payment of such part (made before or within one year after the enactment of this act) shall not be considered as an overpayment under the provisions of section 607, relating to payments made after the expiration of the period of limitation on assessment and collection."

And the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: On page 41 of the Senate engrossed amendments, line 21, after "taxable," insert "(whether distributed or not)"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: On page 42 of the Senate engrossed amendments, line 11, strike out

"a return or an amended," and insert "an original"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: On page 44 of the Senate engrossed amendments, line 4, after the period, insert "The basis of any such new ship shall be reduced by the amount of the gain from such sale exempt from taxation under this paragraph" and a period; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 708. DEFINITION OF THE TERM 'MOTOR BOAT.'

"The term 'motor boat,' when used in the act of September 21, 1922, includes a yacht or pleasure boat, regardless of length or tonnage, whether sail, steam, or motor propelled, owned by a resident of the United States or brought into the United States for sale or charter to a resident thereof, whether or not such yacht or boat is brought into the United States under its own power, but does not include a yacht or boat used or intended to be used in trade or commerce, nor a yacht or boat built or for the building of which a contract was entered into prior to December 1, 1927."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: On page 44 of the Senate engrossed amendments, line 17, strike out "penalties" and insert "forfeitures"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: On page 45 of the Senate engrossed amendments, line 2, strike out "709" and insert "710"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: On page 45 of the Senate engrossed amendments, line 18, strike out "710" and insert "711"; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "712"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: On page 46 of the Senate engrossed amendments, line 6, strike out "712" and insert "713"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "714"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "715"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "716"; and the Senate agree to the same.

REED SMOOT,
GEO. P. MCLEAN,
DAVID A. REED,
PETER G. GERRY,
PAT HARRISON,
Managers on the part of the Senate.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Utah some questions about several amendments that were adopted by the Senate. First, I make inquiry with regard to the amendment regarding life insurance companies.

Mr. SMOOT. I assume the Senator has reference to the amendment offered by the Senator from Pennsylvania [Mr. REED].

Mr. REED of Pennsylvania. Mr. President, there was nothing in conference as to life insurance companies. There was no effort made by the conferees to change the bill as it passed the Senate.

The amendment as to fire insurance companies, which was adopted by the Senate, was retained by the conferees.

Mr. SIMMONS. Mr. President, as a matter of fact, the present law with reference to insurance companies, both fire and life, is retained, is it not?

Mr. REED of Pennsylvania. No. Stock companies doing a fire-insurance business are taxed the same as mutual companies on their capital gains.

Mr. SIMMONS. I did not refer to that kind of insurance companies.

Mr. SMOOT. The life insurance companies are left exactly in the same position as under the present law.

Mr. SIMMONS. Exactly the same.

Mr. COPELAND. The Senator from Pennsylvania will recall the little discussion we had and the letters which I presented from Mr. Fiske and others. Was there no change made?

Mr. REED of Pennsylvania. No; there was no change made in the action of the Senate as to insurance companies.

Mr. COPELAND. May I ask about the amendment relating to international bridges?

Mr. SMOOT. I will say to the Senator that the amendment as to international bridges was disagreed to.

Mr. COPELAND. Did the conferees make every effort to retain it?

Mr. SMOOT. We did all we could, but the House conferees would not agree to it.

Mr. COPELAND. Was the matter presented in such a way that it was understood by the House conferees?

Mr. SMOOT. I did everything I could, but I may just as well say that a question came up as to international bridges into Mexico. The House conferees thought that if the amendment were adopted it would apply there, and they did not want it adopted, and if the Senator knew the details I do not know that he would want it in the bill.

Mr. COPELAND. I was not interested in any bridge except the Peace Bridge at Buffalo. It appears to have gotten mixed up with these other bridges and gone downstream.

Mr. SMOOT. The Senate conferees had to yield.

Mr. COPELAND. What about the public-utility amendment offered by the Senator from Michigan [Mr. VANDENBERG]?

Mr. SMOOT. That was disagreed to.

Mr. COPELAND. Does the Senator mean to say that the employees of water and other utility companies will be taxed?

Mr. SMOOT. They will be taxed the same as they are taxed to-day.

Mr. COPELAND. Was there much discussion of that particular amendment?

Mr. SMOOT. Yes; that question was before the Senate when the 1926 act was considered, and also the 1924 act, but the House conferees took the same position on this occasion that they took heretofore.

Mr. COPELAND. Was every effort made to retain that amendment?

Mr. REED of Pennsylvania. Yes. The House conferees stood very firm against every amendment that would tend to make exceptions or grant additional deductions, taking the position that such provisions were in principle unsound. We did our best to retain the Senate amendment to which the Senator refers, but we could not do it.

Mr. COPELAND. May I ask what happened to the amendment, put on by the tremendous vote of 59 to 13 in the Senate, relating to traveling expenses of professional men?

Mr. SMOOT. That was disagreed to.

Mr. COPELAND. May I ask what happened to the ticket-broker's amendment?

Mr. SMOOT. That was agreed to, I will say to the Senator.

Mr. COPELAND. What about the amendment in regard to club dues?

Mr. SMOOT. That was agreed to as the Senate amended it.

Mr. COPELAND. I judge from what the Senator has said that the House dictated the bill?

Mr. SMOOT. No. If the Senator from New York will notice the conference report, he will find that there were very few Senate amendments which were disagreed to, and a long list of Senate amendments which were agreed to. I do not know that I ever sat on a conference committee in my life where a

greater percentage of Senate amendments was agreed to than in the conference on the tax reduction bill.

Mr. COPELAND. Does the Senator find any embarrassment as a conferee in dealing with amendments which we adopt in the Senate but which he opposes here?

Mr. SMOOT. I have no embarrassment at all, because I do the bidding of the Senate and stand for the action of the Senate just as long as I can.

Mr. COPELAND. I think that the Senator has failed miserably in several particulars to do the bidding of the Senate in connection with this bill.

Mr. SMOOT. If the Senator from Utah failed, so did all four of the other Senate conferees, and I doubt whether we could have got any better report than the one which was finally prepared.

Mr. COPELAND. It seems very strange to me, if the Senator will permit me to say so, that, for instance, as to the amendment relating to the traveling expenses of professional men, when it passed by such an overwhelming vote in the Senate, the conferees on the part of the Senate were unable to make any impression upon the House conferees.

Mr. SMOOT. The House conferees did not propose to make any further exemptions in the existing law if they could prevent it and they insisted upon the House provision.

Mr. COPELAND. I am very much disappointed, I am frank to say, Mr. President.

Mr. HARRISON. Mr. President, may I say to the Senator from New York that every effort was made in behalf of the amendments to which he has referred, especially the last one, and the best part of the argument that I employed was quotations from the Senator's speech on the floor of the Senate.

Mr. COPELAND. Of course, I am much flattered by that, but apparently the speech I made, while a good argument in the Senate, did not go very far with the House conferees.

Mr. President, I am very sorry, indeed, that the amendments to which I have referred were not agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I understand the conference report represents a complete and final agreement?

Mr. SMOOT. It is a complete report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PETITIONS AND MEMORIALS

Mr. BINGHAM presented a communication in the nature of a memorial from Star of Good Will Lodge, No. 9, Order of Shepherds of Bethlehem, of New Britain, Conn., remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a communication from the board of directors of the New Haven (Conn.) Council of Churches, favoring the passage of legislation to permit the admission within the immigration quota of certain relatives of declarants, which was referred to the Committee on Immigration.

He also presented papers in the nature of petitions from the Meriden League of Republican Women, members of the Woman's Foreign Missionary Society of the New Haven District of the New York East Conference of the Methodist Episcopal Church, and sundry citizens of the State of Connecticut, praying for the adoption of Senate Resolution 139, suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

ALL-AMERICAN WATERWAY

Mr. WALSH of Massachusetts. Mr. President, I have a communication from representatives of various commercial and industrial organizations of Massachusetts with respect to the attitude of those organizations expressing opposition to the substitution for the St. Lawrence River route providing a waterway from the Great Lakes to the Atlantic Ocean recommended by the two international commissions, an all-American waterway across the State of New York.

I request that the letter from the representatives of these influential organizations be treated as in the nature of a petition, referred to the Committee on Commerce, and printed in the RECORD.

Mr. COPELAND. Of course, I have no objection to the admission of the letter, but I hope the Senator from Massachusetts will ultimately favor the New York route.

There being no objection, the communication was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

BOSTON, MAY 22, 1928.

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

DEAR SENATOR WALSH: We have been given to understand that certain New York interests are extremely active in attempting to secure support from various Members of Congress for their proposal for an all-American waterway across the State of New York in substitution for the St. Lawrence River route recommended by the two international commissions.

Whatever your opinion may be respecting the desirability of providing a waterway from the Great Lakes to the Atlantic Ocean, we trust that you will withhold your promise of support for the suggested New York route for the following reasons:

1. Such a waterway across New York State will cut all existing transportation routes from the west into New England and will place a premium upon the diversion of traffic from New England to the port of New York, where there are always available facilities for absorbing export tonnage to all ports of the world.

2. The construction of the proposed route across New York State will deprive New England coastal ports of a much more efficient and expeditious water route to the interior of the country via the St. Lawrence River. Comparing the two routes, that by way of New York would involve the passage of 20 locks instead of 9; 54 overhead bridges in place of 8; 128 miles of navigation in restricted channel compared with 25 on the St. Lawrence route, and would necessitate passage through the congested port of New York. In addition, the all-American route suggested by the New York interests would cost over four times as much to construct as would that via the St. Lawrence River.

3. The construction of the New York route would provide no hydroelectric power, whereas that via the St. Lawrence would make available immediately or in the future, 5,000,000 horsepower of electric energy, a considerable portion of which would be available for New England industries. Furthermore, it is estimated that this water power will produce electric current which would require 65,000,000 tons of coal annually to produce. Such a saving by utilizing a present waste should not be ignored.

4. The purpose behind the suggested all-American route has evidently one of three motives, or a combination of all.

First. To unload upon the Federal Government an inefficient and unprofitable state-owned barge canal.

Second. To increase the export and import business of the port of New York and the new port of Albany.

Third. To prevent any action whatever in giving the West an outlet to the sea by insisting upon an inadequate and inefficient waterway the cost of which would be prohibitive.

In view of these circumstances and the commercial isolation of New England which would inevitably follow the construction of such a waterway as that proposed, we feel that you would be acting contrary to the interests of this section of the country in case for any reason you saw fit to lend aid to the proposed measure.

While we are aware that the subject matter is not officially before the Congress, we are informed that efforts are being made to commit Members of Congress to the New York route in advance of its official consideration and we respectfully ask you to study the matter from the angles presented above before lending any encouragement to the sponsors of the movement.

Very truly yours,

ALTON D. EDES,
Representing the Massachusetts State Chamber of Commerce,
ARTHUR W. GILBERT,
Massachusetts Commissioner of Agriculture,
CHARLES R. GOW,
Representing the Associated Industries of Massachusetts,
ALLEN HUBBARD,
Representing the Affiliated Technical Societies of Boston,
BERNARD J. ROTHWELL,
Representing the Boston Chamber of Commerce,
Massachusetts Members of the Joint New England Committee on the St. Lawrence Seaway Project.
CHAS. R. GOW, *Chairman.*

SHOOTING OF JACOB D. HANSON

Mr. COPELAND presented the following resolutions, which were referred to the Committee on Commerce and ordered to be printed in the RECORD:

Resolution by Niagara Falls Lodge, No. 81, I. O. O. F.

NIAGARA FALLS LODGE, No. 81, I. O. O. F.,
NIAGARA FALLS, N. Y., *May 10, 1928.*

Whereas Jacob D. Hanson, a reputable, law-abiding, and respected citizen of the United States and for the past 25 years a member of this order, while driving his automobile on a much-traveled highway in the town of Lewiston, N. Y., on the morning of the 6th of May, was fired upon and possibly fatally wounded by members of the United States Coast Guard; and

Whereas incidents of this type are reported to be of frequent occurrence, constituting a serious menace to the lives and property of the traveling public and placing them in constant danger and are a violation of the laws and constitution of our State and Federal Government; and

Whereas the commander of the unit of said United States Coast Guard Service at Youngstown, N. Y., refuses to allow warrants duly issued by the State courts for the arrest of said assailants of said Jacob D. Hanson to be executed and is reported to have made statements to the effect that said Coast Guards were acting in accordance with orders issued to them to fire upon any automobile which refused to stop on their signal: Now, therefore, be it

Resolved, That Niagara Falls Lodge, No. 81, I. O. O. F., of Niagara Falls, N. Y., hereby indignantly protest against the reckless use of firearms against the persons and automobiles of law-abiding citizens of this community, and the unjust and unlawful stopping, annoying, and searching of law-abiding citizens traveling upon our highways without any cause or reason therefor by apparently irresponsible persons in the employ of the United States Coast Guard Service or any other governmental service, and we hereby resolve that every effort should be made to bring said members of the United States Coast Guard to answer in the courts for their unjust assault upon said Jacob D. Hanson to the full extent of the law, and that civil authorities cause an investigation to be made as to the unlawful issuing of orders by anyone in governmental capacity directing subordinates to shoot anyone who refuses to stop at their direction; that copies be sent to the Secretary of the Treasury, Senators COPELAND and WAGNER, United States Senators for the State of New York, and Congressman from this district, S. WALLACE DEMPSEY, and to the district attorney of the county of Niagara.

Dated Niagara Falls, N. Y., May 10, 1928.

EDWARD ROTH,
Acting Noble Grand.

Attested:

E. F. SANDSTRUM,
Chairman Committee.

Whereas Brother Jacob D. Hanson, secretary of Niagara Falls Lodge, No. 346, B. P. O. E., a very reputable, respectable, and law-abiding citizen of the city of Niagara Falls, N. Y., was on the morning of May 6, 1928, returning to his home in said city and was traveling in his automobile on a public highway, Lewiston Road, partially in the city of Niagara Falls, in a lawful and peaceful manner; and

Whereas while so traveling on said public highway the said Jacob D. Hanson was the victim of a terrible, unjustifiable, and murderous assault committed upon his person by members of the United States Coast Guard Service stationed at Youngstown, N. Y.; and

Whereas our Brother Jacob D. Hanson is now lying at the point of death in a hospital at the city of Niagara Falls, N. Y., with a bullet in his temple as a result of this assault; and

Whereas occurrences of this nature are wholly unauthorized, unnecessary, and unjustified; and

Whereas the commander of the United States Coast Guard Service at Youngstown, N. Y., refuses to surrender the two men guilty of this murderous assault to answer for their deeds: Now, therefore be it

Resolved, That North Tonawanda Lodge No. 860, B. P. O. E., voice its whole-hearted and indignant protest against the reckless, careless, and negligent use of firearms against the persons and property of law-abiding and peaceful citizens of the United States by members of the United States Coast Guard Service, and also the manner in which the irresponsible persons in said service are attempting to perform their duties; and be it further

Resolved, That the greatest effort be made to make the members of the United States Coast Guard Service who are responsible for this act answer for this deed; and

That copies of this resolution be mailed to the following:

Niagara Falls Lodge, No. 436, B. P. O. E.

John F. Malley, Grand Exalted Ruler, B. P. O. E.

Congressman S. WALLACE DEMPSEY.

Congressman JAMES M. MEAD.

Senator ROYAL S. COPELAND.

Senator ROBERT F. WAGNER.

Dated at the city of North Tonawanda, N. Y., this 15th day of May, 1928.

UNITED ASSOCIATION OF JOURNEYMEN PLUMBERS AND STEAM FITTERS OF THE UNITED STATES AND CANADA,
Chicago, Ill., May 16, 1928.

Hon. ROYAL S. COPELAND,
United States Senator, Washington, D. C.

DEAR SENATOR. There has been brought to the attention, through the press and otherwise, of Local Union No. 36, Journeymen Plumbers and Gas Fitters of Buffalo, N. Y., the vicious and unwarranted shooting of a well-known business man and citizen, Mr. Jacob Hanson, a resident of Niagara Falls, N. Y., by United States Coast Guard men Messrs. Jennings and Dew, apparently without any just cause or reason therefor. Our information is that Mr. Hanson enjoys the reputation of being an honest and upright citizen and one who obeys and complies with the law and does not violate the same. Particularly, we understand at the time of this unwarranted and wholly uncalled-for assault upon him, he was engaged in his own lawful, private occupation.

By reason of the above, the following resolution was unanimously passed at a regular meeting of our Local Union No. 36, held at its hall in the city of Buffalo, N. Y., on the 11th day of May, 1928; and the undersigned president and secretary, by direction of such Local Union No. 36, are sending the same to you in your official capacity, and asking that you take vigorous action concerning the same as you feel is justified and warranted:

"*Resolved*, That emphatic protest be, and hereby is, made to the necessary Federal authorities against the unwarranted and vicious assault committed by United States Coast Guard men upon Jacob Hanson, by unlawfully and illegally shooting him; and whereas, such acts were wholly unjustified and unwarranted and we believe exceeded any and all authority of the said United States Coast Guard men, we, the members of Local Union No. 36, Journeymen Plumbers and Gas Fitters of Buffalo, N. Y., do hereby respectfully request and urge our Federal representatives, and particularly our Congressmen and United States Senators, to take any and all necessary and required steps to see that full justice is meted out and that such unwarranted assault be properly and adequately punished, and that the perpetrators of same receive the full penalty of the law and shall not be permitted to escape their just punishment."

[SEAL.] ARTHUR J. WONNACOTT,
President.

Attest:

JOSEPH A. PERRY, *Secretary.*

Resolution adopted at the meeting of the executive committee of the New York State Bar Association held April 25, New York City

Resolved, That the executive committee of the New York State Bar Association is opposed to the enactment of Senate bill 3151, amending section 24 of the Judicial Code of the United States with respect to the jurisdiction of the United States courts, believing that such changes would deprive the Federal courts of the most important classes of their civil jurisdiction, and would tend toward delay and uncertainty in the administration of justice; further

Resolved, That the officers of the association and the chairman of the committee on procedure in the Federal courts are hereby authorized to take such steps as they may deem advisable with respect to communicating with local bar associations and such other action as they may deem proper to express the opposition of this association to the enactment of said bill.

Resolution of the Association of the Bar of the City of New York adopted at a meeting held on May 8, 1928, in New York City

Whereas there has been introduced in the present Congress of the United States Senate bill 3151, by which it is sought to deprive the United States district courts of the larger part of their jurisdiction in common-law and equity cases conferred upon them by paragraph 1 of section 24 of the Judicial Code (sec. 41, U. S. C.), being the most important part of the jurisdiction conferred by that section, and that most frequently exercised;

Whereas the Association of the Bar of the City of New York is of the opinion that it is the duty of the association, acting through its proper committees, to oppose the passage of this bill, S. 3151, intended to diminish the powers and to limit the jurisdiction of the Federal courts.

Rtsolved, That the executive committee of the Association of the Bar of the City of New York and the committee on Federal legislation of the bar of the city of New York be, and they hereby are, authorized in the name of the association to oppose the passage of Senate bill 3151, said bill being intended to diminish the powers and to limit the jurisdiction of the Federal courts; be it further

Resolved, That a copy of the report of the committee on Federal legislation made with respect to this bill at a stated meeting of the Association of the Bar on May 8, 1928, be printed in convenient form and sent to each Member of the United States Senate.

GREENWICH VILLAGE HISTORICAL SOCIETY (INC.),
New York.

At a regular meeting of the Greenwich Village Historical Society, May 15, 1928, at 92 Fifth Avenue, New York City, the following resolution, moved by Doctor Sauchelli and seconded by Mrs. Steindel, was carried:

"*Resolved*, That the Greenwich Village Historical Society go on record as favoring the public ownership and control of the Boulder Dam power activities; and as opposed to permitting any private interests owning or controlling them; Be it further

"*Resolved*, That a copy of these resolutions be sent to the Senate, the House of Representatives, to the Vice President, Hon. Charles G.

Dawes, and Senators Hon. ROYAL S. COPELAND, Hon. ROBERT F. WAGNER, Hon. EDWARD I. EDWARDS, and Hon. WALTER E. EDGE. Also to the newspapers, especially to the New York American."

JULIA GOLDZIER, *Secretary.*

RECORD OF SENATOR SHIPSTEAD ON FARM RELIEF

Mr. WHEELER presented a letter from George N. Peek, chairman administrative committee, North Central States Agricultural Conference, relative to the record of the senior Senator from Minnesota [Mr. SHIPSTEAD] on the subject of agricultural relief, which was ordered to be printed in the RECORD as follows:

NORTH CENTRAL STATES AGRICULTURAL CONFERENCE,
[EXECUTIVE COMMITTEE OF 22]
Washington, D. C., May 11, 1928.

Hon. HENRIK SHIPSTEAD,
United States Senate, Washington, D. C.

DEAR SENATOR SHIPSTEAD: I want to take this opportunity of expressing my appreciation of your cooperation and support in the passage of the McNary-Haugen bill in Congress.

I am sure you will agree with me that the farmers of America are now engaged in the most momentous struggle in their history, or at least since the war of 1861 to 1865.

It is the age-old struggle for economic equality. It is the kind of a struggle that makes or breaks political parties. Therefore, the question is bigger than partisan politics.

Since the great meeting of farm organizations in St. Paul in July, 1924, farmers have followed the practice of rewarding their friends in Congress by their support and of defeating their enemies by their opposition, and this regardless of partisan politics.

Your record in Congress is a clear one on behalf of agriculture and I am happy to express not only my appreciation for what you have done but the hope that you will have the unanimous support of the farmers of your State for reelection regardless of party lines. If farmers are to secure and retain their proper place in our complicated economic scheme of things they must place their economic interest above partisanship and stay by their friends.

I have written a number of letters in behalf of both Republican and Democratic Members of Congress of a similar character to this one so it can not fairly be said that in writing you in this way that my motives are partisan.

With best wishes, I am

Sincerely yours,

GEORGE N. PEEK.

REPORTS OF COMMITTEES

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, reported it without amendment and submitted a report (No. 1280) thereon.

He also, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale, reported it with amendments and submitted a report (No. 1281) thereon.

Mr. WATSON (for Mr. MAYFIELD), from the Committee on Interstate Commerce, to which was referred the bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity, reported it without amendment and submitted a report (No. 1282) thereon.

Mr. BROOKHART, from the Committee on Post Offices and Post Roads, to which was referred the joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes, reported it without amendment and submitted a report (No. 1283) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (H. R. 12311) to provide for the payment of compensation to William J. Tilson, reported it without amendment.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 2949) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard, reported it without amendment and submitted a report (No. 1292) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 325) repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

A bill (H. R. 7354) to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

A bill (H. R. 8728) to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute;

A bill (H. R. 12354) to grant to the city of Leominster, Mass., an easement over certain Government property; and

A bill (H. R. 12605) to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery.

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4206) authorizing the Director of the Census to collect and publish certain additional cotton statistics, reported it with an amendment.

Mr. McMASTER, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8628) for the relief of Amos Dahuff (Rept. No. 1293); and

A bill (H. R. 11758) authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery (Rept. No. 1294).

SURVEYS AND PROJECTS, NATIONAL CONFERENCE ON OUTDOOR RECREATION

Mr. SHIPSTEAD, from the Committee on Printing, reported a resolution (S. Res. 251), which was considered by unanimous consent and agreed to, as follows:

Resolved, That the report epitomizing the results of major fact-finding surveys and projects which have been undertaken under the auspices of the National Conference on Outdoor Recreation be printed as a Senate document.

REPORTS OF THE COMMITTEE TO AUDIT AND CONTROL, ETC.

Mr. DENEEN. I submit several reports from the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER (Mr. DALE in the chair). Without objection, the reports will be received.

FORMER SENATOR MAGNUS JOHNSON

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 176, reported by Mr. SHORTRIDGE on March 22, 1928, from the Committee on Privileges and Elections, reported it without amendment and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for the expenses of inquiries and investigations, contingent fund of the Senate, fiscal year 1926, to Hon. Magnus Johnson the sum of $2,500, in full payment for all expenses, including fees and expenses of his attorneys, incurred in prosecution of his claim to a seat in the Senate in the contest of the election of a Senator from the State of Minnesota in 1924.

MILDRED G. SMITH AND MILDRED N. LOCKETT

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 238, submitted by Mr. BROOKHART on May 19, 1928, reported it with an amendment in line 4, before the name "Smith," to strike out "G" and insert "C," so as to make the resolution read:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, fiscal year 1927, contingent fund of the Senate to Mildred C. Smith and Mildred N. Lockett, daughter and granddaughter, respectively, of James A. Crystal, late a messenger in the employ of the Senate under direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Concurrent Resolution 15, submitted by Mr. MOSES on April 10, 1928, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives hereby are authorized and directed to pay out of the contingent funds of the Senate and House of Representatives, respectively, the sum of $2,000, or so much thereof as may be required, one half of said sum to be paid by the Secretary of the Senate, the remaining half by the said Clerk of the House upon vouchers duly approved by the chairman of the joint committee of both Houses authorized by Senate

Joint Resolution 110, Public Resolution 70, Sixty-ninth Congress, to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of the copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System, for all governmental administrative, or publication purposes for which the same may be desirable.

ASSISTANCE FOR INVESTIGATION OF STREET-RAILWAY MERGER IN THE DISTRICT OF COLUMBIA

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 244, submitted by Mr. CAPPER on May 22, 1928, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, hereby is authorized to employ during the sessions and recesses of the Seventieth Congress such expert assistance as may be deemed advisable to aid said committee, or subcommittee, in a detailed investigation of the plan of street railway merger and the unification agreement therein mentioned as embodied in Senate Joint Resolution 133.

For such purpose there is hereby authorized to be expended a sum not to exceed $10,000, to be paid from the contingent fund of the Senate upon vouchers properly approved.

PRESIDENTIAL CAMPAIGN EXPENDITURES

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 234, submitted by Mr. ROBINSON of Arkansas, on May 17, 1928, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the powers and duties conferred upon the special committee appointed under Senate Resolution 214 and any subcommittees thereof are hereby extended so as to authorize and require the said committee to continue its investigation under said resolution and said committee is hereby authorized in addition to the authority conferred by Senate Resolution 214 to sit and act during adjournment of Congress and to ascertain all facts in relation to the receipts and expenditures of the several political committees and of party organizations and agencies and other persons, including the amount contributed, pledged, loaned, or otherwise made available for use, either directly or indirectly, and also the methods of expenditure of said sums, and also the use of any other means or influence, including the promise or use of patronage and of governmental favors, and such other matter as will aid Congress in its further consideration of necessary remedial legislation, and to report to the Senate as soon as possible after the convening of the second session of the Seventieth Congress.

That said committee is further authorized to employ stenographic assistance, at a cost not exceeding 25 cents per hundred words, to report such hearings and proceedings as may be had in connection with any subject which may be before said committee, and such clerical and other assistance as may be deemed necessary by the committee. The cost of such stenographic, clerical, and other assistance shall be paid out of the contingent fund of the Senate upon vouchers properly approved.

That the appropriation authorized by Senate Resolution 214 shall be considered available in the performance of the further additional duties of the committee hereby conferred, and the further sum of $25,000 is authorized to be appropriated out of the contingent fund of the Senate to carry out the additional purposes hereby conferred.

INVESTIGATION RELATIVE TO NATIONAL PARKS

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 237, reported by Mr. NYE on May 19, 1928, from the Committee on Public Lands and Surveys, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee thereof, be, and it is hereby, authorized and directed to investigate the advisability of establishing certain additional national parks and the proposed changes in, and boundary revisions of, certain other national parks. For the purpose of carrying out the provisions of this resolution, such committee or subcommittee is hereby authorized to sit, act, and perform its duties at such times and places as it deems necessary or proper; to require, by subpœna or otherwise, the attendance of witnesses; to require the production of books, papers, documents, and other evidence; and to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not exceed 25 cents per 100 words. The expenses of such committee or subcommittee, which shall not exceed the sum of $3,500, shall be paid from the contingent fund of the Senate. The committee or subcommittee shall make a report as to its findings at the second regular session of the Seventieth Congress, together with recommendations for such legislation as it deems necessary.

LANDS WITHIN THE RAINY LAKE WATERSHED, MINNESOTA

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 239, reported by Mr. MCNARY on May 19, 1928, from the Committee on Agriculture and Forestry, reported it with an amendment on page 2, line 23, before the word "shall," to insert "$2,000," so as to make the resolution read:

Whereas on April 4, 1928, there was introduced in the Senate a bill (S. 3913) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes; and

Whereas the preamble to said bill emphasizes the importance of protecting and conserving the area covered by the Rainy Lake watershed, lying in Ontario and Minnesota, and the adjacent lands and waters, out of international, historic, reactional, scenic, and economic and esthetic considerations; and

Whereas said bill contemplates the development of a uniform plan of treatment and protection for this entire region; and

Whereas said bill provides for the withdrawal from entry or appropriation of certain public lands of the United States situate in such region and for the conservation and protection of the natural features of such region in an unmodified state: Therefore be it

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized to investigate the matters recited in the preamble to Senate bill 3913 and consider the protective measures proposed to be adopted by said bill, with a view to determining the advisability and practicability of carrying out the principles therein set forth or determining what other plan for the development and protection of the region therein specified may be adopted, and to report thereon to the Senate as soon as practicable, with such recommendations for legislation as it deems advisable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places in the United States and Canada, to employ such experts and clerical, stenographic, and other assistance, to require, by subpœna or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $2,000, shall be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

MESSENGER TO SENATOR SCHALL

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 243, submitted by Mr. ROBINSON of Indiana, on May 21, 1928, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That THOMAS D. SCHALL, a Member of the Senate, whose term expires March 4, 1931, be, and he is hereby, authorized to appoint a messenger to act as personal attendant, in lieu of the page heretofore appointed, as provided by Senate Resolution 42, adopted December 17, 1927, said messenger to be paid out of the contingent fund of the Senate at the rate of $100 per month.

MEDAL TO THOMAS A. EDISON

Mr. EDGE. I ask unanimous consent to report back favorably, without amendment, from the Committee on Banking and Currency, the joint resolution (H. J. Res. 243) to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century, and I submit a report (No. 1285) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. DILL. What is the resolution?

Mr. EDGE. It is a joint resolution providing for the striking of a medal for Thomas A. Edison to be presented to him on his birthday, at the same time he is presented with a medal by the National Society of Arts and Sciences. It is a unanimous report from the Committee on Banking and Currency.

Mr. DILL. I think it had better go to the calendar.

Mr. KING. I think so too. Where is the authority for it?

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

AMENDMENT OF ADJUSTED COMPENSATION ACT

Mr. REED of Pennsylvania. I ask unanimous consent to submit a report from the Committee on Finance proposing to amend the adjusted compensation act. The report is unanimous. It merely extends the time for two years for filing applications under the adjusted compensation act. It will not lead to any debate.

Mr. ASHURST. I hope the bill may be put on its passage.

Mr. SMOOT. There is one amendment to it.

Mr. REED of Pennsylvania. There is an amendment which will not lead to debate.

I report back favorably from the Committee on Finance the bill (H. R. 10487) to amend the World War adjusted compensation act, as amended; and on behalf of the committee and the legislative drafting counsel, I propose an amendment, being the insertion of two words inadvertently omitted.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 3, line 5, after the word "making," to insert "and filing."

Mr. REED of Pennsylvania. All through the act those two words are connected in speaking of applications, and this amendment makes the bill consistent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4561) to amend the first paragraph of section 3 of the shipping act, 1916, as amended; to the Committee on Commerce.

A bill (S. 4562) granting the consent of Congress to the boards of county commissioners of Escambia and Okaloosa Counties, Fla., their successors and assigns, to construct, maintain, and operate a canal through and across Santa Rosa Island in the State of Florida, and for other purposes; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 4563) to remit the duty on a Zeiss planetarium to be imported for the University of Pennsylvania; to the Committee on Finance.

A bill (S. 4564) for the relief of Albert Ross; to the Committee on Naval Affairs.

By Mr. HARRIS:

A bill (S. 4565) to authorize the appointment of Technical Sergt. Tom Bowen as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 4566) granting the consent of Congress to the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; to the Committee on Commerce.

By Mr. GEORGE:

A bill (S. 4567) for the relief of Julius Victor Keller; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 4568) amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 4569) for the relief of Oaks Aldus;

A bill (S. 4570) to authorize alterations and repairs to certain naval vessels;

A bill (S. 4571) to authorize an increase in the limit of cost of one fleet submarine; and

A bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. WALSH of Massachusetts:

A bill (S. 4573) for the relief of John I. Fitzgerald; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 4574) for the relief of the Baltimore branch of the Federal Reserve Bank of Richmond (with accompanying papers);

A bill (S. 4575) for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased (with accompanying papers); and

A bill (S. 4576) to allow credits in the accounts of certain disbursing officers of the United States Veterans' Bureau (with accompanying papers); to the Committee on Claims.

By Mr. EDGE (for Mr. NORBECK):

A bill (S. 4577) to amend section 29 of the Federal farm loan act, and for other purposes; to the Committee on Banking and Currency.

CHANGES OF REFERENCE

Mr. SHORTRIDGE. I ask that the bill (S. 825) to amend the Federal corrupt practices act, 1925, approved February 28, 1925, by prohibiting the acceptance of certain contributions, and for other purposes, and the bill (S. 826) to prohibit the acceptance by any person of certain contributions for the purpose of influencing Congress as to legislation or other matters, bills introduced by the junior Senator from Missouri [Mr. HAWES] heretofore referred to the Committee on Privileges and Elections, be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

MATHILDE B. WHIPPLE

Mr. COPELAND submitted the following resolution (S. Res. 247), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, fiscal year 1927, contingent fund of the Senate, to Mathilde B. Whipple, widow of Charles Ayer Whipple, lately employed as an artist for mural redecoration in the Senate Wing of the Capitol, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

STATUS OF THE PACKERS' CONSENT DECREE

Mr. COPELAND submitted the following resolution (S. Res. 248), which was ordered to lie on the table:

Whereas on February 27, 1920, a consent decree was entered in the Supreme Court of the District of Columbia in the suit of United States *v.* Swift & Co. et al., known as the packers' consent decree; and

Whereas on May 1, 1925, the Supreme Court of the District of Columbia overruled motions by Swift & Co. and Armour & Co. to vacate the consent decree but suspended the operation of the decree as to California Cooperative Canneries; and

Whereas on March 19, 1928, the Supreme Court of the United States upheld the said consent decree and rejected contentions of Armour & Co. and Swift & Co. that the decree is void: Be it

Resolved, That the Attorney General be, and he hereby is, directed to report to the Senate all information as to the status of such consent decree in view of its suspension by the Supreme Court of the District of Columbia.

ADDITIONAL EXPENSES FOR INVESTIGATION OF CONDITIONS IN THE COAL FIELDS

Mr. WATSON submitted the following resolution (S. Res. 249), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Senate Committee on Interstate Commerce, or any subcommittee thereof, investigating conditions existing in the coal fields of Pennsylvania, West Virginia, and Ohio, and other matters in connection therewith, under authority of resolution No. 105, agreed to February 16, 1928, hereby is authorized to expend $10,000 from the contingent fund of the Senate in furtherance of the purposes of said resolution, in addition to the amount heretofore authorized to be expended in such behalf.

CIVIL WAR EXPENDITURES OF NEVADA

Mr. PITTMAN submitted the following resolution (S. Res. 253), which was referred to the Committee on the Judiciary:

Senate Resolution 253

Mr. PITTMAN submitted the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Comptroller General of the United States be directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended by reason of the assumption of the debts and obligations contracted by the Territory of Nevada in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the controller of the State of Nevada as actually paid by said State

from January 1, 1900, to May 1, 1928, on that part of the debt so contracted by the Territory of Nevada and assumed by the State and bonds issued to cover same, for which no applicable funds to redeem such bonds were available on April 1, 1879; (3) after deducting the amount repaid by the United States to the State of Nevada since January 1, 1900; (4) deducting the difference between the amount of interest on the sum found available in "the Territorial interest and sinking fund" of Nevada on April 1, 1879, for the redemption of Territorial debt bonds and the amount of interest credited to the State of Nevada in the account stated in said House Document No. 322 from May 1, 1879, to December 31, 1899; and (5) deducting the amounts, if any, included in said statement of account reported in said House Document No. 322, incurred by the State of Nevada under the act of the legislature approved March 11, 1865 (Stats. Nevada, 1865, p. 389), for enlistments and expenses incident thereto in addition to those contracted under the Territorial act approved February 20, 1864 (Stats. Nevada Territory, 1864, p. 81), to report to the Senate the balance found due the State of Nevada.

POSTAL RATES—CONFERENCE REPORT

Mr. MOSES submitted the following report, which, with an accompanying statement, was ordered to lie on the table and to be printed:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, and 7 with amendments as follows:

Page 3, line 12, strike out "1¾" and insert "1½."
Page 3, line 13, strike out "2½" and insert "2."
Page 3, line 14, strike out "4" and insert "3."
Page 3, line 15, strike out "4¾" and insert "4."
Page 3, line 16, strike out "5½" and insert "5."
Page 3, line 17, strike out "7" and insert "6."
Page 3, line 21, strike out "7¾" and insert "7."
And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8 with amendments, so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4 to read as follows: "'(4) *Provided*, That in the case of publications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; where the number of individual addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates'"; and the Senate agree to the same.

That the Senate recede from its amendments numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, and 23.

That the House recede from its disagreement to the amendment of the Senate numbered 24 with amendments, so as to make the amendment read as follows: "SEC. 9. The Postmaster General is authorized to appoint a director of parcels post."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25.

GEO. H. MOSES,
L. C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

STATEMENT

The House bill as agreed upon by the conferees remains substantially intact except in second-class matter, where the House conferees agreed that the so-called 1921 rates in the House bill should be amended so as to fix rates midway between the 1921 rates of the House bill and the 1920 rates of the Senate bill. This compromise effects a reduction in second-class rates officially estimated at about $2,700,000.

The bill as it now stands, therefore, effects a reduction in postal revenues of about $16,285,000, or $2,700,000 more than the original House bill. As it passed the House, the bill effected a reduction in postal revenues of $13,585,000; as it passed the Senate, a reduction in postal revenues of $38,550,000.

The bill includes provisions as follows:

To restore the 1-cent postage rate on post cards.

To provide for accepting business reply cards and letters in business reply envelopes for transmission in the mails without prepayment of postage.

To provide for collecting 1 cent additional an ounce on first-class matter when mailed with postage deficient more than one rate.

To reduce the postage on advertising portions of second-class matter.

To reduce the postage on magazines and newspapers when sent by others than the publisher or news agent.

To effect a minimum charge per piece on second-class matter when there are more than 32 pieces to the pound.

To provide for bulk pound rates on third-class matter.

To reduce the postage on fourth-class matter.

To provide for a special rate of postage on library books.

To provide for special handling and special delivery, combined, at reduced rates. This service is extended to all classes of mail.

To authorize the appointment of a director of parcel post by the Postmaster General.

RECAPITULATION

	Net increase in revenue	Net decrease in revenue
Sec. 1. Post cards, reduction in rates from 2 cents to 1 cent each		$1,200,000
Sec. 2. Business reply cards and envelopes, collect on delivery	$4,000,000	
Sec. 3. Deficient postage, penalty for	75,000	
Sec. 4. Second-class matter, between 1920 and 1921 rates		6,560,000
Sec. 4. Minimum charge per piece on second class		
Sec. 5. Second-class matter, transient rates reduced		100,000
Sec. 6. Third-class matter, bulk pound rates		10,500,000
Sec. 7. Fourth-class matter, reduction in rates to distant zones		2,200,000
Sec. 8:		
Special delivery combined with special handling	800,000	
Special handling exclusively		600,000

INCREASED TARIFF DUTIES ON FARM PRODUCTS

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to print in the RECORD a letter from the Twin City Milk Producers Association.

This letter speaks for itself. It is hard for farmers to understand why, under present conditions of agriculture, Congress should refuse to give relief by changing the present inequalities in our tariff situation when a billion and a quarter agricultural products are being imported here, $500,000,000 worth of which comes in competition with agricultural products produced in the United States. To answer them by saying that a tariff amendment to a revenue bill is not proper is evading the question and is not true. It is just as lame an excuse as it would be to refuse food to a starving man because you had to serve him the food on a saucer instead of a plate. It is just as silly as to say that this man must starve because food must be eaten from a plate and not from a bowl. As a matter of fact, a tariff amendment and a tax amendment are both revenue measures, and therefore are in order when attached to revenue bills.

It is plain that Members of Congress do not want to remedy the inequalities of tariff provisions operating now to such an extent in favor of industry as to cause the farmer to suffer from a condition which can be called by no other name than that of a political and economic swindle. The coming elections will show if the farmers are going to continue to vote for the continuation of this and other political swindles that are piling up mortgages, breaking banks and business houses in agricultural sections to such an extent that people are in despair and are beginning to believe that political parties are organized merely for the purpose of passing laws to be administered for the purpose of robbing the people who produce the Nation's food and wealth.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TWIN CITY MILK PRODUCERS ASSOCIATION,
St. Paul, May 21, 1928.

Hon. HENRIK SHIPSTEAD,
Senate Office Building, Washington, D. C.

DEAR SIR: We could hardly believe our eyes when we read in yesterday's paper that your amendment received only 13 votes. It appeared to us that this was one opportunity that Congress had to help agriculture with legislation that had the unanimous support of all branches of the industry and could not be objected to on the basis of fairness by any group.

We would like very much to secure the names of those who supported this amendment and those who voted against it. We feel that this should have publicity as even the conservative farmers are about ready to accede to the belief that the people in Washington as a whole do not intend to be fair to agriculture.

We appreciate the fact that you did your part and will be very glad to have all the information regarding the situation that you can give us.

Yours very truly,

H. R. LEONARD, *Manager.*

Mr. SHIPSTEAD. I also ask unanimous consent to print in the RECORD an editorial from the Minneapolis Tribune of May 22.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE'S STRANGE DEVOTION TO AGRICULTURE

The defeat in the Senate of the Shipstead amendment to the revenue bill calling for increased tariff duties on farm products discloses rather clearly the quality of the friendship professed for the farmer by that august body.

On April 12 with a loud beating of agricultural hearts the McNary-Haugen bill was passed by a vote of 53 for and 23 aganist.

On May 19 the Shipstead amendment was only able to muster 13 votes, while 44 Senators voted against it.

Just how these Senators, as professed friends of the farmer, can reconcile their votes of Saturday with the vote on the McNary-Haugen bill will probably ever remain a moral and a political mystery.

There can well be and there is a difference of opinion concerning the merits of the McNary-Haugen bill. Whether one is for or against the bill, there can be no doubt that the bill had as its necessary foundation the tariff. Assuming that the McNary-Haugen bill will do for the farmer what its proponents claim, a higher tariff on agricultural products is the first necessity. If the tariff is to be made effective for the farmer, according to the McNary-Haugen proponents the tariff on agricultural products will have to be increased. There can be no increase in the United States price of farm products beyond the barrier fixed by the tariff law. It is distressingly obvious that any increase in this country that exceeds the world price plus the tariff will immediately bring into this country foreign agricultural products.

The only conclusion that can be legitimately drawn from the action of the Senate in defeating the Shipstead amendment is that a great many proponents of the farmer in the Senate are wholly insincere in their advocacy of that measure. That there was some fear that the stress of politics might force President Coolidge into signing the bill was more than suggested when the fund for its operation was increased to $460,000,000. To many calm observers of congressional politics it looked as if this increase was made in order to be certain that the President would veto it.

Yet when this same Senate that voted for the McNary-Haugen bill 53 to 23 was called upon to vote for increased tariff duties on farm products it could only muster 13 Senators instead of 53. This on the part of those who were loudly proclaiming their unalterable determination to put agriculture on a tariff parity with industry is nothing less than astounding. No one, whatever his opinion may be on the merits of the McNary-Haugen bill, will deny the value to the farmer of increased tariffs. The measure was particularly important to the dairy industry as well as the poultry industry. It is true that it would not settle the problem of surplus wheat, but it would have been of benefit to a vast number of farmers and to agriculture as a whole. Those who voted against it can not logically hide behind the assertion that they want the McNary-Haugen bill or nothing, because if they got the McNary-Haugen bill they would have to have these increased tariffs. The bill did not conflict in any way with the McNary-Haugen bill, and would have been of unquestioned help to the farmer. Still only 13 Senators were for it.

One would hardly be termed too pessimistic or too cynical if in view of Saturday's action in the Senate he came to the conclusion that farm relief was a political football that was being kicked around the field for the sole purpose of getting votes, and with scant care as to whether or not the farmer got any relief. He might even come to the conclusion that those who made the biggest noise in professing their love for the farmer and asserting their demands for justice were being exceedingly careful to advocate only such measures of relief as they were certain would never come into effect.

HARDING, THE MAN

Mr. FESS. Mr. President, on the 16th of this month Secretary of Labor James J. Davis delivered a very notable address before the Breakfast Club at Columbus, Ohio. The address was on "Harding, the Man." The Secretary of Labor was introduced by Hon. John J. Lentz, a former Member of the House of Representatives and a Democrat. I should like to have both these addresses inserted in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

INTRODUCTION BY HON. JOHN J. LENTZ

My friends, as president of the Columbus Breakfast Club, I now call you to order. I am happy to see so many of you here this morning, and I am sorry we do not have sufficient places for all. In looking over the group it seems to me that the Republicans are in the majority. For that reason, I have been careful to have former Mayor Karb, a Democrat, here so that you might shine in borrowed light.

I remember once a man told me that he thought I was a Democrat. I had thought so myself, but in looking over the pages of history, I found that Abraham Lincoln said, "I have never entertained a political sentiment nor pronounced a political principle which I did not myself draw from the life and writings and public proclamations of Thomas Jefferson." Ever since that, I have been claiming that I am a Lincoln Democrat and a Jeffersonian Republican, too.

It seems to me that this capital city of Ohio is just the place in which we should have an address on Warren G. Harding, one of Ohio's most distinguished sons. And it is fitting, too, that to deliver this address we have such a man as the Hon. James J. Davis, Secretary of Labor in the Harding Cabinet and in the Cabinet of President Coolidge.

Before calling upon our speaker, may I say a few words by way of introduction. I happened to be with Secretary of Labor Davis in New Orleans seven years ago last January when the Mooseheart governors were searching for a site upon which to establish Moosehaven, a home for aged members of the Loyal Order of Moose. The committee was investigating sites in every State fronting on the Gulf of Mexico. At New Orleans Mr. Davis received a telegram from President-elect Harding inviting him to come to Marion. He obeyed this call, and after a conference with President Harding joined our party again at Spartansburg, S. C. There he took us into a conference with reference to Mr. Harding's invitation to become a member of the Cabinet.

Mr. Harding did not call James J. Davis to his Cabinet merely because he was a Republican. He called him into that Cabinet because he was America's greatest fraternalist. He was then the greatest fraternalist in America; he is now the greatest fraternalist in the world.

I know that you are here this morning to pay your respects to the one man who has served so favorably in two Cabinets of the United States and who, in addition to all that, is doing such a great work in behalf of what we call fraternalism. It is peculiarly appropriate that James J. Davis should speak to us on "Harding, the Man." No man in America knew him so well; no man in America had the opportunity of knowing what moved his heart and influenced his actions. Mr. Davis knew Mr. Harding intimately for many years as a friend. He knew him as President of the United States and as "Harding, the Man."

With all our hearts we welcome our distinguished visitor to Columbus and to this meeting of the Columbus Breakfast Club. I congratulate you upon this privilege and honor of hearing the Hon. James J. Davis speak upon "Harding, the Man."

SECRETARY DAVIS'S ADDRESS

Gentlemen of the Columbus Breakfast Club, I am happy to be with you this morning and I certainly appreciate this opportunity of saying a word to you on "Harding, the Man."

Warren Gamaliel Harding received the largest vote ever cast for a President of the United States up to the time of his election. He was one of our most popular Presidents; and his death was lamented by the entire Nation, irrespective of sectional and political lines. Lest we forget, it is well that we pause in our busy lives to recall the achievements of Mr. Harding and the good that he wrought during his Presidency.

Mr. Harding was an exceedingly modest man, and he would not approve of any attempt to place him upon a pedestal. But no American President has ever been placed in a more difficult position, one in which a greater number of difficult problems presented themselves for serious consideration, than fell to the lot of Mr. Harding, and I believe that no American President ever faced his problems, which were world problems, with a larger-minded seriousness, or surmounted them with greater skill.

Mr. Harding entered the Presidency at the end of the greatest war the world has ever known. That war left Europe in a condition which can not be described adequately in words. A majority of European homes were in mourning for their brave sons who would never brighten the firesides again. In America we suffered less, but we suffered enough. It has been said that it is the silent organ which chants loudest the requiem of the master. And so it is the vacant chair that

will never be filled on earth again which speaks to the bereaved heart most eloquently of death and its significance. And when the war was over there were not less than 15,000,000 vacant chairs, never to be filled on earth again, which brought home the reality of the war in a way that no historian of the future will ever succeed in doing.

There were millions who suffered from wounds, and many other millions who would never know in the future the meaning of health. Billions of dollars in property had been destroyed, so that Europe, once the world's greatest treasury of riches, was seized by the plague of poverty. Men who had possessed great wealth were reduced to the condition of poverty. The populace were largely out of work, thrones tottered and fell, governments became more or less unstable, and Russia, one of the most conservative nations of Europe, fell before the onslaught of communism. Repercussion of the great disaster that had befallen the Old World were heard in the new, and it seemed for a time as if our country might be drawn into the maelstrom. The world was war weary and desired to forget.

In his early campaign speeches Mr. Harding announced that his policy was to bring the country back to "normalcy." After his inauguration the country looked to him to do that very thing. The United States was tired of war. It wanted to get back to normalcy, to the old American ways of looking at life and destiny and to business as it had always been done.

But in spite of our desire many obstacles confronted us. We discovered that all the war-weary men of Europe who were unable to obtain employment at home wanted to come here. Shipload after shipload of them were coming. America was not prosperous at this time, for nearly 6,000,000 of her own workers were out of employment, yet conditions were so much better here that to the unemployed of Europe America seemed like a promised land. Something had to be done quickly if America was not to be swamped and go the way that Europe was going. It was necessary to keep the unemployed masses of Europe from coming here, where they would augment our own unemployed and add to the problems of our period of readjustment.

The evils of unrestricted immigration had been apparent long before the war, and more than once a bill to restrict immigration had passed Congress only to meet a presidential veto. Mr. Harding saw at once that unrestricted immigration was a gigantic evil to the American Nation, and especially to American workers; and if this evidence of profound insight were the only distinguishing feature of Mr. Harding's career it alone would be sufficient to stamp him as one of our greatest statesmen.

Three Presidents before Mr. Harding had vetoed acts passed by Congress for the restriction of immigration. I personally knew of the immense pressure that was brought to bear upon Mr. Harding to induce him to follow their example. No doubt the parties who brought this pressure to bear sincerely feared for American industry if the supply of what is known as "common labor" was cut down. President Harding thought only of the interests of his country as a whole; with a magnificent display of courage he affixed his signature to the new law restricting immigration. Now, that law passed during his administration is everywhere regarded as the most useful piece of legislation enacted during the past 50 years, and the Nation owes it to Mr. Harding that we are now enjoying its benefits.

The declining prosperity of the Nation and the immense amount of unemployment apparent soon after Mr. Harding's inauguration at once engaged his attention. Naturally, being a Republican, he was dissatisfied with the tariff-for-revenue-only policy of the preceding administration. This tariff was bringing in revenue, but it was affording insufficient protection to the many millions of American workers ordinarily employed in gainful industry. More than 5,000,000 workers were without employment.

No matter how you attempt to account for this condition, one may not truthfully deny that every attempt to take protection out of the tariff has resulted in industrial depression and lack of employment. President Harding wanted a tariff that protected, a tariff that would start the great industrial machines to whirring again, a tariff that would put all the workers back to work, so that they could take care of themselves and their families. And he was successful in getting that kind of a tariff enacted into law. [Applause.]

We all know the result of that law. The American people entered into a different psychological state. They began to think and feel and act in terms of prosperity. And they have kept on doing so ever since. At the time of Harding's death our country was in a very prosperous condition. To-day America is not only the most prosperous country in the world, it is the most prosperous country upon which the sun has shone in 10,000 years of civilized history. America is worth to-day $400,000,000,000. Think on those figures. The mind can not grasp them. And this prosperity is not confined to a class. It percolates from the top to the bottom.

The American worker enjoys luxuries that no European king enjoyed 300 years ago. The best-dressed American worker of to-day has a greater number of suits than most of the European lords of three centuries back. He has or may have a larger library. And if we are to speak in terms of scientific knowledge, his education is capable of being much better. There is not a bright boy belonging to the American working class who can not obtain a collegiate education or its equivalent with little difficulty. There is no American man so humble in our time who is not virtually better off than the proudest of a few centuries ago.

Of course, Mr. Harding was not wholly responsible for this prosperity. Many economic factors are responsible for it. But if Mr. Harding had not taken the stand he did in regard to immigration and the tariff, this country, despite the economic factors entering into the situation, would never have known the prosperity that it enjoys to-day.

The proof of statesmanship is found in the effect of the policies which men favor. There are those who say that Mr. Harding was merely a man of his time. That sort of talk is mere nonsense. What would we think of a man who, in the old days when the only means of locomotion available was a horse, refused to use a horse because he had a dream of a steam-engine and a locomotive? A great man is one who uses his hour in the only fashion that it can be used, and does not waste it by idle dreaming.

What we need in public life more than anything else is men of common sense. The man who possesses in large measure this quality will accomplish more for his people than the man possessing the most brilliant gifts who is destitute of it. Mr. Harding was a man of admirable common sense. He was human through and through, and he did not ask to be other than human. As I see him, he was typically American. I believe that America will always be governed better by one who is typically American than by one who is not typical of his country, even though the latter may be regarded by history as the greater man. [Applause.]

President Coolidge once said, and it was a great saying, "We have staked America on the potential capacity of the average citizen." Mr. Harding stood for such, he believed in such. He was proud of prosperity of which everyone enjoys a share.

The time is passed in America when we are content to talk of a living wage; we have seen millions of workers pass from a condition in which they received a living wage to a condition in which they receive a wage high enough to buy not only the necessities, but many of the luxuries of existence; a wage high enough to enable them to save something, to buy automobiles, and send their sons and daughters to college.

To-day the world witnesses what the world never witnessed before, for it seems that the workers of America receive a wage which enables them to become an integral part of the economic power of the country to which they belong. It is a wonderful change. And we should never have witnessed and scarcely dreamed of it had it not been for the policies that President Harding sponsored.

Never before in the history of the country has there been a time when so many men were permanently employed at such remunerative wages. He lived to see the good results produced by his work and the great army of unemployed once again absorbed by American industries. This was at a time, too, when the introduction of new labor-saving machinery was making itself felt by displacing hand workers. I am confident that an immense amount of prosperity was largely due to the far-sighted policies of the Ohio statesman, my friend, Warren Gamaliel Harding.

It must be admitted that the restoration of the protective tariff, if it had not been accompanied by the new legislation restricting immigration, would have accomplished little more than a rebirth of industry. In course of time, with immigrants coming by the shipload from Europe, we might have had additional millions of unemployed workers on our hands.

The truth is that when Mr. Harding succeeded to the Presidency, there was a feeling of rejoicing from one end of the country to the other. People felt that we would be able to get back to a normal condition. It was known that Mr. Harding was by nature conservative, and the people of America believe in him and entrusted their country's welfare to his keeping. His success in restoring the country to normalcy, proved that the popular instinct was right.

Mr. Harding never did any preaching, but he called a disarmament conference to meet in Washington, and that conference, as is well known, did more to promote the cause of peace than anything else which has been accomplished since the armistice. The call for the conference brought renewed hope to the war weary and distracted world.

If Mr. Harding had never done anything during his term of office except to call the disarmament conference, he would still be deserving of high honor as a statesman. There is nothing more dreadful to contemplate than another war similar to the one which came to an end 10 years ago, a war in which all the leading nations were engaged. The last struggle came very near to giving civilization a death blow, and it is more than probable that another struggle of the same character, if fought upon the same scale, would end all the gains that have been made in the last 2,000 years.

Let us keep out of our heads the notion that any war will ever be fought which will end war. Every war sows the seeds of future wars. And let us get out and keep out of our heads the notion that any war will make the world safe for democracy or freedom or any other noble thing.

Wars always have had, and they always will have, exactly the opposite effect. They dry up the springs of liberalism in the human mind and heart; they make for everything which is reactionary in human character and life.

The progress of the war is produced not by the arts of war but by the arts of peace. And in calling a disarmament conference Mr. Harding exercised the highest art of statesmanship. No visionary was Mr. Harding. He was ever a realist. But when he saw an opportunity to make a magnificent gesture in the cause of peace, he made it; and the Nation and the world should honor him for the magnificence of that gesture.

Mr. Harding knew human nature. He knew how far it was possible to go in the promotion of a good cause without overstepping the boundaries of good sense. In calling the disarmament conference, he did what he could for peace. And in taking his stand on the subject of immigration, he did almost as much to stabilize the nations of Europe as he did to benefit the workers of his own country, as European statesmen are now frank to acknowledge.

I would not leave an impression in your minds, because I have spoken of Mr. Harding as a realist, that he did not possess high ideals. He did possess them. Mr. Harding was deeply religious and he belonged to a church. He did not attend church because he was conscious of no imperfections within himself; he went because he was conscious of such imperfection. We all go to confess that we have done the things we ought not to have done, and have left undone the things that we ought to have done, and such virtue as may exist in us comes largely from our frankness in confessing our faults. We hear altogether too much about the faults of others and too little of the blessings that come from their lives. Those who knew President Harding were aware that none was more kindly at heart or more desirous of doing good.

I do not say that Mr. Harding was a perfect man. There has been only one perfect man on this earth, and the one perfect man died, rejected and reviled, upon the cross. Mr. Harding was human, and he never professed to be other than human, but he was incapable of a despicable act. His faults, such as they were, were the faults of our common human nature.

I knew Mr. Harding for many years prior to his election as President, and I never knew a man who sought more earnestly to do good, or whose instincts were kindlier. It seems but yesterday, though it was on the 10th of January, 1921, that he called me to his home at Marion to offer me the position in his Cabinet which I was destined to fill. I hesitated about accepting it, because I was under contract with the Loyal Order of Moose at the time. But Mr. Harding not only urged me to accept the position as Secretary of Labor, he told me that my position in this fraternity would in no way interfere with my duties as a member of his Cabinet, and it was with this understanding that I finally accepted the appointment.

He told me that, as Secretary of Labor, I would get a picture of the industrial situation in the United States which could not be obtained otherwise. What he said has proved true. My outlook in life has increased many fold since I became a member of the President's Cabinet, and I am sure you will all agree with me that my official position has interfered in no way with my labors in fraternalism.

Mr. Harding was a friend and a champion of the common people. I want to emphasize this fact. It is one which has not been true of every American politician, statesman, or thinker. Only a short time ago an article appeared in one of the leading American magazines, by a prominent American historian, on "The Unknown Soldier." He said, "If instead of the great man we worship the little one, if instead of occupying our thoughts with the great and the fine we devote all our time and admiration to the petty, the commonplace, the plain and common, are we not likely ourselves to become more and more like the objects we worship?

"Why spend laborious nights in study to train our minds, why attempt to mold our characters to something higher than the mob, why strive for high thought and action, why dream of high endeavor, why strive to fit ourselves to lead, if, after all, we are still no better than the led, and the world's leaders and benefactors are really outranked by Sal the sandwich slinger, and Bill the stoker?"

There spoke the aristocratic mind. But Mr. Harding had scant sympathy with this type of mind. He agreed with the remark by Abraham Lincoln that "God must have loved the common people; he made so many of them." When President Harding spoke at the burial of American's Unknown Soldier in Arlington Cemetery he exemplified his love and affection for the common people by concluding his heartfelt tribute to the patriotic dead with the universal prayer of faith, "Our Father, which art in heaven."

Nothing could more fittingly reveal the simple faith and hope of this kindly and sympathetic man. Shall we condemn him for this attitude? Praise the aristocratic type of mind as much as you will, as much as it deserves, but what would it have been able to accomplish if it had not been for these common folk whom it affects to look down upon. President Harding did not agree with the ancient notion that a few were born to enjoy all the good things of life, and that the many were born only to hew wood and draw water without more than a mere subsistence in compensation for their toil.

America has justly been called the land of opportunity, and it has been called that not because it provides miraculously for the exceptional man, but because it gives the common man a chance to make the utmost of himself. It is a land of opportunity because we have come to see that in reality there is nothing common about the so-called common man. And the age in which we live has done the work of elevating the man whom the world used to call "common," so that he now appears in a different light. Mr. Harding's career entitled him to a position of admiration and respect because of his insistence on the virtue of the average citizen who labors for a living with his hands.

Among the utterances of Mr. Harding we find the following:

"Less government in business and more business in government."

"The worker's lowest wage must be enough for comfort, enough to make his house a home, enough to insure him that the struggle for existence will not crowd out the things worth existing for."

Speaking for the railroad workers, he said: "I want the man on the railroad to have a good wage. I want the man who holds the throttle of the train that speeds across the continent through the night to be a happy man. He can not be unless he is well paid."

In all his speeches, which involve the problem of labor, one finds the same attitude. He believed that the laborer is worthy of his hire. A world in which the employer is prosperous at the expense of the employee is one in which Mr. Harding never felt at home. One of his strongest reasons for believing in a protective tariff was his conviction that a protective tariff means high wages, at least in America; and you could not interest him by trying to show that free trade or a tariff for revenue only would reduce the price of goods.

Mr. Harding believed in a wage that would enable every worker to feel that he had a stake in his country, a stake so high that he would give his heartfelt devotion to its interest, and shed, if necessary, his last drop of blood in its defense.

He believed that a worker's wage ought to be high enough to enable him to purchase or build a home, and I am sure that he knew as well as the man who originated the remark, that nobody was willing to sacrifice his life in defense of a boarding house. He knew that the welfare of the country in the future will depend more and more on the welfare of the workers, and that if the workers are not happy the Nation is not likely to endure for any long stretch of time.

I am confident that the time is not distant when the people of this great country will come to know their late President for the person he was, and that they will then realize that Mr. Harding was a great man and a great President. Mr. Harding's nature was so kindly that many who professed friendship for him took advantage of his warm-hearted nature. This is the real explanation of any criticism that we hear in certain quarters to-day. There is no more despicable member of mankind than the man who takes advantage of another's kindness to advance himself into a high position and then abuse that confidence and trust of the one who sought so to honor him.

Mr. Harding died in office, as five other American Presidents have died, worn out by the manifold duties of that office. We know not what he might have accomplished for the people whom he loved if his life had been spared. But his record is irreproachable. He did much that the historians of the future will remember and praise. When the complete story of his administration is written the people of the country will know that they had a Chief Magistrate worthy of the highest honor and they will delight to honor him.

Mr. Harding came from one of the two American States which have long been known as the mothers of Presidents, and Ohio has reason to be proud of the one who was for long one of her favorite sons. He conferred honor upon his State and upon the Nation at large. He was a true gentleman and a loyal friend.

I am sure that no man appreciated more the noble qualities of the man whom we honor to-day than he who succeeded him as the Chief Magistrate of the Republic. President Coolidge has followed in the footsteps of President Harding, and the policies which he has advocated are in the main the policies of his predecessor. Mr. Harding during his term of office honored Mr. Coolidge by inviting him to attend the meetings of his Cabinet, an honor that I believe no other American President ever extended to a Vice President up to that time.

In Mr. Harding there was nothing mean, low, or grovelling. He was incapable of petty jealousies. He cared little who received the credit for achievements during his term of office so long as there were achievements to be recorded. He desired only to see the American people prosperous and contented, and we know that during his administration they were prosperous and contented to a degree greater than had ever been witnessed during the administration of any previous President.

I know of nothing sadder than the spectacle of a man dying before he has finished the work he has begun. The soldier who dies upon the battle field is spared the spectacle of his country's ignominy if the issues of the struggle go against her, but likewise he is forbidden to share in the triumph of the Nation if the issue be in her favor. Abraham Lincoln died in the hour of victory, but what son of America has not lamented that he did not live to witness the reunion of the dissevered sections of the Nation which he loved and labored to save.

Warren Harding lived to see the Nation well on the road back to the normalcy which he was anxious to see, but he should have lived a few years longer to witness the flowering of the new prosperity which he did so much to foster. But, as an English poet once wrote, "Man proposes, but God disposes." Few men are allowed to witness the larger harvests of their sowing. What one man sows, another man reaps, but the memories of a well-spent life are never completely lost; each succeeding generation delights in reviving them and honoring the man who has honored our common nature.

I have no fear that the people of America will forget what they owe to Mr. Harding. His fame will increase with the ages, the people will do justice to him and to his memory. He was a great man, and his greatness will be perceived by all. He died in office a martyr to duty, but he is destined to receive in the future his just need of praise.

In the light of passing years my personal and official contacts with Warren G. Harding make his name more illustrious and endearing to me. Friend of humanity, his active career was a radiant light of friendliness—a friendship of actions—a sympathy that helped rather than ended in mere sympathetic words. He possessed the virtues we look for in the careers of our heroes and public men and seldom find under the acid test.

He has suffered the test that comes with the goodness of a great heart. Patient unto the last, his faith in his fellow men never wavered—and in the clear spotless light of love he stood on the mount and glorified as few other men in history outside of Lincoln, the glory of the Golden Rule so often included in the platitudes of public utterances, but, alas, so seldom evidenced in official or personal action.

I can hear his cheery voice calling me "Jim" as he would a brother—he could place his hands on your shoulder and give you a benediction of fraternal affection without affectation. [Applause.]

I have been rereading a recent biography written in all the fervor of friendship which gives an accurate reflection of the love and administration of Warren G. Harding during the time which he lived and at the time he finished his earthly course. What would we not give to have a biography of Lincoln meaning and reflecting so accurately that sentiment and faith toward the great Emancipator at the time he was making history. The later so-called "critical analysis"—by self-appointed judges—of a place in history of great men is so befuddled with the ego of writers and the absence of any real feeling of the times in which an eminent man lived, that they seek first to tear down all the tattered ensigns of historical record and truth to establish some pet notions of their own. But their insidious and unfair estimates live only as long as the froth of the sensation lasts, for the deep waters of a big, broad, sympathetic, soulful life can not be clouded by mists of salacious suggestion and the viperous tongue of gossip, with which every eminent man has been assailed. [Prolonged applause.]

Gentlemen of the Columbus Breakfast Club, I am grateful for the opportunity you have given me to express the high regard in which I hold the memory of my dear friend, one of the finest men it was ever my privilege to know, the late Warren G. Harding. [Prolonged applause.]

PHILIPPINE AUTONOMY

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD a statement by Manuel L. Quezon, President of the Philippine Senate, with reference to opposition to Senate bill 2292 and Senate bill 2787, and editorials from American newspapers with reference to the same subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN OPPOSITION TO S. 2292 AND S. 2787, BOTH PROPOSING TO CURTAIL THE AUTONOMY GRANTED BY THE CONGRESS OF THE UNITED STATES TO THE FILIPINO PEOPLE

By Manuel L. Quezon, President Philippine Senate

MAY 1, 1928.

There are pending on the floor of the Senate of the United States two bills affecting the Philippine Islands, S. 2292 and S. 2787. The first proposes to have the Congress of the United States appropriate $125,000 from the funds collected in the United States from internal revenue taxes levied upon articles and merchandise coming to this country from the Philippine Islands—now turned over in its entirety to the Philippine Treasury for general appropriation by the Philippine Legislature—and giving the Governor General authority to expend some for the employment of technical advisers and assistants without the necessity of further appropriation by the Philippine Legislature and without submitting appointments to the Philippine Senate; the other authorizes the Governor General to appoint governors for the so-called Mohammedan and non-Christian provinces without the consent of the Philippine Senate. As may be readily seen, these bills are reactionary in that they curtail the right of our legislature to appropriate and the power of the Philippine Senate to confirm appointments.

BOTH BILLS CONTRARY TO OFFICIAL PLEDGE AND TO POLICY OF REPUBLICAN AND DEMOCRATIC PARTIES

Enactment of these bills is not only contrary to the official pledge made by the Government of the United States to grant the Filipinos ever-increasing measures of self-government, with independence as the ultimate goal, but also to the oft-reiterated policy of both the Republican and Democratic parties as expressed not only in their respective platforms but by their respective leaders in authority. As for the Republican Party the utterances of Presidents McKinley, Roosevelt, and Taft, who have shaped the policy of that party with respect to the Philippines, are well known and I need not dwell upon them. It will suffice to quote Mr. Taft who, in a special report submitted by him when he was Secretary of War, said:

"That policy necessarily involves, in its ultimate conclusion, as the steps toward self-government become greater and greater, the ultimate independence of the islands; although, of course, if both the United States and the islands were to conclude, after complete self-government were possible, that it would be mutually beneficial to continue a governmental relation between them, like that between England and Australia there would be nothing inconsistent with the present policy in such a result."

As for the Democratic Party, its invariable policy has been to grant the Philippines their independence as soon as a stable government can be established therein. The Jones Act was enacted as a preliminary step for the granting of complete independence, and four or five years after that law was passed and the government established under its provisions had been in operation President Wilson, in a message to Congress, reported that a stable government had been established in the Philippines and recommended that independence be granted.

With these thoughts in mind the Filipinos can not but entertain the feeling that the present administration and Congress are giving no thought to the carrying out of these pledges and these policies. Not only that, but after 30 years of progressive steps toward self-government they have not only stood at a standstill, as they have, but would now turn the other way around, unmindful of the additional assurance made by President Harding to the Filipino people when he officially told them that "no backward step is contemplated, no diminution of your domestic control is to be sought."

SPECIFIC REASONS AGAINST S. 2292

ALREADY ESTABLISHED AGENCIES OF PHILIPPINE GOVERNMENT SUFFICIENT AID TO GOVERNOR GENERAL

Sponsors of S. 2292 urge its enactment on the ground that the Governor General needs expert advisers and assistants. The Philippine Legislature has always been ready to appropriate, and has, in fact, appropriated funds for expert advisers and assistants to the Governor General. There is, right now, a law which authorizes the Philippine Government to make special contracts and pay special salaries to chiefs and assistant chiefs of bureaus and other employees of the Philippine Government performing duties that require technical knowledge. The director of the bureau of education, Dr. Luther B. Bewley; the director of the bureau of science, Dr. William H. Brown; the director of the bureau of agriculture, Dr. Stanton Youngberg; the director of the bureau of forestry, Dr. Arthur F. Fisher; the director of the bureau of public works, Mr. Alpheus D. Williams, and several other Americans now engaged in the service of the Philippine government, who have been appointed by the Governor General, by and with the advice and consent of the senate, are drawing salaries higher than the salaries paid to Filipino directors of bureaus under a contract authorized and an appropriation made by the Philippine Legislature. And where it has been found necessary to carry on some special technical work for the Philippine government, the legislature has made the appropriation required for this purpose. I will cite one case: Four years ago we appropriated ₱100,000 ($50,000) for the purpose of bringing to the islands a committee of expert educators to make a survey of the educational institutions of the country; and a committee did come, headed by Dr. Paul Monroe, of Columbia University, with such other distinguished educators as Dr. Stephen Duggan, and others.

It is asserted that the Governor General has not been given by the legislature the personnel which he needs to perform his duties and exercise the powers of his office. In the first place, it should be noted that under the law the Governor General is charged with the preparation of the budget, and he has never, since the budget system has been established in the Philippines, asked for more personnel than he now has, and he has been granted by the legislature everything that he had asked for. In fact, he has a large force working directly under him in the executive offices. In the second place, the whole governmental machinery in the Philippine Islands, under the Jones Act and under the laws of the Philippines, which give the Governor General supervision and control of all the executive departments and offices of the Philippine government, is, in fact, available to the Governor General for any purpose whatsoever.

It is alleged that the Governor General needs assistants to supervise the provincial and municipal governments. There are two big bureaus under the control of the Governor General: The executive bureau, which is intrusted with this function, in the case of the provincial and municipal governments in the territories inhabited by Christian Filipinos; and the bureau of non-Christian tribes, which deals with the affairs of the Provinces and municipalities or townships in territories inhabited by Mohammedan and other non-Christian Filipinos.

PHILIPPINE LEGISLATURE HAS APPROPRIATED AND IS READY TO APPROPRIATE THE MONEY NEEDED FOR THIS PURPOSE

But if the Governor General really needs the aid of special assistants and advisers, the Philippine Legislature is ready to appropriate whatever amount is necessary for this purpose. As a matter of fact, at the last session—July 16-November 12, 1927—our legislature appropriated the sum of $75,000 for expenditures authorized by the Secretary of War, including the employment of technical advisers to the Philippine government, but the then Acting Governor General vetoed that appropriation, and now they come to Congress and ask you to do what we have already done, but which was frustrated by them.

May I not add in this connection that the Philippine Legislature voted this amount not because it is convinced of the necessity of providing the Governor General with assistants, because the already established agencies of our Government, as has already been shown, are sufficient aid to the Governor General in his task of administering the islands, but because they wanted to show, not only in word but in deed, their eager and sincere desire to cooperate. This friendly demonstration of eagerness for mutual understanding was brushed aside, and enactment by Congress of this measure, especially at this time, would seriously mar the sincere friendship and mutual cooperation which have already been demonstrated by my people to the new Governor General, and which, I am sure, it is the desire of both peoples to continue to grow rather than diminish.

May I not make the further observation that insistence of the passage of this bill has all the earmarks of a deliberate attempt to discredit the Philippine Legislature—to make it appear that it will not appropriate funds for services "badly needed" by the Philippine government, and therefore Congress has had to be called upon to do it. This may not be the real intent, but opponents of the Filipino people will surely make use of such intervention as this on the part of Congress, in matters of purely insular appropriation, to show why independence is altogether out of the question, and even local autonomy not to be thought of for generations to come. After the evidences given by my people of their very deep and enthusiastic interest in fostering education, sanitation, roads, agriculture, etc., it is, to say the least, and to use the mildest language, unfair to make them now appear as indifferent to, or unmindful of, these things.

SPECIFIC REASONS AGAINST S. 2787

Let me now consider the question of depriving the Philippine Senate of the power to confirm appointments of governors for the non-Christian population of the Philippines made by the Chief Executive. The mere enunciation of this idea ought to be repugnant to every Senator of the United States especially and to every American generally, for it destroys the principle of checks and balances upon which American democracy rests.

It is asserted that the Philippine Senate has not confirmed every appointment made by the Governor General. We have no apologies to make for this, for in every case that the senate has disapproved an appointment there has been sufficient reason, under our oath to perform conscientiously our constitutional duties, to disapprove the appointment. As regards the appointments rejected by the Philippine Senate, may I say that if they are compared with appointments made by the President of the United States and disapproved by the United States Senate, it will be found that the Philippine Senate has disapproved a less number of appointments than the United States Senate. This is true, even in the cases where the President and the majority of the Senate have been of the same political faith, to say nothing of the cases where they have not. Yet the President and the Senators are all Americans and answerable to the same authority, the American people; while in the Philippines, the Governor General is American, responsible to the President, and the senators are Filipinos, accountable to their own people.

ALL APPOINTMENTS OF AMERICANS AS GOVERNORS CONFIRMED BY PHILIPPINE SENATE

With reference, however, to appointments by the Governor General of Americans as governors of the non-Christian population of the Philippines, the Philippine Senate has confirmed every such appointment. The so-called non-Christian Provinces in the Philippine Islands are: The Mountain Province, the Province of Jolo; the Province of Lanao; the Province of Cotabato, and the Province of Bukidnon. The governors of the Mountain Province, Jolo, and Lanao are all Americans, and they have all been confirmed by the senate.

The only appointment made by the Governor General, of an American governor, which the Philippine Senate absolutely refused to confirm, was that of Governor Johnson of Lanao—a man plainly lacking the ability to perform the duties of the office. His successor, however, also an American, was confirmed by the senate.

The proponents of this bill argue that governors for the Provinces inhabited by non-Christian Filipinos should not be confirmed by the Philippine Senate is based, I presume, upon the alleged enmity existing between the Christian and Mohammedan Filipinos, or Moros. Americans who have been in Mindanao know that no such enmity exists; that this talk is a part of the old, persistent propaganda which aims at two unworthy objects to divide the Christian and non-Christian Filipinos (divide and rule), and to keep the island of Mindanao segregated from the rest of the archipelago, so that this island, where the best rubber lands are to be found, may be exploited by capitalists, men, of course Americans, who believe in good faith that such enmity exists.

COMMUNITY OF RACE AND INTERESTS LINK CHRISTIAN FILIPINOS AND MOROS

Sponsors of the measure declare that the Moros, or Mohammedan Filipinos, hate their Christian fellow countrymen because of their difference in religion. In the same breath they say that these same Moros prefer Americans, forgetting, apparently, that Americans are also Christians. They talk of fights that have taken place in the past between the Moros and the Christian Filipinos. That was a hundred years ago, when piracy was still practiced by some Moros.

But how about the war waged by the American Army against the Moros, during which thousands and thousands of Moros, at times including women and children, have been killed, as was the case when General Wood made an attack upon Mount Daho, in Jolo? Any sensible man can see that there is absolutely no reason why the Moro should prefer an American to a Christian Filipino, for, in the latter case, there is at least community of race, and, in some cases, of language, because the dialect spoken by the Moro is also spoken by the many Filipinos living in the southern islands.

THE PHILIPPINE LEGISLATURE HAS DONE AND IS DOING EVERYTHING FOR MOROS

The interest of the Philippine Legislature in the Moros and other non-Christian Filipinos has been demonstrated time and again by the fact that it has appropriated more money for education, sanitation, roads, and other public improvements for these people, than the former Philippine Commission ever did.

As a matter of fact, it was not until the Filipinos were permitted the highest degree of autonomy during the Harrison administration that a policy was adopted designed to bring about mutual assimilation, amity and friendship between Christian Filipinos and Moros. As a first step to the realization of that policy the military régime in Mindanao and Sulu was at once substituted with civil rule. No talk of strife, feud, or traditional hatred was indulged in. On the other hand, the spirit of friendship and amity was emphasized, as it should be. Soon after the inauguration of this policy the Moros became amenable to peace and order and a flourishing period of mutual friendship and assimilation ensued. Their leaders themselves were clamoring for public schools and other such blessings which the new order was more than ready to extend to them.

I desire to emphasize that it was not until 1914, during the period of Filipino autonomy under Governor General Harrison, that the first appropriation amounting to ₱294,523 (in dollars, half this amount), and later another appropriation of ₱1,000,000 for primary schools, followed later by other appropriations, were made. By 1919 there were 32,438 pupils in the public schools of Mindanao and Sulu. So successful was this policy of bringing the two peoples into brotherly relationship that when America entered the World War in 1917 it was not considered dangerous to withdraw not only the American soldiers stationed there but also the Philippine Scout garrisons with the exception of one battalion stationed at Pettit Barracks at Zamboanga.

One of the manifestations of this policy is the placing in the hands of the Moros themselves as much control of their local affairs as possible. Hundreds of them now work side by side with the Christian Filipino officials. To-day the positions of third member of the provincial board in the Moro Provinces of Lanao, Cotabato, and Sulu are occupied by Moros. The number of non-Christian Filipinos employed in lesser positions in the provincial, municipal, and municipal district governments have increased from year to year.

PASSAGE OF THESE BILLS WILL MAR FRIENDLY RELATIONS NOW EXISTING BETWEEN AMERICA AND THE PHILIPPINES

It would be most unfortunate and unjust if Congress should enact those measures. It is disappointing enough to the Filipino people not to have achieved their independence after 30 years of American occupation, when it was promised them from the very first day of your arrival in the islands. It is still more disappointing that, after these 30 years, they are not even allowed to manage their own domestic affairs, when the Cuban people, who had as much or less preparation for self-government as the Filipinos, are now enjoying their independence and listening to speeches by President Coolidge regarding equal rights of small and big nations, and how much better it is "for the people to make their own mistakes than to have some one else make their mistakes for them." What, then, would be the feeling

of the Filipino people if they were to see their present limited powers of government still further reduced?

May I not repeat that the enactment of these bills will have serious effect upon the friendly relations already existing between the new administration in the Philippines and the Filipino people which, I am sure, it is the desire of both peoples to enhance rather than diminish.

POTTENGER SANATORIUM,
Monrovia, Calif.

[From the Washington News, April 26, 1928]

GIVE THE FILIPINOS A CHANCE

A measure calculated to do lasting injury to the relations between the Philippines and the United States is about to come up on the floor of the Senate.

At present taxes amounting to approximately $700,000 a year are collected on goods entering the United States from the Philippines, the money going intact to the general government of the islands to be expended as it sees fit.

Various pending measures in Congress would change this. One bill would turn the entire amount over to the United States Treasury and give the spending authority to Congress. A second would let the Governor General direct the spending. A third—and this is the bill soon to come before the Senate—would turn the money over to the Philippine government as usual, but with a string tied to $125,000 a year to be used by the Governor General to pay civilian assistants.

To any such measure Filipino leaders object. Not that they oppose the Governor General being allowed $125,000 a year for this purpose, for they specifically do not. In fact, they claim they stand ready to vote that amount out of the funds at any time. They say they would even make the expenditure a permanent item in their budget if so desired. Nor, they contend, do they ask that the Governor General submit his appointments under this measure to the Philippine Legislature for ratification. Their opposition has nothing to do with any of these things, it seems, but with something both more important and less important than any of them, namely, their national pride.

If the United States wishes to take all of this money away from the Philippines, Manuel Quezon, president of the Philippine Senate, explains, he would not object. That is the United States privilege. But he does object to Congress withdrawing from the insular legislature a function previously granted and which it now enjoys. To do so, he urges, would constitute an unwarranted reflection and create trouble at a rather critical moment in Philippine-American relations.

For two or three years the Philippine Islands have suffered a decided stagnation due to friction between the Governor General and the island legislature. But when Colonel Stimson was appointed in the place of the late Governor General Wood he was accorded a hearty welcome on landing at Manila.

"If given a chance," Senator Quezon remarked at the time, "I think we are going to get along very well with the new Governor General. And I think we ought to be given the chance."

And so they should. National pride is a stupendous force, and it is always dangerous to overlook it in matters of this kind. To Congress it may seem a trivial thing how the money is appropriated just so it is appropriated, but to the Filipinos there is nothing trivial about it. To take the privilege out of their hands would be considered a slur which would engender much ill will at a time when friendly cooperation is vastly to everybody's interest. So it is to be hoped that Congress will weigh these things well before the roll call on the measure.

[From The Baltimore Sun, May 16, 1928]

AN INDEFENSIBLE INVASION

Since the passage of the Jones act, which in 1916 gave to the Philippines an organic law and charter of limited self-government, Congress has taken no step to restrict the degree of autonomy granted to our great Asiatic possession. Plenty of bills with this intention have been introduced, but they have always died in committee. Up to the present no attempt to reverse our settled policy of Filipino home rule has had a chance of passage.

But there has now been favorably reported to both House and Senate, and is at any day due for a vote by the latter body, legislation which would have far-reaching effect in curtailing the liberties which have been granted to the Filipino people. This is the Kiess-Willis bill "providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials."

From the standpoint of economy the provisions for large salary increases to the Governor General and other American officials in Manila are objectionable. It is absurd that the insular auditor, who looks over a budget of some $40,000,000, should receive a salary half as much again as that allowed the Comptroller General of the United States. But the section of the proposed legislation which is really intolerable is that which would amend the Jones law so as to give the Governor General an annual appropriation of $125,000, unsupervised by any legislative body, for the employment of an indefinite number of assistants and advisers.

Relative to the size of the national budget this would be comparable to giving the President of the United States an annual purse of some $9,000,000 with which to make appointments unregulated by control of any kind. And the Governor General of the Philippines is of a race alien to those he rules, and holds office by appointment from a distant capital. The proposal outrages the very essence of the system of democracy, which is that control of the executive purse strings should rest with the elected representatives of the governed people.

In resisting the firm establishment of this basic principle King Charles of England lost his head nearly 400 years ago. The same issue was one of the actuating causes of the American Revolution. Yet in the year 1928 it is seriously proposed that the Filipino people, who have for 12 years controlled their national budget successfully, shall lose this fundamental asset of self-government. The case against the Kiess-Willis bill becomes even stronger when it is realized that the Philippine Legislature has itself offered the appropriation of such moneys as the Governor General may need for expert advisers. At the last session a bill to this end was passed, to be vetoed for unexplained reasons by the Acting Governor General.

The money involved in the proposed appropriation would be taken out of duties on Philippine products entering this country, heretofore remitted to the Philippine Legislature. It would be proper for Congress to refuse to return this money to the islands, if it sees fit. But to turn over any portion of it as a private purse at the free and unhampered disposal of the American Governor General would be perversion of our national traditions.

[From the Sunday Star, Washington, D. C., May 20, 1928]

LEGISLATION ENDANGERS ISLAND AMITY, IS CLAIM—PHILIPPINE MEASURES IN CONGRESS MAY HANDICAP STIMSON, WHO HAS PROMOTED FRIENDSHIP, IT IS DECLARED

[NOTE.—The following discussion of the Philippines' view of pending congressional legislation affecting the islands' future presents an interesting viewpoint, and is published that further light may be shed on all phases of the island situation.]

By V. G. Bunuan, of the Philippine Commission of Independence

Never since the passage in 1916 of the Philippine organic act, commonly known as the Jones law, has there been so much activity in the Congress of the United States regarding the Philippines. But the American people are practically uninformed of what is transpiring in the Halls of Congress which affects the hate of 12,000,000 people inhabiting America's largest island possessions. It is to the interest of the American people, as well as it is to the Filipino, that they become better acquainted with the Philippines, especially at this juncture, when a new era of good will and mutual friendship has come about with the inauguration of Governor General Stimson as the new executive of the Philippine Archipelago.

There are about half a dozen bills now pending in Congress that concern the Philippine Islands, some, from the Filipino point of view, favorable, and some unfavorable to the Filipino people. The most important of these are the Brigham-Wainwright resolution authorizing a committee of Congress to make biennial visits to the Philippines; the Willis and Kiess bills curtailing the power of the Philippine Legislature to appropriate and the right of the Philippine Senate to confirm appointments; and the Timberlake resolution limiting the exportation of sugar to 500,000 long tons. All these bills, it may be said, are motivated by the sincere purpose of enhancing the welfare of the Filipino, and if some of them are objected to by the Filipino people it is because they are believed not conducive to the realization of such a purpose and of the permanence of the cordial relations inaugurated by the Stimson administration.

BRIGHAM-WAINWRIGHT RESOLUTION

The bill that has the approval of the Filipino people is the Brigham-Wainwright resolution providing for a biennial visit to the Philippines of a committee of Congress for the purpose of gathering information concerning the actual state of the government of the Philippine Islands and the economic and social condition of the Filipino people. Such a visit can not but be productive of good, for the greater the contact the closer the understanding between the two peoples. One of the saddest features of American-Filipino relations is the utter lack of knowledge on the part of the great mass of the American people regarding the Philippines. And Congress, which has the fate of 12,000,000 people in the hollow of its hands, is itself none too fully informed of Philippine affairs. One can readily see, therefore, why this bill should be enacted into law.

One of the measures to which the Filipinos are opposed is the Willis and Kiess bill, now on the floor of the Senate, one of the provisions of which would grant the Governor General of the Philippines authority to expend, without necessity of further appropriation by the Philippine Legislature, the sum of $125,000 for the employment of advisers and

assistants to his office, the money to be taken from internal-revenue collections in the United States levied on goods coming to this country from the Philippines, all of which collections are now turned over to the Philippine treasury for general appropriation by the Philippine Legislature.

SEE VIOLATION OF PLEDGE

Philippine opposition is not prompted by a lack of desire to furnish the Governor General with the necessary aid for the performance of his duties, as will be shown later. The Filipinos are opposed to it because it is a violation of America's pledge granting the Filipino people ever-increasing measures of self-government, with independence as its final goal, and because it is a violation of the underlying principles of democracy upon which this Nation is founded. That it is a violation of this policy is clear, because the bill prevents the Philippine Legislature appropriating the fund which it seeks to give to the Governor General directly. That it is a violation of the principles of democracy is also clear, because control of the purse strings of the Nation should rest with the law-making body and not with the executive, which in the case of the Philippines is not even elective.

And America would be forcing upon another people, if this bill became a law, that which the American people themselves would not attempt to do in their own country, for public opinion would not countenance an act, and Congress will not sanction it, which would place in the hands of the President of the United States any amount of money without appropriation first by Congress. The sum of $125,000 is approximately one-third of 1 per cent of the total expenditures of the central government of the Philippines, taking such expenditures to be $40,000,000, in round numbers. If the President of the United States were given a discretionary fund equivalent to one-third of 1 per cent of the expenditures of the Federal Government, estimating such expenditures to be $3,000,000,000 a year, he would have at his disposal, following the theory of this bill, $10,000,000.

WHERE THE MONEY GOES

The money which Congress is asked to give directly to the Governor General is for the employment of advisers and assistants to his office, who would act as his "eyes" and "ears" to detect the work of the administrative departments and offices over which, by our organic act and by laws passed by the Philippine Legislature, he has supervision and control. The power of supervision and control over all executive departments is vested in the President of the United States by the Constitution, but he has never felt the necessity of having "eyes" and "ears" to detect the work of these departments. Even if such help were necessary, he would never be permitted to have it, because there would then be established here a government based upon suspicion rather than upon confidence, which is the most important element in dealing with an alien race.

IS IT AMERICAN MONEY?

It is asserted that the fund from which the money to be given to the Governor General is American money, being as it is United States internal-revenue collections levied on Philippine goods coming to this country. This is true but not entirely so. In 1901 the Philippine Commission, in enacting legislation to raise revenues for the Philippine government, provided, among other taxes, for an export tax on Philippine exports. In 1902 the Congress of the United States exempted Philippine products admitted free of duty and consumed in the United States from the payment of this export tax. This provision of law benefited American consumers and manufacturers. It also decreased Philippine revenues.

To offset this decrease in the income of the Philippine government the American Congress, by another provision of the same act, directed that the internal-revenue taxes collected on Philippine products in the United States should be turned over to the Philippine treasury. The Underwood Tariff Act of 1913 abolished altogether the tax imposed on Philippine exports by the act of the Philippine Commission, and by the Philippine autonomy act of 1916 the imposition of any export tax by the Philippine Legislature is prohibited. Thus, the Congress of the United States, having definitely deprived the Philippine government of its income from all export taxes in existence for many years, considered it just and wise to continue the practice of giving the Philippines the taxes collected on Philippine products in the United States.

Yet we concede that this money belongs to America, and so if Congress wishes to take back that which, for the reasons above, she has for the last 28 years remitted to the Philippine government, that is her privilege. Being American money, we would very much prefer that it is spent by and for the American people. For to receive this gift, if it is a gift, with strings tied to it in the form of a free and unhampered disposal of a portion of it by the Governor General, constitutes an offense against the finer sentiments of a people with any pride and self-respect.

As said above, our opposition to this bill is not due to lack of desire to provide the Governor General with the necessary aid to help him administer the affairs of the islands. That this desire exists is fully demonstrated by the fact that the Philippine Legislature included in the appropriation bill for 1928 an item that was to be used for the same purpose for which this bill is desired enacted into law. The then Acting Governor General vetoed the item. And now Congress is urged to make use of the supreme authority that it has over the Philippines and do what the Filipinos have done and are again ready to do, despite the fact that the Philippine Legislature, in providing the money which this bill calls for, it was not and is not now convinced of the necessity of furnishing the Governor General with assistants.

CONTENTION OF ISLANDERS

The Filipinos have always contended that the already established agencies of the Philippine government are sufficient aid to the Governor General in his task of administering the islands. The Philippine Legislature appropriated a similar amount last year, because it wanted to show, not only in word but in deed, its eager and sincere desire to cooperate. This friendly demonstration of eagerness for mutual understanding was brushed aside. And enactment by Congress of this measure, especially at this time, would mar the sincere friendship and mutual cooperation which have already been demonstrated by the Filipino people to the new Governor General, and which I am sure it is the desire of both peoples to see attain robust growth rather than wither into useless decay.

HAS MACHINERY AT DISPOSAL

The Governor General has the entire governmental machinery at his disposal, from the secretaries of the departments which compose his cabinet to the smallest executive office. As a part of our governmental mechanism we have had and we now have experts in various lines, and the Philippine Legislature has always been ready to appropriate and has in fact appropriated funds for expert advisers and assistants to the Governor General. There is right now a law which authorizes the Philippine government to make special contracts and pay special salaries to chiefs and assistant chiefs of bureaus and other employees of the Philippine government performing duties that require technical knowledge.

The directors of the bureaus of science, education, agriculture, forestry, and public works are Americans, experts in their respective lines, now engaged with several other Americans in the service of the Philippine government by appointment of the Governor General, with the advice and consent of the Philippine Senate, and are drawing salaries higher than the salaries paid to Filipino directors of bureaus under a contract authorized and an appropriation made by the Philippine Legislature. And where it has been found necessary to carry on some special technical work for the Philippine government, the legislature has made the appropriation required for this purpose. I will cite one case: Four years ago we appropriated ₱100,000 ($50,000) for the purpose of bringing to the islands a committee of expert educators to make a survey of the educational institutions of the country; and a committee did come, headed by Dr. Paul Monroe, of Columbia University, with such other distinguished educators as Dr. Stephen Duggan, and others.

RIGHT CONTENDED FOR

It will be noted from the foregoing that all we want is to be permitted to continue exercising the right of appropriating the expenses of our own Government, which American democrary itself has implanted in the Philippines, a right for which 300 years ago Charles I lost his head and to preserve which the American Revolution was fought.

The other two bills to which the Filipinos are opposed are another Willis-Kiess bill which would remove the power of the Philippine Senate to confirm appointments of governors of the non-Christian Provinces, and the Timberlake bill which would limit the amount of sugar the Philippines may export to the United States free of duty.

With regard to the first, it need only to be said that, like the other bill, it curtails Filipino autonomy, and also disrupts the system of checks and balances which is so indispensable in a democracy. To the assertion that it is more desirable to appoint Americans rather than Filipinos as governors of the non-Christian Provinces of the Philippines it may be said that there have been just as good and efficient Filipino governors that have administered the affairs of these Provinces as there have been good and efficient American governors, just as there have been failures in both cases. But admitting for the sake of argument that it were true that it is more desirable to appoint American rather than Filipino governors for those Provinces, still the proposed legislation would not be justified, since the Philippine Senate has confirmed appointments made by the Governor General in favor of Americans as governors of said Provinces.

NONCHRISTIAN PROVINCES

The so-called non-Christian Provinces in the Philippine Islands are: The Mountain Province, the Province of Jolo, the Province of Lanao, the Province of Cotabato, and the Province of Bukidnon. The governors of the Mountain Province, Jolo, and Lanao are all Americans and they have all been confirmed by the Senate. The only appointment made by the Governor General of an American governor which the Philippine

Senate absolutely refused to confirm was that of Governor Johnson, of Lanao, a man plainly lacking the ability to perform the duties of the office. His successor, however, also an American, was confirmed by the Senate.

The interests of the Philippine Legislature in the Moros and other non-Christian Filipinos has been demonstrated time and again by the fact that it has appropriated more money for education, sanitation, roads, and other public improvements for these people than the former Philippine Commission ever did. As a matter of fact, it was not until the Filipinos were permitted the highest degree of autonomy during the Harrison administration that a policy was adopted designed to bring about mutual assimilation, amity, and friendship between Christian Filipinos and Moros. One of the manifestations of this policy is the placing in the hands of the Moros themselves as much control of their local affairs as possible. Hundreds of them now work side by side with the Christian Filipino officials.

With regard to the Timberlake bill, which limits sugar which we may export to the United States to 500,000 long tons, it may be stated that, inasmuch as America is holding the Philippines against the will of the Filipino people, she should, in fairness and justice to them, permit them to enjoy the unrestricted privileges of free trade which the American people now enjoy in their free-trade relationship with the Philippines. Even under the present arrangement all American goods are admitted free of duty to the Philippines, whereas not all Philippine goods are admitted free of duty in the United States.

Such is the situation of America's largest island possession, inhabited by 12,000,000 people, in the present session of the Congress of the United States. America, whose rule in the Philippines has always been guided by the most altruistic motives, will not now permit that the high regard with which she is held by the entire Filipino people be dimmed.

[From the Washington Daily News, May 19, 1928]

TWO BLOWS AT FILIPINO PRIDE

By William Philip Simms

Any day now certain Philippine bills may come to a vote before Congress, bills having an important bearing on the future of the islands.

One of the bills proposes to deduct $125,000 annually from the money which for years we have been turning over to the Philippine government for it to apportion, a bill implying a lack of confidence in that government.

Another provides for the appointment of governors of the non-Christian Provinces by the Governor General without the consent of the Philippine Senate, a slap in the face of the Christian Filipinos.

There are less than 400,000 Moros in the islands—traditionally Christian hating, as Mohammedans are everywhere. There are approximately 10,000,000 Christians. So there is no more logic in wresting the government of these backward Moros out of the hands of the advanced Filipinos at Manila than there would be in removing the American Indians from the control of Washington. Having given the Filipinos a measure of self-government, turning back the clock now would constitute an insufferable blow to their pride.

EVEN LESS EXCUSE

For the other measure there is even less excuse, if possible. The Philippine Legislature stands ready, we are told, to set aside $125,000 a year for the Governor General to hire civilian assistants, and no questions asked. In fact, the legislature has already appropriated money for this purpose, only to have the act vetoed by Acting Governor General Gilmore.

What real difference can it make to Washington whether the $125,000 comes from Peter or from Paul, just so the Governor General gets it with no strings attached? It is the same $125,000 in either case. But it does make a whale of a difference to the Filipinos because they glory in their self-government, which sentiment we, in this country, should be the first to understand and to honor.

For several years the Philippine government has been dangerously deadlocked. The American Governor General and the Filipino legislators locked horns and business in the islands has been at a standstill. Vast harm has resulted to the 12,000,000 inhabitants and to American business alike.

BRIGHTER OUTLOOK

Recently, however—since the arrival of Governor General Stimson, the late General Wood's successor—the outlook has brightened. Filipino leaders have gone out of their way to cooperate with the new régime in the belief that good will on their part would be reciprocated.

Congress must not return ill will for good. The first test is at hand. We may, or may not, quite understand all their anxiety, but the fact remains that the Filipinos would interpret the passage of these bills as an intentional rebuke, and a lack of confidence which they do not merit.

Filipino leaders have met Governor General Stimson more than half way. Their advances must not meet with rebuff. If they are so met, then the islands are in for a return of the deadlock and further years of stagnation which have blighted them so in the past. And in their train will come increased bitterness against American rule.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated below:

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.; to the Committee on Commerce.

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405); to the Committee on Public Lands and Surveys.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida;

S. 4457. An act authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.;

S. 4474. An act authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; and

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex.; and

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873; and

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

COMPENSATION OF CIVIL-SERVICE EMPLOYEES—CONFERENCE REPORT

Mr. BROOKHART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the

District of Columbia and in the field services," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 35, 36, and 37.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,600 and $3,700"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,040 and $2,100"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,700 and $2,800"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,700 and $2,800"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,300 and $3,400"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,600 and $3,700"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,900 and $4,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,700 and $2,800"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

PORTER H. DALE,
SMITH W. BROOKHART,
JOHN J. BLAINE,
KENNETH MCKELLAR,
WALTER F. GEORGE,
Managers on the part of the Senate.

FREDERICK R. LEHLBACH,
ERNEST W. GIBSON,
JOE J. MANLOVE,
EMANUEL CELLER,
Managers on the part of the House.

Mr. BROOKHART. Mr. President, I ask unanimous consent for the consideration of the report.

Mr. DILL. Mr. President, has the report been printed?

Mr. BROOKHART. I think not, any more than the ordinary report.

Mr. DILL. Is there any way in which we can find out what the changes are?

Mr. BROOKHART. Yes; I can explain the report; but if it leads to debate I promised the Senator from California [Mr. JOHNSON] that I would withdraw consideration of the report.

Mr. BORAH. I wish the Senator would withdraw it—not that I want to debate it, but I do want some features of it explained.

Mr. BROOKHART. I think in a very few minutes I can explain the changes that were made.

Mr. JOHNSON. I suggest to the Senator, then, that he have the report printed, and then in the morning it can be taken up, because if it is to lead to discussion or debate I shall object to its immediate consideration.

Mr. DALE. Mr. President, I should like to state in this connection that this conference report has to be agreed to on the part of the Senate, and then it has to go to the House for their agreement; and time is very material in the matter.

Mr. JOHNSON. Mr. President, I should be very glad to expedite matters for these gentlemen, and will do so; but I want to say, because I believe that what has been said by the Senator is actuated by the fact that some suggestion has been made that the Congress adjourn next Tuesday, that I give notice now, so far as I am concerned and so far as those who act in concert with me are concerned, that the Congress shall not adjourn on Tuesday next but shall remain in session at least sufficiently long to do the public business.

Mr. DALE. Mr. President, I should like to state to the Senator from California that I realize that he has been very considerate all the way through this matter. I agree with him in what he has just stated; and, so far as I am concerned, I will vote to stay here until we get a vote on his bill.

Mr. JOHNSON. I thank the Senator.

Mr. BROOKHART. Perhaps in a moment or two I can explain satisfactorily to the Senator from Idaho the changes that were made.

Mr. JOHNSON. If it is not going to take any appreciable time, I will not object. I reserve the right to object, however, if it becomes obvious that time is going to be consumed to any extent in the consideration of the report.

The VICE PRESIDENT. The conference report is privileged over the bill of the Senator from California.

Mr. JOHNSON. That is quite so; but is it a privileged report before printing or before it has been laid before the Senate?

Mr. BROOKHART. It was laid before the Senate a little while ago, but I did not intend to move to take it up. If I can not keep my word about passing it without debate, I will gladly withdraw it and have it printed.

Mr. DILL. Mr. President, I hold in my hand the only print I have seen, in the Washington Daily News of yesterday. I do not know whether it is correct or not. If we had available some such print as this, we could tell very quickly what this conference report means.

Mr. BROOKHART. The Senator can tell better from that reprint than he could from a print of the bill, because it tabulates it. I think that is correct. This is the only general change that was made, and it is a general change that runs through the bill:

In the House bill in about half of the grades they crowded seven steps into five, cutting off the two lower ones. The Senate added two at the top, making seven, to correspond to the old law. On all of those we were compelled to recede one-half, one step that we put on at the top. That gives everybody two steps

up in advance except the last one, who gets only one step. In the rest of the grades the House had only stepped them up one step, and we put on one step at the top. We were compelled to take off that step, so that in those grades everybody will get one step advance except the one at the top, who gets no advance.

Then, on the charwomen and the clerical-mechanical grades, the House had advanced them 5 cents an hour. We advanced them 5 cents more. We were compelled to give up those advances. I will say that I regretted that more than any other part we had to give up, because I feel that those people are underpaid. However, they all get an advance of $10 a month under the House bill.

Those are the changes.

The VICE PRESIDENT. The Chair will state that House of Representatives Report No. 1845 is the report of the conference committee.

Mr. DILL. I have a copy of that, but that is not clear unless you have before you the House and Senate bills and compare them, and that takes some time. But the question I am most concerned about—the only question I have really been concerned about in this bill—is whether or not the poorly paid employees, the low-paid employees, will all get a substantial increase.

Mr. BROOKHART. They all get a substantial increase, every one of them. They are better taken care of than the highest-paid employees in the same steps.

Mr. DILL. They get an increase; but the print I have before me shows, in the custodial service, that all of those in grade 2 get an increase of $300 a year. I want to know whether that is true or not.

Mr. BROOKHART. That is not my recollection; but I can not remember the grades right offhand.

Mr. DILL. This shows that grade 2 has every step increased $300.

Mr. BROOKHART. I shall have to say that may not be correct in that print.

Mr. DILL. What is the smallest increase that those in grade 2 are going to get, any of them?

Mr. BROOKHART. I think $120 is the smallest increase that anybody gets.

Mr. DILL. How does the committee defend an increase of $120 for these people who are getting less than $1,200 a year, when in some of these higher grades they get three or four hundred dollars' increase?

Mr. BROOKHART. I will say that I do not try to defend it. It is the best we could do in the conference. We all agree, however, that the bill as it comes back here is better than the original House bill by a considerable amount.

Mr. DILL. In grade 3, according to this printed statement, they get an increase of $300 in some and $180 in others.

Mr. BROOKHART. What service is that?

Mr. DILL. That is the custodial service. They are the extremely poorly paid employees that I am talking about.

Mr. BROOKHART. I think the Senator is right on that grade.

Mr. DILL. On grade 2 of the custodian service?

Mr. BROOKHART. Yes.

Mr. DILL. The print in the News, which I have in my hand, gives such an increase.

Mr. BROOKHART. Those are the lowest-paid employees that got the biggest increases.

Mr. DILL. The point I want to get clear is this: Does every grade get this increase or is it possible for the personnel officer to juggle some of them out?

Mr. BROOKHART. The personnel officer would have no discretion under the bill as amended. They are advanced relatively from their present positions, and there is at least one step advance for everybody except the top step in those grades where there is but one step advance. In such instances the top step gets no advance.

Mr. DILL. I am not worrying about those people who are getting three or four thousand dollars a year. The ones I am concerned about are those that are getting less than $1,200 a year.

Mr. BROOKHART. They are the best taken care of of anybody. Even the charwomen get a $10-a-month advance. I did not think that was enough, and I do not yet.

Mr. DILL. I do not, either.

I have no further objection.

The VICE PRESIDENT. Is there objection to the consideration of the conference report? The Chair hears none.

The Senate proceeded to consider the report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

EASEMENT ACROSS CONSTITUTION ISLAND, N. Y.

Mr. FLETCHER. From the Committee on Military Affairs, I ask unanimous consent to report back favorably, without amendment, Senate bill 4466, to authorize the Secretary of War to grant to the New York Central Railroad Co., its successors or assigns, a perpetual easement extending across Constitution Island on the West Point Military Reservation, N. Y., for railroad purposes, and I submit a report (No. 1284) thereon.

Mr. COPELAND. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Florida. It widens the railroad's right of way, and has the approval of the Secretary of War and all the officials. It is important that we should have action on it now in order that work may be begun.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant and convey to the New York Central Railroad Co., a corporation organized and existing under the laws of the State of New York, and other States, its successors or assigns, a perpetual easement over and upon a parcel of land 47 feet in width extending across Constitutional Island on the West Point Military Reservation, N. Y., in such location and under such conditions as the Secretary of War may approve, in connection with the four-tracking of its main line between Garrison and Cold Spring, N. Y.: *Provided*, That the land shall not be used for other than railroad purposes, and when the property shall cease to be so used it shall revert to the United States.

SEC. 2. The Secretary of War shall cause an appraisal to be made of the right of way hereby authorized to be granted, and the appraised value as determined by the Secretary of War shall be paid by the New York Central Railroad Co., the proceeds to be deposited in the Treasury of the United States to the credit of the Military Post Construction Fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD RATES ON AGRICULTURAL PRODUCTS

Mr. WHEELER. Mr. President, I send to the desk a resolution, which I ask to have read, and I ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

Mr. JOHNSON. I want it understood that if the resolution leads to any debate I do not consent to it. I understand from the Senator from Montana that there is no objection from any of those who are interested.

The Chief Clerk read the resolution (S. Res. 250), as follows:

Senate Resolution 250

Whereas the farming industry in the United States is in a deplorable condition, resulting in the bankruptcy of thousands of farmers; and

Whereas permanent prosperity of American industry as a whole is dependent on the prosperity of the farming industry, representing 40 per cent of our population; and

Whereas no effort to bring about prosperity for the farmer can possibly succeed which does not seek to place the farming industry on an economic parity with other industries; and

Whereas the measures for agricultural relief, supported by the leading farm organizations of the country, have been defeated by the present administration; and

Whereas tables of freight rates compiled by the Interstate Commerce Commission in response to Senate Resolution 208 dealing with the relative rates on grain in the United States and in Canada give the following table of grain rates on page 2 of their report in Document No. 107 of the Seventieth Congress, first session—

Comparison of rates on wheat from points in North Dakota and Montana to Duluth with rates for like distances from points in western Canada to Fort William, Ontario

From—	To—	Miles	Rate
Fargo, N. Dak	Duluth, Minn	252	16.5
Devils Lake, N. Dak	do	384	19.5
Lydiatt, Manitoba	Fort William, Ontario	389	14
Bismarck, N. Dak	Duluth, Minn	446	23.5
Meadows, Manitoba	Fort William, Ontario	442	15
Glasgow, Mont	Duluth, Minn	779	35
Regina, Saskatchewan	Fort William, Ontario	776	20
Billings, Mont	Duluth, Minn	893	39.5
Morse, Saskatchewan	Fort William, Ontario	892	22
Bozeman, Mont	Duluth, Minn	1,033	42
Estuary, Saskatchewan	Fort William, Ontario	1,036	24

Comparison of rates on wheat from points in North Dakota and Montana to Duluth with rates for like distances from points in western Canada to Fort William, Ontario—Continued

From—	To—	Miles	Rate
Havre, Mont	Duluth, Minn	932	39.5
Cantuar, Saskatchewan	Fort William, Ontario	941	23
Helena, Mont	Duluth, Minn	1,131	44.5
Grassy Lake, Alberta	Fort William, Ontario	1,125	25
Kalispell, Mont	Duluth, Minn	1,195	48
Lethbridge, Alberta	Fort William, Ontario	1,177	25

And

Whereas according to this table the freight rates from Montana points to Duluth, Minn., average 18 cents per hundred pounds higher than the rates from corresponding Canadian shipping points; and

Whereas such difference in freight rates places the farmers of Montana at a disadvantage of 10 cents per bushel in competing with Canadian farmers; and

Whereas on Montana 1927 wheat crop of 79,702,000 bushels this differential in freight rates amounts to the sum of $7,970,200:

Resolved, That the Interstate Commerce Commission is requested (1) to make an investigation with a view of ascertaining whether rates similar to the Canadian rate on grain, livestock, and other agricultural products in the Northwest would be compensatory to American railroads operating in that territory, and, (2) if upon such investigation the rates similar to the Canadian rates are found to be compensatory, that the commission reduce said rates in the Northwest on said agricultural products so that the American farmer will be put on an equality with the Canadian farmer in this respect, and (3) to report to the Senate at the beginning of the next regular session of the Seventieth Congress the results of such investigation and any action of the commission in pursuance thereof.

Mr. WHEELER. This is one way to materially help the farmers of the Northwest. As pointed out in the resolution, the wheat farmers of Montana alone paid nearly $8,000,000 more in freight rates on their wheat crop in 1927 than they would have paid had they lived in Canada.

I have not the exact figures in reference to rates on other farm products, but my understanding is that they are lower than our rates, thereby giving the Canadian farmer a great advantage over the stockmen and grain farmers of our country.

The railroads of this country, in their present prosperous condition can, in my judgment, well afford to place the farmers of the Northwest on an equality with reference to freight rates with the farmers of Canada. They should do this voluntarily, and if they will not do it voluntarily, then the Interstate Commerce Commission should see that it is done.

Mr. WATSON. Mr. President, so far as the investigation of the freight rates on farm products is concerned, I shall not object, but I do very seriously object to the whereases of the resolution, and ask the Senator from Montana whether or not he will not consent to their elimination.

Mr. WHEELER. I will consent that they be eliminated.

Mr. WATSON. Then I have no objection to the resolution.

The resolution was agreed to, as modified.

FARM RELIEF—VETO MESSAGE

Mr. McNARY. Mr. President, I ask that the Chair lay before the Senate the veto of the President of the bill (S. 3555), to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

The VICE PRESIDENT. The Chair lays before the Senate the veto message of the President.

Mr. McNARY. I further ask unanimous consent that an additional reading of the message be dispensed with.

The VICE PRESIDENT. The message has already been read. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. McNARY. Mr. President, the Members of this body are weary and worn from an all-night session, and it is not my purpose to occupy more than a moment of time of the Senate.

In my judgment, the message of disapproval of the President sets forth no new reasons, it makes no additional discoveries, it presents no argument not heretofore made; indeed, it is bottomed upon misunderstandings which have always been the weapon of those who oppose legislation of this character.

I exceedingly regret the action of the President on account of the very earnest desire of the membership of Congress favorably to report and to enact some legislation that Congress thought would be beneficial to the farmers in their depressed condition. At this late hour it does not seem possible that any legislation can be had of this nature, or legislation of any kind that will tend to benefit agriculture.

About all that is left for the Senate to do is to vote upon the veto message. It is my hope that the Members of this body voting in the affirmative will be sufficient in numbers to override the veto. I have no illusions in that respect, but many of the Members of the Senate with whom I have discussed the matter, who have been strict adherents of farm relief, have expressed the desire they may exhaust every opportunity to bring about a situation better for the producers of the country.

With these observations and expressing the hope that no unusual delay will follow the request I have made, I submit the matter to the consideration of the Senate.

Mr. EDGE. Mr. President, does the Senator take the position that this bill, with the so-termed equalization fee eliminated, would not be of any benefit to the farmer?

Mr. McNARY. In the statements I have made here in the way of arguments and presentations of the matter, I have said I thought in some instances, and perhaps in some fashion, and possibly in a small way, the bill without the equalization fee would be of benefit. I may say, without divulging any secret, that when I was advised at the White House that a veto would follow the action of this body and the House, I said to the President that I would do what I could to bring back and pass through this body legislation of the character and type suggested by the Senator from New Jersey, but by the action of the veto it seems the President has even foreclosed that avenue, which might have benefited somewhat the farmers.

Mr. ROBINSON of Arkansas. Mr. President, I am pleased with the proposal that the Senate take this vote. We have come now to a real test of the strength of the farm-relief measure, familiarly known during the last few years as the McNary-Haugen bill.

It will be recalled that in a previous session of Congress a measure very similar to that now under consideration was passed by both houses, and vetoed by the President. The grounds upon which the adverse action was taken by the Executive were fully set forth in his message to the Congress. Every Senator and every Representative for that matter, fully understood the attitude and action of the Executive and by voting again to pass the bill implied readiness to overrule the veto. Throughout the period that has followed the war, agitation respecting the subject of farm relief has continued, and still goes on. From time to time measures have been presented, some have passed one House and failed in the other, this measure having repeatedly received favor in both Houses of the Congress.

Some Senators may remember that when the McNary-Haugen bill was first under consideration here, I suggested that a substantial, practical, and adequate measure of relief could be obtained through a modification of the tariff. A plan known as the export debenture plan was presented, voted upon by the Senate, it received favor, but was defeated. A prolonged study of the subject relating to agricultural conditions prevailing in America was made by a joint commission of the Congress just following the war period. It revealed in a report to the Congress an alarming state of depression in the farming business throughout the country.

There appears to be no doubt of the existence of necessity for legislative action. So far as I am advised, no student of the subject has disputed that conclusion. A singular and amazing spectacle is presented, namely, that everyone professing to have knowledge of the issue avowing the necessity for legislation, no substantial measure of relief has been enacted, and this session of the Congress is proceeding to adjourn with the basic industry of the Nation still going down, and reflecting its adversity into every other industry and business of our people.

The President and his Secretary of Commerce have defined a policy respecting the subject of the disposition of surplus agricultural products. Secretary Hoover, in repeated addresses, and in numerous magazine articles, has asserted that the correct way, the sound way, in which to cure existing evils, is to limit agricultural production to the demands of home markets.

These declarations of the Secretary of Commerce have apparently found response in the breast and the mind of the President. Their theory is that the great industry of agriculture should limit its resources and its activities in such a way that production shall always bear a definite relationship to home consumption, that the farmers of the Nation must never look to foreign markets for the disposition of a surplus, but must so restrict their acreage that, with the passing of the seasons, they shall have nothing to send abroad, nothing to sell to consumers in other countries.

This is to me a theory incomprehensible, particularly when it is asserted by one who champions the idea and policy of tariff for protection. Our balance of trade, according to the President

and Secretary Hoover, must be made to depend solely upon the returns from manufactured products sold abroad.

Everyone realizes that, considering the chances of flood and storm, drought and frost, a given acreage in one season will yield very much more or very much less than in another season. The policy that underlies this veto and policy means the disparagement, the doom, of the industry of agriculture.

Through all the contests, disputes, and legislative conflicts which have occurred about the subject during the last 10 years, only a single measure has survived, and that measure is the bill now before the Senate. It marks a radical departure from the present system for disposing of surplus agricultural crops. It is, in my judgment, in many respects an experiment. It is an economic adventure, if you please. But, considering the failure of all other important measures pertaining to the subject, considering the fact that it alone has risen to the surface time and time again, that it alone has survived the fierce forces of opposition which have arrayed themselves against any measure of relief for the agricultural producers of the Nation, the Congress is justified in taking the economic adventure involved in this measure.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial appearing in the New York World under date of Friday, May 25, 1928, entitled "Free trade for the farmer."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York World, Friday, May 25, 1928]

FREE TRADE—FOR THE FARMER

If Mr. Coolidge had attempted less in his veto of the McNary-Haugen bill, he would have accomplished much more. But he tried to prove so much that he has laid himself wide open to the charge that his whole attitude is controlled by a powerful unconscious prejudice against the agricultural interest.

Had he been content to argue that the McNary-Haugen bill as written is unworkable in practice, his position would have been impregnable. Those sections of his message which describe the immense political and bureaucratic difficulties of operating this measure were all the justification he needed for vetoing it. There is no way of answering them except to argue that the officialdom which the bill proposes to set up would be wise, competent, and disinterested beyond any officialdom of which this country has any experience.

Mr. Coolidge should have rested on that. But he did not. He set out to prove that the bill is not only unworkable in practice but that it is unsound in its underlying principle. That was a bad mistake. For the underlying principle of this bill is the Republican principle of protection applied to agriculture. Here is the way Mr. Coolidge describes the bill:

"In its essentials, the objectionable plan proposed here is the stimulation of the price of agricultural commodities and products thereof by artificially controlling the surpluses, so that there will be an apparent scarcity on the market."

How does this "objectionable plan" differ in principle from the protective tariff? The McNary-Haugen people say the farmers produce so much wheat and corn and cotton, etc., that they can not get a good price for their products; therefore let the Government arrange to buy a big enough part of the crop to insure a good price to the farmer, and then let it get rid of the surplus which it has bought by selling it to the foreigner at any price it can get. Now, what is the principle of the protective tariff? It is to tax goods coming from abroad so as to limit their quantity, and thus keep the price obtained by American manufacturers high in the American market. The purpose of the two schemes is identical: they both aim to keep prices high at home by artificial governmental interference. The McNary-Haugen bill aims to do this for agriculture by dumping a surplus abroad. The Fordney-McCumber Act does it for industry by stopping the dumping of a surplus from abroad.

To argue that the one is "American" in principle and the other "repugnant to the spirit of our institutions" is sheer prejudice. To say that the McNary-Haugen bill "naïvely implies that the law of supply and demand can be legislatively distorted in the farmer's favor" is a poor argument indeed in the mouth of a high-tariff Republican. For what in the name of common sense is the tariff except an interference with the law of supply and demand? Would any one want a tariff if it didn't interfere with the law of supply and demand? What does a manufacturer mean when he asks for a tariff? He means that he wants to limit the supply that comes from Europe in order to get the full benefit for himself of the American consumers' demand. Interfering with the law of supply and demand is the essence of protection. That is all that protection is. That is the only reason anybody asks for it. That is the only reason it is profitable. It raises prices at home. That is why domestic manufacturers clamor for it. It creates an artificial scarcity. That is why they like it.

"Naïve!" Mr. Coolidge shouldn't have used that word to the farmers. Nothing could be more naïve than for a high protectionist to exclaim in horror at a proposal to interfere with the law of supply and demand by creating an artificial scarcity to raise domestic prices.

The arguments which Mr. Coolidge uses against the McNary-Haugen bill are the arguments of a free trader. But Mr. Coolidge is no free trader. No; that is not quite accurate. Mr. Coolidge is a free trader for the farmer and a high protectionist for the manufacturer. He has one set of principles for the manufacturer and a diametrically opposite set of principles for the farmer. That is not so inconsistent, however, as it seems. Mr. Coolidge and his administration, including Mr. Mellon and Mr. Hoover, are wholly responsive to the claims of industry. That is their whole horizon. They believe in the artificial stimulation by governmental interference of the price of what the manufacturer sells. And they believe in no artificial stimulation of the price of that which the manufacturer buys. He buys labor. He buys raw materials. Through his pay roll he buys food. In everything that the manufacturer buys Mr. Coolidge, Mr. Mellon, and Mr. Hoover want a free market with no artificial scarcity and no artificial stimulation. They are not consistent with the principles they profess. But they are wholly consistent with the material interests of the group they represent. Their principles are merely ways of pushing these interests.

The McNary-Haugen bill, in spite of its practical defects, presents the country with a very genuine choice. Either the governmental privileges which industry enjoys must be leveled down to create some kind of parity between agriculture and industry, or equivalent privileges must be extended to agriculture. A consistent protectionist, not blinded as Mr. Coolidge is by class interest, might object to the McNary-Haugen bill as practically unworkable, but he can not object to it in principle. And so, if he believes in protection, he ought to devote his energy to finding a workable way of doing what the McNary-Haugen bill attempts to do. But Mr. Coolidge does not want to extend the protective principle to agriculture. He wants free trade for the farmer. Well, if he wants free trade for the farmer, he ought to be willing to consider at least a little freer trade for the manufacturer.

Mr. LOCHER. Mr. President this bill—the McNary-Haugen equalization farm bill—was passed by the Senate a few days before I became a Member of this body. Later, it was passed by the House in a modified form. Still later, the differences were reconciled by the conferees, and a few days ago the President returned the bill to the Senate without his approval.

In 1924 both the Republican Party and the Democratic Party solemnly promised legislation to equalize agriculture with other industries. The Democratic Party promised—

to restore the farmer again to economic equality with other industrialists.

The Republican Party in national convention assembled pledged itself and its candidates, and declared in its platform—

in dealing with agriculture the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population. We recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor.

In spite of the fact that it has controlled two Congresses elected since the pledge was made it has done nothing substantial to make the promise good.

A year ago the Congress passed a bill which was not approved by the President. This year a bill containing in a large measure the same provisions was passed and again was not approved by the President.

Apparently everybody except Congress knew that it would not be approved. The farmer has had many rebuffs in recent years, and the program seems to be to again pass the issue along to be legislated on by a new Congress.

The President in his messages and the Congress by its action for several years have recognized the necessity for farm equalization.

The farmer sells his products in a world market and buys what he needs in an artificially created and protected market. Most of his products sell at a low price, and for everything he buys he pays a high price. He pays the freight on everything he sells and on everything he buys. The result is that the farmer's dollar is not a 100-cent dollar.

Agriculture is our largest basic industry. One-third of our population is dependent upon agriculture for a living, but secures less than one-eighth of the income of the Nation.

Three million people have left the farm and gone to the cities from 1920 to 1927 and increased the army of the unemployed there.

Farm assets have declined many billions of dollars during the last six years. Hundreds of thousands of farmers during the past few years have lost their all through foreclosure or voluntary surrender.

In my own State the banks in the cities are in liquid condition and have ample funds, but when deposits are large it

does not necessarily mean that business is good, but does indicate that business has been good and that industry is not absorbing the money.

The banks in the towns and small cities dependent upon agriculture are frozen with farm assets. Nearly every bank owns from one to a half dozen farms. In the period of 10 years preceding December 1, 1926, the number of banks closed was an average of less than one and one-half per year. From December 1, 1926, to December 31, 1927, 19 State and national banks were closed in Ohio, ranging in resources from approximately $200,000 to $3,000,000 each. The State and national banking departments are nursing some 50 banks in my State this very day.

I know of an insurance company that does business in Ohio that for many years has invested some of its surplus funds in farm mortgages. This company now owns 1,800 farms. I know of another insurance company that has disposed of farm lands acquired by foreclosure and voluntary surrender during the year ending March 1, 1928, at a loss of more than $700,000.

Many bills are pending in the Congress seeking to solve the unemployment problem in the industrial centers. Only a few days ago the Senate passed a resolution authorizing the appointment of a committee of the Senate to investigate and study the unemployment problem in this country. The agricultural depression has become evident in the industrial centers and the cities.

When the purchasing power of the farmer continues to decline, industrial centers can not prosper for long periods of time. The result of depreciation and deflation of agriculture sooner or later means business depression in the industrial centers and cities, because of the large number of farmers and of their purchasing power.

The American Federation of Labor recently estimated that 5,000,000 men are in involuntary idleness—able, ready, and willing to work, but can not find employment. The Government does not owe the citizen a living, but it does owe men a right to earn a living.

The complaints of business men are heard on all sides.

All this is the inevitable outcome of the bad conditions continuing for a period of years among the farmers.

The farm problem is as vital, if not more so, to the industrial centers and the cities as it is to the farmer himself.

The Census Bureau reports that the farmers own nearly 25 per cent of all the automobiles in this country. When the purchasing power of the farmer declines to the extent that he can not buy new automobiles, the result is that the steel mills will make that many less tons of steel, the railroads will haul that many less carloads of freight, the manufacturer will make that many less cars, the dealer will do that much less business, and all along the line that many less hours of labor will be employed.

What is true of the automobile is true of everything the farmer buys when he has money.

If the farmers of Ohio were to have a gross income (not a profit) of only $1,000 more each in 1928 than they had in 1927, it would increase the purchasing power $256,000,000 of the 256,000 farmers in my State alone, practically every dollar of which would go to the cities and industrial centers. It would enable the farmer to buy more automobiles, more farm machinery, more paint, more lumber, more clothing, more of everything that the farmer buys when he has money. The result would be more employment in industrial centers and larger pay rolls in the cities.

Every interest that knocks at the door of the Congress gets relief, except agriculture. As stated on the floor of this Senate a few days ago, "When the farmer asks for bread, you give him a stone; when he asks for fish, you give him a serpent."

The veto of the McNary-Haugen bill leaves agriculture in practically the same situation as it was when Congress assembled. There seems to be no hope of making it a law. Farm depression continues.

Congress should not adjourn without further attempts to solve the question upon which rests not only the welfare of agriculture, but the prosperity of the Nation, either by adopting the export-debenture plan advocated by the National Grange or some other plan based on a principle that can be agreed upon.

In view of the fact that everyone recognizes the situation in reference to agriculture and unemployment, adjournment of Congress is not justified until every effort has been exhausted.

Now, Mr. President, in connection with these remarks I send to the clerk's desk and ask to have read an editorial from the May issue of the Ohio State Grange Monthly entitled "The fight will go on."

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

THE FIGHT WILL GO ON

As this is written the chief topic in Congress is farm relief—wrongly named, for it should be termed "equality for agriculture."

At this time it seems improbable that any measure will be put into effect this year. Some of the measures have taken on a semipolitical aspect, with the result that work for them or against them is being measured by the political chances of some individuals rather than by the benefit for agriculture that the sponsors of them originally hoped for.

As time goes on the grange debenture plan is gaining more and more ground, and it seems likely that eventually this will be the measure adopted to give to agriculture the same benefits that are now being given industry, labor, and capital.

Fortunately the debenture plan has been kept clear of political entanglements. It is simple of operation. Its overhead-operation cost is small. It does not necessitate the setting up of cumbersome and costly machinery to operate. It is sound and workable, as is proven by the fact that many nations have used it. There is no question as to its constitutionality. It can be quickly put into operation after it is passed.

The farmer is not asking "favors"; he is asking the same brand of treatment that is given other industries. If by legislation and tariffs they are protected, so should he be.

The efforts to secure this equality will go on.

Mr. BROOKHART. Mr. President, this morning I received the following telegram:

DES MOINES, IOWA, *May 24, 1928.*

Senator SMITH W. BROOKHART:

At a meeting of the executive committee of the Iowa Farm Bureau Federation to-day a resolution was passed deploring the veto of the McNary-Haugen bill by President Coolidge. We expect you and all other members of the Iowa delegation in Congress to use every possible means within your power to call up and pass this bill over the President's veto. The fate of agriculture as well as of the Republican Party in the Middle West depends upon this action. We again commend you for your untiring efforts in the previous passage of this bill.

CHARLES E. HEARST,
President Iowa Farm Bureau Federation.

Mr. President, I think that telegram fairly represents the farmer sentiment of the Middle West; in fact, the farmer sentiment of the United States. I think the President has made the greatest mistake of his career in the veto of the McNary-Haugen bill. The principal ground upon which he bases that veto is the unconstitutionality of the equalization-fee provision for raising money with which to finance the export corporation. Twice the Congress has passed the bill containing the equalization-fee provision; twice the Congress has expressed the opinion by its actions that the equalization fee is constitutional. The President vetoed the previous bill, and then it came before him for consideration the second time. This raised an issue between the executive and the legislative departments of the Government. Neither the President nor the Congress has the power finally to decide the question. The one tribunal in the United States that can say finally as to whether or not the provision is constitutional is the Supreme Court of the United States. In all fairness I think, therefore, the bill should have been permitted to go before the Supreme Court for the final decision of that question.

The President in his message has conceded that many of the provisions of the bill correspond with his ideas. If the Supreme Court should have sustained his view, and the equalization feature had been removed from the bill, it is provided in the bill that the remainder of its provisions shall stand. It would, perhaps, be the law if there were no such provision. Under those circumstances the President would win, and would have secured, except as to some minor criticisms contained in his message, substantially the bill for which he has stood all the time, but he has arbitrarily chosen not to permit the one tribunal that can decide this question to have that opportunity.

I admit, Mr. President, that I do not believe in the theory that the Supreme Court should have that power over the other departments of the Government. I think the action of the Congress ought to settle the constitutionality of every law. The Congress represents the people, and the people make the Constitution; but whatever I may think of that proposition, it is the holding of the Supreme Court, assented to by the other departments of the Government, that the Supreme Court shall have the final decision as to constitutionality. If the court had sustained the equalization fee, and held it to be constitutional, then the President need not have been responsible for this policy, because the Constitution gives him the power and the right to permit this bill to become a law without his signature.

I remember an historic occasion when former President Cleveland permitted a tariff bill, notwithstanding he had denounced

it in the public press, to become a law under this provision of the Constitution. The responsibility for this policy would have been upon the farmers.

The equalization fee is not proposed to be taken out of the Treasury; it is imposed upon the farmers themselves; and it would in no way have prejudiced the judgment or the responsibility of the President if it had failed.

What are the specific points which are put forth in the veto? Briefly, first, the President refers to what he calls its price-fixing fallacy. The President has supported price-fixing schemes in the transportation act, which not only fixes the rates for the railroads themselves but fixes their valuation. That law also fixes a maximum rate of earning at 5¾ per cent upon this law-fixed value. That was similar to the provision which I proposed as a substitute for this bill. I conceded that it was a defect in this bill that no maximum price based upon cost of production and a cooperative return was provided. It should have been provided, and that would have made it better. But, Mr. President, President Coolidge has supported tariff measures that have no top limit upon the price that may be fixed under the tariff rates. So that objection is not valid from his standpoint and way of reasoning in economics. He has supported price-fixing plans in the Federal reserve banking system which controls the rates of discount and finally the rates of interest. Therefore, this objection coming from the President is not a valid objection.

Next he says the tax characteristics of the equalization fee are objectionable. But, Mr. President, again he has supported tariff tax fixing delegated to himself by the Congress through the Tariff Commission of the United States, and he has proceeded to act upon that authority and has levied taxes upon people through that authority, and those actions have been sustained by the Supreme Court of the United States.

Then he says the widespread bureaucracy which it would set up is another objection to this bill.

But, Mr. President, when did the President ever criticize the bureau that controls the railroads—the Interstate Commerce Commission? When did he ever criticize the bureau that controls the tariff—the Tariff Commission? When did he ever criticize the Federal Trade Commission, which is another bureau? When did he ever criticize the Bureau of the Budget or any other of the hundreds of bureaus under the Government? He points out no specific objection to any bureau until it is a bureau for the welfare of the farmers of the United States.

Then, again, he says, "The encouragement of profiteering and wasteful distribution by middlemen is another objection." I myself criticized the bill because it provides a protection for packers and other middlemen without any regulation of their profits; but, Mr. President, when did the President of the United States ever criticize the benefits to middlemen that accrue through tariff protection and which have perhaps added $4,000,000,000 to the cost of living in the United States? When did he ever criticize the high profits imposed by a Government-controlled banking system? From his standpoint his argument in this respect again is not valid. Then he cites as another objection the stimulation of overproduction.

But, Mr. President, I say to you that the per capita production of agricultural commodities in the United States is not increasing. The surplus problem is gradually becoming less acute year by year. We can pass the Boulder Dam bill and encourage agriculture in the section where that dam may be located; we can pass every reclamation project that is advocated in the Congress of the United States and increase agricultural production in those sections; we can enact an export corporation bill and because of the better prices again stimulate production to some extent, but with all of those things the per capita production of agriculture in the United States will continue to decrease and the surplus problem will go down instead of up. Besides, a surplus of agricultural products is not only desirable for the good of the whole United States but for the whole world, in which there is never a surplus. A fair consideration of the facts does not warrant the conclusion reached by the President in this respect.

Then he cites aid to our foreign agricultural competitors as his sixth and last objection. Let me ask in what way do we expect to aid our foreign competitors? That statement shows an entire misunderstanding of the operation of the bill. It shows that the President has no conception of the real problem of handling the surplus. Let us consider cotton, the largest item in that surplus. We produce 60 per cent or more of the cotton of the world in the United States, and we produce about 65 per cent of the exportable cotton of all the world. When that great percentage of cotton goes into the foreign markets we are in control in a reasonable degree of those foreign markets, the moment we finance and properly hold the exportable surplus of cotton. If we had the capital, which the equalization fee might give if it were constitutional, to buy up and to hold every year, if we had that capital we could buy the surplus and say to the world, "It cost us so much to produce, and we want a cooperative return of 5 per cent upon our capital," and the world would pay it and in the end there need not be one cent of loss upon the handling of this great item of agricultural surplus so vital to millions of farmers of the United States.

The situation as to wheat is not much different. Anyone who has studied the wheat situation will concede that the Canadian wheat pool, organized a few years ago, has stabilized the world market price of wheat and has increased it to a considerable and a substantial extent. If we had a similar pool in the United States—which this bill, if we had an equalization fee sustained, at least, would do—the United States and Canada together would control 55 per cent or more of the exportable wheat of all the world. With that big a percentage the two of them cooperating together would have almost an equal effect upon the world market as would be had by the United States alone in the control of cotton. Those are the two great agricultural products in the United States, the two great items of exportable surplus.

It is a little more difficult to handle the exportable surplus of livestock and livestock products, because they must be processed to be preserved; but with a proper regulation of the profits and a proper control of the corporations that do those things, we could still handle those products and could still get for the farmers of the United States their cost of production and their reasonable profit upon these products.

Therefore, Mr. President, a review of these considerations in this veto message finds that they are not sound. It finds that they are not a fair and full consideration of the farm problem as it exists in the United States; and I hope the Senate and the House will pass this bill over the veto by a substantial majority.

Mr. CARAWAY. Mr. President, I do not care to discuss at length the veto message. If one should talk about the ill temper displayed in its language, its bad taste, and its intemperate charges, and then be tempted to take into consideration the statement of the President, or whoever wrote the message, that the bill was also ill considered and illogical, we might be constrained to read the two statements that appear in this veto.

The fourth reason is:

> Its encouragement to profiteering and wasteful distribution by middlemen.

That appears on page 5 of the veto message in this language:

> As was pointed out in the veto last year, it seems almost incredible that the farmers of this country are being offered this scheme of legislative relief in which the only persons who are guaranteed to benefit are the exporters, packers, millers, canners, spinners, and other processors.

Bear in mind, now, the President there says that the spinners are guaranteed prosperity in this bill. That appears in his reason 4 on page 5.

On page 8 appears this statement:

> To take another illustration, our cotton-manufacturing industry, which now has some 18,400,000 spindles in the cotton-growing States and 16,400,000 in the New England States, has been in a precarious condition for several years. Further handicaps imposed upon it by this bill might spell its ruin.

You will observe that on page 5, in reason 4, he says that this bill guarantees prosperity to the spinners. Then on page 8 he says that this bill threatens to ruin the spinners.

If that be a fair illustration of the President's process of reasoning, I am not much impressed by his veto message. If in dealing with the great questions in the bill he can solemnly assert that it guarantees the prosperity of the spinners, and in almost the next paragraph he says it will destroy the spinners, it taxes too severely our credulity to accept both of those "reasons."

I am going to do the President the justice to believe that the only thing he added to this veto message was his name. I am not going to be so unkind as to believe that the man who has been twice President of these United States could be so inconsistent as to say in one breath that this bill guarantees—does not promote, but guarantees—the prosperity of the spinner, and therefore he appeals to the farmer not to lend himself to this scheme, which guarantees prosperity to the spinner but not to him, and in almost the next sentence says to the spinner, "I will veto this measure because it threatens to destroy you."

That is not any more inconsistent than many other alleged reasons that are given for vetoing the measure. To me it is

painful, Mr. President, that a third of the population of this country—that 29,000,000 people, who toil and sweat for their living—should have the relief they have asked for and prayed for and waited for through all the years denied to them by a veto message that crosses itself at right angles within five paragraphs.

I think even a President of the United States ought to be consistent. I have no reason to offer for so believing; yet, nevertheless, one feels that a high office ought to impel its occupant, when he deals with far-reaching measures, not to offer contradictory reasons for an official act.

Here are two great classes of people; the President says to one, "This bill ruins you, but makes the other prosperous," and then turns to the other and says to the very one he said would be prosperous, "The bill ruins you." In still more striking contrast he asserts that the bill would increase the cost of living in the industrial section. If it does, it does so by making the farmer get more for the things he produces; and then he asserts the bill will stimulate overproduction and, therefore, cheapen farm products.

I submit, Mr. President, that even the Senate ought not to be required to follow such reasoning. At least our intelligence ought not to be insulted by offering reasons that are inconsistent. There is not one of you that has a 5-year-old boy who, if he could not detect these inconsistencies, would not put that boy in a school for the feeble-minded. And yet, and yet, and yet, Mr. President, as I said a minute ago, with that logic and those mental gymnastics we are asked to sustain the President in the veto message, and in doing so deny to 30,000,000 American people the redress to which they are justly entitled.

There is a bid in that message for the support of the Senators from the New England States. I should like to say this much to them:

New England at one time was prosperous because her people were a commercial people. Her commerce passed long ago. New England then was prosperous because of her industry. She farmed the Government while people in other sections farmed their farms; and New England prospered because she did farm the Government, and I am not now falling out with her about it. She had tariffs and other advantages which legislated her into prosperity; and I do not now complain of that, but here is what I want to say to her:

We people—I am talking about the southern cotton growers—who live in the cotton-growing belt of this country, from our English ancestors—because most of us are Anglo-Saxons—love the soil. We were willing to produce raw material and share the profits with our New England friends, who manufactured or processed this raw material. We did not care so much if they got more than their share of the profits. We were content to follow this occupation so long as there were any profits left to us at all. We did not begrudge them the greater share of prosperity; but New England's prosperity now depends upon her industry, and that is largely the textile industry.

This bill was defeated a year or so ago. The President vetoed it, I think, on the 5th day of February of last year. Since that time, in my own State alone, we have moved four of the large textile mills and two large paper mills from New England to my section. They employ thousands of working people. We would have been willing for you to keep them, Mr. President, if you had been willing to share your prosperity with us; but every Member of both Houses of Congress except one from the New England States voted against farm relief.

The results were that that section of the country that had heretofore produced the raw material out of which New England's prosperity was woven was compelled to go into industry and become their competitor; and this veto message of the President, if it may be relied upon, says that now in the cotton-growing belt there are more than 2,000,000 more spindles than in all of New England.

If this measure shall go down in defeat, and if the cotton growers are compelled to turn industrialists, there is not any reason why it can not be done in a State like my own, for instance, where we have an inexhaustible supply of potential water power. Why, we fuss here about Muscle Shoals and Cove Creek. We have more power in one stream, twice over, than both of those will produce. We have an Anglo-Saxon population of 1,750,000 people, who are willing to work, not affected by agitators, not whipped by propaganda. They must find some industrial field into which they can go; and if a New England President will persist in denying this relief, if New England Members of the Senate and the House shall say, "We have no concern with your prosperity or your ruin," we have no other choice than to enter into competition with them, and then the survivor will be the fitter.

We have the raw material. We grow it. We have unlimited water power. We have the Anglo-Saxon, the best workingman that the earth ever saw; and if we can not farm we can turn industrialists.

Therefore, Mr. President, if a New England President and a New England controlled Senate and a New England controlled House of Representatives say to us, who grow cotton in the Southland, who love our soil, and would be glad for our children to follow in our footsteps—if we can not follow our chosen occupation because of a New England President's desire that industry and commerce alone shall receive governmental favor, and he shall be sustained by New England Senators and New England Representatives, then, I say, an industrial war now impends.

Mr. HARRISON. Mr. President, in addition to the inconsistencies quoted by the Senator and the many other contradictions embodied in the President's message I want to quote from that message to convince anyone that either the President, if he wrote the message, did not know what he was writing about or that the fellow who wrote it and gave it to the President did not know what he was writing about. Of course, I realize and Senators must appreciate that an allowance must be made for any gentleman who has been as busy writing veto messages as has the President in the last week. I think it is said that already there have come to us in the last week a dozen veto messages. Most of them have been overridden and those that have not been should have been.

Mr. President, it is the mystery of the week as to who did write this message. It is not the President's style; it is too much adorned with a punch that the President never knew to be a product of the President. Surely it was not written by the Secretary of Commerce, because if what is rumored in the cloakrooms and around everywhere is true the President is beginning to get a little bit cold toward the Secretary and the Secretary a wee bit cold toward the President. Of course, I am not in the counsels of the Republican leaders, but we hear it from every direction that the President's friends are getting ready to kick Hoover overboard and that he himself is to be nominated. How they are going to perform that operation we are not advised, but gentlemen who are close to the President are adepts at the game and know just how to perform that operation. It is said that because of their familiarity with the play that a rehearsal will take place at 2.10 in the morning at Kansas City on the third day of the convention. The operation will be performed the next day. No doubt these suggestions that are rampant throughout the country have trickled into the ears of the Secretary of Commerce, and no wonder he is growing cold and his real friends suspicious.

Then, too, perhaps he was not consulted because he knew too much about the subject matter, and the very fact that in his message the President employed this language shows that he did not consult Secretary Hoover with reference to it. Let me read to Senators what the President said. In this message he says:

> Many of the objections urged in my former veto message apply with equal force to the present bill. No good purpose would be served, however, by repeating them in detail.

That is quite true. Then he said:

> The bill now under consideration also includes objectionable features not found in the one of the last session.
>
> The present measure would authorize the board to insure cooperative associations against price decline and require the nonmembers as well as the members to bear the cost under the so-called "nonpremium insurance."

There was in the measure formerly vetoed by the President language identical with that in the one just vetoed. Not a word was changed, not a line was altered. Yet the President says that the insurance feature in this bill which he has just vetoed was not in the old bill. How he overlooked that, why his advisers advised him that way, is beyond me. Really, it is putting the President in a pretty bad light. Of course, the distinguished future keynoter of the Republican Party, who is close to the President, and who still wants to kick Hoover overboard and nominate the President—and maybe he and his friends will be able to accomplish that purpose at Kansas City—knows why the President was misled about that proposition. But it does seem to me that in a matter that is so important as this, one whose message is going to be printed and broadcast in ever paper in the country, many of which are partisan and approve it and say, "What a wonderful message it is," at least would have taken time to compare the two bills and study the estion.

I can not understand why he did not tell the fellow whom he had asked to write the message for him, if he asked anyone,

"Now, be careful not to make a mistake. Do not put me in a bad light in the country. Do not write something in there that I can not stand for. Do not put something in there that will make the farmers dislike me more than they dislike me now." Yet this mysterious person did not take that care. Maybe the Senator from Ohio can explain it, although he looks as though he can not.

There is another clause in this message that would make you think the President was to become a candidate, that he is at last yielding to the solicitation of such friends as my good friend the senior Senator from Ohio [Mr. FESS]. He employs this language, Senator.

Mr. McKELLAR. What page?

Mr. HARRISON. This is on page 3. My other reference was to page 8. Oh! The Vice President has come into the Chamber since I made the statement, and I am prompted to repeat what I just said with reference to this message on this subject. Of course, the Vice President is not interested in who should be nominated at Kansas City. [Laughter.] It is immaterial to the Vice President whether there is a movement on foot to kick Hoover overboard and nominate the President. It is immaterial to him, if they can not nominate the President, that they should nominate the Vice President as President. [Laughter.] But just for the delectation of the Vice President, who is now in the Chair—who happened to be out of the Chamber, temporarily—the President said in this message that for the first time "the insurance features were placed in this bill, that they were not in the other bill that he vetoed." I know that statement even humiliates the Vice President for he knows that in the conferences in his room day in and day out, and night in and night out, he went over the insurance features of this bill, that he pronounced them good and sound when it was vetoed the last time and he was familiar with them this time. That just shows that the Vice President is more familiar with what is in this measure and what was in the last one than either the President or Herbert Hoover.

Now, let me read this campaign paragraph in the President's message. It sounds as if he is gradually becoming a candidate. Oh, I know that some Senators say that it is impossible for the President to have himself nominated now, that he has declared himself so clearly and to the point, "that he does not choose to run," and that under no circumstances would he permit himself now to become the nominee of his party. Yet, notwithstanding that, there are other men of sense, like my friend from Ohio who insists still, up to this day, that the President will be renominated. I have not any doubt that at this moment I look into the benign countenances of Senators on the other side who, although they are pledged now to Mr. Hoover, are planning to desert him at the first opportunity and seek refuge elsewhere.

But others have said that if he permitted them to do it, the aroused people of this country would not sanction it, that it would be such a species of hypocrisy and such gross deception that an indignant public conscience would overwhelmingly condemn it. Yet let me read this campaign provision. You will not find anything like this in the speech my friend is going to make in Kansas City, because he knows the history of the Republican Party—he knows that the Republican Party has never stood for the principle enunciated here. He knows that the record that he has made in the Senate and House, and the records made by those of his colleagues who would have the President enthroned as a king forever, show they have not voted this way. But here is what he said. Of course, the fellow who wrote this message was not familiar with the history, traditions, principles, or record of the Republican Party. Listen to this, Senators:

> Incidentally, this taxation or fee would not be for purposes of revenue in the accepted sense but would simply yield a subsidy for the special benefit of particular groups of processors and exporters.

He underscores "subsidy." I imagine when he wrote that that he came down on his table with his fist, when he used the word "subsidy." He hates the word "subsidy." He spurns the word "subsidy."

> It would be a consumption or sales tax on the vital necessities of life, regulated not by the ability of the people to pay but only by the requirements and export losses of various trading intermediaries. It would be difficult indeed to conceive of a more flagrant case of the employment of all of the coercive powers of the Government for the profit of a small number of specially privileged groups.

That is the high language of the President. Yet his party has proclaimed, and he has proclaimed from the housetops, that he favors a high tariff, that he favors subsidies; that a certain class or special group in this country must be protected. Yes, lay the taxes for a special group who do not need it, a privileged class; yes, keeping the cost of living high to the amount of $4,000,000,000 on the American consumer through the retention of the present tariff rates. The President knows his party has done that, and with his advice, consent, and connivance, and yet he inveighs in this message against the very principle that he otherwise invokes.

Yes; he must be a candidate. Well, we will see. In only a few weeks the American people will know whether the President was sincere in his former utterances or playing gross deception with his party and fellow citizens. That is all I want to say.

Mr. BARKLEY. Mr. President, I do not know that I can add anything to what has already been said about this message, but inasmuch as I expect to vote to pass this bill over it I desire to give my reasons for the vote which I shall cast.

I do not presume any man in his right mind will controvert the statement that agriculture is the one prime and indispensable activity of mankind. We may by our artificial methods and by the exercise of our inventive genius build cities and large industrial communities, but they can not flourish or prosper without the aid of a prosperous agriculture. That government is an unjust government, that government is a partial government, that seeks to build up by any artificial stimulation the prosperity of one community at the expense of another, the prosperity of one industry at the expense of another, or which is willing to give advantages to one industry or one section of our country which are not vouchsafed to other sections of this Natiton.

If agriculture is the one indispensable activity of mankind, if the toiling farmer, who bends his back under the blistering summer sun in order that we may be clothed and fed, is the one indispensable man in all the world, then it ought logically to follow that he ought to be the most independent and self-reliant man in all the world.

Yet we are confronted with the fact that he not only is not the most self-reliant and most independent, but he is the one man who has been crushed between the upper and the nether millstones. He is the one man whom all economic law and all artificial stimulation injected into industry by the laws of government have made a victim; so much so that in the last 10 years the price of everything which he is required to buy in order that he may feed and clothe the world has been more than doubled; so much so that in the last eight years the value of his property has decreased more than $17,000,000,000 in the United States of America; so much so that the value of his products has decreased more than $13,000,000,000, so that the farmers of the United States to-day are $30,000,000,000 poorer than they were eight years ago, and that $30,000,000,000 represents more than the combined value of the 250,000 miles of railroad in the United States of America according to the valuation fixed by the Interstate Commerce Commission; so much so that in the last eight years his indebtedness has increased until to-day agriculture is loaded down with an indebtedness of more than $12,000,000,000; so much so that his taxes have increased in five years from a little more than $350,000,000 to more than $900,000,000.

And yet, we are told by those who charge Congress with being guilty of sophistry and an unjustifiable fallacy, that there is, in fact, no real agricultural problem confronting the people of the United States, and that in order that we may do for the farmer what I think may be admitted has been done for industry in other sections of our population, we are guilty of inexcusable demagogy in our effort even in a faint way to find some remedy for the evils under which he suffers.

The President urges many things in this message, which I have tried to read through with some continuity of thought, and which, as I have waded through it, reminds me of the direction given by a mountaineer to a preacher who was on foot in search of an old school friend.

Late in the afternoon he was hot and tired and thirsty. Passing up a little branch bottom he saw a man chopping wood in a front yard. He stopped and asked if he knew his old friend and he said he had heard of him. He said, "I would like to find him. Can you give me directions?" "Yes; I think I can; but you have traveled so far on foot that you are tired and evidently hungry and hot. Come in and drink a little cool water and rest a while and then I will direct you on your course." He went in the house, sat down a few moments and rested, washed his face and drank a cool draft of water from an old gourd, and then came out in the yard. The owner of the house came out and said, "I will give you your directions. Follow this branch for a mile and a quarter. That will bring you to a dogwood tree. When you arrive at the dogwood tree, turn to the left at an angle of about 45° and go half a mile, and that will bring to you to a sycamore stump. When you arrive at the sycamore stump, turn around the brow of a little hill about 2¾ miles and that will bring you to a black oak tree.

When you arrive there, turn off at an angle of about 30° and go 5 miles on the top of the mountain. That will bring you to a chestnut tree. When you arrive at the chestnut tree, holler three times as loud as you can; and if he does not answer, you are lost." [Laughter.]

We have been told in this message that the bill is unconstitutional. I remember when we had up the transportation act I made a speech against it in the House of Representatives. One of the grounds of my opposition was that that part of the transportation act which provided for a recapture of a part of the excess earnings of the railroads was unconstitutional. Of course, I do not mean by that illustration to put myself against the President of the United States as a constitutional lawyer, and particularly do I desire not to put myself against the Attorney General of the United States as a constitutional lawyer; but very often Members of the Congress, Attorneys General, and the President of the United States inveigh against the laws that are about to be enacted because they are unconstitutional, and the Supreme Court comes along later and reverses our opinion as to their constitutionality or unconstitutionality.

The President has said that we are about to pass a law that is economically unsound, filled with fallacy, because we are proposing to aid the European peasants, we are proposing to ship him our products in competition with his own. In other words, he says we are to help the European farmer by competing with him; and in the next breath he says the law is unconstitutional and unwise, because it gives the board the power to levy a tariff tax upon all agricultural products that may be shipped into the United States. Because it confers that legislative power upon the board he declares it unconstitutional, while at the same time he knows and we all know that the same power has been conferred upon the Tariff Commission and upon the President of the United States himself, which he has not often refused to exercise where it meant the raising of some tariff duty for the protection of some special interests rather than the lowering of the tariff duty for the benefit of all the people of our country.

The more I have read this message, the more I have felt that it was very much like an old clock my father borrowed once from a neighbor. He kept it a week and was unable to tell the time by it. At the end of the week he carried it home. He said to his neighbor, "I have had this clock a week and I can not tell what time it is by the clock. What is the rule by which you are guided in telling the time of day?" His neighbor said, "I owe you an apology. I should have explained it to you. Whenever both hands point toward 12 and the clock strikes 2, that means it is half past 4." [Laughter.]

Mr. President, we are told that this legislation is unwise because it is experimental, because we can not project our eyes far enough into the future to be absolutely certain how it may operate upon agriculture or upon the country at large. No great movement has ever been made in the progress of the human race that was not experimental. Our lives in every day of them are experimental. Each day and night we get new experiences, but we can only guide ourselves by the light of the past.

I recall reading a speech of Patrick Henry, the same Patrick Henry whose words inspired the Continental Army when he said "Give me liberty or give me death"; and yet, after eight years of the bloodshed which brought liberty to the 13 Colonies, and the convention was called which met at Philadelphia, presided over by George Washington, submitted to the 13 Colonies the Constitution for approval, and a convention was called in the State of Virginia to pass upon it, Patrick Henry made the speech of his life, in which he condemned the Constitution of the country and predicted that if a union were formed under that Constitution all the liberties that they had won in eight years of war would be lost to the people of the United States. Yet they adopted that Constitution, and we have lived under it for a century and a half, and we have become the greatest and most powerful Nation not only that now exists but the most powerful Nation that ever existed in all the history of the human race, and we have not yet lost our liberties.

I recall that when Congress was enacting the interstate commerce act men called it socialistic, said it was an invasion of State rights, that it took away from industry the right to work out its own salvation, that it was anarchistic and socialistic, the same kind of arguments that are now made against legislation in favor of agriculture. And yet the Interstate Commerce Commission is the one great commission in the country which has justified and vindicated itself from the very day of its existence until this hour, with one or two exceptions.

Mr. President, when in 1913 we were in the process of enacting the Federal reserve act, there were men who charged that it was experimental, that it was socialistic, that it was anarchistic, that it put the Government into business, that it robbed industry of initiative, and finance of the right to work out its own destiny under rules and regulations that it might fix for itself. And yet that statute has been on the books for 15 years, and there has never been a man of any party or any faith who has had the courage or the temerity to rise in his place in either branch of Congress and advocate the repeal of the Federal reserve act.

It may be true that this bill will be experimental, but if it is experimental it will be like all the other efforts of humanity to find a way out of depression, out of darkness, out of ignorance, out of intolerable conditions on to a firmer foundation of prosperity, intelligence, and civilization; and, if now and then we may find a mistake, we will have made it honestly, and it should be our province to correct that mistake when experience has shown its existence.

Mr. President, it is a strange spectacle that in the Congress of the United States or in any executive branch of our Government we find a friendly policy for every other class of people who have asked some form of beneficial recognition at the hand of their Government, but the farmer himself, who is the foundation and the background of all our industrial prosperity, all our intellectual superiority, all our inventive genius which has given to the world 85 per cent of the things which have changed the forms of life and the habits of thought, is to be the victim of our own logic.

It reminds me of a banquet held recently in the great metropolis of New York attended by a concourse of exceedingly wealthy men who had prospered during the year. They regaled themselves at the banquet given in their own honor and in honor of their success, and just as they were about to adjourn some man rose and said, "Mr. Toastmaster, we have enjoyed an abundance of prosperity this year, and we are celebrating it on the eve of Christmas. We ought not to forget that there are millions of poor in the city of New York, and we ought to do something for them." Whereupon a very prosperous gentleman rose in his place and said, "Mr. Toastmaster, I move that we give three cheers for the poor of New York." [Laughter.]

Mr. President, I hope with all my heart that the Congress of the United States will have not only the courage but the intelligence and the vision to vote for the bill and to pass it over the President's veto, and to announce to the American people that we stand for the welfare of all classes of our people who may suffer from economic or industrial injustice. If we do this I believe prosperity and happiness will come to a grateful people.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHEPPARD (when Mr. MAYFIELD's name was called). If my colleague, the junior Senator from Texas [Mr. MAYFIELD], who is unavoidably absent, were present, he would vote "yea." He is properly paired.

Mr. MOSES (when his name was called). On this vote I am paired with the senior Senator from Washington [Mr. JONES] and the junior Senator from Idaho [Mr. GOODING], both of whom are absent by reason of illness. If I were free to vote, I should vote "nay," and if the Senators whom I have named were present and free to vote, they would vote "yea."

Mr. TYSON (when his name was called). The Senator from Texas [Mr. MAYFIELD] and I have a pair with the junior Senator from West Virginia [Mr. GOFF]. If the junior Senator from Texas were present he would vote "yea"; if I were permitted to vote I should vote "yea," and I am informed that the junior Senator from West Virginia would vote "nay."

The roll call was concluded.

Mr. NYE. Upon this question my colleague [Mr. FRAZIER], who is unavoidably absent, and the Senator from Louisiana [Mr. RANSDELL] are paired with the Senator from Maine [Mr. GOULD]. If my colleague were present, he would vote "yea," as would the Senator from Louisiana, and the Senator from Maine, if present, would vote "nay."

Mr. McMASTER. My colleague [Mr. NORBECK] and the junior Senator from Florida [Mr. TRAMMELL] have a pair with the Senator from Delaware [Mr. DU PONT] on this question. If my colleague and the Senator from Florida were present, and permitted to vote, they would vote "yea." The Senator from Delaware, if present, would vote "nay."

Mr. BROUSSARD. I wish to announce that my colleague [Mr. RANSDELL] is unavoidably absent. I ask that this statement may stand for the day.

The roll call resulted—yeas 50, nays 31, as follows:

YEAS—50

Ashurst	Blaine	Broussard	Copeland
Barkley	Bratton	Capper	Couzens
Black	Brookhart	Caraway	Cutting

Deneen	Kendrick	Overman	Steck
Dill	La Follette	Pine	Steiwer
George	Locher	Pittman	Stephens
Harris	McKellar	Robinson, Ark.	Thomas
Harrison	McMaster	Robinson, Ind.	Vandenberg
Hawes	McNary	Schall	Wagner
Hayden	Neely	Sheppard	Watson
Heflin	Norris	Shipstead	Wheeler
Howell	Nye	Simmons	
Johnson	Oddie	Smith	

NAYS—31

Bayard	Edwards	Keyes	Smoot
Bingham	Fess	King	Swanson
Blease	Fletcher	McLean	Tydings
Borah	Gerry	Metcalf	Walsh, Mass.
Bruce	Gillett	Phipps	Walsh, Mont.
Curtis	Glass	Reed, Pa.	Warren
Dale	Greene	Sackett	Waterman
Edge	Hale	Shortridge	

NOT VOTING—13

du Pont	Gould	Norbeck	Tyson
Frazier	Jones	Ransdell	
Goff	Mayfield	Reed, Mo.	
Gooding	Moses	Trammell	

The VICE PRESIDENT. The yeas are 50, the nays are 31. Two-thirds of the Senate not having voted in the affirmative, the bill fails to pass.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 140) to amend sections 1 and 2 of the act of March 3, 1891.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, the unfinished business is now before the Senate, is it not?

The VICE PRESIDENT. The unfinished business is now before the Senate.

Mr. JOHNSON. Mr. President, the junior Senator from Arizona [Mr. HAYDEN] has waited with great anxiety to make a speech, and I will be delighted to hear him.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. The Senator from Arizona.

Mr. HAYDEN. Mr. President, it may take me some time to explain the injustice the pending bill proposes to do to my State. If in the course of my remarks any public business should arise that requires the attention of the Senate, I should be glad to yield.

MISSISSIPPI AND WARRIOR RIVERS BARGE LINES

Mr. REED of Missouri. Mr. President——

Mr. HAYDEN. I yield to the Senator from Missouri.

Mr. REED of Missouri. With the permission of the Senator from Arizona, and not to take him off the floor, I desire to say that there is on the calendar a measure of very great importance, which I think can be disposed of in a few moments.

Mr. JOHNSON. I will inquire of the Senator if it is the bill about which he spoke to me?

Mr. REED of Missouri. Yes.

Mr. JOHNSON. I will ask the Senator not to press it tonight. The Senator is not certain as to the time it will occupy, is he?

Mr. REED of Missouri. I think it will not involve a particle of discussion. If it does, I will withdraw it.

Mr. JOHNSON. I shall not offer objection if it does not lead to discussion.

Mr. REED of Missouri. I do not think it will except a brief statement I desire to make.

I refer to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924. The bill is designed to enable the Mississippi and Warrior Rivers Government barge lines to proceed with the work they have been carrying on, and to enlarge the powers of the Interstate Commerce Commission with reference to the making of joint rates between the railroads and the barge lines on the rivers.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. I do.

Mr. KING. I think that in all fairness I should state to the Senator that if this is a bill to increase the powers of that organization and to appropriate more money for the purchase of additional barges it will provoke discussion.

Mr. REED of Missouri. It does not "increase the powers of that organization"—that is, there is no general increase—and I know of no increase. It does carry an appropriation of additional money.

Mr. KING. For the purchase of more barges?

Mr. REED of Missouri. Yes.

Mr. KING. It will provoke discussion, I will say to the Senator.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. COPELAND. May I ask for what purpose the Senator rose? Was it to ask for the immediate consideration of the bill?

Mr. REED of Missouri. I was going to ask for its immediate consideration.

Mr. COPELAND. I am very sorry to say that I shall have to join with the Senator from Utah, for other reasons, in stating that there will be considerable discussion on the bill.

Mr. REED of Missouri. On this bill?

Mr. COPELAND. Yes.

Mr. BRUCE. Mr. President, if the Senator will permit me, I should like to say that I unite with the Senator from New York in his opposition to the bill.

Mr. FLETCHER. Mr. President, is that the bill which was reported from the Committee on Commerce a few days ago?

Mr. REED of Missouri. Yes.

Mr. FLETCHER. I am in favor of the bill, I will say to the Senator.

Mr. REED of Missouri. Mr. President, in view of my statement to the Senator from California, and in view of the statements which I have just heard, and which I have heard with the greatest regret, I, of course, will have to withdraw the request I was about to make; but I do hope that this great work is not going to be destroyed by the failure of the Senate to act at this session. I will say to the Senator from Utah that many points in his State enjoy a 20 per cent reduction in freight rates on many articles because of the existence of this service—a fact with which he may not be familiar.

Mr. KING. That would not influence me in my opposition to the bill if I believed it to be, as I do now, an improper piece of legislation.

Mr. COPELAND. Mr. President, I will explain in a word to the Senator the reason for my opposition. I am, in general, for this proposed legislation, and have long been so, but it so happens that very recently it was revealed to me that in the port of New York, not alone in the city of New York but in the New Jersey part of the port of New York, there is serious opposition to this bill for various reasons. I begged the Commerce Committee to permit this opposition to be fully heard one day last week in order that they might have their day in court and might have an opportunity to present their objections, but the committee insisted on reporting out the bill without that further hearing, and therefore I am under obligations to present, in due time, the objections presented by my constituents.

Mr. REED of Missouri. Without taking the time of the Senate——

Mr. LA FOLLETTE. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. Yes; I am obliged to yield the floor very soon, under my arrangement with the Senator from California; but I will yield to the Senator.

Mr. LA FOLLETTE. I am sure the Senator from New York wants to be fair to the committee, and I believe that the statement which he made is subject to a misinterpretation.

The committee held voluminous hearings upon this subject earlier in the winter, and when the bill came over from the House we had two protracted hearings; and the chairman stated that, so far as he was advised, every individual who asked to be heard was heard fully by the committee.

Mr. REED of Missouri. Mr. President, under my arrangement, I must yield the floor.

Mr. BLACK. Mr. President, will the Senator permit me to make one statement in connection with what he has said?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. Yes; and then I will yield the floor.

Mr. BLACK. I desire to say to the Senator that I trust he will keep up his activity in connection with this bill; and I desire to state that I will join him in an effort to remain here until the bill is acted upon.

Mr. REED of Missouri. I yield the floor because I must do it.

Mr. HEFLIN subsequently said: Mr. President, I desire to say that I heartily concur in what my colleague [Mr. BLACK] said about legislation for the barge line; and I wish to announce that I am ready to cooperate with him and the Senator from Missouri and others interested in obtaining the necessary legislation.

Mr. REED of Missouri subsequently said: Mr. President, a short time ago I sought to have the privilege of bringing before the Senate House bill 13512 to amend the inland waterways act in certain particulars. I have agreed with the Senator from California [Mr. JOHNSON] that I would not ask for the consideration of the bill at this time if it would involve debate, and it appeared that debate was about to be indulged in. For the information of the Senate, I should like to be permitted to say that I have been examining the testimony which was taken before the Committee on Commerce touching this bill. It has not as yet been printed, and therefore, is not available to the Senate generally, but I find in volume 2 that the opposition to the bill came from certain refiners, some of them from New York and some of them from Savannah. I believe there were also some beet-sugar gentlemen who objected on the ground that it would let sugar into their territory in which they wanted to have a particular advantage. The American Sugar Refining Co. appeared as one of the leading opponents, the argument being that if the freight rates on the Mississippi River were reduced there would be some competition come in that would affect their business.

I make that statement so that what follows may be understood.

These arguments in a discussion of the whole situation, were answered very lucidly by Mr. Brent, who has been for many years engaged in conducting business of the Mississippi and the Warrior lines. He is not with them now, as I understand. I ask permission to have printed in the RECORD Mr. Brent's statement, in order that it may be available when the bill shall again come forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT OF THEODORE BRENT

Senator FLETCHER. I would like to have Mr. Brent discuss the position of the Savannah people involved, as well as the position of the New York people.

Senator MCNARY. Tell us who you represent, Mr. Brent, and what position you occupy; and whether you are for or against the bill.

Mr. BRENT. I am the president of the Redwood Line (Inc.), a steamship company operating between New Orleans and California. I am also retained by certain river interests to forward this and other legislation favoring waterways.

I was for nine years, part of the time the operating, and then the traffic head, of the Government Barge Lines.

Senator MCNARY. Give the names of the people you represent for the record.

Mr. BRENT. I represent the upper river—Minnesota and St. Clair River Improvement Association of the State of Minnesota; the waterways division of the State of Illinois; I also represent the Lower River Association. I appear here also in behalf of certain Mississippi Valley concerns with which I am associated.

The discussions to which you have been listening are typical of the discussions that have been going on ever since the barge lines have been established, and what has gone on quite often before the Interstate Commerce Commission. The question of the extension of the service of these barge lines has been heard over and over and over again before the Interstate Commerce Commission. The propositions advanced here this morning have been argued at length, in brief form, and in oral argument before the commission in all the many cases in which the barge lines have appeared, in the last nine years, for the purpose of making effective the service which Congress intended should be operated under the Inland Waterways Corporation. The refiners at the present time are appearing before the Interstate Commerce Commission in opposition to the extension of routes in the Warrior section. I may say parenthetically that the Examiner of the Interstate Commerce Commission has granted everything that the barge line has asked for, although the commission has not yet passed on the matter.

There is so much idle talk about having water service and then arguing that the cheapness of water service should not be reflected to the public. Now, these are special pleas. They are special pleas of interested parties. Possibly their profits have been cut down, but the consumer has gotten the benefit. Savannah does not like it, probably, that New Orleans sells sugar in Atlanta in competition with Savannah. The rate by rail from Savannah to Atlanta is 31 cents. The rate by rail from New Orleans to Atlanta is 50 cents, and when the barge line came in the rate by rail and barge to Atlanta was made 32½ cents, within a cent and a half of the rate from Savannah; and the result was that New Orleans went in and began to meet the competition of Savannah, and the prices which had heretofore been made on sugar were reduced.

The best evidence that I know of it is that the Coca Cola Co., the largest buyers of sugar in the whole Southeast and one of the largest buyers in the country, now divides its business between Savannah and New Orleans, because it gets competitive prices and competitive sugars.

Anyone who comes here and tells you that this thing is being done at the expense of the taxpayers goes contrary to the record. The Inland Waterways Corporation has not used a dollar of Government money since 1924 to pay for operating losses, because there have been no operating losses.

The Inland Waterways Corporation maintains its service in three different sections for accounting purposes. The Warrior is separate, the lower Mississippi is separate, and the upper Mississippi is separate. The same thing is done by many railroad corporations. They maintain different parts of their system separately in their accounting, although they are all owned by the same interest, and the purpose back of it is that the weak lines may be supported by the strong lines. That is what has happened here. The Warrior has lost money, and I can tell you why. Because for eight years the Warrior section has been fighting the railroads to get the rates that the law permits to extend the benefit thereof to the public of the Southeast; and they fought, I may say, successfully, because the commission has ruled with them in every case; but in that period they have had to stand losses and more losses, because there was not traffic of the character which would pay the operating expenses. They were hauling the low-rate commodities, and no railroad could exist if it had to carry those lines alone.

These are the difficulties which face this institution that you have set up.

So far as the New York plea is concerned, it is fallacious. The barge line—and I know its statistics for the last eight years—has not put 10 carloads of sugar in the city of Cleveland in the last eight years; we can bring the evidence; it has not put enough sugar in Cincinnati to wad a shotgun, and Louisville did not amount to anything. It is true that sugar is being brought from California and also from New Orleans into Louisville and Cincinnati in considerable quantities to-day, but not by the Inland Waterways Corporation. It is being brought by a private barge line, which is operating its own barges, its own facilities, between New Orleans and Cincinnati. We are taking no sugar up there, and they have cut the rate materially below any rate which that barge line has ever carried for to Cincinnati and Louisville.

The differentials which the barge line maintains under all-rail rates were first set by the Railroad Administration under Government authority, were afterwards affirmed by opinions of the Interstate Commerce Commission, and have just been reaffirmed in every case in which that matter has been brought up to date.

Galveston has complained that it is being poorly treated through the operation of the Federal barge line—that is not a fair plea—in the method of making rates sanctioned and approved and authorized and ordered by the commission. Galveston gets the same savings in cents per hundred pounds that New Orleans or St. Louis or Memphis gets—identically the saving in cents per hundred pounds that the cities on the river get.

A third point I would like to bring out in connection with the operation of the barge line is that the railroads have been unwilling to compete on a proper basis of joint rates without being compelled to do so by the Interstate Commerce Commission. The thing which has caused loss to your enterprise—and this is your enterprise, a legitimate enterprise—caused infinite loss to your enterprise during the nine years of its struggle, is the fact that railroads, contrary to their pleas, have resisted. There is only one railroad company in the whole United States that has worked with the barge line. The balance of them have resisted and resisted, and every inch of ground that has been gained has been won as a result of months and years of struggle.

Senator SACKETT. What line is that?

Mr. BRENT. The Illinois Central Railroad is the only one that has ever played fair with the barge line in any way. The balance of them have not.

Senator SACKETT. What is this other steamship line that you spoke of?

Mr. BRENT. The American Barge Line, with headquarters at Louisville, owned by some Pittsburgh interests, and——

Senator SACKETT. Are you president of that?

Mr. BRENT. No, sir; I am president of the Redwood Steamship Line, which operates between New Orleans and San Francisco. The sugar which is coming from the Pacific coast is coming on steamship lines through the Panama Canal, which makes low rates to bring it where it can get in competition with eastern sugars. It is the tariff advantage my friend raised.

I am here to support this committee in every word, because the Government has been successful in attempting to do something of value. If left to private enterprise, it would take years of struggle to bring into force the things which have been accomplished.

Senator FLETCHER. With reference to the provision about sale and lease, do you think that the enterprise ought to be handled as a whole?

Mr. BRENT. Yes; I do.

Senator FLETCHER. You would favor striking out the words in line 24, page 4, "or any unit thereof"?

Mr. BRENT. Most emphatically, for the reason, and for the good and sufficient reason that this is an enterprise in which the weak ends are carried by the strong. That is the way railroads have been built up; and that is the way waterways have got to be built up. There are some weak lines coming on. The Missouri wants service; the upper river has just started; and if the lower river can maintain the service necessary to maintain the weak lines, that is the proper thing to do. Look at the Santa Fe system. For 20 years its lines within the States of Texas, California, and Colorado hardly paid operating expenses, hardly paid their overhead, and yet during all those years the business of those lines was being built up until to-day the Santa Fe has got $280,000,000 surplus in its treasury, and the lines in Texas have been built up. Therefore if you are going to do this thing it must be done in a businesslike way. Do not begin selling it off piecemeal, or you will destroy the propositions which are still struggling for a beginning.

Senator FLETCHER. I think you are right.

Senator VANDENBERG. I wish to read into the record a telegram I have just received from E. Wilson Cressey.

BAY CITY, MICH., *May 21, 1928.*

Hon. A. H. VANDENBERG,
Senate Chamber, Washington, D. C.:

Passage of the Denison bill will be a serious blow to the beet-sugar industry of Michigan by reason of barge rate restricting our market giving the New Orleans refiners an unfair advantage over this territory. Taxpayers at large should not be called on to pay for maintaining a transportation system which will benefit only small portion of the country.

E. WILSON CRESSEY.

Mr. BRENT. I would like to make a further remark in regard to these beet-sugar people. Every time we have put in new rates to any territory where sugar is sold they complain. All sugars sold in the eastern territory is on the basis of New Orleans price plus freight rate from New Orleans. Beet sugar may go into Detroit with a rate of 10 cents, yet that sugar is being sold in Detroit on the basis of the New Orleans price of refined sugar plus the barge-line rate from New Orleans to Detroit. Now, if we reduced the rate, put in a differential rate of water, of course, which reduces the selling price of beet sugar and does not pay the road anything—there is a beet-sugar factory just 15 miles out of Minneapolis which has a 10-cent rate to Minneapolis. The rail rate from New Orleans to Minneapolis is 30 cents. Prior to the coming in of the barge line all that beet sugar made and delivered in Minneapolis at a 10-cent rate was sold on a 70-cent rate. When the barge line came in and reduced it 10 cents, they made great complaint because they had to sell then not on a 70-cent rate but at a 60-cent rate; and when a further reduction in the barge-line rates was contemplated, through operations with their banks in Minneapolis they came out with the plea that they would have to stop operations, because they said they would have to take 3 cents more off sugar.

Senator SACKETT. One more question, please, about the ability of the Government-operated barge line to secure these joint rates with the rails compared with the ability of any private barge line to secure them. Is not the Government in very much better position to bring that about?

Mr. BRENT. You are mighty right they are. If it had not been for the Government all these years standing all these losses, you would not have had any joint rates.

Senator SACKETT. That is quite a vital matter affecting the private barge operations, is it not?

Mr. BRENT. Yes, sir.

Senator HARRIS. I would like to know whether the rate on wheat and corn from the Mississippi Valley to Savannah and Florida and Charleston would be reduced by this barge line.

Mr. BRENT. We have tried to put in joint rates from St. Louis and from Minneapolis, from New Orleans into the southeast for years, into south Georgia, into Florida, and we could not get a railroad that would join us.

Senator FLETCHER. And if this bill become law you can do it?

Mr. BRENT. Yes; immediately.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes;

S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.;

S. 3620. An act granting certain land to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La.;

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.;

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida;

S. 4457. An act authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.;

S. 4474. An act authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.;

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.;

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River, was read twice by its title and referred to the Committee on the District of Columbia.

READJUSTMENT OF PAY OF COMMISSIONED PERSONNEL OF ARMY, NAVY, ETC.

Mr. WAGNER. Mr. President——

Mr. HAYDEN. I yield to the Senator from New York.

Mr. WAGNER. From the Committee on Military Affairs, I ask unanimous consent to report back favorably House bill 12110, to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, and I submit a report (No. 1286) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. WAGNER. There is no objection to the bill.

Mr. CURTIS. Let it be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, is hereby further amended by striking out in paragraph 5 of section 1 of said act, relating to the pay of the fourth period, the following words appearing in lines 11, 12, and 13 of said paragraph (vol. 42, Stat. L. 626): "except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. CURTIS. Is this a unanimous report of the committee?

Mr. WAGNER. Yes.

Mr. REED of Pennsylvania. Mr. President, this bill will increase the salaries of a number of doctor captains who are in the medical administrative department, and who do not receive pay equal to that of other captains of the Army. The bill is disapproved by the Budget Bureau, but without reasons being stated for the disapproval. It seemed to all the members of the committee that it was fair. It will cost about $60,000 a year above the present pay-roll.

Mr. CURTIS. Is it a House bill or a Senate bill?

Mr. REED of Pennsylvania. It is a House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHERN PACIFIC LAND GRANTS

Mr. KENDRICK. Mr. President——

Mr. HAYDEN. I yield to the Senator from Wyoming.

Mr. KENDRICK. I ask unanimous consent to report back favorably, from the Committee on Public Lands and Surveys, House Joint Resolution 318, amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405), and I submit a report (No. 1287) thereon. Because of its emergency character, I ask for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Let it be read.

The PRESIDING OFFICER. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, as amended by joint resolution approved March 3, 1927, be, and the same is hereby, amended as follows:

"That wherein said joint resolution approved June 5, 1924, as amended by the said joint resolution approved March 3, 1927, there appears the word and figures June 1, 1928, the same shall be amended to read June 30, 1929."

SEC. 2. That the joint committee provided for in the above resolution approved June 5, 1924, shall have leave to report at any time by bill or otherwise.

Mr. CURTIS. Is this the unanimous report of the committee?

Mr. KENDRICK. It is a unanimous report.

Mr. CURTIS. Is it approved by the department?

Mr. KENDRICK. It is; yes.

Mr. CURTIS. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANDOLPH-MACON ACADEMY, FRONT ROYAL, VA.

Mr. SHEPPARD. Mr. President——

Mr. HAYDEN. I yield to the Senator from Texas.

Mr. SHEPPARD. From the Committee on Military Affairs, I ask unanimous consent to report back favorably, without amendment, House bill 4963, for the relief of the Randolph-Macon Academy, Front Royal, Va., and I submit a report (No. 1288) thereon. I call the attention of the Senator from Virginia [Mr. SWANSON] to the bill.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. What is it for?

Mr. SWANSON. I will make a statement about the bill.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Virginia?

Mr. HAYDEN. I yield.

Mr. SWANSON. If there is any objection, I will withdraw it.

Mr. President, this academy had $5,000 worth of arms. An incendiary burned down all the buildings. The department say they investigated the matter, and they find that the arms had the ordinary care and protection. They recommend the passage of the bill. There is no objection to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Randolph-Macon Academy, Front Royal, Va., be, and it is hereby, relieved from all responsibility and accountability for certain ordnance property, to the value of $5,605.30, the property of the War Department, which was destroyed by fire while in the possession of the academy for training purposes, and the Secretary of War is directed to terminate all further accountability for said property.

The bill was reported to the Senate without amenment, ordered to a third reading, read the third time, and passed.

T. ABRAHAM HETRICK

Mr. SHEPPARD. From the Committee on Military Affairs, I ask unanimous consent to report back favorably, without amendment, House Bill 10714 for the relief of T. Abraham Hetrick, and I submit a report (No. 1289) thereon. I call the attention of the Senator from Virginia to this bill also.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Let it be read. What is it for?

Mr. SWANSON. I can state the purpose of the bill quicker than it can be read. If there is any objection, I will withdraw it.

This is the case of an old man who enlisted during the Civil War from Pennsylvania. He now lives in Virginia. He fought at the battle of Sailors Creek on the 6th of April, 1865. The records show that a private by his name was wounded there. He was wounded, carried to Alexandria, carried home, and as he did not report a mistake was made, and he was reported as a deserter on the 25th of April. He is 88 years old. He is now dependent on his daughter. This bill simply enables him to have that record against him corrected. There are affidavits there that he was wounded three times and was a brave soldier. It simply corrects a mistake in calling him a deserter when he was wounded and carried to Alexandria and home.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, T. Abraham Hetrick, who was a private of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 25th day of April, 1865: *Provided*, That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREIGN LOANS FLOATED IN THE UNITED STATES

Mr. TYDINGS. Mr. President——

Mr. HAYDEN. I yield to the Senator from Maryland.

Mr. TYDINGS. Out of order, I ask unanimous consent to have inserted in the RECORD a table which I have prepared, at quite some labor, showing the population and military strength of the nations of the world, and the amounts of money, both government and corporate loans, which those nations owe to us.

I hope Senators will look at this table, if they have a few minutes, because I think they will find it interesting.

The PRESIDING OFFICER. Without objection, the table will be received and printed in the RECORD.

The table is as follows:

Table showing population, active army, reserve, and foreign loans floated in the United States—Prepared by Millard E. Tydings

Country	Population	Active army		Reserves			Military man power		
		Number	Per cent	Actually enrolled		Unorganized	Per cent enrolled [1]	Number	Per cent
				Number	Per cent				
Argentina	10,087,118								
Armenia	921,400								
Austria	6,535,365	32,704	0.05	(2)	(2)	500,000		532,704	8.1
Belgium	7,874,600	71,790	.90	689,683	8.80	314,417	9.70	1,075,890	13.6
Bolivia	2,155,000								
Brazil	30,635,605								
Bavaria	7,379,594								
Bulgaria	5,484,143	33,000	.60	(2)	(2)	667,000	.60	700,000	12.7
Chile	3,937,678								
China	400,000,000	1,450,000	.34						
Colombia	6,617,833								
Costa Rica	507,193								
Cuba	3,418,033								
Czechoslovakia	13,613,172	140,700	1.03	1,489,000	10.94	475,000	12.00	2,104,700	15.5
Denmark	3,419,056								
Dominican Republic	897,405								
Estonia	1,110,538								
Finland	3,495,000	29,700	.85	250,300	7.16	270,300	8.00	550,000	15.7
France	40,922,300	727,413	1.80	4,610,000	11.30	700,000	13.00	6,037,413	14.6
Germany	62,348,782	100,000	.16	(2)	(2)	8,600,000	.16	8,700,000	13.9
Australia	6,103,924	1,697	.03	49,646	.81	548,657	.84	600,000	9.8
Canada	9,504,700	3,499	.04	61,288	.65	785,213	.70	850,000	8.9
Great Britain	45,226,300	214,190	.47	309,251	.68	5,612,899	1.20	6,136,340	13.6
India	318,942,480	161,000	.05	76,481	.02	2,700,946	.07	2,938,427	.9
Irish Free State	2,972,802	13,564	.46	4,500	.15	342,290	.60	360,354	12.1
New Zealand	1,395,815	515	.04	22,039	1.59	110,048	1.63	132,602	9.5
South Africa	7,481,866	9,450	.13	15,000	.20	690,550	.33	715,000	9.5
British Empire	391,627,887	403,915	.10	538,205	.14	10,880,603	.24	11,822,723	3.0
Greece	6,200,000	55,000	.90	266,489	4.30	278,511	5.20	600,000	9.7
Guatemala	2,119,165								
Honduras	733,408								
Haiti	2,045,000								
Hungary	7,980,143	47,000	.60	(2)	(2)	723,000	.60	770,000	9.6
Italy	42,115,606	380,448	.90	2,990,454	7.10	2,000,000	8.00	5,370,902	12.6
Japan	86,000,000	210,000	.24	2,038,000	2.37	5,092,000	2.60	7,340,000	8.5
Latvia	1,844,805								
Lithuania	2,011,173								
Luxemburg	260,767								
Mexico	14,234,799								
Netherlands	7,358,365								
Dutch East Indies	49,534,618								
Nicaragua	638,119								
Norway	2,649,775	30,000	1.20	315,000	11.90	60,000	13.00	405,000	15.7
Palestine	757,182								
Panama	442,522								
Paraguay	853,321								
Peru	5,500,000								
Poland	29,249,000	242,373	.83	500,000	1.71	2,000,000	2.54	2,742,373	9.4
Portugal	6,033,000	26,200	.43	430,000	7.13	500,000	7.60	956,200	15.8
Rumania	17,393,000	266,500	1.53	750,000	4.31	583,500	5.84	1,600,000	9.2
Russia	146,300,000	658,000	.45	5,425,000	3.71	6,072,000	4.16	12,155,000	8.0
Saar	750,000								
Salvador	1,610,000								
Spain	21,347,000	272,787	1.28	1,330,226	6.23	758,034	7.51	2,361,047	11.2
Sweden	6,005,759								
Switzerland	3,917,800								
Turkey	14,000,000	125,000	.89	200,000	1.43	340,000	2.32	665,000	4.7
Uruguay	1,662,116								
Venezuela	3,000,000								
Yugoslavia	12,017,323	140,000	1.20	2,050,000	17.00		18.20	2,192,000	18.2
United States	118,628,000	137,698	.12	296,709	.25		.37		

Country	Foreign securities publicly offered in the United States, 1914–1927, inclusive			War debt, Nov. 15, 1927	Total loans	Per capita loans
	Government	Corporate	Total			
Argentina	$520,386,000	$112,723,000	$633,109,000		$633,109,000	$63.00
Armenia				$16,627,154	16,627,154	18.00
Austria	71,611,000	16,676,000	88,287,000	34,159,107	122,446,107	1.70
Belgium	295,770,000	54,243,000	350,013,000	413,580,000	763,593,000	97.00
Bolivia	48,780,000	5,700,000	54,480,000		54,480,000	25.00
Brazil	301,634,000	23,500,000	325,134,000		325,134,000	10.00
Bavaria	20,000,000		20,000,000		20,000,000	2.70
Bulgaria	4,500,000		4,500,000		4,500,000	.90
Chile	180,563,000	172,500,000	353,063,000		353,063,000	90.00
China	10,752,000		10,752,000		10,752,000	.02½
Colombia	100,020,000	43,345,000	143,365,000		143,365,000	21.60
Costa Rica	10,820,000		10,820,000		10,820,000	21.00
Cuba	79,000,000	465,632,000	544,632,000		544,632,000	130.00
Czechoslovakia	53,750,000	5,500,000	59,250,000	179,071,023	238,321,023	17.50
Denmark	152,002,000	9,134,000	161,136,000		161,136,000	47.10
Dominican Republic	25,000,000		25,000,000		25,000,000	28.00
Estonia				15,478,642	15,478,642	14.00
Finland	41,000,000		41,000,000	8,814,000	49,814,000	14.00
France	1,050,873,000	112,300,000	1,163,173,000	4,025,000,000	5,188,173,000	126.75
Germany	382,050,000	502,616,000	884,666,000		884,666,000	14.20
Australia	97,758,000	3,750,000	101,508,000		101,508,000	16.60
Canada	1,768,249,000	945,964,000	2,714,213,000		2,714,213,000	285.50
Great Britain	1,456,287,000	65,416,000	1,521,703,000	4,505,000,000	6,026,703,000	133.25
Irish Free State	15,000,000		15,000,000		15,000,000	5.00
South Africa		6,160,000	6,160,000		6,160,000	.82½
British Empire	3,337,294,000	1,021,290,000	4,358,584,000	4,505,000,000	8,863,584,000	22.63

[1] Active army plus reserves actually enrolled in per cent of population.

[2] Limited by treaty.

Table showing population, active army, reserve, and foreign loans floated in the United States—Prepared by Millard E. Tydings—Continued

Country	Foreign securities publicly offered in the United States, 1914-1927, inclusive			War debt, Nov. 15, 1927	Total loans	Per capita loans
	Government	Corporate	Total			
Greece	$16,000,000	$600,000	$16,600,000	$16,600,000	$19,500,000	$6.00
Guatemala		11,175,000	11,175,000		11,175,000	5.27
Honduras	500,000	11,443,000	11,943,000		11,943,000	16.25
Haiti	16,000,000	9,000,000	25,000,000		25,000,000	12.25
Hungary	36,750,000	24,372,000	61,122,000	1,952,635	63,074,635	8.00
Italy	262,487,000	140,053,000	402,540,000	2,032,000,000	2,434,540,000	61.80
Japan	198,857,000	109,790,000	308,647,000		308,647,000	3.55
Latvia				6,900,564	6,900,564	3.75
Lithuania				6,162,590	6,162,590	3.05
Luxemburg		7,500,000	7,500,000		7,500,000	29.99
Mexico	1,100,000	32,365,000	33,465,000		33,465,000	2.35
Netherlands	101,125,000	38,936,000	140,061,000		140,061,000	19.00
Dutch East Indies	153,290,000	3,175,000	156,465,000		156,465,000	3.18
Nicaragua				299,128	299,128	.47
Norway	172,727,000	24,716,000	197,443,000		197,443,000	70.70
Palestine	350,000		350,000		350,000	.46
Panama	15,250,000		15,250,000		15,250,000	34.50
Paraguay		2,272,000	2,272,000		2,272,000	2.66
Peru	93,250,000	8,000,000	101,250,000		101,250,000	18.40
Poland	122,076,000	20,250,000	142,326,000	198,595,528	340,921,528	11.65
Rumania	3,750,000		3,750,000	66,060,000	69,810,560	4.00
Russia	3,500,000		3,500,000	280,197,302	280,197,302	1.93
Saar	6,500,000	1,000,000	7,500,000		7,500,000	10.00
Salvador	10,520,000	1,900,000	12,420,000		12,420,000	7.70
Sweden	74,105,000	45,750,000	119,855,000		119,855,000	19.90
Switzerland	132,000,000	3,000,000	135,000,000		135,000,000	34.45
Uruguay	45,171,000		45,171,000		45,171,000	27.10
Venezuela		51,539,000	51,539,000		51,539,000	17.18
Yugoslavia	61,285,000		61,285,000	62,450,000	123,735,000	1.03
Total	8,212,398,000	3,091,995,000	[1] 11,304,393,000	11,871,848,233	[2] 23,176,241,233	
Unofficial figures, including foreign issues privately taken			14,500,000,000			
			3,195,607,000		3,195,607,000	
Grand total					[3] 26,371,848,233	

[1] Official figures, not including foreign issues privately taken. [2] Official sources. [3] Other sources.

CONTRACTS ENTERED INTO BY SECRETARY OF WAR, ETC.

Mr. STECK. Mr. President——

Mr. HAYDEN. I yield to the Senator from Iowa.

Mr. STECK. Out of order, I ask unanimous consent to report back favorably, with an amendment, from the Committee on Military Affairs, House bill 12352, to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes and I submit a report (No. 1290) thereon. As this is an emergency measure, I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Let it be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. CURTIS. Is this a unanimous report of the committee?

Mr. STECK. It is a unanimous report of the committee.

Mr. CURTIS. Is the bill recommended by the department?

Mr. STECK. It is a department bill; yes, sir.

Mr. CURTIS. There is no objection to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 1, line 10, after the words "Secretary of War," to strike out the period and insert a colon and the following proviso: "*Provided*, That this act shall cease to be in effect after June 30, 1929," so as to make the bill read:

Be it enacted, etc., That hereafter whenever contracts in excess of $500 in amount which are not to be performed within sixty days are made on behalf of the Government by the Secretary of War, or by officers authorized by him to make them, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Secretary of War: *Provided*, That this act shall cease to be in effect after June 30, 1929.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FOREIGN MILITARY SERVICE OF AMERICAN CITIZENS OF FOREIGN BIRTH

Mr. REED of Pennsylvania. Mr. President——

Mr. HAYDEN. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. From the Committee on Foreign Relations I ask unanimous consent to report back favorably, without amendment, House Joint Resolution 268, requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth, or parentage, from liability to military service in such nations.

This is a very brief joint resolution, which I know can be passed without any discussion. I ask that it be read.

The PRESIDING OFFICER. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the President be, and he is hereby, respectfully requested to endeavor as soon as possible to negotiate treaties with the remaining nations with which we have no such agreement, providing that persons born in the United States of foreign parentage, and naturalized American citizens shall not be held liable for military service or any other act of allegiance during a stay in the territory subject to the jurisdiction of any such nation while citizens of the United States of America under the laws thereof.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL RIFLE AND PISTOL MATCHES

Mr. BROOKHART. Mr. President——

Mr. HAYDEN. I yield to the Senator from Iowa.

Mr. BROOKHART. From the Committee on Military Affairs, I ask unanimous consent to report back favorably, in a modified form, the bill (H. R. 13446) to amend the national defense act, the national rifle match bill, and I submit a report (No. 1291) thereon. It passed the Senate and House, but was vetoed by the President for other reasons. I think this modified bill meets the President's objections.

I ask for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Let it be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the promotion of rifle practice throughout the United States," approved February 14, 1927 (44 Stat., p. 1095), which adds an additional paragraph to section 113 of the national defense act, is hereby amended to read as follows: "That there shall be held an annual competition, known as

the national matches, for the purpose of competing for a national trophy, medals, and other prizes to be provided, together with a small-arms firing school, which competition and school shall be held annually under such regulations as may be prescribed by the Secretary of War."

SEC. 2. The national matches contemplated in this act shall consist of rifle and pistol matches for the national trophy, medals, and other prizes mentioned in section 1 above, to be open to the Army, Navy, Marine Corps, National Guard, or Organized Militia of the several States, Territories, and District of Columbia, the Reserve Officers' Training Corps, and the citizens' military training camps, rifle clubs, and civilians, together with a small-arms firing school to be connected therewith and competitions for which trophies and medals are provided by the National Rifle Association of America; and for the cost and expenditures required for and incident to the conduct of the same, including the personal expenses of the members of the National Board for the Promotion of Rifle Practice, the sum necessary for the above-named purposes is hereby authorized to be appropriated annually as a part of the total sum appropriated for national defense: *Provided*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expenses than that sum per man per day for the period the contest is in progress: *Provided further*, That in lieu of traveling expense and commutation of rations while traveling the sum of 5 cents per mile may be paid to civilian competitors, and such travel pay for the return trip may be paid in advance of the performance of the travel.

SEC. 3. For the incidental expenses of the National Board for the Promotion of Rifle Practice, including books, pamphlets, badges, trophies, prizes, and medals to be expended for such purposes, the sum of not more than $7,500 is hereby authorized to be appropriated annually.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROSECUTION OF INDICTMENTS AGAINST EDWARD L. DOHENY AND ALBERT B. FALL

Mr. NYE. Mr. President——

Mr. HAYDEN. I yield to the Senator from North Dakota.

Mr. NYE. I send to the desk a Senate resolution, which I ask to have read, and will ask for its immediate consideration, being sure that there will be no objection.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 252), as follows:

Senate Resolution 252

Whereas on November 30, 1921, Edward L. Doheny, who was at that time negotiating with Albert B. Fall, then Secretary of the Interior, for a lease or leases of oil lands within the naval oil reserves of the United States, caused to be transmitted to the said Albert B. Fall the sum of $100,000 in cash; and

Whereas during the month of May, 1922, Harry F. Sinclair, who had on April 7, 1922, secured largely through the activities of the said Albert B. Fall a valuable lease of oil lands in Naval Reserve No. 3, commonly known as "Teapot Dome Reserve," caused to be transmitted to Albert B. Fall the sum of $233,000 in Liberty bonds and subsequently transmitted or caused to be transmitted to Albert B. Fall additional sums in cash and Liberty bonds; and

Whereas indictments were in due course returned by the Federal grand jury of the District of Columbia, charging Edward L. Doheny and Albert B. Fall with the offense of bribery.; and

Whereas the Supreme Court of the United States, after a review of the evidence in civil cases, instituted against the said Doheny and Sinclair for the recovery of the said oil lands, has denounced the transaction of both Doheny and Sinclair as corrupt and fraudulent and has characterized Fall as a faithless public officer; and

Whereas the prosecution of these cases was initiated by the Senate through appropriate resolution upon the basis of evidence developed by investigations conducted by the Committee on Public Lands and Surveys; and

Whereas the acquittal of Doheny and Sinclair upon charges of criminal conspiracy does not in any way act as a bar to prevent prosecution of the pending indictments for bribery against Doheny and Fall; and

Whereas the public interest demands that every reasonable effort be made to bring to justice the individuals whom the Supreme Court has denounced as responsible for these corrupt and fraudulent transactions: Therefore be it

Resolved, That it is the sense of the Senate that the President of the United States should direct the special prosecutors selected by him in accordance with the Senate resolution of January 31, 1924, or such other special counsel as he may select, to prosecute vigorously the indictments for bribery against Edward L. Doheny and Albert B. Fall.

Mr. JOHNSON. Mr. President, I object to any more morning business being transacted.

The PRESIDING OFFICER. Objection is made. The resolution will be referred to the Committee on Public Lands and Surveys. The Senator from Arizona is entitled to the floor.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. HAYDEN. Mr. President, before I conclude my remarks on the Swing-Johnson Boulder Dam bill, I shall submit evidence to conclusively prove:

First. That one of the primary purposes of that measure is to have the United States furnish money to build a hydroelectric power plant at Boulder Dam which the city of Los Angeles and the other municipalities in southern California, that are now successfully engaged in the power business, are abundantly able to build for themselves.

Second. That Los Angeles and the other California municipalities not only desire to obtain the use of Federal funds at lower than the current rate of interest to build them a power plant at Boulder Dam, but they have a further financial interest in having the United States enter into the power business on the Colorado River because the power thus produced would be exempt from State taxation.

Third. That the States of Arizona and Nevada are equitably entitled to receive compensation for the use of their lands and their waters for the production of hydroelectric power, and that in many similar instances Congress has authorized the States to collect such revenues.

Fourth. That there is a vast difference between Federal ownership and public ownership of utilities such as power, and that the principle of public ownership in the case of Boulder Dam can be fully and completely maintained without authorizing the Government of the United States to go into the power business.

POWER—PITTMAN AMENDMENTS

I shall first proceed to discuss the committee amendments to this bill relating to compensation to the States of Arizona and Nevada for the use of their lands and waters by the Federal Government for the generation of hydroelectric power at the proposed Boulder Canyon Dam. These amendments were adopted by the Committee on Irrigation and Reclamation at the suggestion and earnest solicitation of the senior Senator from Nevada [Mr. PITTMAN]. His amendments are most valuable, because they recognize the principle that the States of Arizona and Nevada own the bed of the Colorado River, the fall of that river, and the water in that river where it forms their common boundary.

These are natural resources, in which the two States share equally. These natural resources are the property of the two States and not the property of the United States. The value of this property belongs to Arizona and Nevada and not to the United States. The economic rent which may be obtained from the development of this property, consisting of their lands and waters, should inure to Arizona and Nevada and not to the United States. When nature gave to Arizona and Nevada a mighty river, with great fall, and confined it within the narrow walls of a deep canyon, the two States acquired an asset which belongs to them and not to the United States or to any other State.

The legal principles upon which the statements I have just made are founded and embodied in a resolution prepared by the Senator from Nevada [Mr. PITTMAN] and adopted by the duly appointed Representatives of six of the seven States of the Colorado River Basin at a conference held in the city of Denver, Colo., last fall. The senior Senator from Nevada has very modestly asked that his resolution be printed in the CONGRESSIONAL RECORD. It is such an important document—it states the law with such clarity—that I now ask that the clerk read it for the better information of the Senate.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

Resolution offered by Senator KEY PITTMAN on behalf of the Nevada commission to the conference of governors and the commissioners of the Colorado Basin States in session at Denver, Colo., August 29, 1927.

Whereas it is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by navigable waters within the limits of the several States of the Union belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substan-

tial impairment of the interests of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States; and

Whereas it is the settled law of this country that subject to the settlement of controversies between them by interstate compact, or decision of the Supreme Court of the United States and subject always to the paramount right of Congress to control the navigation of navigable streams so far as may be necessary for the regulation of commerce with foreign nations and among the States, the exclusive sovereignty over all of the waters within the limits of the several States belongs to the respective States within which they are found, and the sovereignty over waters constituting the boundary between two States is equal in each of such respective States; and

Whereas it is the sense of this conference that the exercise by the United States Government of the delegated constitutional authority to control navigation for the regulation of interstate and foreign commerce does not confer upon such Government the use of waters for any other purposes which are not plainly adapted to that end, and does not divest the States of their sovereignty over such waters for any other public purpose that will not interfere with navigation: Therefore be it

Resolved, That it is the sense of this conference of governors and the duly authorized and appointed commissioners of the States of Arizona, California, Colorado, New Mexico, Nevada, Utah, and Wyoming, constituting the Colorado River Basin States, assembled at Denver, Colo., this 23d day of September, 1927, that—

The rights of the States under such settled law shall be maintained.

The States have a legal right to demand and receive compensation for the use of their lands and waters, except from the United States, for the use of such lands and waters to regulate interstate and foreign commerce.

The State or States upon whose land a dam and reservoir is built by the United States Government, or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy are entited to the preferred right to acquire the hydroelectric energy so generated, or to acquire the use of such dam and reservoir for the generation of hydroelectric energy, upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof agree upon any other method of compensation for the use of their waters.

We, the undersigned committee, to which has been referred the foregoing resolution, as presented to the conference on August 29, 1927, by Senator KEY PITTMAN, having adopted certain amendments unanimously, which are now incorporated therein, we recommend that the resolution set out above be adopted.

KEY PITTMAN, *Nevada.*
FRANCIS C. WILSON, *New Mexico.*
WM. R. WALLACE, *Utah.*
CHARLES E. WINTER, *Wyoming.*
A. H. FAVOUR, *Arizona.*
DELPH E. CARPENTER, *Colorado.*

Adopted OCTOBER 4, 1927.

Mr. HAYDEN. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD a copy of an address delivered by the senior Senator from Nevada [Mr. PITTMAN] at the Denver conference, in support of his resolution offered at the conference of governors at Denver, Colo., August 29, 1927.

The PRESIDING OFFICER (Mr. CAPPER in the chair). Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

ADDRESS OF SENATOR KEY PITTMAN, OF NEVADA, BEFORE THE SEVEN-STATE CONFERENCE AT DENVER, AUGUST 29, 1927

I am not a member of the Nevada commission, but Governor Balzar before returning to Nevada appointed me legal adviser to the commission.

On behalf of our commission I prepared a resolution, which I submit to the conference for their consideration and adoption or rejection.

I think this conference has done a great deal of good, whether it reaches a definite agreement or not. I think those of you, particularly from the upper States, deserve unlimited credit for the efforts you have put forth to bring about an agreement. I have not been present at but one, I believe, of the executive conferences. At the one I did attend they did not seem to have any ideas other than those that were present in the general sessions. It was expected, of course, that the same reasons and arguments occurred to them in private session. It was the hope of the conference, and particularly of the members of the conference of the upper-basin States, that some character of settlement be reached so that Arizona would become a party to the seven-State compact, and California would unconditionally ratify the compact, because there is no compact under the present condition of affairs. The States are now in exactly the same position that they were in 1920.

It is evident why this was sought. It was because there was immediate demand for development of the Colorado River in its lower reaches.

There is no doubt that the evidence submitted to the Committee of Reclamation of the United States Senate was absolutely conclusive as to one point—that was the destruction of the Imperial Valley of California is imminent.

There are two remedies—hold back the flood waters in impounding reservoirs or dredge the lower channels deep enough to carry the flood water within the banks of the river. The latter plan has been declared too expensive.

Congress is faced with a responsibility, and I think the whole Congress desires to act. Congress, however, is made up of human beings who come from the different States, and they have their own troubles.

We out here are the only States that have suffered greatly from the tendency to usurpation of power by the Federal Government. We suffered it first because we have long had reclamation under Government projects; because we have public lands. But now that there is a demand throughout the whole United States to harness the streams for hydroelectric energy, the question of the usurpation of these streams by the Federal Government touches them all.

The Congress of the United States was ready and willing at the last session, in my opinion, to construct the Boulder Dam and to build the all-American canal, except for one thing—a sufficient number of the Members of Congress did not believe that the terms of the Swing-Johnson bill were fair to the State of Arizona. It is strange indeed that a large body like Congress should be so solicitous about the protection of one State. It was not Arizona alone that concerned them, but it was the establishment of a precedent.

They were unwilling to punish a State by depriving it of its natural resources.

I supported the Swing-Johnson bill, and yet I could not and did not deny the legal contentions of the State of Arizona. I stated on the floor of the Senate that I thought that Arizona was entitled to have amendments to that bill.

I prepared an amendment and submitted it to the Senators and Representatives from California, and to their delegation which was sent on there by their governor, asserting that Nevada was entitled to compensation for the use of her waters and her land for the building of a dam that created hydroelectric power. The amendment I asked for was that Nevada have the prior right to purchase at cost 100,000 horsepower created at Boulder Dam. The Senators from California recognized the principle and agreed to the amendment. I asked only for 100,000 horsepower because the former Nevada commission appointed by my State opposed taking more. That demand was based upon the principle that we were entitled to compensation, but the measure of compensation was entirely wrong. It should have been half of the power, as I pointed out in my speech in the United States Senate when the bill was under consideration.

I may go further and say there was not a Senator on the floor who questioned the principle when the amendment was read on the floor of the Senate.

I realize that some of you may feel that the injection of this power question into this conference is injurious. Our delegation patiently waited a week while these various negotiations were carried on by the conference, but it is evident from the public statements made here that the settlement of the water and power question is indissolubly intermingled, and the whole history of this matter since 1920 discloses the same thing.

The representatives of Arizona publicly said here a few days ago, "Yes; if the agreement on the division of water is satisfactory to us, we will agree to it at this time with the understanding that there will be no disposal of power created by any dam for a longer period than one year without an agreement to which Arizona will be a party, determining the distribution of the power and the terms upon which it will be distributed."

They have not changed their position on that. And they should not change their position on that. They would be foolish if they did change their position on it. Why? Because the bill will be drawn as it was before, giving the Secretary of the Interior the authority to dispose of the power generated to whom he pleases and upon any terms he may fix, unless we agree here upon the principles that shall govern and the limitations that shall be incorporated in the bill. But it is contended that it is only a congressional matter, and that this conference has nothing to do with it. The Swing-Johnson bill recognizes the fact that it is a State matter. Why? Because there was a statement in there providing that the power should be disposed of by the Secretary of the Interior in accordance with an agreement to be entered into between Arizona and California and Nevada, but that agreement had to be entered into before the Secretary of the Interior had contracted for the disposal of the power. The Secretary of the Interior reported that he intended to contract for the disposal of it as soon as the bill was passed. California would get all the power if there was no agreement between the three States, so, of course, California would enter into no agreement.

What we want is an agreement that shall be incorporated in every bill affecting power created by Nevada waters, or in connection with a dam on Nevada land.

But Arizona's proposition does not mean development. It meant that there would not be a settlement that could result in the building of the dam, because Arizona said, "If the terms are satisfactory with regard to water, we will agree on them with the condition that there shall be no power sold, etc."

Do you think that the Congress of the United States would be so negligent as to appropriate possibly $120,000,000 when their only chance to get their money back would be from the sale of power, and that right to sell the power for a longer period than one year could be prevented by one State?

That would mean that there would be no dam built by the Government on the Colorado River. California wants a dam built on the Colorado River. Nevada wants a dam built on the Colorado River. We have our reasons for wanting a dam built on the Colorado River, but not under the terms of the Swing-Johnson bill.

Even if you reach a settlement on the division of water in the Colorado River, you will have to reach a settlement on the power question before Arizona will go into the seven-State compact. If Arizona does not go into the seven-State compact, according to your view of the matter, you are just as unprotected as you were in 1920; and she won't go into that compact unless the power question is satisfactorily settled.

We might just as well understand each other now, for there would be no use of our staying here two or three weeks unless Arizona withdrew her position on that proposition, or later on California would agree to the principles underlying the power proposition.

We have not, in my opinion, right at the present moment, very much chance, with the disposition I have seen manifested, to reach a conclusive agreement now. But this conference has done a lot of good. We have had the opportunity of hearing both sides. Both sides have doubtless been helped by it. And there is not very much difference as to the demands of those two States as to the division of the water of the Colorado.

I wish to say, however, that Congress is liable to put through a bill at their next session containing provisions that this conference may agree upon, or that the disinterested States may consider fair to the interested ones.

If such a bill is introduced in Congress and is opposed by one of these States, then the influence of such State will end. It was only because many in Congress believed that the bill was unfair to Arizona that there was no successful action on the matter.

The Congress of the United States is ignorant of our problems. There are 435 men in the House of Representatives of the United States. Four-fifths of them know nothing on earth about water—particularly those that live in the city and State of New York. They are too impatient to listen to a discussion on water. What is the result? If a bill is introduced and submitted by the administration, no matter how destructive it may be of the fundamental rights of the States, those men will vote with the administration because it is the safest thing to do. They will go to their constituencies and say, "I voted with the administration."

This impending legislation is about to establish a precedent. There is not a Western State, to my knowledge, but what has experienced encroachments upon their rights by the Federal Government. The different bureaus in charge are demanding or contending that it is the Federal Government that has control over the waters of the States and not the States. They are contending that they may disturb even the vested rights of citizens for the purpose of putting water on nonirrigated Indian lands, or upon Government projects; that such is the power of the Federal Government. Their attitude in all legislation relating to the use of waters disclosed that they do not think that the States have any right to a superior control over the waters. Mr. Hoover takes that view, and Mr. Work takes that view. Neither one of them are lawyers, but they are the men whose views will probably be accepted by the Congressmen I am telling you about as the will of the administration, unless we unite in opposing such a destructive program.

The question arises, if reclamation dams are built in the State shall the Government establish the policy of making a profit over and above the cost? Are we to remain silent while the United States Government, through its delegated authority to regulate navigation, assumes authority of the streams for all other purposes, although such additional authority has never been delegated by the States to the Federal Government?

What are you going to do in the upper States? Are you going to support the principle of State sovereignty over waters, or are you going to support the principle of Federal control? These questions will be voted upon in the next session of Congress, and we in the West will have a desperate fight if the Senators from the Western States are contending for different principles and policies.

A little question of four or five hundred thousand acre-feet of water as between these two States of Arizona and California is insignificant in comparison with the establishment of the principle of the exclusive sovereign rights of the States to the exclusive control of the waters of the States. You may not realize it now, but the time will come when you will, and it may then be too late to protect the States.

Sovereignty of the States means supreme control by the States. It originated in England. England originally had sovereignty over the waters in this country when she owned the Colonies. She had sovereignty over the water of the Colonies until the Revolution broke those ties. At that time there was not any Constitution of the United States. Our existing States became separate sovereignties. They confederated together for certain purposes, but each of the succeeding sovereign States succeeded to the sovereign rights of Great Britain. And everyone of those States was a sovereign State.

Many people think the Federal Government created the States. It was the States that created the Federal Government under the Constitution they established. The United States Constitution expressly states that only those rights and powers delegated to the agency called the United States Government shall be exercised by that Government and that all jurisdiction and authority not expressly delegated shall be reserved to the States exclusively. And the Supreme Court of the United States has said time and time again that every State comes into the Union on an equal footing with every other State; that the State of Mississippi's sovereignty over the waters of that State is equal to the sovereignty of the State of Delaware.

When you want to see what the control of the Federal Government is, just look and see what authority the States delegated to the United States Government, for all authority is in the States. The only authority delegated to the United States Government about or over the waters was the sole right to regulate interstate and foreign commerce. That is all. The Supreme Court of the United States has interpreted that clause, and in such interpretations has declared that the United States Government has the right to regulate the flow of rivers for such purpose, but for no other purpose whatsoever.

Is that what Mr. Work now conceives his power to be? Is that what Mr. Hoover conceives his power to be? Of course not. They conceive that the United States' right and power over navigation incidentally constitutes an appropriation of all of the waters for any and every other purpose, and that from that time on the States can not use any of such waters for any purpose, not even for drinking water, without the permission of the United States Government.

If their theory is right, the United States Government will do what it pleases with the waters of the several States. There can not be two supreme powers with regard to the same subject. If the United States Government has sovereignty over the waters of the State, then they can tie up the waters of the State. They can take the waters out of a State if they have sovereign power over that water. Of course, the United States Government does not have such sovereignty, as it was always in the States and never has been surrendered.

If the question of the benefits of power, as well as the benefits of irrigation and the benefits of domestic use, are all involved, we may not be able to agree at this time on the details of a decision, but in attempting to agree on any controversy you will make great headway if you can agree on the principles that underlie these negotiations.

Now we come to the question of hydroelectric power created by the construction of a dam. If the dam is built, even on the theory that it is for the purpose of improving navigation, we know that it is inevitable that it will create a very large amount of hydroelectric energy. And in that event would you imagine that the only value of the water was for navigation or irrigation or drinking?

Let us divide the water first it is urged—for what purpose—for navigation or irrigation or drinking? If you control something, you can use it for whatever purpose you see fit.

I say to you that the State of Nevada has the sovereign right to take every foot of water out of the Colorado River on its own soil, because it has exclusive sovereignty over such waters within its borders. There is an equal right for Arizona to do the same thing if she can use the water.

Now, then, if Nevada can not use this water for irrigation and, like Los Angeles, for drinking purposes because she is so unfortunate in those particulars, is she to be deprived of the right to the use of that water for another beneficial purpose, such as the creation of a project that will generate hydroelectric power? Why, no; that would be preposterous.

I do believe that unless there is more of the spirit of give and take manifested among the seven States that an agreement will be impossible.

Nevada is entitled to one-half of the power that may be generated by a Government dam on its land, or by the use of its waters after compensating the Government for its expenditure upon such dam. Arizona is entitled to the same for the same reasons.

That is not the announced policy of the Secretary of the Interior, but, of course, the Secretary of the Interior does not recognize the rights of the States at all in the water after the dam is built, or to any of the power generated with such waters.

Haven't the States a prior right? Their land is being used for dams by means of which the electric energy is generated—their water is being used to generate such electric energy for power. The land and water are assets of the State. Have they no prior rights over the Southern California Edison Co., which is distributing its electricity throughout the southern part of California? Would the States of

Arizona, Colorado, Utah, Wyoming, or New Mexico be willing to have their land and water used to create or generate electrical power to be sold by the Edison company or by some other company outside the State without any control over the matter? It won't be done. It can't be done. And no congress on earth would do that.

Did Congress recognize the sovereignty of the States over their waters at the time the Federal water power bill was enacted? It provided that the United States Government shall not grant any permit to use the public lands for the building of a power dam until the applicant has first obtained a permit from the State wherein the dam is to be built, to use its waters and land, and has otherwise complied with the laws of the State. But, of course, when the United States Government itself builds a dam it will build it and use it as Congress may authorize and direct in the act authorizing such construction.

Under the Federal power act we attempted to protect the States' rights, because we provided in that act that a municipality—that is, a city, or country, or State—shall have prior right to a permit to use the public lands for the building of dams and plants for the generation of hydroelectric power.

The Congress of the United States may pass a bill such as the Swing-Johnson bill, which does not provide any priority to any State and which does not provide for any State sovereignty over the waters of the State. A dam will be built at Boulder Canyon, and it may be built under the Federal water power act by private capital, or it may be built by the Government after long and expensive litigation, and it may be that when it is built it will be not only a Federal dam but a Federal institution in every sense of the word, with all of the water and power under the arbitrary control of some bureau of the United States Government.

When I see these States of Arizona and California with this vast quantity of water allotted to them by this agreement suggested by the four upper States—4,000,000 acre-feet each in comparison with the 300,000 acre-feet allotted to my own State, a State in size equal almost to either of them—when I think of it, that they, on account of the division of only one-fifth of what is allotted to them—one-tenth possibly of the whole amount involved—should threaten the enactment of a precedent that may destroy the most valuable assets that these States have—I want the people of these States to know the facts, and I want the Congress of the United States to know the facts, and this conference has done a magnificent thing in giving them the facts.

Now, I know the people of the western country are surely not going to endanger their sovereign rights by reason of selfishness manifested on the part of their Representatives.

The statement of the settled law of the country as to the rights of States with regard to water must be set out in the resolution, or the resolve that such rights shall be maintained will be meaningless. We recognize existing law; we do not create it by resolution, therefore the statement of existing law should be in the recital clauses rather than under the resolving clauses. The second resolve that "The States have a legal right to demand and receive compensation for the use of their lands and waters," is more easily applicable to individuals and corporations, because in such cases the State can unquestionably prevent construction until the State's demands are complied with.

Peculiar situations and conditions may arise if Congress authorizes the United States to build a dam under its delegated authority to regulate commerce. Whilst the declared purpose is to improve navigation, such a dam will inevitably increase the value of the water for domestic use, irrigation, power, and other purposes.

The United States Government is entitled to compensation for having added such incidental value to the State's water. The question is, What shall it be? What is equitable? What principles and policies should be established? To say that the State is entitled to compensation for use of lands and waters and that the United States is entitled to compensation for use of its dams and plants, is not sufficient in such case. These questions will be determined by Congress, and the method and amount of compensation fixed by the terms of the act authorizing the construction of such dams and appropriating the money therefor. What do the States desire written into such an act with regard to the amount and terms of compensation to be paid by the States for the use of the electric energy generated by the Government at such dam, or for the use of such dam by the State to generate electric energy?

The Government, after building the dam, will either build its own power plant and generate electric energy, or it will grant a permit to some one else to use the dam to generate electric energy. Unless the act provides a priority to the States, then others may purchase all such electric energy or contract for the use of the dam to the exclusion of the States. Again, unless the act states the measure of compensation, then the Secretary of the Interior may charge the State an exorbitant rate for the electric energy or the use of the dam and plant to create electric energy.

In the recital clause I have largely used the language found in the opinion of the Supreme Court of the United States. I have also attempted to confine the resolution to principles and policies that will inevitably affect the development of the Colorado River and its tributaries. Of course, the principles and policies will apply to all other similar developments throughout the United States and will undoubtedly have the support of other States.

Mr. HAYDEN. Mr. President, the senior Senator from Nevada [Mr. PITTMAN] presented to the Senate an argument in favor of the adoption of his amendments which is unanswerable. With that clearness of reasoning and that forcefulness of expression which has gained for him his well-deserved reputation as a most able advocate, the Senator from Nevada has, I am sure, now convinced a majority of the Senate that his position is correct. He conclusively demonstrated that the policy of compensating the States for the loss of taxes by reason of the adoption of a Federal conservation policy with respect to natural resources is not revolutionary. Upon the contrary, the payment of money by the Federal Government to the States in lieu of taxes has been done and is being done in many important instances. The precedents for the payments to Arizona and Nevada, as proposed in his amendments, are therefore well established.

The Senator from Nevada first referred to the act of May 23, 1908 (35 Stat. 260), which provides:

> That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated.

The Senator then gave the reasons which induced Congress to enact this legislation. He pointed out that after the passage of the act authorizing the President to create forest reserves, which, in the interest of all the American people and for the benefit of future generations, forever prevented vast areas of timber lands from passing into private ownership, nevertheless did a grave injustice to many communities, to counties, and to States. That which it was necessary for Congress to do in behalf of the national safety and the national welfare had an adverse effect in certain localities. Taking cognizance of these facts, Congress did not hesitate to correct this injustice by granting 25 per cent of the gross receipts from the national forests to the States wherein the same are located.

The Senator fortified his argument by stating that at the last session of Congress an act was passed to pay to several counties in Oregon a sum equal to the taxes they would have received if certain railroad-grant lands had not been included in a national forest. He thus proved that the policy is continuous and has never been abandoned since its inception.

Senator PITTMAN then read this provision from section 35 of the general oil leasing act of March 11, 1920 (41 Stat. 450), upon which his amendments are predicated:

> Thirty-seven and one-half per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct.

The Senator explained that prior to the passage of this act valuable oil lands were going into private ownership, which made them taxable by the States. A larger and a much wiser policy of national conservation required that the title to all parts of the public domain containing deposits of oil should be retained by the United States. To adopt this policy benefited the whole Nation, but every State where these great oil lands existed was proportionally damaged. Congress, realizing this injury to the States, did not wait for 17 years as in the case of the forest reserves, but, in the very act which withheld these oil lands from exploitation by private interests, gave to the States wherein they are located 37½ per cent of all amounts received from bonuses, royalties, and rentals.

The Senator from Nevada next directed attention to the Federal water power act of June 10, 1920 (41 Stat. 1070), which provided that:

> Thirty-seven and one-half per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State.

The Senator from Nevada carefully stated that this 37½ per cent of the license fees collected by the Federal Power

Commission represents only a payment to the States for the use of lands within their borders. The act contemplated that in the great majority of instances the power sites would be developed by private enterprise, and that in addition to any payments received from a share of the Federal license fees, each State could tax the franchise, the power plant, and every other improvement or asset, whether tangible or intangible, in the same manner as other values are taxed.

The Senator from Nevada did not fail to bring to the attention of the Senate that the Federal water power act recognizes the true principle, which I must say is deplorably absent from the Swing-Johnson bill, that the States are sovereign over their waters and that they own the bed and banks of navigable streams. Let me emphasize that fact as he did by reading a short paragraph from that act which is of supreme importance if State sovereignty is to be preserved from Federal aggression:

That each applicant for a license hereunder shall submit to the commission—

(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this act.

This requirement that the laws of the State must first be complied with is in strict conformity and complete accord with the Pittman resolution adopted at the conference of governors in Denver on October 4, 1927, which has been read to the Senate at my request. The rights of the States are maintained by such a provision of law, which should be included in all legislation relating to water power.

The Senator concluded his speech, which had and kept the attention of the Senate, with a reference to the fact that the waters impounded by the proposed Boulder Dam will forever destroy all other use of a large area of land in Nevada and Arizona. In carrying out a great national policy, the lands to be flooded can never come into private ownership, can never be subjected to taxation. It is known that vast deposits of rock salt above Boulder Canyon will be covered over with water. These deposits, which are estimated to contain over 25,000,000 tons of rock salt, were once mined for fluxing purposes in smelting ore and might again prove to be of great value, but these values can never be realized.

In his testimony before the House Committee on Irrigation and Reclamation in 1924, Mr. Walter G. Clark, an engineer of New York City, said in answer to my question:

A dam at Black Canyon would submerge a large area of gold-bearing gravel, which, as sampled thus far, averages about 25 cents a cubic yard. A dam located at this point would cover values that could in all probability be recovered.

Mr. HAYDEN. About what do those values aggregate?

Mr. CLARK. If the whole area averages what it has assayed so far, 25 cents a cubic yard, it will run something like $64,000,000, gross value, of gold in the ground there.

Mr. HAYDEN. That is, in the claims filed on by Mr. G. Henry Stetson?

Mr. CLARK. I do not know whether his claims cover all of the values, as the prospecting has not extended over the entire area; but the drilling so far done and the samples so far submitted to me average 25 cents.

Mr. HAYDEN. Are those patented mining claims?

Mr. STETSON. No; none.

Mr. HAYDEN. You have merely done assessment work from year to year.

Mr. STETSON. Yes; assessment work.

Whether the placer deposits of gold to which Mr. Clark refers are as valuable as he testified, whether they could be mined by improved methods at a profit, I can not say. But whatever the values are, they will be irrevocably lost when the waters of the Black Canyon Reservoir cover them over. There are also other deposits of nonmetalliferous minerals in the same area in Arizona and Nevada, which might be developed and become subject to taxation, which will likewise be submerged. The same is true of some agricultural land which would otherwise be irrigated and placed in cultivation.

At the hearings on the Interior Department appropriation bill before the House Committee on Appropriations last December the Commissioner of the General Land Office made the following statement relative to mining claims within the area to be flooded by the Boulder or Black Canyon:

It has been determined that a total of 2,010 claims have been filed within the area to be examined. Additional claims are being filed, and it is probable that eventually action will have to be taken on about 3,000 claims.

Many of these mining claims are undoubtedly without merit, but between two and three thousand of them could not have been located unless some one believed that valuable minerals would be found. The expense of the filing fees and of the assessment work is a guaranty that some of these mineral locations were made in good faith.

I am citing these instances where taxable wealth will be destroyed by the waters of the Boulder or Black Canyon Reservoir merely to emphasize the statements made by Senator PITTMAN that Arizona and Nevada are asked to surrender something of real value which otherwise the people of those States would be permitted to enjoy.

All of the arguments so well made by the senior Senator from Nevada were in support of the following amendment appearing on page 6, lines 5 to 12:

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract, or contracts, executed under this act, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18¾ per cent of such excess revenues and to the State of Nevada 18¾ per cent of such excess revenues.

Coupled with it and as a part of the same general plan advocated by the Senator from Nevada, the bill contains a further amendment which he persuaded the Committee on Irrigation and Reclamation to accept. It is found on page 8, lines 7 to 15:

Contracts made pursuant to subdivision (a) of this section shall contain provisions whereby at the end of 15 years from the date of their execution and every 10 years thereafter, there shall be readjustment of the contract, upon the demand of either party thereto, either upward or downward as to price, as the Secretary of the Interior may find to be justified by competitive conditions at distributing points or competitive centers, and with provisions under which disputes or disagreements as to interpretations or performance of such contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such readjustments or proceedings.

With his usual thoroughness, the senior Senator from Nevada followed up his proposal by bringing it to the attention of the proper committee of the House of Representatives.

I shall read an extract from a letter printed in the CONGRESSIONAL RECORD of March 24, 1928, addressed by the senior Senator from Nevada to the Hon. ADDISON T. SMITH, chairman of the Committee on Reclamation, House of Representatives, and dated March 22, 1928. The Senator from Nevada in that letter said in support of his amendment:

Some who are unfamiliar with the facts surrounding the initiation of this legislation and the conditions on the Colorado River have naturally inquired, Why should the States of Arizona and Nevada be granted any revenues? At the time that Congress had under consideration the oil leasing bill and it was proposed to pay to the State where the oil lands were leased by the Government 37½ per cent of the royalties received by the Government the question was asked, Why should the States receive any royalty paid to the Government? Congress in such act did pass such provision and did allow the State 37½ per cent of the royalties received, and answered such questions as follows:

Congress had the legal right to adopt a conservation policy. The Government owned the public lands in which the oil was located. Congress had authority to withdraw such lands from entry and acquisition by private owners. Congress did this. While it was a good policy, it injured the State in which the policy was put in force and effect because it withdrew forever from the possibility of taxation such lands and mineral resources. The State's ability to maintain through taxation the State government was thereby depreciated. States can not exist unless there is property to tax. Whilst there was no legal obligation on the part of Congress to grant any royalties to the States, they considered it just and right that it should be done to compensate to some extent the State for the loss of potential taxable property.

This amendment is based upon the same theory, and Congress is asked to extend to the States the same policy under this act.

The Senator from Nevada rendered a great service to his State, to my State, and to the country as a whole by his able and convincing presentation of this cause to the Senate. I say not only his own State of Nevada and her sister State of Arizona but to the entire Nation, because I am sure that the American people, even though the great majority of them live thousands of miles away from the scene of this proposed development, have no desire to do an injustice to any State, however small its population may be. In carrying out a national policy which contemplates the utilization of the water-power

resources of a great river like the Colorado they want to be fair when voting to bring about such a development of hydroelectric power. I have faith that those who speak for the American people in the United States Senate will not willingly or knowingly impose even a hardship upon the people of the States which the Senator from Nevada and I have the honor in part to represent.

It is my purpose to continue the argument so convincingly made by the Senator from Nevada in support of the principle that the States are entitled to compensation for the use of their lands and their waters in the event that the Federal Government shall engage in the business of generating and selling hydroelectric power. I shall begin where he left off. While I know that I can not in any manner improve upon what he has said, I hope that by presenting additional details to make certain that the principles which we both advocate shall be so clearly illustrated as to leave no doubt in the mind of any Senator that the States of Arizona and Nevada are asking only for their just dues.

The Senator from Nevada read to the Senate the provision of law which directs that 25 per cent of the gross receipts from the national forests shall be paid to the States. Let me add to what he has said by bringing to your attention a further act which provides that an additional 10 per cent shall be expended for forest roads and trails. These roads and trails would otherwise have to be built by the States or the counties in which the forest reserves are located, so that in reality they benefit to the extent of 35 per cent of the gross receipts from the national forests.

I quote from the act of March 4, 1913 (37 Stat. 843):

That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

Mr. BORAH. Mr. President, would the Senator have any objection to yielding to me at this time to move an executive session?

Mr. HAYDEN. I am delighted to yield for that purpose.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m., Friday, May 25) the Senate took a recess until to-morrow, Saturday, May 26, 1928, at 11 o'clock a. m.

FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH HONDURAS

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of friendship, commerce, and consular rights between the United States and Honduras, signed at Tegucigalpa on December 7, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE,
January 5, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice of that body to ratification, if his judgment approve thereof, a treaty of friendship, commerce, and consular rights between the United States and Honduras, signed at Tegucigalpa on December 7, 1927.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 5, 1928.

The United States of America and the Republic of Honduras desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, George T. Summerlin, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and

The President of the Republic of Honduras, Doctor Fausto Dávila, Minister for Foreign Affairs of the Republic of Honduras,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration of aliens or the right of either of the High Contracting Parties to enact such statutes.

ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not

disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or nonresident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Honduran vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Honduras or are or may be legally exported therefrom in Honduran vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Honduran vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals and vessels.

The stipulations of this article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, or to the treatment which Honduras accords, or may hereafter accord, to the commerce of Costa Rica, Guatemala, Nicaragua, Panama, and/or Salvador, so long as any special treatment accorded to the commerce of those countries or any of them by Honduras is not accorded to any other country.

ARTICLE VIII

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

ARTICLE IX

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment, excepting that special treatment with respect to the coasting trade of Honduras may be granted by Honduras on condition of reciprocity to vessels of Costa Rica,

Guatemala, Nicaragua, Panama, and/or Salvador, so long as such special treatment is not accorded to vessels of any other country.

ARTICLE XII

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party require the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination shall be accepted as satisfactory.

ARTICLE XIII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State, or Provincial laws. If such consent be given on the condition of reciprocity, the condition shall be deemed to relate to the provisions of the laws, National, State, or Provincial, under which the foreign corporation or association desiring to exercise such rights is organized.

ARTICLE XIV

The nationals of either High Contracting Party shall enjoy within the territories of the other reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XV

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from or going through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XVI

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE XVII

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XVIII

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees, or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XIX

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under

any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XX

Consular officers of either High Contracting Party may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting the nationals of the State by which they are appointed in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

ARTICLE XXI

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXIII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of his death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXIV

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXV

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXVI

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any customhouse charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXVIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE XXIX

Except as provided in the third paragraph of this Article the present Treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

The fifth and sixth paragraphs of Article VII and Articles IX and XI shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days' previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the Treaty.

The present Treaty shall, from the date of the exchange of ratifications, be deemed to supplant, terminate and annul the Treaty of Friendship, Commerce and Navigation, concluded by the United States and Honduras on July 4, 1864.

ARTICLE XXX

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tegucigalpa as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals thereto.

Done in duplicate, in the English and Spanish languages at Tegucigalpa, this seventh day of December, nineteen hundred and twenty-seven.

[SEAL] GEORGE T. SUMMERLIN
[SEAL] F. DAVILA

PREVENTION OF SMUGGLING OF ALCOHOLIC BEVERAGES INTO THE UNITED STATES FROM GREECE

In executive session this day the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

THE WHITE HOUSE, *April 28, 1928.*

TO THE SENATE:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention to aid in the prevention of the smuggling of alcoholic beverages into the United States, concluded between the United States and Greece on April 25, 1928.

CALVIN COOLIDGE.

DEPARTMENT OF STATE,
Washington, April 27, 1928.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention to aid in the prevention of the smuggling of alcoholic beverages into the United States, concluded between the United States and Greece on April 25, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

The United States of America and Greece, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Frank B. Kellogg, Secretary of State of the United States, and

The President of the Hellenic Republic: Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece at Washington,

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

The President of the Hellenic Republic agrees that Greece will raise no objection to the boarding of private vessels under the Greek flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel which shall have given ground for such suspicion, may be effected.

ARTICLE III

If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with the pertinent provisions of law.

ARTICLE IV

The boarding referred to in Article II shall not be made at a greater distance from the coast of the United States, its territories or possessions then can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of the former vessel and not the speed of the vessel boarded, which shall determine the distance from the coast within which the action referred to in Article II may be taken.

ARTICLE V

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Greek vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE VI

Any claim preferred in behalf of a Greek vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article V shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties and whose decision shall be given effect if made in common accord.

When the said persons shall fail to agree, the claim shall be referred to an umpire selected by the two Governments; should the Governments fail to agree on the choice of an umpire, the claim shall be referred to the Permanent Court of Arbitration at The Hague, maintained under the Convention for the Pacific Settlement of International Disputes, signed at The Hague October 18, 1907. The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and Article 59 (Chapter III) of that Convention. The proceedings shall be regulated by the provisions in the said Chapters III and IV (special regard being had to Articles 70 and 74, but excepting Articles 53 and 54) which the Tribunal may consider to be applicable and to be consistent with the provisions of this

Convention. The sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments. The deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE VII

This Convention shall be ratified by the High Contracting Parties. It shall come into force on the day of the exchange of ratifications which shall take place at Washington as soon as possible and shall remain in force for one year.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If an agreement in regard to such modifications has not been reached before the expiration of the year, the Convention shall lapse at the end of said period.

If no notice is given on either side of the desire to proposed modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before the expiration of the said year, modifications in the Convention that they may deem expedient, and to the provision that if an agreement in regard to such modifications has not been reached before the expiration of the year, the Convention shall lapse at the end of said period.

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate in the English and French languages and have hereunto affixed their seals.

Done at the city of Washington this twenty-fifth day of April, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [SEAL.]
CH. SIMOPOULOS. [SEAL.]

FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH LATVIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

THE WHITE HOUSE, *May 16, 1928.*

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit a treaty of friendship, commerce, and consular rights between the United States and Latvia, signed at Riga, on April 20, 1928.

The interpretative protocol accompanying the treaty is also transmitted, for the information of the Senate in its consideration of the treaty.

CALVIN COOLIDGE.

DEPARTMENT OF STATE, *May 14, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of friendship, commerce, and consular rights between the United States and Latvia, signed at Riga on April 20, 1928.

Accompanying the treaty is a protocol interpretative of provisions of articles 16, 17, and 19 of the treaty.

Respectfully submitted.

FRANK B. KELLOGG.

TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS BETWEEN THE UNITED STATES OF AMERICA AND LATVIA

The United States of America and the Republic of Latvia, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentaries:

The President of the United States of America:

FREDERICK W. B. COLEMAN, Envoy Extraordinary and Minister Plenipotentiary,

and

The President of the Republic of Latvia:

ANTONS BALODIS, Minister of Foreign Affairs,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in scientific, religious, philanthropic and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to engage in every trade, vocation, manufacturing industry and profession, not reserved exclusively to nationals of the country; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration, admission or sojourn of aliens or the right of either of the High Contracting Parties to enact such statutes.

ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of, any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same which term may be reasonably prolonged if circumstances render it necessary and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or

administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the rights of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public order or public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce, or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce, or manufacture of any other foreign country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions relating to national defense, public security and public order; prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life; regulations for the enforcement of police or revenue laws.

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article, the growth, produce, or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into these ports or exported therefrom in Latvian vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Latvia or are or may be legally exported therefrom in Latvian vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Latvian vessels.

In the same manner there shall be perfect reciprocal equality in relations to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the High Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, and regardless of whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals and vessels.

ARTICLE VIII

The stipulations of Article VII of this Treaty shall not extend

(*a*) To the treatment which either High Contracting Party shall accord to purely border traffic within a zone not exceeding ten miles (15 kilometers) wide on either side of its customs frontier;

(*b*) To the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11th, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws:

(c) To the customs preferences or other facilities of whatever nature which are or may be granted by Latvia in favor of Estonia, Finland, Lithuania or Russia and (or to the special privileges resulting to States in customs or economic union with Latvia so long as such preferences, facilities or special privileges are not accorded to any other State.

ARTICLE IX

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

ARTICLE X

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

ARTICLE XII

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade and the towing service of the United States and the Republic of Latvia are exempt from the provisions of this Article and from the other provisions of this Treaty, and are to be regulated according to the laws of the United States and the Republic of Latvia, respectively, in relation thereto. It is agreed, how-

ever, that the nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade and the towing service the most favored nation treatment.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to special privileges reserved by either High Contracting Party for the fishing industry and for the national ship-building industry.

ARTICLE XIII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State or Provincial laws and regulations.

ARTICLE XIV

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XV

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party require the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination, shall be accepted as satisfactory.

ARTICLE XVI

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law or regulations. The measures of a general or particular character which either of the High Contracting Parties is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may in exceptional cases and for as short a period as possible involve a deviation from the provisions of this paragraph; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities or any other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XVII

Each of the High Contracting Parties agrees to receive from the other consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE XVIII

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XIX

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial, and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial, and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XX

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XXI

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, National, State, Provincial, or Municipal, for the purpose or protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE XXII

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXIII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXIV

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXV

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXVI

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXVII

Each of the High Contracting Parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories. Personal property imported by consular officers, their families or suites during the incumbency of the officers in office shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that the privileges of this Article shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVIII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other

shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXIX

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE XXX

Except as provided in the third paragraph of this Article the present Treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither High Contracting Party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

The sixth and seventh paragraphs of Article VII and Articles X and XII shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days' previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the Treaty.

ARTICLE XXXI

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Riga as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed their seals hereto.

Done in duplicate, at Riga, this 20th day of April, 1928.

[SEAL.] F. W. B. COLEMAN. [SEAL.] A. BALODIS.

PROTOCOL ACCOMPANYING TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS

At the moment of signing the Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Latvia, the undersigned plenipotentiaries, duly authorized by their respective Governments, have agreed as follows:

1. The provisions of Article XVI do not prevent the High Contracting Parties from levying on traffic in transit dues intended solely to defray expenses of supervision and administration entailed by such transit, the rate of which shall correspond as nearly as possible with the expenses which such dues are intended to cover and shall not be higher than the rates charged on other traffic of the same class on the same routes.

2. Wherever the term "consular officer" is used in this Treaty it shall be understood to mean Consuls General, Consuls, Vice Consuls and Consular Agents to whom an exequatur or other document of recognition has been issued pursuant to the provisions of paragraph 3 of Article XVII.

3. In addition to consular officers, attachés, chancellors and secretaries, the number of employees to whom the privileges authorized by Article XIX shall be accorded shall not exceed five at any one post.

In witness whereof the undersigned Plenipotentiaries have signed the present Protocol and affixed thereto their respective seals.

Done in duplicate, at Riga, this 20th day of April, 1928.

[SEAL.] F. W. B. COLEMAN. [SEAL.] A. BALODIS.

NOMINATIONS

Executive nominations received by the Senate May 25 (legislative day of May 3), 1928

FOREIGN SERVICE

To be secretary in the Diplomatic Service

James L. Park, of Pennsylvania, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES DISTRICT JUDGES

George C. Taylor, of Tennessee, to be United States district judge, Eastern District of Tennessee, vice Xenophon Hicks, appointed circuit judge.

Crate D. Bowen, of Florida, to be United States district judge, Southern District of Florida, vice Rhydon M. Call, deceased.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Maj. Leon Edward Ryder, Cavalry, with rank from April 24, 1928.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Edgar Simon Stayer, Quartermaster Corps, from May 17, 1928.

To be lieutenant colonels

Maj. Edward Lorenzo Hooper, Infantry, from May 17, 1928
Maj. Stanley Koch, Cavalry, from May 18, 1928.
Maj. Irving Joseph Phillipson, Infantry, from May 22, 1928.

To be majors

Capt. Richard Lawrence Creed, Cavalry, from May 17, 1928.
Capt. James Cobb Hutson, Coast Artillery Corps, from May 18, 1928.
Capt. John Frederick Ehlert, Infantry, from May 22, 1928.

To be captains

First Lieut. Willard Warren Scott, Coast Artillery Corps, from May 17, 1928.
First Lieut. Leonard Louis Davis, Coast Artillery Corps, from May 18, 1928.
First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps, from May 22, 1928.

To be first lieutenants

Second Lieut. Cecil Ward Nist, Infantry, from May 17, 1928.
Second Lieut. Robert Chaffee Oliver, Field Artillery, from May 18, 1928.
Second Lieut. James Eugene Bernard McInerney, Infantry, from May 22, 1928.
Second Lieut. Francis Arthur Garrecht, jr., Field Artillery, from May 22, 1928.
Second Lieut. Frank Dorn, Field Artillery, from May 22, 1928.

POSTMASTERS

ARKANSAS

George W. Stanfield to be postmaster at Corning, Ark., in place of G. W. Stanfield. Incumbent's commission expired January 7, 1928.

CALIFORNIA

William N. Friend to be postmaster at Oakland, Calif., in place of J. F. Conners. Incumbent's commission expired March 7, 1928.

COLORADO

Henry M. Newkirk to be postmaster at Swink, Colo., in place of W. A. Reynolds. Incumbent's commission expired January 8, 1928.

CONNECTICUT

Thomas J. Crockett to be postmaster at Unionville, Conn., in place of R. E. Taft, resigned.

GEORGIA

Alva W. Haddock to be postmaster at Douglas, Ga., in place of L. S. Peterson, deceased.

KENTUCKY

Mollie L. Nolan to be postmaster at Harlan, Ky., in place of M. L. Nolan. Incumbent's commission expired February 12, 1927.

MARYLAND

John N. Bennett to be postmaster at Chestertown, Md., in place of J. N. Bennett. Incumbent's commission expired January 7, 1928.

Allan Urie to be postmaster at Rock Hall, Md., in place of Allan Urie. Incumbent's commission expired January 7, 1928.

John F. Mansfield to be postmaster at St. Michaels, Md., in place of J. F. Mansfield. Incumbent's commission expires June 3, 1928.

MICHIGAN

Nettie C. Grayson to be postmaster at Pellston, Mich., in place of A. G. Grayson, deceased.

MINNESOTA

Edne O. Thorson to be postmaster at Chatfield, Minn., in place of E. J. Sutherland. Incumbent's commission expires January 9, 1928.

George Leng to be postmaster at Grand Marais, Minn., in place of C. A. Toftey. Incumbent's commission expired February 3, 1927.

Ross Andrews to be postmaster at Meadowlands, Minn., in place of August Olson. Incumbent's commission expired January 9, 1928.

Elizabeth Paul to be postmaster at Wykoff, Minn., in place of Ralph Moody. Incumbent's commission expired April 26, 1928.

MISSISSIPPI

Emma E. Hale to be postmaster at Natchez, Miss., in place of H. D. Hale, deceased.

MONTANA

Carroll W. Marsh to be postmaster at Sheridan, Mont., in place of J. H. Hadzor. Incumbent's commission expired January 8, 1928.

NEBRASKA

Robert L. Hart to be postmaster at Cozad, Nebr., in place of R. L. Hart. Incumbent's commission expires May 26, 1928.

Jacob H. Jimerson to be postmaster at Liberty, Nebr., in place of J. H. Jimerson. Incumbent's commission expires June 4, 1928.

William M. Baskin to be postmaster at Stapleton, Nebr., in place of W. M. Baskin. Incumbent's commission expires June 4, 1928.

NEW JERSEY

Tobias V. Chieffo to be postmaster at Cliffside, N. J., in place of Henry Eisberg, jr. Incumbent's commission expired February 15, 1928.

OHIO

Lester J. Matson to be postmaster at Maynard, Ohio, in place of B. H. Murphy. Incumbent's commission expired August 4, 1926.

OKLAHOMA

Adrian J. Brown to be postmaster at Bixby, Okla., in place of A. J. Brown. Incumbent's commission expires June 4, 1928.

Maude S. Chambers to be postmaster at Jenks, Okla., in place of M. S. Chambers. Incumbent's commission expired January 14, 1928.

James A. Todd to be postmaster at Calumet, Okla., in place of S. A. Penn, resigned.

OREGON

Eugene Bedell to be postmaster at Alsea, Oreg., in place of C. O. Hendrix, resigned.

Lewis B. Baird to be postmaster at Bend, Oreg., in place of J. J. Hogan, deceased.

PENNSYLVANIA

Leroy W. Keisling to be postmaster at Valley View, Pa., in place of L. W. Keisling. Incumbent's commission expired February 19, 1928.

Wilferd R. Troxel to be postmaster at Aliquippa, Pa., in place of R. C. Simpson, removed.

TEXAS

John W. Stegall to be postmaster at Holliday, Tex., in place of J. W. Stegall. Incumbent's commission expires June 6, 1928.

VIRGINIA

Russell L. Davis to be postmaster at Rockymount, Va., in place of L. A. Hodges, resigned.

WASHINGTON

William Scales to be postmaster at Centralia, Wash., in place of H. L. Bras, resigned.

WISCONSIN

Milton V. Jones to be postmaster at New Holstein, Wis., in place of G. L. Leverens. Incumbent's commission expired January 7, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25 (legislative day of May 3), 1928

MEMBER OF UNITED STATES SHIPPING BOARD

Samuel S. Sandberg.

MEMBER OF MISSISSIPPI RIVER FLOOD CONTROL BOARD

Carleton W. Sturtevant.

MEMBER OF UNITED STATES CUSTOMS COURT

Genevieve R. Cline,

POSTMASTERS

ARIZONA

June S. Haymond, Claypool.
Robert B. Anderson, Clifton.

ARKANSAS

William H. Tucker, Casa.
Fletcher G. Kennedy, Cotton Plant.
Legrand K. Charles, Eureka Springs.
John M. Phillips, Jasper.
Bertha E. Millian, Lexa.
Genie O. Starnes, Louann.
Elmer B. Wacaster, Mount Ida.
George E. Crosby, Pangburn.
Maud Jackson, Sherrill.
Madie W. Russell, Star City.

CALIFORNIA

Harry A. Canfield, Bellflower.
Peter D. McIntyre, Blythe.
Charles B. Randall, Kerman.
George P. Comings, Ramona.

COLORADO

Sherman Bohnet, Somerset.
Arch J. Miller, Wray.

HAWAII

Antone Silva, Hawi.
William K. Kelii, Wahiawa.

ILLINOIS

Elliott O. Andrews, Belvidere.
James W. Corwine, Lincoln.
Harry B. Potter, Marshall.
Lyle E. Wilcox, McLean.
William Georger, New Baden.
Hiram B. Rutherford, Newman.
Leon M. Shugart, Pontiac.
Alta Winn, Saybrook.
Kate M. Weis, Teutopolis.

INDIANA

Charles Nicholson, Wheatland.

MAINE

Linwood B. Jones, Winthrop.

MASSACHUSETTS

James J. Murtaugh, Hopkinton.
Fred W. Trasher, Marblehead.

NEW YORK

Irwin Smith, Annandale-on-Hudson.
Harold V. Mulford, Hopewell Junction.
Warren C. Edgar, New Hamburg.
Ralph F. Spaulding, Piermont.

NORTH CAROLINA

B. Ray Cohoon, Columbia.
Willis A. Willcox, Halifax.

OHIO

Jerome H. C. Goodhart, Brewster.
William A. Ray, Mount Sterling.
Rufus A. Borland, West Jefferson.

PENNSYLVANIA

Mary K. Schambach, Beaver Springs.
Nelson O. Smith, Blawnox.
Mertie T. Hallett, Devon.
John H. Renstrom, Fayette City.
Paul L. Boyd, Mars.
Wellesley H. Greathead, McConnellsburg.
Clyde G. McMurray, Oakdale.
James I. Steel, Shamokin.
William H. Deppen, Sunbury.
George N. Turner, Toughkenamon.

TENNESSEE

Joseph W. Callis, Germantown.
Jesse B. McCasland, Goodlettsville.
Thomas W. Williams, Lucy.

TEXAS

Emil E. Fahrenkamp, Big Spring.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 25, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Breathe on us, O breath of God, as we tarry in Thy holy presence. Life and time will pass by, but Thy love alone shall last forever. We would not allow ourselves to complain; waves of emotion course through our breasts as we think of Thy providence that leads us on to perfect happiness and to the dawn of everlasting life. As the old sun will pierce the thickest cloud, so clear and safe is the new light and the new life of this pain-throbbed world. The cross of the Master, bathed in the glory of a perfect day, turns the hearts of men. It draws to it the storm-beaten faces of earth, for its empire is the empire of the oppressed, the bereaved, and the broken-hearted. Put Thy hand upon the life and the destiny of our Republic. Keep it there until all hate is dissolved, all bigotry dies away, and all unjust scepters are broken. In the name of Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House of Representatives was requested, a bill of the following title:

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 13873) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes," asks a conference with the House of Representatives on the said bill and amendments thereto, and appoints Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1822) entitled "An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions."

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. J. Res. 46) entitled "Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes."

The message further announced that the Senate recedes from its amendment No. 54 to the bill (H. R. 1) entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes."

The message also announced that the Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (H. R. 5681) entitled "An act to provide a differential in pay for night work in the Postal Service," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill.

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message further announced that the Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (H. R. 7900) entitled "An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill.

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) entitled "An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services.'"

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate; and, further, that the conferees be authorized to agree to any such amendments despite the provisions of section 2 of Rule XX.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill, H. R. 13873, the second deficiency appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate; and, further, that the conferees be authorized to agree to any such amendments despite the provisions of section 2 of Rule XX. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, will not the gentleman from Indiana explain just what his request means?

Mr. WOOD. Mr. Speaker, the request is the ordinary request, with the exception of the last portion of it, which asks for additional authority that amendments may be agreed to, despite the provisions of section 2 of Rule XX, which means that we may agree to amendments of new matter without bringing the same back to the House. There is not anything so far of a controversial nature, and we are very nearly through with the conference, as a matter of fact.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. WOOD, Mr. CRAMTON, Mr. BYRNS.

EXPLANATION OF A VOTE

Mr. HARRISON. Mr. Speaker, when the vote was taken yesterday on the bill referring to emergency officers' retirement, I was unavoidably absent from the House on an important engagement, without any idea that the bill would be called up for consideration before the House yesterday. I have always been an intense advocate of the measure, and if I had been here I would have voted in the affirmative.

Mr. WOODRUM. Mr. Speaker, on the bill just mentioned by my colleague, voted on yesterday, I was absent from the Chamber, and if had been here, I would have voted to sustain the President's veto.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13563, an omnibus pension bill, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill, H. R. 13563, an omnibus pension bill, with Senate amendments thereto and agree to the Senate amendments. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of higher education in the District of Columbia. I made some investigation about two universities, and I think they have suffered a great deal of harm, and I would like to present some data.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD upon the subject of education in the District of Columbia. Is there objection?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, during the closing weeks of the session I became greatly interested in higher education in the District of Columbia as affected by Senate bill 2366 on degree-conferring institutions.

The heads of two universities that give courses more or less in extension work appealed to me to assist them in the defense of their schools from destruction by this bill, themselves from character defamation in the press, and actual or threatened indictments before the courts.

An insidious propaganda carried on over a period of years against so-called "diploma mills" had weakened these institutions financially to such an extent as to nearly ruin them, and now by the provisions of this bill expressly directed at them their very existence is threatened.

It was made clear to me by evidence in abundance, partly presented with these remarks, but more fully printed in the hearings, that this propaganda had been carried on by a special assistant United States attorney acting with and for interested parties, who appear to me to be promoting under the pretense of reforming higher education in the District of Columbia—a mere smoke screen—the exploitation of themselves before the public and the promotion of their own selfish business interests. Anyone familiar with rivalries among higher schools and their various adherents can realize how ruthless this kind of warfare may at times become.

I had occasion several years ago to become personally acquainted with President Porter, of Potomac University. This is one of the higher schools carrying on university extension work. Because of his high character as a man, the good work he has been conducting for 24 years in preparing preachers for their sacred calling, and the injustice that was being perpetrated upon him by this bill, when appealed to for help, I felt myself under a moral obligation which I could not shirk, to appear before the Committee on the District of Columbia to offer an amendment to the pending measure that would preserve this school from annihilation. The bill required all university work for which any degree is conferred to be done in residence. Subsequently President Rapeer, of Research University, told me of the wrongs done the heads of this institution, wrongs which seemed to me so amazing as almost to stagger belief. This is another of such higher schools carrying on evening residence and correspondence work, more particularly for school-teachers and others who are unable to attend in residence except for vacation periods and final examinations. My interest, as a former superintendent of schools, becoming deeply aroused, I resolved to assist to the utmost these deserving and oppressed school men in the Nation's Capital who were carrying on their lawful vocations in a very worthy way. Accordingly, I outlined a plan of campaign which has so far met with singular success.

My first step was to confer with Senators CAPPER and COPELAND, of the District Committee of the Senate. This Senate committee had accepted an amendment which would have safeguarded these schools. But the amendment had failed of enactment in the Senate. It was reported to me that Senator COPELAND particularly opposed it. Knowing this high-minded Senator well I could not imagine why he should desire to destroy such a school as Potomac University. Accordingly, I conferred with him, told him of my knowledge of Doctor Porter, of the good work that he was carrying on, and of the high character of his teachers. The Senator assured me that he had not intended to destroy this school, suggested that I prepare and present to the House committee an amendment which would safeguard Potomac University, and said that he would withdraw his opposition to such a provision. I also conferred with Senator CAPPER, chairman of the Senate committee, who expressed a similar sentiment.

My next step was to secure a hearing before the House Committee on the District of Columbia. On the day I was appealed to for help by President Porter the Senate bill had been accepted without amendment by the House District Committee and ordered reported to the House. But the report had not been filed. I asked Chairman ZIHLMAN to defer final action until I could be heard. Being a very fairminded Member of Congress, he directed Mr. MCLEOD, chairman of the subcommittee, to postpone the filing of the House report until I could come before the next meeting of the committee to be heard on the amendment.

My next step was to present the cause of Potomac University to the busy Committee on the District of Columbia. I did so at three different hearings. At the first I explained my means of knowledge of Doctor Porter and of his university, giving details to be found in the hearings. I particularly pointed out that without an amendment such as I offered his school would be ruthlessly destroyed, his contracts with students would be impaired, and he himself would be branded before the public as the head of a "diploma mill" which had been driven out of the field of higher education in Washington by law. I called attention to the wrong that would be done not only to the president and to his good wife, who has been his assistant all these years, but also to the trustees and to teachers, comprising some of the best men in the country's teaching profession, students now enrolled in a number of about 350, and more than 600 graduates. The committee unanimously ordered a reopening of the hearing.

I next sent out a questionnaire to the students and graduates of this school whose addresses could be ascertained. The replies to this questionnaire were surprising. They are printed in the hearings fully, herewith only in part. One of these students, who had received a degree of doctor of divinity from Potomac, was present to explain and exemplify with the actual textbooks and other data the methods by which the instruction in extension was carried on and the safeguards thrown around the work to prevent fraud. There were in attendance at the hearings scores of representative men and women of standing in the city of Washington who came to testify to the high character of Doctor Porter himself.

It was agreed that at a third hearing the special assistant United States attorney, the leading spirit carrying on this prosecution—which if characterized correctly should be termed a persecution—was to be given a full opportunity to present whatever evidence she might have against this higher school of learning. She appeared, presented her case, making certain charges. These were refuted immediately, one by one, as they had been presented by her to the committee. As a result of that hearing and at the end of it the committee unanimously accepted the amendment I proposed exempting Potomac University and like schools doing extension work from being closed up. The words "in residence" were stricken out.

Subsequently I appeared before the committee to give it the result of my studies of the bill itself. My first impression had been very decidedly for any measure having as its purpose the destruction of educational "diploma mills." But when I came to understand unmistakably the kind of a measure that was being urged upon Congress by this special assistant United States attorney and her collaborators, a Rand-McNally book agent, who alleged that he was acting for the chamber of commerce, and the head of a law school whose interests had been or might be more or less affected by competition with these correspondence schools, I saw clearly that the bill had defects of the most serious character.

Most of the higher schools or universities of the District of Columbia were specifically and expressly exempted from its provisions. In fact, the two schools that would be seriously affected by the proposed law were Potomac University and Research University. If there were any so-called "diploma mills" in the District of Columbia they were of so vague and shadowy character that they largely vanished when I sought for them. The bill lodged power of the most extraordinary kind in a board of education whose qualifications might be anything or nothing, a board consisting of three women, several Gentiles, a Jew, and three negroes. The proposed law provides for drastic penalties—not only fines but also imprisonment—and the standards required of these schools to secure a license from this board of education, in addition to charter rights virtually nullified by this act, were so indefinite, so uncertain, and so arbitrary that no one could possibly fulfill them. The members of the board of education could not themselves know the extent of their powers, nor could the universities put under their authority know by any possible means what might be required of them.

As a lawyer familiar with the provisions of the Constitution of the United States, I saw that in spirit nearly a dozen safeguards thrown around the life, liberty, and property of our citizens by this sacred instrument had been utterly disregarded. Most assuredly, without the amendment I had proposed, these higher schools of learning would be a duplication of the Dart-

mouth College case which Webster and Marshall so gloriously defended. I, therefore, requested the head of the legislative reference bureau of the Library of Congress to prepare several briefs on the bill carefully reviewing the decisions in the leading cases before the Supreme Court of the United States. In the meantime I had conferred with leading attorneys of the House and with attorneys outside whose help I had enlisted. I also discussed the constitutional provisions violated by this bill with one of the foremost teachers of constitutional law in the schools of Washington.

All are of my opinion that the bill is unconstitutional in two respects: First, because of its arbitrary classification, it violates the fifth amendment, guaranteeing due process of law, and the fifteenth amendment, giving equal protection of the law to every citizen alike; and, second, the standards of guilt set up are so indefinite and uncertain as not to be ascertainable by the universities required to observe them. These studies, together with the briefs, were presented to the committee and are printed in the hearings. During the weeks that these hearings were going on other important events took place which are noteworthy.

This special assistant United States attorney, finding that I was asking for an amendment in behalf of correspondence schools, requested an interview. This was readily granted. I was interested in meeting her. I had now learned that she was the driving force, not only in carrying on propaganda through the newspapers against this school, in seeking fraud orders against this institution by the Post Office Department, but also in actually indicting the heads of Research University, its president and registrar, before the grand jury, and threatening indictment likewise of the heads of the Potomac University if they do not stop opposing her bill in Congress. She claims chief credit for the preparation of the bill itself, is the active lobbyist for it in personal interviews with Members, and its chief advocate before the committees of Congress. Indeed, she seems to have made it her principal work over a period of three or four years to destroy these correspondence schools—Potomac and Research Universities—hesitating at nothing.

She had not been in my office long before I was made aware of her peculiar standards of conduct as a public official. She began by replying to my inquiry, "What do you know of Doctor Porter?" by saying, "Doctor Porter is an unmitigated liar." I appealed to her, telling her what I knew of Doctor Porter, to consent to this reasonable amendment, stating that it had been agreed to by Senators COPELAND and CAPPER. But she declared that she would not do so. If it were adopted, she asserted, she would defeat the bill. She said many other things which gave me an insight into her hostile attitude toward these universities. She said she had requested a fraud order from the Post Office Department, which she expected soon to be issued. When she left my office I knew exactly the source of all this mischief, and realized that clothed with the official power of the office of the United States attorney, unless restrained by some cool-headed superior, she could do a world of harm to innocent people and to the cause of higher education in the District of Columbia.

I determined, therefore, at once to call on the Post Office Department to see at first hand this fraud order that she had requested and was expecting at any time. Having stated my purpose to the First Assistant Postmaster General, Mr. Bartlett, he took me to the legal division. By the chief of this department I was taken to the office of the chief inspector. There I was permitted to read the request of this special United States attorney for a fraud order, the questionnaire that had been sent out, the replies to the questionnaire, and the conclusion of the inspector approved by the Post Office Department.

There was not a sign of fraud. On the contrary, the evidence was complete that all who had anything to do with Potomac University were enthusiastically grateful to the school. The fraud order had been denied for more than a year; yet I was given to understand, as was the Committee on the District of Columbia, that a fraud order was expected at any time against Potomac University. Incidentally, may I say that she had also asked a fraud order against Research University, which had likewise been denied.

Although fraud-order documents are confidential I requested permission to have the one of Potomac University presented to the committee, which request was granted on condition that they were asked for by the chairman of the committee himself. The chairman made the request, and the evidence of fraud, not by the university but by this special assistant, is before the committee.

As a result of this experience I learned to what extremes this special assistant United States attorney would go to carry out her determination to destroy these correspondence universities. At the hearings I endeavored to confront her with the evidence that she had deliberately perpetrated a deception upon the committee and on Members of Congress like myself. I asked her if she did not know that her request for a fraud order had been denied, and tried to pin her down to a definite time so as to show that she must have known of the action of the Post Office Department for more than a year, but she blandly evaded my inquiries.

To checkmate her destructive activities further I found it necessary to confer with her immediate superiors, judges of the Supreme Court of the District of Columbia and the acting United States attorney. My immediate reason for this was that Doctor Porter had told me of her declared determination to have him indicted. She had caused subpœnas to be issued, after my appearance before the committee in his behalf, summoning trustees, the secretary of the university, and teachers to appear before her for examination, alleging that it was to be before the grand jury. One of these teachers was dead. His widow called up Doctor Porter to know the purpose of the summons. All of them informed Doctor Porter of the subpœnas served on them and assured him that they had nothing but good to say of Potomac University to this special assistant United States attorney and had told her so. But she, sitting at her own typewriter, asked them a lot of questions, the replies to which she typed in such forms as she preferred, and then ordered them to make affidavits to what she had put down. In the confusion of a room where there were many clerks at work, and because of her threat of criminal process, some of them put their signatures to the affidavits, but subsequently gave me full accounts of their relations to the school and of their being browbeaten by this special assistant United States attorney.

She had also sent a subpœna for Mrs. Reed, Doctor Porter's daughter, a teacher; and Mrs. Porter herself accompanied her daughter to the office of this special United States attorney. Here, in a conversation, which has been reduced to writing at my request, finding that she could get nothing out of these people to incriminate the school, she told them threateningly that as long as Doctor Porter insisted upon the amendment I offered to the pending bill she would hesitate at nothing. She told them that she would have them, mother and daughter, indicted with Doctor Porter unless he desisted from demanding the amendment.

She also told a trustee that as long as Doctor Porter opposed her bill by proposing the amendment I had offered, she would hesitate at nothing.

All of these conversations I have had reduced to writing and put into the hearings. They came in very usefully. When this special assistant attorney of the United States was called upon by the committee to state her case against Potomac University, she produced these garbled affidavits and other matter, and in anticipation of this we were able to refute her charges instantly and emphatically at the same hearing.

But as this representative of the United States district attorney's office had hitherto had access to the news columns of the Washington newspapers freely, and thus was able by one-sided reports pretended to be official to arouse a hostile public sentiment against alleged "diploma mills," mentioning particularly Potomac and Research Universities, it became necessary to restrain her publicity activities. This had become keenly necessary because she had not taken the witnesses subpœnaed before the grand jury but had got them in the manner just described to sign garbled statements which she herself had prepared, and having added various harmful matter to give them sensational color, these were given as news items to one of the leading newspapers and were published in a form most offensive to Potomac University under the flaring headline "Diploma mill."

Accordingly, following one of the hearings, I directed Doctor Price, with Mrs. Porter and other men and women of high standing, to go as a committee to the editors or publishers of these Washington newspapers and to show them personally the replies to the questionnaire that I had sent out, and Doctor Price himself to explain, as he had before the committee, the method of carrying on extension work and safeguarding all degrees granted by Potomac University. I assured this committee that these publishers would hear them gladly; that libel suits would do no good and were costly, but straightforward statements with evidence presented to the higher newspaper officials would prevent a repetition of such gross injustice as was exemplified by the last effort of this special assistant attorney to poison public opinion against Potomac University.

The committee did as I had suggested and reported a very favorable reception on the part of the publishers of Washington newspapers, who thanked them for coming and promised them a

square deal. This promise has since been faithfully kept. Indeed, the committee was told by one of the newspaper publishers that they themselves were familiar with the activities of this special assistant United States attorney. From such and similar reliable sources we learned how she had gotten her appointment by political pressure, of her being on the pay roll a year without doing anything, of her being "jacked up" for her inactivity, and of her utter incompetence as a lawyer in the trial of cases, and of her using this "diploma-mill" propaganda as a smoke screen for self-exploitation. One does not have to cross the Atlantic Ocean in an airplane to seek notoriety. Sometimes it is done even in Congress, but it is a vicious thing in the Department of Justice and should be stopped by the courts.

Because of the threat of this special assistant United States attorney to indict Doctor Porter, his wife, and daughter, as she had already indicted the heads of Research University, its president, and registrar, and because of the unethical method she was pursuing as a prosecutor, of trying her cases in the newspapers under the inflaming headline of "Diploma mills" instead of by an orderly procedure before the courts, where her efforts could be reviewed and rebuked by a sitting judge, I determined to confer directly with the heads themselves of this department of government, judges of the Supreme Court of the District of Columbia. Having served with the distinguished jurist, Chief Justice McCoy, when he was a Member of Congress on the Judiciary Committee, and in the trial of impeachment cases, I first sought an interview with him, but as he was ill he referred me, through his medical attendant, to one of the associate justices. At his invitation I called upon this learned and courteous judge and told him of my effort to amend the pending "diploma mill" bill. I pointed out to him how legislation was being confused with efforts to indict the heads of these schools before the court.

I proposed that either these indictments be gotten rid of before Congress enacted any legislation with reference to these institutions, or that Congress be permitted to enact legislation without complications being brought in through indictments. I asked this honorable judge, "Who is it that now has actual charge over the many inferior assistant prosecuting attorneys pending a vacancy in the office of United States attorney?"

I was told that the District Supreme Court, under a provision of the law, had authorized the first assistant to act pending appointment by the President. Judge Stafford introduced me to the acting district attorney, Mr. Rover, speaking of him in high terms. I repeated to this cool-headed, able, and fair-minded lawyer just what I had set forth to the honorable judge. I handed him also, as I had shown the judge, the newspaper published the day before—April 25, 1928—carrying the garbled statements under the glaring headline, "Diploma mill," attacking Potomac University. Both of these judicial-minded men deplored this sort of propaganda work, and Mr. Rover, the acting head of the United States district attorney's office, promised me that he would look into the matter and that I should soon hear from him. Accordingly, the next day I was informed over the telephone that that kind of procedure would be stopped; that Congress might go on with its work of legislation, and that there would be no further confusion by indictments until the legislation under consideration was disposed of.

At subsequent hearings the special assistant United States attorney, resentful because thus restrained, kept repeating to the committee that I had stopped her from carrying on any further investigations of Potomac University. On the contrary, I made no protest against her carrying on any legitimate investigations. My protest concerned her brow-beating threats of indictments, because an amendment to the "diploma mill" bill was sought by the heads of these schools. My protest concerned her abuse of official power to issue subpœnas in order to manufacture evidence against the schools in garbled form, not presenting these witnesses before a grand jury, but handing out untrue statements to the press. My protest concerned her extraordinary and indefensible efforts to promote or defeat legislation in the Halls of Congress, when she had deliberately failed to obey the mandate of the law itself and knew that she could never convict the persons she had indicted before any fair-minded jury.

Finally as Congress would soon adjourn, fearing that she might make use of her power in some unexpected manner, I introduced the heads of these two schools, Doctor Porter, Mrs. Porter, and their daughter, Mrs. Reed, with the pastor of their church and Mr. Saunders and his wife, Virginia H. Saunders, who has been indicted by this special assistant attorney, likewise with the pastor of their church, to the Speaker of the House, Mr. LONGWORTH, the acting United States attorney, Mr. Rover, and to the President's private secretary, Mr. Sanders.

This was necessary, in my judgment, in order that the heads of the three branches of our Government—the legislative, the judicial, and the executive—might see these people for themselves, look into their faces, and hear the account of the wrongs which they had suffered.. It was also necessary that these innocent victims of persecution by this special assistant United States attorney should be in a position to appeal to these officials directly should this misguided special assistant seek to do them further harm. This joint committee was well received by the heads of these departments of our Government, and the parties interested with the pastors of their respective churches went to their homes much reassured.

Subsequently I suggested also that a committee of Members of Congress familiar with the facts in the case of Mrs. Virginia H. Saunders go before the United States attorney and demand a trial for her. This also was done. There has now been a delay of more than a year, during which time Mrs. Saunders has suffered grievously, not only in her peace of mind but also financially. It is an awful thing to have an indictment hang over one's head for a long period of time. While all who know Mrs. Saunders are standing by her most loyally—and I have received many letters in high commendation of her character—yet until the pending indictment is disposed of her good name and even her liberty is under a cloud. I forbear here to speak of Dr. L. W. Rapeer, of Research University, and his wrongs, and of the outrageous personal attack that was made upon him, instigated by this special assistant United States attorney, but subsequently stricken from the record by the committee. These have been set forth by affidavits in some detail and are printed in the hearings. Suffice it here to say that Mrs. Saunders was indicted with Doctor Rapeer for using the mails to defraud in conducting Research University by the usual extension-work methods. Some entirely proper letters were apprehended that had been sent out, but it was simply assumed by this special assistant that the university is a fraud, and on that false presumption she has based all her official activities. What a perversion of the sacred American principle that every citizen is presumed innocent until proven guilty beyond a reasonable doubt before a jury of his peers!

Nearly every student mentioned in the indictment as having been defrauded has continued to carry on work at the university. Mrs. Saunders herself was a student working for her master's degree, for which she studied most industriously for more than a year. She had previously graduated from the University of Wisconsin. She paid for her instruction by doing clerical work and was subsequently promoted to the office of registrar. She has received only $100 from that school in compensation for several years of consecrated service. Her work has been largely a labor of love. Yet she has been indicted by this special assistant United States attorney for using the mails to defraud. Comment is unnecessary.

The indictment is to me on its face absurd, and it was so declared by one of the ablest lawyers in the District of Columbia. These indictments were clearly brought about in order to influence legislation. The trial of these cases has not been had, because there is nothing whatever to the indictment. No conviction is possible in a fair trial. The letters printed in the hearings are to me as conclusive on this point in the case of Research as of Potomac University. The excuse for not bringing the case to trial after more than a year's time is lack of judges. The District Supreme Court consists of six judges. That may be so, but why should these innocent heads of the Research University thus suffer under this grievous charge without being given the right of speedy trial, so sacredly guarded by the Constitution, to clear their good name and save this school from utter ruin?

The charge that these universities were carrying on a fraudulent business—using the mails to defraud innocent people—is so serious in character and so ruinous to the universities thus wrongfully assailed that I have requested statements to be made by the respective representatives of these schools which would be enlightening to the public and set them right before the world. In short, I have undertaken as a legislator, representing the legislative branch of the Government, to undo as far as possible the wrongs done these schools by this representative of the judicial department of the Government. And not only have I asked consent to make these facts public and to afford these victims of official tyranny and persecution an opportunity to defend themselves thus conspicuously before the country, but with permission granted by the Committee on the District of Columbia I have inserted in the RECORD the overwhelming evidence by sworn and unsworn testimony to verify conclusively to any fair mind the truth of all that the heads of these schools and myself have asserted concerning this so-called diploma mill bill, its selfish purposes, unfair and unconstitutional provisions, and dangerous powers.

This has been done in order that all people interested may know the facts, not only students who are anxious to carry on contracts for instruction by these schools, but more especially

that the good people of the city of Washington may know the truth behind this "diploma mill" hullabaloo that has alarmed them needlessly. I commend the careful reading of the hearings and the appended addresses to every friend of justice, truth, and the "square deal."

What should be done with this special assistant United States attorney who has wrought all this mischief and is guilty of such gross official misconduct is a matter that I have considered with much care. I regret the necessity to say deliberately that were she more than an inferior appointee I would unhesitatingly impeach her on my responsibility as a Representative in Congress; but as she is not an impeachable officer under the Constitution, I can do no more than hold her superiors responsible so far as they shall condone her official misconduct.

As Congress adjourned without enacting this badly constructed measure, viciously unconstitutional, as the publicity activities of interested parties back of this bill have been exposed successfully, and, finally, as no more indictments are likely to be forthcoming until those now pending have been disposed of, it is my hope that all the higher schools of learning in the District of Columbia will unite in the preparation of a constructive and just measure that shall not only prevent gross fraud, however practiced, but also protect honest schools from being ruthlessly injured and maybe destroyed by a selfish and sensational propaganda carried on against alleged "diploma mills." Every thoughtful person must surely realize that such a noisy propaganda is helpful to no school, but harmful to all. It gives to the higher schools of learning at the Nation's Capital—all doing good work in their respective spheres of activity—a bad name nationally. Every one of the higher schools of learning in the District of Columbia is in danger of being looked upon elsewhere, because of such sensational national broadcasting, as more or less a "diploma mill." Had this misguided and overzealous special assistant obeyed the plain, wise, and mandatory provision of the code itself, which provides that if any violation of charter rights occur, on complaint, the district attorney "shall" proceed by writ of quo warranto and such schools permanently enjoined, all of this harm which has been done to the cause of higher education in the city of Washington generally and to Potomac and Research Universities in particular, might have been avoided. But, then, of course, no one would have read in the newspapers of the Nation's Capital from time to time over a period of several years the name of this special assistant United States attorney!

I append to my remarks the following statements by representatives of Potomac University and Research University, with letters which speak eloquently for the preservation of these institutions, the one a philanthropy for preachers and the other one for educators. If these worthy men and women have not the time nor means to go to the universities, these universities will go to them. That is the ideal of true educational democracy! That is bringing the blessings of the light of learning to all the people! Why should these higher schools of learning be destroyed? Why should the heads of these institutions, who, at great sacrifice, are devoting their lives to this ideal, be so defamed? To me it has seemed most amazing, almost unbelievable, that such persecution could actually take place, not in Leningrad of the Soviet Union, but almost within the shadow of the Nation's Capitol, in the city of Washington, the land of liberty, by a representative of the Government itself, and in the name of justice. To paraphrase the words of a profound student of history, "Oh, justice, what wrongs are committed in thy name!"

HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

Mr. Speaker, I insert in the RECORD as a part of my remarks an address by the Rev. George W. Price, D. D., pastor of the First Baptist Church of Schenectady, N. Y. on "Potomac University and higher education":

Doctor PRICE. Ladies and gentlemen, it is a great privilege and pleasure to be afforded this opportunity of presenting to you, somewhat in detail, the result of my personal investigation of the Potomac University, of Washington, D. C., and my personal experiences with the officers and instructors of this splendid institution.

My first knowledge of and interst in Potomac University came to me in the fall of 1923, while a professor of homiletics and English Bible in the Practical Bible Training School, Binghamton, N. Y. An announcement concerning courses of study on the Bible came to me through the mails, announcing a series of subjects in which I was specially interested. Correspondence with the president, Dr. Ernest W. Porter, led to my enrollment for six courses of graduate work. This work was so splendidly planned, logically arranged, scientifically presented, and so surprisingly helpful that I began to commend the work of the university to both students and friends, and after my completing the work assigned, successfully passing the rigid and comprehensive examinations given, and submitting for approval a 46,000-word thesis, the degree of doctor of divinity was publicly conferred on me June 1, 1925.

At that time I came to know President Porter personally and intimately and since then have visited him in his home four different times, spending days and weeks in personal examination of the methods and work of Potomac covering the 24 years of her history and every phase of her activity. The result of investigation and experience has been a growing conviction that Potomac University is doing one of the finest pieces of constructive educational work which is being done anywhere, and that in her special field of university extension or extra mural work she is absolutely unexcelled.

My personal investigations also led me to examine the character of the work offered and done by other schools doing work in absentia and offering degrees for the same. The result was my utter amazement at the low type of work some of these schools are doing and the comparison with that of Potomac, but emphasized the fact that they could not be named in the same class as Potomac, whose work is all done in strict harmony with generally accepted academic tradition.

With this knowledge in hand, my keenest interest was aroused when I learned, in April, 1928, that a bill had been presented in the United States Senate touching the incorporation of degree-conferring institutions within the District of Columbia, where Potomac University has been located for almost a quarter of a century, and especially so, when I learned that the bill as proposed would affect some of the rights and privileges of Potomac University and would require that the work of the institution be done "in residence," thus precluding the possibility of recognizing and rewarding work done in absentia.

Realizing that this would curtail the privilege of extending Potomac's helpful ministry to thousands of men and women, especially ministers, now engaged in their fields of activity and hindered by the duties of their vocations, family ties, and financial inability from doing work in resident schools and so precluding the possibility of their continuing supervised studies of university grade, I went to Washington to aid in any possible way the amending of the bill so that its passing would not limit nor curtail the work Potomac University is doing so efficiently and effectively.

On my arrival in Washington April 30, 1928, I learned that the bill known as S. 2366, intended to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia, had been presented to the Senate and referred to the Committee on the District of Columbia. I learned also that when this bill was later tested by evidence deduced before the Committee on the District of Columbia of the House of Representatives, it was found to be very imperfectly drawn. And, while its object has received general approval, it is basically unconstitutional, which fact I do not purpose to discuss at this time, except merely to state, in passing, that it is a penal statute, yet sets up no standard of guilt; it is retroactive in operation, tending to destroy vested rights acquired by long-established schools without any just or righteous cause; and for no apparent reason it establishes two classifications of colleges and universities in the District. It places no burdens or restrictions whatsoever on one class while establishing for the other class a series of limitations which may or may not be met by the majority of the schools; and in the case of a few institutions of unquestionable merit the proposed legislation becomes absolutely prohibitive and confiscatory.

I learned also that the proponents of the bill brought before the committee "exhibits showing the grave necessity for some legislation to limit the incorporation of educational institutions in the District of Columbia." To this I accord most cheerful and hearty assent. But the bill contained certain provisions which, it developed during the progress of the hearings, could be used to bludgeon at least one excellent school out of its charter rights; and, in fact, destroy those vested rights guaranteed under the Constitution.

I learned further that during the progress of the hearings before the Senate Committee Dr. Ernest Warren Porter, the honored president of Potomac, appeared in behalf of the university. His views on the effect of the bill upon some long-established institutions were cordially received and he was invited by Senator CAPPER, chairman of the committee, to prepare and submit an amendment which would "prevent injury or injustice to reputable, honest correspondence schools." (S. Rept., p. 1.) Doctor Porter, the president of the board of education, and others agreed upon an amendment, which was accepted without change by the Senate committee. In this connection I will add that on May 4 the same amendment was adopted by the committee of the House of Representatives in order to protect the charter rights of the Potomac University.

Immediately thereafter the hearings opened before the House committee. It was soon apparent that an effort was being made by a certain minor official to exhibit Potomac in an unfavorable light. Intimidation of officers and friends of the school was even attempted, and the true intent and purpose of the legislation was quite neglected, as even a glance through the official "hearings" will reveal.

Having reached the limit of his own resources in opposing the bill, Doctor Porter went to the office of the Hon. JOHN M. NELSON, of Wisconsin, who for 20 years in Congress has stood out as one of the

foremost defenders and champions of equality, justice, and righteousness in that honorable body, and asked him as an honest, conscientious, God-fearing national legislator to personally consider this matter of pending legislation, make the most searching investigation of the Potomac University and her work, and when absolutely satisfied with the merit and trustworthiness of the institution and the righteousness of her cause to intercede in behalf of the many whose interests were affected.

President Porter assured Congressman NELSON that the university would stand the closest scrutiny and the most searching investigation. With this assurance, this noble Christian statesman set about collecting the evidence bearing on the question of university extension work by correspondence, the conditions prevailing among schools specializing in extramural work, the academic standing of Potomac University, the real need for such a university, and the actual contribution she is making to higher education throughout our country and Canada.

Questionnaires were sent, hundreds of letters written, students and graduates interviewed, and every means at his disposal used in getting accurate information. The result was perfectly overwhelming. Within a week hundreds of letters containing the strongest indorsements which could be placed in language poured into Congressman NELSON'S office from ministers, judges, lawyers, doctors, teachers, professors, college presidents, Government attachés, editors, and persons in almost every walk of life commending in the highest terms the work done, the educational standards maintained, the thoroughness of the methods used, the ability of the instructors, the practical value of the courses, and every one emphatically protesting against any legislation which would in any wise impair or handicap Potomac in her beneficent work.

It was my personal privilege to read, analyze, and arrange for publication in the congressional hearings and RECORD more than 300 of these letters, and in not one of them was there a single derogatory statement or sentence.

That you may intelligently conceive their character and strength, permit me to read a few of these selected at random but typical of those received. The first of these letters is from my very dear personal friend, Guy Livingstone Brown, B. A., M. A. (Potomac University), D. D. (Ottawa University), pastor of the First Baptist Church of Watertown, N. Y., who writes as follows under date of May 3, 1928:

Hon. JOHN M. NELSON,
Member House of Representatives,
Third District, Wisconsin, Washington, D. C.

MY DEAR MR. NELSON: I have your letter of April 24, inquiring as to my opinion of the standing of Potomac University, Washington. I am very happy to say that I am an alumnus of the university named, and take pleasure in recommending in the very highest terms the work of Doctor Porter and his faculty, especially in the extension work carried on by the university. Whatever assistance you can give will be greatly appreciated by the university staff and the student body now represented in all parts of the country.

Doctor Porter is a conservative, hard-working man with wide sympathy for students that are willing to do their part, although lacking funds to carry on.

In my opinion, Potomac University is doing just the type of work that should be done in our country, namely, in offering to students college training through extension work. I am a firm friend of this university and Doctor Porter, and sincerely trust that you may do your part in helping this splendid institution as you indicate you are willing to do in your letter.

I will consider it a privilege to be of help in any way possible.

Sincerely,

GUY L. BROWN.

The second letter is from a man of culture and refinement, who has had wide educational advantages, and who bears testimony to the method of instruction and value of the courses, the Rev. J. M. Persenius, B. A. (Augustana College), M. A. (Potomac University), pastor of Zion Lutheran Church, Kewanee, Ill., who writes under date of May 3, 1928, as follows:

"Your letter asking about Potomac University has been sent to me from Grand Forks, N. Dak., where I had my pastorate a few years ago, and I am glad to submit the following answer:

"I am a graduate (A. B.) from Augustana College, Rock Island, Ill.—a rank A1 institution—and also from the Augustana Theological Seminary (three years' course) at the same institution. It would have been easy for me to take the A. M. degree at Yale, Harvard, or any State universities in less than one year after that, but they all required more or less residence study, and I could not do that, because I had my pastorate and could not leave my work there. A fellow pastor recommended the Potomac University to me, and as I found a course there that I liked very much I took it up, and I must say that I have been very much benefited by the course.

"I can assure you that no degrees are granted there without the most rigid examinations, and the students have no way of cheating, because the examination questions must be answered before a schoolman or pastor or some other reliable person recognized by the university, and that person has to sit there and watch and testify in writing to the university what time the examination started, how many hours it took the student to answer the questions, etc., and then he takes the papers and sends them in.

"I have taken many examinations and answered many questions, but no examination has been more rigid than the one I took on my course at Potomac University. Nearly every question required that you must know the book you had studied in its smallest details, and the marks you received would have been higher for the same answers at most institutions.

"I hate any degree given without proper work done, but it seems to me that there should be at least one recognized institution in our country where the students could study in absentia and receive a well-deserved degree.

"If you could get your proposed amendment through, you would serve thousands who have the ability to develop themselves, but who can not leave their homes and occupations for residence study.

"For my part I will testify that the work done at Potomac University has been faithful and that no just public complaint can be made.

"Respectfully,

"J. M. PERSENIUS."

The Rev. James A. Fraser, B. D., Ph. D., pastor of the First Presbyterian Church, Baker, Oreg., another minister of splendid training and wide experience, pays his tribute to Potomac under date of May 1, 1928, in this language:

"MY DEAR SIR: I have your letter with reference to Potomac University, Washington, D. C., and also inclosed letter of Doctor Porter to you. I have carried on studies through Potomac for at least one year and one-half. I hold no degrees from Potomac, but that is not the fault of the institution. I did not have the time to give to their demands. The work completed was very, very satisfactory. I have studied in a number of schools and am a graduate of the Western Theological Seminary, Pittsburgh, Pa., with degrees of S. T. B. and B. D. (Presbyterian school). The work of Potomac which I carried on was as difficult and carefully supervised. Nothing was carelessly gone over. They insisted on the right kind of research in all departments. I wonder if the people at large really appreciate the extension institution. I know of hundreds of clergymen who are eager to do consistent work at home. They do not have the money to attend "in residence." Unfortunately, they have had no advantages in earlier years to proceed with an education as given by a university. Such men are deserving of no little consideration. There are many extension schools which ought to be wiped off the map. As of yore, the innocent must suffer for the guilty. All I know of Potomac is that the studies outlined for me were of the very best. The work was done faithfully. Doctor Porter and those with whom I worked were rigorous in their demands. No examination was written without the presence of some educator, who opened the paper and sat with the student as he wrote. As far as I am concerned, I do hope such an institution be given every consideration, as I feel it is doing a good work.

"Very sincerely,

"REV. JAMES A. FRASER.

"MAY 1, 1928."

The next message is from the Rev. H. F. Rhoad, M. A., D. D. (Lebanon Valley College), Ph. D. in religion (Potomac University), pastor of the State Street Church of the United Brethren in Christ, Harrisburg, Pa., who describes the method of instruction, pays his tribute to the faculty and the thoroughness of the work done in the following letter bearing the date of April 27, 1927:

"SIRS: In answer to your inquiry of April 24 concerning Potomac University, I am glad to give the following testimony as my honest conviction:

"For at least 10 years I had been trying to find a school that gives correspondence work that would be a credit to me when I got the degree. It is easy to find schools that you could get those degrees from for very little work, but this was not what I wanted. I therefore looked carefully into the work of Potomac University before I matriculated for work. I was favorably impressed with the following:

"First. Their plan for study. I have studied about 50 books in my course. The plan is such that in each book there is required a certain amount of recitation work that, to my mind, is very thorough and satisfactory. The method by which the examinations are given aside from the recitation work is fair. The questions are not sent to the student direct, but to a supervisor, who is known for his integrity and intelligence in the community. He is not allowed to open the questions until the applicant is ready for the test. With the test questions comes a printed form for the supervisor, on which he must testify that the test was taken honestly and the time that the student took in answering the questions. The supervisor mails the answers to the professor in charge of that study. This it seems to me is very satisfactory.

"Second. I was impressed with their faculty. They are scholarly men, who mean to uphold a high scholarly standard for the educational work of our country.

"Third. I want to give my testimony that the work was done faithfully as outlined in the course of study. The nature of the work is such that you simply can not rush through with it. I took a four years' course, but I had to spend seven years to do the work, and then had to utilize all my vacation times to get through with it. It is thorough.

"I hope that there may be an amendment so that schools of this sort may continue their work, for they are a great help. If I can be of any further service, it will be a delight for me to render it.

"Sincerely,

"H. F. RHOAD."

The Rev. R. Fletcher, M. A., B. D. (Yale); S. T. M. (Hartford Theological Seminary); pastor of the Congregational Church, West Cornwall, Conn., and a graduate of five well-known institutions of learning, gives the following testimony in his letter of May 1, 1928:

"DEAR SIR: Your letter has been forwarded to me at this address and I reply at once with pleasure to your request respecting the class of work done at the Potomac University, situated in Washington, D. C.

"I may say in passing that I am a graduate of the Paton College, England, of the Chicago Seminary, Chicago University, of Yale University, and of the Hartford Divinity School. I hold B. A., M. A., B. D., B. D., S. T. M. conferred by these schools of learning. I am now on the professional staff of Columbia University, serving in its extension department as adviser in the home-study work, and I have perfect knowledge of the value, requirements, and what makes for real efficiency in study of this order. I have also taken work in home study at the Potomac University and I can speak with first-hand knowledge of what this study demands, both of the student in his home, of the teacher who instructs, and of the institution through whose instrumentality both operate.

"And in my judgment the work done at the Potomac University is of a very high order—well planned, well conducted, and creditably staffed with instructors of reputed scholarship. The work is prosecuted on the most approved pedagogical lines. As in all such institutions, written matter is placed in the hands of the student equivalent to the lectures given in residence, supplemented by well-chosen textbooks and collateral reading, upon all of which the student is required to furnish written matter covering the accustomed quiz given in residence study. This written work of the student enables the instructor to see the progress made and correct errors in the work. Then a written examination, supervised by a competent person, approved by the university, who will sign a declaration that no help was given the student in the examination, is required on a set of questions covering the subject in hand, set by the authorities in the university. These examinations are as searching and thorough and pass marks as high as any given in Chicago or Yale Universities. There is no way by which any person can obtain pass marks in the Potomac University except on merit. The standard of the work is high and the student must honestly work to win credits in this school.

"Of President Porter I have formed a very high opinion. He is a fine educator and a man of commendable honor. I am sure he would not remain at the head of an institution that was below the standard of present-day requirements in education.

"Thank you, dear sir, for giving me a chance of saying what I can truthfully state on behalf of a deserving school. There are many in our land I would not take all the wealth of Washington and say of them what I have herein said of the Potomac University.

"Very sincerely yours,

"R. FLETCHER."

The next letter comes from the Hon. George P. Blackburn, M. A. (Potomac University, 1909), Paris, Tex., judge of the sixth judicial district court, who did work at Potomac in the early days of the institution, and speaks of its present value after more than two decades in his letter of May 13, 1928—

"DEAR MR. NELSON: I have the honor to acknowledge receipt of your letter in regard to the Capper bill, the Gibson bill, and Potomac University. Your request that I at once give you a plain and truthful statement of the work carried on by Potomac has my careful attention, as has also your request for me to say frankly whether I have any knowledge whatever of anything done by Doctor Porter or his colleagues of which there could be any just public complaint.

"In my opinion the work done by Potomac in its extension courses is honest, thorough, and in every respect worth while. This institution gives real instruction of high grade and requires real attainment on the part of its students before degrees or diplomas are granted.

"It was my good fortune to do some work under the direction of Doctor Porter and his faculty a long time ago; it was perhaps in 1906, or thereabouts. My circumstances were such that it was financially impossible for me to push my studies further in residence at that time. The work was splendid, in every way worth while, and I continue to profit from the courses prescribed to this good day. Since the time I had this work in Potomac it has been my good fortune to have conferred upon me the A. M. degree of two recognized institutions which do only work in residence; also the LL. B. from one of the oldest law schools in the South; and in addition spent two years as a professor in one of the growing universities on the west coast; in the light of this experience it seems to me that the courses given by Potomac are on a par with that required for similar honors by the older and endowed institutions.

"As throwing light upon my reasons for my high opinion of Potomac, it might not be amiss to say that I, in taking my courses in this school, overlooked one subject in some way or other. I went to Washington from Texas to receive my diploma. Upon my arrival there it developed that I lacked one subject of having completed the required course. The tuition had all been duly paid, and if this school had been a diploma mill it appears to me that Doctor Porter could have gracefully smiled, waived the one subject, and given me a diploma. He was sympathy itself, but he and the professor teaching that course required me to complete that extra course there in Washington (without one cent of expense to me) and to pass a written examination on the subject before the diploma was granted. This surely was not the action of one running a "diploma mill," but was rather that of a real school man with ideals to preserve, a real educator with high standards of his institution to be maintained.

"One of our most revered Texas educators, Dr. W. L. Mayo, the founder of our East Texas State Teachers' College at Commerce, Tex., was wont to recommend that his advanced students who were unable to continue their studies in residence should take courses under the guidance of the Potomac faculty. And Mayo was a man who hated sham, hypocrisy, and pretense in all its forms. I am sure that Potomac, in his estimation, did splendid work, or he would not have had this attitude toward the school. Prof. B. L. Phipps, one time professor in Mayo's school and later president of our Grayson College, himself took some work in Potomac and highly recommended the courses to his advanced students. Doctor Mayo is now, unhappily, deceased, and I have lost trace of good Professor Phipps, but Hon. SAM RAYBURN, one of our Texas Congressmen (and we think he is a good one, too) knows both of these great men, and I believe he will be with you in your fight for Potomac.

"In my opinion Potomac has a unique and necessary place in the broad field of education. I hope that in the event the bills of which you speak become law that Potomac will be suitably and fairly protected. Personally I boast of some acquaintanceship with Doctor Porter, and I believe him to be a real scholar, a good man, and an honorable gentleman.

"Please let me thank you for your efforts in Potomac's behalf. Our entire citizenship appreciate men like you in public life.

"Very sincerely yours,

"GEO. P. BLACKBURN,

"*District Judge, Sixth Judicial District of Texas.*"

Rev. Perry F. Haines, pastor of the Methodist Episcopal Church, Tidioute, Pa., presents a different viewpoint as he speaks of the practical values of the Potomac courses in his pastoral work in his letter of April 27, 1928:

"MY DEAR SIR: Your letter in regard to Potomac University and Dr. Ernest W. Porter, its president. In addition to what I will say I am inclosing a number of letters which I received from former students. I will greatly appreciate it if you will return the letters to me. I prize them highly, as I did not take up work with this school until I had thoroughly investigated it. These letters, along with some others, proved to me that Potomac was all and more than she claimed to be. Please notice that these letters are from college men who are teachers in colleges.

"Dr. Ernest Porter and Potomac University are a God's blessing to many men like myself who have not had the opportunity in early days to go away to school. As a young minister I saw my need of better preparation. I have studied with this school off and on since 1921. Owing to poor health I could not keep at my studies long enough to get my degree, and I want it understood that no one can get a degree from this school unless he works. In every subject I was in direct communication with my instructor. I am safe in saying not a paragraph of any book is missed, which you can not say about classroom work. I have tried both kinds of recitation.

"After a thorough study of any subject along with the research work outlined by each instructor, I then went to the principal of my own city school and was obliged to take an examination in the subject from questions sent to him by my instructor, which questions the professor nor myself never saw before.

"I never studied language in my early days, but under the capable instruction of Dr. P. E. Osborne, of Potomac, I learned the Greek language and am able to use my Greek Testament in my pulpit with greater ease than many of our men who have graduated from Garrett Biblical Institute, Drew Seminary, and many others. I was obliged to maintain an average of 90 per cent in all my Greek recitations or it was returned until I reached the proper grade. Had it been easy to get degrees from this school I would not have broken down from hard study and would have had my degree by now; as it is I have studied since 1921 and must take about a year's work before I will get my B. D. degree. This letter comes from one who knows exactly what he is talking about and exactly what Potomac University is doing for deserving men.

"I came to this charge six years ago at a salary of $1,400 a year. Potomac University has increased my efficiency or value to people that my salary has been raised to $2,600 in the six years. Dr. Ernest W. Porter and his school and instructors shall never receive anything but praise from me. They are doing far more than their catalogue claims.

"Sincerely yours,

"PERCY F. HAINES."

The next letter to be read comes from the Rev. James A. Leslie, B. A. (McGill University), B. D. (Potomac University), pastor of the Presbyterian Church, Ashcroft, British Columbia, Canada, and is a specimen of the tributes paid by Potomac's alumni in the Dominion. Mr. Leslie, who is now working for his M. A., writes as follows under date of April 30, 1928:

THE MANSE,
Ashcroft, British Columbia, April 30, 1928.

Hon. JOHN M. NELSON, M. C.,
United States Capitol, Washington, D. C.

SIR: Your letter with inclosure in connection with the work done in Potomac University duly received. In reply I may state that I took a course of study under the direction of the faculty of Potomac University. I had to analyze six books in literature, psychology, and theology. To take six written examinations under a personal examiner who sealed the papers and mailed them to the university. I also wrote a thesis of 5,000 words which entailed reading many more books than those prescribed by the president.

My collegiate work was taken at McGill University, and theology at the Presbyterian Church College, Vancouver, British Columbia.

I consider that the work which I did for Potomac University required as much application and thoroughness in study as when I was taking lectures and writing examinations at the above-mentioned institutions.

I heartily commend the good work which Potomac University is carrying on among those who desire to pursue their studies in extension.

I trust that President Porter and those associated with him in the work of the university will receive the cordial support of all lovers of liberal learning. I have the honor to be, sir,

Your obedient servant,

JAMES A. LESLIE, B. A., B. D.

The Rev. William H. Longsworth, M. A., 1914 (Potomac University), minister of the great First Congregational Church, Canton, Ohio, writes as follows under date of April 29, 1928:

FIRST CONGREGATIONAL CHURCH,
Canton, Ohio, April 29, 1928.

Mr. JOHN M. NELSON, M. C.,
Washington, D. C.

HONORED SIR: Your inquiry about Potomac University. I have taken work with Potomac on two occasions. I have considered the work most thorough and satisfactory. I hold a B. A. from Lafayette College, B. D. from Yale, and for years each winter have taken work in some college or university that I may keep up with my profession.

The work at Potomac I have felt more satisfactory than any other school. They demand hard work; your papers are returned severely criticized and often graded quite sharply.

Very sincerely yours,

W. H. LONGSWORTH.

The Rev. A. W. Climenhaga, B. A. (Taylor University); Ph. D. (Potomac University); dean of Messiah Bible College, Grantham, Pa., makes this strong comparison and pays this splendid tribute to Potomac in his letter of April 25, 1928:

"DEAR SIR: In my educational work I have taken resident work at John Fletcher College, Iowa; Taylor University, Indiana; University of Pennsylvania, Philadelphia, Pa.; and Columbia University, New York. I have taken extension work from Potomac University, Washington, D. C., and Chicago University, Chicago, Ill.

"I found Potomac work equal to any of these schools. In fact, I did harder work under the faculty of Potomac than I did in residence in the other universities for the same amount of credit. The examinations were carefully supervised. In no case did I know what the questions were until I was ready to write.

"I personally know eight other parties who have studied with Potomac University and I never learned of any unfair methods being used by Mr. Porter and the university faculty.

"Potomac University gives opportunity to many an individual who would otherwise be kept from a university training.

"Yours truly,

"Rev. A. W. CLIMENHAGA, Ph. D., *Dean.*"

The words of a graduate and instructor in Potomac are given in this letter of the Rev. Delos E. Abrams, S. T. D., pastor of the Southside Baptist Church, Hornell, N. Y., under date of April 27, 1928:

"DEAR SIR: Yours with reference to Potomac University is at hand. It opens a big question. I know that there is much opposition to the conferring of degrees by correspondence schools, but for the life of me I can not see that there is anything sacro-sanct about the place or the method of getting knowledge so long as it is obtained. The opponents of the correspondence method of instruction evidently think otherwise, though they will not admit it.

"I have been connected with Potomac University both as student and instructor, so somewhat of its standards are personally known. First, as a student. Having graduated from the theological department of one of our grade A universities I knew something of residence work and its standards. Potomac met my expectations as to scholastic requirements. Nothing was made easy for me, and I was never for an instant left with the impression that degrees could be obtained for anything other than work done. In my own work, which I stretched over a period of three years, I was required to write the equivalent of about five volumes of 300 pages each. So far as the quantity or the quality of work done, I am not ashamed of my degree from Potomac. It represents work honestly done.

"With reference to my work as instructor. I was given absolute freedom. It was my purpose to put the work on a par with that done in residence schools, and I was given every encouragement and assistance to this end. Some students objected and were dropped from the courses. One of my examination papers was submitted to a former professor of mine who had taught the same subjects. He said: 'If this is what you require of all your students, they are entitled to academic credit.' Well, it was. I tutored for a professor in one of our good colleges in this State. When the time came to examine the student he asked me to prepare the questions, which I did, using the same questions as were used with correspondence students. He told his student that she need answer only half the questions submitted.

"So far as I know the same standards were in effect in the other departments. This is the truth so far as I know it.

"I have the honor to remain, sincerely yours,

"DELOS E. ABRAMS."

Principal John B. Cook, M. S., LL. D., of Vermont Academy, Saxtons River, Vt., writes the following under date of April 26, 1928:

"MY DEAR MR. NELSON: I appreciate deeply your letter of April 24, and I am glad to respond by saying I have known of the work of Potomac University for a number of years. I have taken a number of courses through this school, and I can not understand why anyone should complain of the work being done.

"The courses I have taken have been the most complete and most satisfactory of any I have had, and I have done work with Bucknell University for master's degree and graduate work with the University of Pittsburgh, besides in my relations with other people doing graduate work through correspondence have come in contact with extension courses from the teachers' colleges of Pennsylvania and Chicago University, and the courses of Potomac University compare very favorably with these.

"I know there is a certain amount of jealousy on the part of schools requiring resident work, but it seems to me this is an opportunity which should not be denied ambitious men and women whose time must be given in a large measure to the support of themselves and their families. To my mind such work of such an institution is most commendable.

"This school requires a certain amount of ground to be covered and a certain grade of work to be done comparable to the best institutions of our country, but they give students unlimited time to cover the ground. This, as I see it, is a godsend to the men and women of our country who are anxious to succeed and to improve themselves in the educational field, but who can not leave the field in which they are engaged.

"Allow me to add I knew a lady, our dean of women at the academy, for a number of years who wanted to complete her work for an A. B. degree. She went over her record carefully with President Porter of Potomac University and found she could get her degree by taking less work in Chicago University, therefore went there to complete the same.

"Sincerely yours,

"JOHN B. COOK."

Dr. Romaine F. Bateman, Th. D., pastor of Trinity Baptist Church, Jersey City, N. J., makes the following significant comparisons and gives this convincing testimony in his communication of April 27, 1928:

"DEAR SIR: Your communication reached me to-day concerning the Potomac University, and I hasten to reply. I gladly submit the following statement:

"First, perhaps I should say that I have actively engaged in the cause of religious education for the past 12 years. I have held many responsibilities in connection with denominational and institutional educational enterprises. I am at present a member of two seminary faculties, one in New York and the other in Philadelphia. The above experience gives me a judgment which should be both practical and trustworthy.

"I have been a student of the Potomac University, and I have found the work they give to be of the highest standard. But for the fellowship of the classroom and campus, it equals the residential university. The textbooks were standard works and the accompanying

syllabi required good, hard work and the returned papers, well marked throughout with red pencil, showed a careful examination by the teacher. This means something for correspondence schools, as anyone familiar with them will know. The examinations were required to be taken under a competent and foreappointed supervisor, and the length of the courses were practically that of the resident university. The honest pursuing of the Potomac curriculum leads, beyond doubt, to high scholarship, and their graduates can stand with those of leading universities without suffering in comparison.

"There is another matter I should like to touch upon in this connection. I have made a special study in the last two years of classical and theological subjects taken in absentia, and I unhesitatingly put the Potomac course at the head of my grading. The course of study in absentia offered by Chicago University and Columbia University is not equal, in my mind, to the Potomac course. The two great universities named by me have purposely and cruelly limited their correspondence courses so that they might not encroach upon or replace their residential offerings. A leading university professor to whom I was speaking recently admitted that the issuing of degrees for correspondence work, even though done as well as in residence, would hurt the residential side of the universities just now. But this same professor told me that the time was near when degrees will be granted by the larger universities for work done extramurally, beginning with specialties and holding arts and theology as far off as possible.

"I have studied the systems used by the International Correspondence School and the La Salle Institute, and I feel that the Potomac is far ahead of any correspondence system for thorough instruction in every way.

"Finally, let me say that I freely write these lines as the firm conviction of my mind. I have never met Doctor Porter, but have merely corresponded with him. I have never completed any course with Potomac nor received any degree from them, nor do I anticipate any. Doctor Porter knows that I am interested in educational development and thus gave you my name.

"Trusting that the above will be useful in some measure and not a burden, and please remember that I shall always be happy to serve you in the good work you are doing for the education of all. You have my prayers and good wishes.

"Sincerely yours,

"R. F. BATEMAN."

Mr. Allan E. Shubert, manager of the Religious Press Association, Philadelphia, Pa., the outstanding advertising medium of religious periodicals in America, wrote Congressman NELSON (April 28, 1928) as follows:

"MY DEAR MR. NELSON: In response to your kind letter of April 24, I am very glad indeed to write assuringly as to the Potomac University of Washington, D. C.

"Through our various publications during a period of years we have directed literally hundreds of students to them for extension work. While their work is practically all carried on by the correspondence method, which occasionally fails to hold a student, even though the course be above reproach, we have had not a single unfavorable letter from any of these subscribers in reference to Potomac University. Several have gone out of their way to thank us for whatever part we have had in influencing them to enroll with the Potomac University.

"I am sure that you are making no mistake in pushing your amendment to the pending bill now before the House of Representatives. Anything that would hamper the progress of the Potomac University would be denying hundreds of eager adults the privilege of extending their education.

"All of those associated with the work here are sincerely appreciative of your efforts in this cause of fairness.

"Very truly yours,

"THE RELIGIOUS PRESS ASSOCIATION,
"ALLAN E. SHUBERT."

Rev. Ira Tapper Hawk, B. A. (Iowa University, 1899); B. D. (Yale University, 1905); pastor of the Rock Spring Presbyterian Church, Atlanta, Ga., whose striking testimonial is characteristic of this energetic pastor, writes as follows (April 30, 1928):

"MY DEAR SIR: Replying to your favor of the 24th instant, re Potomac University, let me assure you of my unqualified indorsement of the work accomplished through its correspondence courses. I have been taking the work for several years. On account of other duties and interests a course leading to the degree of Th. D. has not yet been completed. It has been my fault alone, for I have not completed the required subjects.

"When I first took up the work it was with the written agreement that if I was not satisfied with the work as being equal to that of Yale or any other standard university I might drop it at any time. I am an alumnus of Iowa University and of Yale Divinity School, and I assure you that the work has been as thorough as in either of these institutions.

"The one criticism that I have felt to hurl against the instruction of Potomac University is that I felt I had been doing so much work for the degree. I have written reams and reams of lessons in the course of my work. Still this has been of great profit to me. It has caused me to dig out of a prescribed textbook much more than I would have done in my ordinary private study. In consequence, it is noticeable that my preaching improves in direct proportion to my application to the correspondence studies.

"You have my sincere approval of your efforts to safeguard the good name of Potomac University. In case a fuller statement of work done is required I shall take pleasure in writing more at length.

"Most sincerely yours,

"I. T. HAWK,
"Iowa, 1899; Yale, 1905."

So I might go on reading almost ad infinitum from the more than 300 letters I have examined within the last few weeks, but I must close this line of testimony by reading the following night letter addressed to the Hon. F. N. ZIHLMAN, chairman of the Committee of the District of Columbia, before whom the hearings on the degree-conferring bill were held. The message follows:

BROOKLYN, N. Y., *April 25, 1928.*

Please give full consideration to the following letter Hon. JOHN M. NELSON, Member of Congress, third district Wisconsin, House of Representatives, Washington, D. C.:

"DEAR SIR: I acknowledge receipt of yours of the 24th instant in re Potomac University in connection with Senate bill No. 2366. In reply I want to say that I regard Potomac University as an institution whose graduates may well point to it with credit and pride. Likewise I unhesitatingly state it as my opinion that Doctor Portor, its president, is a man of highest type and ideals and one whose life is earnestly devoted toward aiding those to obtain an education where personal attendance is impossible. I have taken the complete law course of Potomac and found it very satisfactory and all that could be desired, and I am sure a comparison of the course and method of instruction with that of other institutions will show that it matches them if, indeed, it does not excel them. I heartily indorse every effort to stamp out fraudulent institutions, whether educational or otherwise. There seems to be a prejudice in certain channels against giving courses in absentia, but I fail to see any legitimate basic ground to warrant it if given by a reputable institution. If I am not in error, no less an eminent institution than the University of Wisconsin first inaugurated the plan which proved so successful that it was copied and adopted all over the Nation as well as abroad. None, I am sure, will question the integrity or judgment of the distinguished Chauncey M. Depew, and he it was who thought so much of the plan of extension courses that he headed, I believe, Intercontinental University, of Washington, D. C., and I recall having been written to by this institution to enroll in its extension courses. Again, the University of London, England, some time ago wrote me inviting registration in its extension department and such other.

"Creditable institutions as Columbia University, Chicago University, and the University of Indiana, as well as many others, have adopted the extension system of instruction and education, indeed they have written me inviting enrollment. Surely that is evidence enough and eloquent tribute to its need and usefulness, surrounded with proper safeguards, whereby fraudulent institutions will be suppressed. Such courses are beneficial to those who can not secure education by personal attendance, and these courses should be encouraged by all means rather than suppressed. Education and enlightenment should not be circumscribed, but should be made obtainable to all, to my way of thinking. The extent of an institution's usefulness should be gauged not by the size of its endowment and its splendid structures but by the nature and completeness of its courses and the methods of instruction employed. Knowledge, not money or bricks, should be the fundamental factor of consideration. I am proud of Potomac as my alma mater, and my earnest hope and prayer is that its existence will be continued to the end that its usefulness may continue forever. What Webster said of Dartmouth when a somewhat similar assault was made upon its existence is equally applicable here, 'She is a small college, but we love her.' With assurance of highest esteem,

"Yours very respectfully,

"J. G. M. BROUNE, LL. B."

After reading and carefully weighing this mass of positive evidence to the amazing work done by Potomac University, Congressman NELSON declared his conviction that Potomac University is to-day the foremost exponent of the university extension method of teaching in America, and that it exemplifies the highest type of extramural education in existence, and that he considered it his public duty as a legislator and friend of higher education to do all in his power to foster and encourage all such institutions of learning within the limit of the constitutional provisions relating to education.

Being thus overwhelmingly convinced of the worthiness of this institution, Congressman NELSON appeared before the House committee and asked a rehearing on the proposed bill in order that he might lay before them this mass of evidence and propose such amendments as would safeguard Potomac University and institutions of like character, and guarantee their freedom from interference in the prosecution and extension of their work. Such hearings were held on April 18 and

May 2 and 4, 1928, in the House Office Building, Washington, and are recorded in the official congressional hearings on H. R. 7951.

The result of Congressman NELSON'S convincing presentation of the evidence was the unanimous vote of the committee on May 4 to incorporate the amendment proposed in behalf of the Potomac University and report the amended bill favorably. However, on account of briefs being filed in Congress showing the bill to be unconstitutional, no further action was taken on it. The Potomac University goes forward, therefore, to a glorious future, and its friends may well look for increased usefulness of the institution in its chosen field of Christian education.

My attendance on and participation in the last two hearings before the House committee, together with my analysis and study of the letters received, has deepened certain convictions regarding the character and work of Potomac University which have been growing upon me during my acquaintance with the school. To the consideration of some of these I now invite your attention. For the sake of clarity I will state them in the form of propositions and read extracts from letters received within the past month bearing on the same.

I. THE POTOMAC UNIVERSITY IS TRUE TO THE FUNDAMENTAL TEACHINGS OF THE BIBLE

Potomac University is a positively Christian institution, standing foursquare for the Word of God, pledged to the infallible teachings of Jesus Christ and His prophets and apostles, and loyal to all the teachings of the Bible, which is the center of all her activities.

The school specializes in education along strictly evangelical lines for clergymen, church and Sunday-school workers, and directors of religious education by the university-extension method without the necessity of leaving one's usual employment.

The majority of students pursuing studies in the school are pastors who have come, in maturity of life, to realize the need of a more efficient personal ministry and for suitable preparation educationally to adequately enable them to meet the exigencies of an age of doubt. The trustees and faculty offer, as the valid doctrinal basis of the instruction, this formula:

God the Creator of the universe; a personal devil; man a product of direct creation; the fall of man through transgression; justification and salvation through faith in Christ, the only begotten Son of God; the miraculous birth of Christ, His sinless life, His vicarious death, His bodily resurrection, and His triumphal return; the Holy Spirit as the third person of the Trinity; and the Bible as the supernaturally inspired Word of God.

(The trustees, governors, officers, and faculty shall subscribe to this declaration before entering on their duties and annually thereafter.)

In the Potomac system of instruction the student is conducted through searching courses in the history, interpretation, and doctrine of the Bible; in Biblical and systematic theology; homiletics; religious pedagogy and Sunday-school methods; New Testament Greek; evangelism; Christian evidences; comparative religions; and missions. This theological instruction is supplemented by fundamental studies of a cultural nature, as: Biology, upon which we base our interpretations of life; psychology, the basis of teaching; economics, that we may know something about money, employment, unemployment, and the production, distribution, and consumption of wealth; sociology, the science of human relations; history, because we can not understand the present apart from the past; the English language and literature, that one may know the tongue in which he is to speak to his fellow men; and public speaking, that one may become an effective, pleasing pulpit orator.

The purpose of this program is twofold: First, that the student attain a practical working knowledge of the Bible and its doctrines on sound, orthodox, evangelical lines through a progressive presentation as given by the world's foremost Christian scholars; and, second, that the entire education of the student be so rounded and directed in proper channels that he become a safe guide in whatever field of Christian work he may engage. This educational doctrine has been thoroughly tested and its expediency amply proved during the past quarter of a century by its large enrollment, the words of approval from those who have studied with the school, and the benefits and progress of the students.

The Potomac system of instruction is unexcelled. This is the experience and the testimony of students and graduates. The school has provided the means for those who have to work in the vineyard of the Master to receive adequate preparation to become successful Christian workers, by a standardized system of teaching equal to all essential educational qualities, to residence work, the courses being based on biblically sound textbooks of the highest standard, systematically arranged and directed by correspondence under thoroughly trained teachers of wide experience and deep sympathies. They include great series of most exhausive analytical and research questions covering every detail of the textbooks and assigned collateral reading, and instructor's syllabi which must be mastered by the student and the recitation work successfully passed before the written examinations can be taken. Each part in the Potomac system of instruction must be mastered before the student is permitted to go on to the next. Thus the thoroughness of the work is safeguarded.

These study courses are thus designed to promote effective Christian work along strictly evangelical and orthodox lines, and are the contribution of the institution to adult education and the extension of the Kingdom of God. Proper academic recognition is accorded at the close of suitable courses of study, which acts in a twofold manner: First, as an incentive to earnest, intensive, and prolonged study along definitely prescribed lines; and, second, as a reward therefor, the university in such recognition marks out a definite standard of attainment in Christian scholarship for the graduate. Thus in a very real and true sense the Bible college with all its advantages is brought into the home of each student, and all of its instruction stands squarely on the impregnable rock of Holy Scripture.

Innumerable testimonials to this have come to the university in the letters of students and graduates. From these I have time to quote but two:

Rev. John J. Van Gorder, pastor of the First Baptist Church of Butler, Pa., writes: "This sane, constructive course is needed to-day as never before. I know of no school at present doing the work in this line that Potomac is doing"; and

Rev. S. A. Tamblyn, Fort Sumner, N. Mex. (April 28, 1928), says:

"Potomac University is one of the very few sound theological institutions requiring a high standard of work at present existing in the United States of America, and it would be a great loss to this country if it should cease to carry on its splendid work. And its president, Doctor Porter, with the other members of its faculty, comprise a force from the point of scholarship alone under which any man may well be proud to have studied. May God bless Potomac and may its shadow never grow less."

The second proposition I desire to enforce is the fact that—

II. THE POTOMAC UNIVERSITY FACULTY IS ONE OF SUPERIOR SCHOLARSHIP

When one contemplates the unusual courses offered in and aims of Potomac's system of instruction he naturally asks about the scholarship and ability of the instructors. Regarding the scholarship of the faculty, scores of testimonials have been given and students and graduates have but to recall the red or blue pencil marks and fractional percentage marks in their corrected research and examination papers to be reminded of the exactness with which their work was graded, while the realization of the facts that on the faculty are graduates of Yale, Taylor, Maryland, Illinois, Wesleyan, Colgate, and Potomac Universities; Ursinus, Davidson, Albright, and William Jewel Colleges; and Ursinus, Union (Richmond) Episcopal, Newton, Southern Baptist, Colgate, and the Seminary of the Reformed Church (Lancaster), and that these instructors came to Potomac with the practical experience gotten from years of teaching and imparting of knowledge to others, fully warrants such tribute as those given in the following extracts from letters received within the past month:

Gladys Potter Williams, professor Southern Illinois State Normal University, Carbondale, Ill., writes (April 26, 1928):

"I am hastening to say that I did more than 50 hours of work with the Potomac University and found the work exactly as represented. There was never any slighting of the courses planned. Doctor Porter was rigid in all of his requirements, as were his faculty. I felt that my studies were being pursued under the guidance of superior scholarship and that the faculty were very exacting in demanding a high grade of work."

The Rev. Charles G. Johnson, Ph. D., pastor of the Congregational Church, South Coventry, Conn., writes thus to Hon. JOHN M. NELSON:

"MY DEAR SIR: Your letter in regard to Potomac University came to my notice to-day (April 28, 1928). 'As a former student of the Northwestern University, Boston University, and having received the degree of Ph. B. from Taylor University, I wish to state that I gained more knowledge from the Potomac University course than the above institutions. I found the requirement high, the rating on examinations fair, and honest work demanded under supervision; also that the faculty and president were well qualified for their task. There is one thing it lacks, however, and that is adequate funds for its expansion. It is hoped that some day it may have larger means to meet its demands.'"

Charles M. Jones, supervising principal of the Taylor County high schools, Perry, Fla., says, under date of April 30, 1928:

"I am a graduate of Western Kentucky State Normal, Potomac University, and University of Chicago.

"I consider the services rendered at this institution (Potomac University) to be high grade and faithfully done."

Rev. Eric Herman Carlson, M. A., Ph. D., Lutheran Church, Villa Olivia, Porter, Ind. (May 5, 1928), says:

"I can not speak too highly of the inspiration received from my textbooks, from the written work, and from the comments and corrections by the Potomac University teachers. So great was the pleasure in this study and correspondence that when I finished the course in 1926 I felt as blue at parting with my teachers as if I had been in actual attendance. I would gladly have gone to Washington for my final examination had such request been made.

"My experience with the faculty of the Potomac University places the Potomac University on a level with any educational institution that

I have had the privilege to know. In written work, as carried on with questions and answers, there can be neither favoritism by the instructors nor bluffing by the students. Nor need there be a single hour wasted in waiting. In my case answers were mailed and within a few days were returned corrected. The beauty of it is that in correspondence work a student can concentrate on one subject until the final examination on that one subject is taken."

Several have paid their tributes to the work required by the faculty in language similar to that of the Rev. I. T. Hawk, of Atlanta, Ga. (April 30, 1928), which I repeat: "The one criticism that I have felt to hurl against the instruction of Potomac University is that I felt I had been doing so much work for the degree. I have written reams and reams of lessons in the course of my work. Still, this has been of great profit to me. It has caused me to dig out of a prescribed textbook much more than I would have done in my ordinary private study. In consequence, it is noticeable that my preaching improves in direct proportion to my application to the correspondence studies."

Rev. Alexander Laird, Litt. D., pastor of the First Presbyterian Church, Glassboro, N. J., writes as follows:

"I may say that in 1906 I took a very thorough and comprehensive course of study (correspondence) under the direction of Doctor Porter and his faculty for the degree in philosophy. I found their methods straightforward, their examinations of a searching and scholastic character."

Rev. P. E. Osborne, B. S., B. D., Ph. D., instructor in Potomac University, department of New Testament Greek, writes as follows:

"APRIL 28, 1928.

"My relations with Potomac University and President Porter in particular are such as to make me believe most thoroughly in the character of the work done under his direction as to its scholastic requirements, its honest and honorable support of high standards of education, the character and quality of the teaching, and the entire worth of the school to continue its granting of the degrees awarded for similar standards of scholarship by schools where the work is done in residence.

"As a member of its faculty for nine years, coming to it from other schools doing similar work, I have to say that it has the highest standards of any school with which I am familiar which do extension work, and, naturally, I am anxious to safeguard the standards of my own teaching by connection only with such a school. I know absolutely no reasons why its courses are not to be considered equivalent to the same work done in residence.

"P. E. OSBORNE,
"103 Ashley Street, Springfield, Mass."

Rev. R. G. Ulrich, a busy pastor in Lebanon, Pa., speaks of the helpfulness of his course and testifies thus to the work of his instructor:

"APRIL 30, 1928.

"Under the supervision of Potomac University I have been pursuing a course of study in New Testament Greek for somewhat over one year. All the work done has been by correspondence, according to their extension-department plan. I am happy to be able to testify that all my expectations relative to this course have been more than met. I have received most helpful training through this university. They have more than met all the promises made to prospective students. To state the results I have obtained very succinctly, I will say that with the training received and to the point of advancement I have reached I would be willing to enter a competitive examination on this subject with anyone trained anywhere."

Miss Kathleen M. Bull, A. B., a very successful teacher at Elmwood, Ill., gives a further testimony to the splendid work of this department when she says:

"APRIL 28, 1928.

"Concerning the character of work done by Potomac University, I am decidedly in favor of the amendment to safeguard its charter rights.

"In my Greek work with this institution I have been given much closer attention than ever by a busy professor at my resident college. I have understood the work more readily and, too, been required to do a higher standard of work. In my case the planning of the course to meet correspondence needs and the scholarship demanded in the student have been far above resident-college standard."

Walter R. Feser, a student in the Eastern Baptist Theological Seminary, Philadelphia, Pa., says:

"APRIL 28, 1928.

"During the years of 1925–26 I took courses of study with Potomac University in Greek, religious literature, psychology, and religious education. Standard textbooks were used, and when needed or desired supplementary information was given. The texts were carefully and thoroughly analyzed.

"Dr. P. E. Osborne, instructor in Greek, in his course with me, revealed himself as a capable instructor, thoroughly established in sound pedagogical principles and fully conversant with his subject. Due to the thoroughness of his work, I have been able to successfully follow an advanced course in New Testament Greek at the Eastern Baptist Theological Seminary. Examinations were conducted under most rigid supervision."

Miss Mary Olive Vaudry, of Lennoxville, Quebec, Canada, a splendidly trained and capable teacher, writes as follows, under date of May 3, 1928:

"It gives me much pleasure to reply to your letter of April 24, relating to Dr. Ernest W. Porter and Potomac University. I am a graduate of McGill University, Montreal, and received from that institution the B. A. and M. A. degrees. As I have chosen the teaching profession, it seemed an advantage to obtain the degree of Ph. D. also. After some correspondence with Doctor Porter and friends in Boston who knew of him and his work, I enrolled as a candidate for the Ph. D. degree nearly two years ago.

"So far I have found the course as stiff and thorough as any of the best universities that require personal attendance; also the work is done faithfully by the teaching staff."

Rev. H. F. Rhoad, Ph. D., says:

"I was impressed with their faculty. They are scholarly men, who mean to uphold a scholarly standard for the educational work of our country."

Rev. R. Fletcher, M. A., B. D., S. T. M., of West Cornwall, Conn., a graduate of Paton College, England; Chicago Seminary, Chicago University, Yale University, and Hartford Divinity School, and now on the professional staff of Columbia University, says:

"In my judgment the work done at the Potomac University is of a very high order, well planned, well conducted, and creditably staffed with instructors of reputed scholarship. The work is prosecuted on the most approved pedagogical lines."

The Rev. C. H. Monbleau, 10 Summit Street, Bristol, Conn., under date of April 27, 1928, says:

"My position with the school thus far has revealed that the members of the faculty are very faithful to their work and follow the courses minutely as outlined. They require a thorough knowledge of the subjects both during the written work sent them and the examinations."

Miss Loella M. Hobson, B. A., a teacher in the Frankfort Pilgrim College and Theological Seminary, Frankfort, Ind., writes as follows:

"I am glad as a student of Potomac University that I can testify to the high character of the work that is demanded by the instructors of that school.

"I have been a student in that school for three years. The work has been very exacting, thorough, and in some respects better work and more of it has been required by that school than some other schools that have a public rating and standing throughout the country. I have been a teacher in the public schools, also in the high school, and in more recent years in two colleges and I do not know of any better work being done than the work of like nature being done in this university. If any difference, the work is more faithfully done and of a higher order than one would suspect from the outline course of study. Without question it is helping many persons to get an education of a very high merit and the school should be safeguarded in its work."

From the many other tributes to the splendid scholarship of Potomac's faculty may I read but one other testimonial? Dr. Loren S. Minckley, M. A., B. D., Ph. D., head of the education department of Kingswood College, Kingswood, Ky., writes as follows under date of April 26, 1928:

"Having taken 30 hours' work in education with this institution for a doctor of philosophy degree we can say that we consider Dr. Porter and his faculty educators of the highest type. They are people who are very fair in their decisions, the work being done exactly as outlined in their catalogue. Sometimes we think, in fact, we know that the work is more thorough than some other universities which we have attended.

"We have taken 182 hours' work from standard institutions, which are as follows:

"'The Brockport State Normal and Training School of New York, University of Denver, Denver, Colo., and Kansas State University, Lawrence, Kans.

"'We consider the work done with Potomac University of equal value with that of any one of the above institutions, even with the old regent's system of New York State where we received our earliest and most lasting impressions.'

"Thus we bring to you some of the voluntary testimonials received from those who have come into closest contact with the members of the faculty and are therefore qualified to give fair and just appraisements of their scholarship and ability."

My third proposition is that—

III. THE POTOMAC UNIVERSITY SYSTEM OF INSTRUCTION IS THE EQUAL OF THE METHOD USED IN RESIDENCE IN THE BEST COLLEGES, UNIVERSITIES, AND SEMINARIES

Correspondence instruction is the great miracle of this century. A greater number of persons are studying by mail to-day than in all the residence institutions combined. For adults the system is ideal, because the average student will learn more in a given time by mail than in the resident class.

This statement is abundantly proven by the testimonials of scorces of persons in the various professions who have taken work in residence

in many of the best known and most highly rated institutions in our own and other countries, and have then taken postgraduate work in absentia with Potomac.

Believing that you would rather hear their actual statements than anything I may say of them, I pass at once to read some of the extracts which prove conclusively the truth of the proposition.

We introduce first the Rev. L. L. Gwalfney, S. T. D., editor of the Alabama Baptist, Birmingham, Ala., who writes as follows under date of April 28, 1928:

"I had five years in Richmond College (now the University of Richmond) and three years in the Southern Baptist Theological Seminary at Louisville in preparation for the ministry. But I declare to you that the year's work I did in the correspondence course of Potomac University was worth more to me than any single year I had as a resident student either in the University of Richmond or the Southern Baptist Theological Seminary of Louisville. It is with pleasure that I offer this sincere testimony if it is worth anything to you."

Dr. Lyman C. Pettit, pastor of the People's Presbyterian Church, Bridgeport, Conn., addresses the following letter to Congressman NELSON:

"ESTEEMED SIR: Replying to your letter of recent date in re Potomac University, permit me to say I spent 12 years in preparing for the Christian ministry in residence at preparatory school, college, and seminary, and when I came to pursue a course in absentia with Potomac University leading to the degree of S. T. D., I was greatly pleased with the high and practical standard of the course prescribed and the care and efficiency of Doctor Porter and his colleagues in directing the study and examinations. Neither in college nor seminary did I find the examinations necessitating a more thorough knowledge of the subjects than those with Potomac University. The rules governing the examinations are such that a self-respecting student has no cause for embarrassment. There is certainly a large field for the high standards of extension service in higher education and postgraduate work as conducted by Potomac University. Hoping to have given you the information sought, I am,

"Very truly yours,

"LYMAN C. PETTIT."

The Rev. T. P. Tribble, pastor of the New Antioch Baptist Church, of Chattahoochee, Ga., thus expresses his judgment of the work of Potomac:

"I have an A. B. degree from the University of Georgia; the master's degree in sociology from Oglethorpe University, as well as my master's degree in English from Potomac. I have also done work with University of Tennessee and the University of Chicago. My work at Potomac was on a par with the work that I have done at any of these places."

The Rev. E. J. Wolland, B. D., minister of St. Andrew's, St. Thomas, Ontario, and winner of the Calvin gold medal for honor work in theology in the Montreal Presbyterian College, says:

"I have been taking a course of study with the Potomac University for the past two years, and I have always found the work to be carried out most faithfully as outlined in their catalogue. I am a 1914 graduate of the Montreal Presbyterian College (which is affiliated with McGill University). I won the Calvin gold medal for honor work in theology and hold the B. D. degree from that same institution. The course of study given by the Potomac University is of a very high order, the examinations are conducted most carefully by qualified supervisors, and if I should be successful in carrying off the degree of Th. D. for which I am now working with them I shall feel that I have earned it by sheer hard work. The standard of the work demanded by the University of Potomac is equal, if not higher, than any of our best universities in Canada."

The Rev. James A. Fraser, B. D., Ph. D., pastor of the First Presbyterian Church, Baker, Oreg., says under date of May 1, 1928:

"I have studied in a number of schools, and am a graduate of the Western Theological Seminary, Pittsburgh, Pa., with degrees of S. T. B. and B. D. (Presbyterian School). The work of Potomac which I carried on was difficult and carefully supervised. Nothing was carelessly gone over. They insisted on the right kind of research in all departments."

Rev. William A. Sites, Latrobe, Pa. (B. D. graduate), says:

"In all of my scholastic work, which has covered a period of 20 years, I have never pursued a more thorough course."

Dr. W. E. Davis, pastor of the Baptist Church at Clifton Hill, Mo., writes as follows, under date of April 28, 1928:

"I want to say that the plans for work provided by Potomac University are as definite and extensive as those provided by the other universities for the same degree, with the exception that most institutions require that the student shall be in residence during a part of his work. After choosing my four minors for the work and they had been approved by the University, I began the study which extended over a period of four years and required three years of my effort. I found that each work had to be studied faithfully, and recitation work submitted on each guided by a syllabus submitted by the professor in charge. Then for the examination the questions were sent under seal to be opened only in the presence of the supervisor previously chosen by me and accepted by them when they were satisfied of his worthiness. The examination had to be written in his presence and at the one sitting. The paper was then turned to the supervisor, who sealed and forwarded it to the university. When the professor in charge had graded it the grade was sent to me. I certify on honor that each and every book of the full course was treated thus. In addition I was required to submit a 5,000-word dissertation at the middle half of my work and a 10,000-word thesis meeting the requirements of all institutions for a doctor's degree.

"While pursuing this course the faculty saw fit to strengthen some of their courses and one of them fell in my path. When I wrote seeking to hold them to their former acceptance they admitted that if I insisted they would be compelled to do so, but that they would be much better satisfied with my work if I would accept the strengthened program. I did it and continued my work, receiving my degree of Ph. D. in April, 1916. I was then at Clinton, Mo."

Prof. Elmer H. Webber, superintendent of schools at Mapleton, Me., a man of culture and wide experience, writes:

"Since receiving my A. M. degree from a Maine institution I have done advanced work in history under the direction of Potomac University. I have found the work as thorough and satisfactory as that done here in residence."

Rev. Hubert E. Cobb, Field's M. E. Church, North Olmsted, Ohio, says:

"I consider the work of Potomac University of a high order, and that it requires more mental effort than much of the resident college work."

Rev. J. E. Agans, pastor of the Church of God, Ossining, Ind., says:

"It is a pleasure to speak a word concerning Potomac University. I have just completed work with them for B. D. degree and can say that their standards are high and all things carried on in a very honorable way.

"I have a diploma from a Bible institute, Wilmington College, Wilmington, Ohio, and Lane Seminary, Cincinnati, Ohio, and I did no more consistent work in any or all of these institutions than I did in Potomac University."

Rev. A. W. Lindenmuth, Ph. D., pastor of St. Stephen's Evangelical Lutheran Church, Allentown, Pa., writes as follows:

"I am firmly convinced that the courses given and the work required by Potomac University stand second to none among educational institutions of our country, and in more than one case it ranks higher than that of any other institution."

Mr. N. A. Yeany, high-school teacher, Steelton, Pa., says:

"The course that I selected and the work assigned to me by correspondence (in Potomac University) was harder than any work I ever did in a classroom."

Dr. R. J. Murphy, pastor of the First Baptist Church, Johnson City, N. Y., another personal friend, writes:

"I am a seminary graduate and can honestly say that the work given by Potomac University is equal in value to the work given in resident seminary."

Miss Mabel J. Thomson, B. A., instructor in history in the Practical Bible Training School, Bible School Park, N. Y., says in her letter of April 27, 1928:

"I am very glad to make a statement regarding the work of the university. It was my privilege to see the work done by a teacher in our school which led to the degree of doctor of divinity. In every detail the work was faithfully done as outlined, and from my observation of the study courses, theses, and final examinations it seemed in every way more intensive and exhaustive in its scope than the work of the average college class. I have been taking a course myself since that time. It seems to me the work of this university is so valuable it should be safeguarded in every possible way."

Prof. Clinton J. Bushey, head of the department of biology and chemistry, Olivet College, Olivet, Ill., writes:

"At the present time I am enrolled as a member of the institution and the work expected of me is no way inferior to that expected in other institutions. Owing to the type of studies offered, there are necessarily methods used which can not be used in a school where residence is required. But this is no hindrance to the student who wants to get his studies. Residence does not guarantee scholarship, either."

Mr. David Levine, M. A., a successful teacher in East Orange, N. J., writes:

"In reference to the work carried on by Potomac University, I would very emphatically state that in my judgment the studies are equivalent in grade and character to any given at our larger universities where residence is required. May I here state that this is actual observation and contact through many courses taken in residence?"

Rev. Wallace H. Wotring, Ph. D., D. D., LL. D., pastor of St. John's Reformed Church, Nazareth, Pa., gives the following statement of his convictions borne of years of intimate personal relation with the university:

"I was graduated from Ursinus College and Theological Seminary and therefore received the best training that our denominational schools can give. It was after I had been in active service in life for a good many years that I took advantage of what Potomac had to offer. To me it was a new revelation and such a boon that I often wished that

men who can no more be resident post-graduate students knew of the thorough work done by this institution and thus bring themselves abreast of modern development in the field of knowledge. I have attended three institutions as a resident student in my day, and one of them granted me philosophic honors. None of them could be more thorough than Potomac, because it covers a subject like the shingles of a roof." (Written April 27, 1928.)

Rev. A. P. Logan, M. A., pastor of the Presbyterian Church of Bedford, Nova Scotia, writes as follows under date of April 30, 1928:

"It is untrue that degrees are issued by the Potomac University without proper work being done. I did the work and did it faithfully. I have passed a good many examinations and I saw no difference between the Potomac examinations and those of Dalhousie University, Pine Hill College, or Union Theological Seminary.

"I think the university is doing splendid work. I think that a person receives better mental training from that university than from the ordinary university because he is not rushed with his work and can therefore do it thoroughly.

"A. P. LOGAN,
"*M. A., Class of 1917.*"

Rev. J. E. Spencer, Ph. D., of Lake City, Iowa, writes:

"I am a graduate of Coe College, Cedar Rapids, Iowa, and of Omaha Theological Seminary, and have taken correspondence work with the University of Chicago before taking work at Potomac. My work with Potomac I consider on a par and in some ways excelled anything I got through other schools."

Rev. A. E. B. Blundon, B. A., Stittsville, N. Y., says:

"I have had the pleasure of attending four colleges and universities, both in Canada and in the United States, and as far as I can judge the work taken by me at Potomac University (by correspondence) compares with what I have taken in class at other institutions."

Melvin A. Saylor, M. D., of North Wales, Pa., says:

"For upward of 25 years I have taught in public schools, in colleges, and at present in a university. I am a graduate of arts and science, a class "A" medical school, and feel qualified to judge the standard of this institution. In my course I was strictly held to the work as outlined and I was compelled to complete it and submit a thesis before I received my degree, and I sincerely feel that it should receive and is deserving of support."

Ex-Judge Owen F. Renegar, A. B., LL. B. (Potomac University), lawyer of Oklahoma City, Okla., says:

"In regard thereto will say that it has been my pleasure to have been a student of Potomac University, and have taken considerable work with other institutions, and I prize my training, taken in extension with Potomac University, as the highest type of university culture."

Miss Ella A. Rust, B. D., of Worthington, Minn., says:

"The work required by the Potomac University is very thorough and must be done faithfully and well. The student is asked to finish satisfactorily every course as outlined by the school. If this work is not of a standard quality the student is asked to do it over again. To my knowledge no residence school is more strict in this regard than Potomac University, neither does any residence school require more work for degrees given. Students from other schools and I have compared our work."

The Rev. Herbert M. Pease, pastor of the First Baptist Church, Cooperstown, N. Y., a personal friend for more than a quarter of a century, writes:

"I have taken extension work with our regular theological seminary, but the work with Potomac was much more thorough in quality and more in quantity. I personally know two men who are on the teaching force, and both are able and conscientious men."

Dr. J. B. Cook, principal of Vermont Academy, Saxtons River, Vt., on April 28 made this significant comparison and declaration:

"The courses I have taken have been the most complete and most satisfactory of any I have had, and I have done work with Bucknell University for master's degree and graduate work with the University of Pittsburgh, besides, in my relations with other people doing graduate work through correspondence, have come in contact with extension courses from the Teachers College of Pennsylvania and Chicago Universities, and the courses of Potomac University compare very favorably with these."

Rev. S. A. Marks, pastor Baptist Church, Mexico, N. Y., writes:

"With regard to the standing of Potomac University, I consider that the courses and work of the university are the equal or peer of many of the universities or colleges which by their endowment are able to stand in the association. I have studied in McMaster University and in the Southern Baptist Theological Seminary, and feel that I can speak without prejudice when I say that the work of preparation, criticism, and examination are at least the equal of either. It requires a more thorough knowledge of the subject in hand to be able to pass the examinations required. It is a college through which a man on a poor field or with limited income may secure an honest, thorough, and constructive course of study."

Dr. William Liggett Dibble, minister of the First Congregational Church, Mason City, Iowa, writes as follows:

"When the Chicago Seminary discontinued its Ph. D. course, Doctor Gunsaulus advised me to get in touch with Dr. Ernest W. Porter and finish my reading under his direction. This I did, and read for about two years, and was greatly pleased—

"(a) By the books chosen.

"(b) By the outline of study furnished.

"(c) By the honesty of the work required."

"May 10, 1928."

Rev. Oliver E. Schaefer, pastor of the White Memorial Church, United Brethren in Christ, Buffalo, N. Y., writes this of his work with Potomac University:

"The character of the work compares very favorably with that done in the regular seminary which I attended. In the course on 'Problems of the Old Testament,' for example, there were 310 research questions to be written and corrected by the professor. The examination is taken under a selected examiner. In my case the examiner is the Rev. N. L. Linebaugh, B. D., of Buffalo, N. Y. He was approved by Potomac after an investigation of his educational record. The examinations are mailed to him and taken in his presence, then mailed to Potomac. I handle them only in his presence."

Rev. Isaac W. Grimes, B. A., B. D., S. T. D., Cambridge, Mass. (May 9, 1928), says:

"I was a resident student at Worcester Academy, Massachusetts, for four years; a resident student at Colby University, Waterville, Me., for four years; a resident student at Rochester Theological Seminary, New York, for three years, graduating from each of these, and then after 15 years of active service in the Christian ministry a brother clergyman who had taken a correspondence course of Potomac University spoke of it with such appreciation that after investigation I, too, enrolled, and I gladly testify to the value of the instruction received. I believe that the correspondence courses of Potomac University will compare favorably with those offered by recognized schools of learning and that the requirements for its degrees will meet the approval of the competent and the unprejudiced."

Thus I might go on reading extract after extract from students and graduates giving their mature, unbiased comparisons, but will close this part of the discussion by reading from the letter of Attorney J. G. M. Browne, LL. B., of 215 Montague Street, Brooklyn, N. Y., a member of the bar in most of the Federal courts in the eastern part of the United States and a member of the bar of the United States Supreme Court, whose splendid tribute closes with a sentiment which finds an echo in the heart of every student and alumnus of Potomac. He writes to Congressman NELSON as follows:

"I want to say that I regard Potomac University as an institution whose graduates may well point to it with credit and pride. Likewise I unhesitatingly state it as my opinion that Doctor Porter, its president, is a man of highest type and ideals and one whose life is earnestly devoted toward aiding those to obtain an education where personal attendance is impossible. I have taken the complete law course of Potomac, and found it very satisfactory and all that could be desired, and I am sure a comparison of the course and method of instruction with that of other institutions will show that it matches them if, indeed, it does not excel them. I am proud of Potomac as my alma mater, and my earnest hope and prayer is that its existence will be continued to the end that its usefulness may continue forever. What Webster said of Dartmouth when a somewhat similar assault was made upon its existence is equally applicable here: 'She is a small college, but we love her.'

"With assurances of highest esteem,

"J. G. M. BROWNE, LL. B."

During recent years such well known institutions as Chicago University, Columbia University, University of Wisconsin, Temple University, University of Washington, and many seminaries have introduced courses in absentia. Many students of these institutions have afterward taken work in Potomac and their testimony confirms the truth of my fourth proposition, viz:

IV. THE POTOMAC UNIVERSITY SYSTEM OF INSTRUCTION IS THE EQUAL OF THE METHODS USED BY THE BEST UNIVERSITY EXTENSION AND CORRESPONDENCE SCHOOLS

In the strictest sense Potomac is not merely a "correspondence school" as that expression generally describes the operations of many colleges giving instruction beyond the walls, but is actually giving university extension instruction equal in educative values to residence in the foremost institutions. It brings the Bible college and university into the home of the one unable to go to the resident institution. That celebrated statesman, Daniel Webster, is said to have declared, "My idea of an ideal college is Mark Hopkins on one end of a log and a student on the other." So Potomac University aims in her system of instruction to bring the ripest scholarship the best possible courses, the best standard texts and methods to the home of each student in such manner that each individual student will receive the entire attention of the instructor while pursuing his course.

The late President William Rainey Harper, of Chicago University, was one of the pioneers in the field of university extension, and in speaking of its value is said to have used this striking comparison:

"If I have 20 resident students in a class each one will receive one-twentieth of my attention, but if 20 pursue a course with me by correspondence each one will receive all of my attention." Potomac's system of instruction aims to fully realize this ideal, and the comparisons made by students who have pursued courses elsewhere and then have studied in Potomac, abundantly proves the proposition. Kindly give attention as I read a few of these recent testimonials.

The Rev. Joseph A. Davis, D. D., pastor of the Woodside Community Baptist Church, Woodside, N. Y., gives this striking testimony:

"I have done correspondence work in Columbia University as well as in Potomac University and others and consider Potomac University to be equal to any other school of which I know anything in its extension work."

The Rev. H. Ellis Lininger, pastor of the Congregational Church at Wisner, Nebr., and professor in the Omaha Bible Institute, says:

"I have done a great deal of correspondence study and helped in the planning of courses for other institutions, and the courses and work offered and demanded for credit by the institution in question (Potomac University) is of the highest type. The demand is high and the students must do faithful work to secure the credits offered."

Mr. X. P. Walton, Union Springs Academy, New York, writes under date of April 30, 1928:

"From my contact with Doctor Porter and other teachers of the school I should say that the work is very thorough and equal to that of any correspondence school of which I have any knowledge. The work is done faithfully as outlined in the course of study and the grading is on the same basis as any residence work would be."

Rev. F. E. Morrell, pastor of the Methodist Episcopal Church, Colman, S. Dak., says:

"Regarding Potomac University, desire to say that I believe Potomac University is up to the standard in all its departments. I have taken extension work through the years from different institutions, but with none which maintain a higher standard than Potomac."

Mr. George H. Cain, B. A. (Potomac 1913), teacher in the Cambridge High School, Mass., writes as follows:

"Looking back upon the years in which I have taken courses at various accredited institutions I can say, without hesitation, that I found more substantial worth in the work I was required to do in the correspondence courses of Potomac than I found in any other single institution."

Mrs. Sylvina A. Abbott, M. D., of Taunton, Mass., pays a beautiful tribute to the president of Potomac in giving her estimate of the school. She writes as follows:

"I can say only good of Potomac University and its president and founder, Ernest Warren Porter, whom I have personally known many years. I esteem him very highly, and can say of him as my late husband used to say of him, 'Porter is a real man.' His ambition has ever been to have Potomac University rank with the best schools, and I believe it should be so recognized."

Rev. LeRoy Halbert, Th. D., pastor of Mount Pleasant Baptist Church, Newark, N. J., writes, April 28, 1928:

"In reply to your inquiry about the work of Potomac University, allow me to say that in my mind it offers the highest grade nonresident work to be had when judged by the care which the instructors use in making criticisms and replies to students. Everything is 'bona fide' and according to their proposals in the catalogue. I greatly enjoyed my work with them and profited by it. I took up resident work at Drew Theological Seminary, where I secured my Th. D. degree. I think many of these mature men get more out of these courses than many young fellows do out of their resident courses, because Potomac students, though in nonresidence, have a serious purpose and should have the credit."

Rev. George S. Bowden, Ph. D., pastor of the Presbyterian Church, Parnassus, Pa., pays this fine tribute to Potomac in his letter of April 26, 1928:

"I took the doctor of philosophy course at the University of Potomac. I chose the course in preference to three other schools whose courses I examined.

"I considered it the best. It suited me better because it did not require me to be away from my field for resident study, as most schools require.

"The university prescribed the books I was to cover. They sent me lists of questions (the instructor's syllabus) on the text, and I was to answer these in notebooks. Then they sent a certain number of research questions, and the answers to these were to be sent in to the university. When each book was completed a list of questions for examination was sent to Prof. Clay C. Ruff, of the Slippery Rock State Teachers' College at Slippery Rock, Pa., and he gave the examination and returned the questions and answers.

"When the work was done I was required to submit two theses. The major on 'The Sermon on the Mount' and the minor on 'The effect of present-day fiction on morals,' the former of more than 10,000 words and the latter of more than 5,000 words. A copy of each I still have.

"I found them close in their grading, careful in their instructing, particular in all their work. It required three years of good hard work to complete the course, and I know of no school that could give a better course in philosophy.

"GEORGE S. BOWDEN."

Rev. John Essington Miles, Ph. D., pastor of the Tabernacle Baptist Church, Syracuse, N. Y., thus addresses Congressman NELSON:

"DEAR SIR: I thank you for your letter of the 24th instant, your interest in education, and the privilege of writing about Potomac University.

"From my first acquaintance with the institution and Doctor Porter I have found everything and everyone just as represented. I have never regretted taking the work prescribed, but rather felt that it was an excellent help in developing and maintaining studious habits.

"The work was carried on just about the same as the extension courses of larger universities. Although a graduate of McMaster University, Toronto, Ontario, I wanted to continue college work, and Potomac University offered what I needed.

"If I were not in the graduate seminar in Syracuse University, I probably would be continuing work with the Potomac University."

I crave your indulgence as I read the following splendid testimony of the Rev. C. A. Claypool, pastor of the Evangelical Church of Russell, Iowa, who not only gives a statement regarding the value of the work of Potomac to himself, and a comparison with that of other extension schools, but quotes a splendid tribute given by the presiding elder of his district. He says, in writing to Congressman NELSON:

"Allow me, first of all, to thank you for an opportunity to say something in behalf of this institution. Many men who, like myself, found it impossible to attend some resident school in their younger days, and who still find it impossible to do so because of family responsibilities, would find it impossible to get any special training were it not for such worth-while institutions as the one in question.

"I have had over eight years' work with various correspondence schools. I have investigated the work done by many others. I consider the work offered by Potomac University to be far superior to that of any other correspondence school of which I have knowledge.

"In the church of which I am a member all ministers are required to complete four years' work under a board of examiners appointed by the annual conference. All examinations given by this board are given under the personal supervision of the examiner in charge. The presiding elder of this district, a man who holds degrees of A. M. and B. D. from Drake University, investigated the work that I was doing with Potomac University, and upon his own initiative and without any request from anyone recommended that I be given full credit by the conference board of examiners for all work done. By way of explanation of his action he said to me: 'I am so well impressed with the type of work that Potomac University is offering that I am glad to make the recommendation.'"

The fifth proposition to which I invite your attention is the fact that:

V. THE POTOMAC UNIVERSITY CREDITS ARE ACCEPTED BY OTHER STANDARD INSTITUTIONS OF HIGHER EDUCATION

Combination and amalgation in business, centralization of power in government, and massing of great wealth in a few large and celebrated universities are characteristics of this century. Yet, with all this concentration of capital, the day of the small college is here, and here to stay. The small institution has ever been the link between poverty and fulfillment of ambition. Many of the Nation's great have come from farm and shop. Was it to the enormous, traditioned, wealthy universities that they took their limited means? No. They went to some smaller, less renowned institution where they found that they received the same high degree of learning that they would have received at the larger school, paying infinitely less money and missing only the superficial customs and traditions.

Sometimes the fact is forgotten that the acquirement of the necessary knowledge and the ability to use the knowledge acquired are the essential things, not the place of the acquirement, whether in the classroom or in one's own living room; nor the method, whether in residence or in absentia.

The essential thing when the question of credit is at stake is the necessary knowledge. Has the applicant for admission or the candidate for a degree done the work in conformity with academic tradition? Is he able to pass the required examinations? Is he adequately prepared to enter upon the courses desired?

These and like questions are conclusively answered by those who have presented Potomac credits to other standard institutions, as evidenced in the following and similar testimonies.

Dr. Daniel R. Hodgdon, counselor at law, 63 Wall Street, New York, writes to Congressman NELSON under date of April 29, 1928, as follows:

"I was graduated from Bates College, University of Maine; was a graduate student at Columbia University, and received my law degrees from New York University and New York Law School. Prior to this I was a teacher, and it became necessary to obtain certain courses of study to obtain a license to teach in the State of New Jersey. I

could not give up my work. I had a family to support. There was no other way to get these courses except through correspondence. I took the work at Potomac, completed the course, took the examination, and received credit from the State of New Jersey for this work. The courses were complete. The demands of Potomac University were very exacting, and I learned more from those individual courses than I learned in any one of any individual course which I took of like character from any of the other institutions which I attended."

Rev. E. A. Hadeen, A. B., B. D., of Beaver Falls, Pa., writes as follows:

"I became acquainted with the Potomac University in 1918, when I took a course of theology study. I finished my course of study and received my diploma in 1920. The following year I entered the Chicago Theological Seminary, presenting my credentials—among others the Potomac diploma, which was accepted with favor and was well spoken of.

"The course I am taking now is 'graduate theology,' and the courses are followed most strictly and the school is exacting the most faithful and punctilious work, even in regard to the examinations carried on under supervisors. These are ministers or educators."

Mr. H. C. Lyon, superintendent of the Ballinger city schools, Ballinger, Tex., says:

"My work at Potomac has been accepted by the accredited colleges here in Texas. I commend it and believe it to be wholesome and open and above board."

Among the many splendid letters from students and graduates in Canada is the following from the Rev. G. W. Faryon, B. D., of Winnipeg, Manitoba, who says:

"In reference to Potomac University, from whom I received the B. D. degree in 1920. No one who knows anything of correspondence work would question its value to those who for various reasons are unable to take the instruction they require in person.

"When conducted as my experience leads me to believe it is at Potomac, correspondence teaching is extremely valuable, for without an instructor at his elbow one has to apply himself as otherwise he would not be likely to do.

"Personally it took me something over four years to meet the requirements of Potomac, but satisfaction came at the end with the knowledge I obtained, which made it of real worth to me. At once the assembly and synods of my church (the Presbyterian Church of Canada) added the letters to my name in all of their records. No one questioned the fact that I had earned the degree. Having chosen my subject, Potomac supplied me with an outline or syllabus and list of books needed, so that I set myself to work, as I have said, for over four years, wrote the required papers, and at length obtained the degree (cum laude). My degree has been so well thought of that several made inquiry—hoping to obtain a degree for themselves—but found the requirements of Potomac were too exactive for them to fulfill."

The Rev. George A. Leichliter, M. A., pastor of the Prospect Avenue Baptist Church, of Buffalo, N. Y., tells of his experience in presenting his credits and of their acceptance. He says:

"May I state to you my unbounded satisfaction with the work done with Potomac University. During the years of 1915–16 I followed their course of study leading to the master of arts degree and found it equal to work done in any residence course I had ever taken. I have submitted the same on different occasions for credit on other courses followed and have found it quite acceptable in each case. It is my candid conviction that Potomac is offering a genuine opportunity to men who find residence work out of the question. The interest taken in the student is exceptional and the outlined courses are of a very high order."

Thus we see that the credits from Potomac are received and recognized by other standard institutions of higher education.

My next proposition is the fact that—

VI. THE POTOMAC UNIVERSITY EXAMINATIONS ARE PERSONALLY SUPERVISED

At no point is the excellence of the Potomac system of instruction more apparent than in the provisions made for the conduct of the examinations. Although the university catalogue states that "students who are not working for a degree have the privilege of omitting the examinations," it most emphatically declares that "no credit will be allowed toward a certificate, diploma, or degree unless the examinations have been written under personal supervision in all cases." No deviation is ever made under any circumstances from this rule.

The detail of the method will make clear the way in which personal contact is maintained with the individual student, and how the possibility of deception in connection with the examination is made quite impossible.

Provision is made whereby examinations may be taken at the university, or in cases where this is not convenient an educated, trustworthy person, a member of a learned profession, nominated by the student, who shall not be a member of the student's family, nor related to him, nor a costudent, may supervise examinations in behalf of the university if approved by the president. It is provided that "in nominating a supervisor of examinations the student shall give details of his education, his occupation, and his standing in his community as a person of honor and integrity."

When the supervisor thus nominated is approved by the president all test papers shall be forwarded to him whenever a student qualifies to sit for an examination. That is, when he shall have received a passing grade for the prescribed research work of a course, which constitutes the recitation, and takes the place of the oral work and lectures in the classroom of the resident institution.

Procedure in taking an examination away from the university: At the hour mutually agreed upon the student shall go to the office of the supervisor, who, having previously received the sealed paper from the university, will open the sealed envelope containing the test questions and deliver them to the student, at the same time marking on a slip inclosed the time of the beginning of the examination. He shall then sit with the student while he is writing the answers to the test questions. When the student has finished his test he shall return the test questions, together with his written answers, to the supervisor, who shall note on the examination cerificate the time when the test was completed, sign the certificate stating that he sat with the student during the writing of the examination, and that no help was given or received. The supervisor shall then place the test questions, student's answers, and examination certificate in an envelope, seal and personally mail the same to the instructor. The instructor in charge then certifies the grade earned to the university, and if 70 per cent is attained the student is credited with the course.

In illustration of the method of conducting examinations, I beg leave to submit the following statements from students and graduates:

Dr. Clifford E. Scouten, M. A., Ph. D., principal of the Millerton public schools, Millerton, N. Y., thus describes his experience in connection with his examinations at Potomac. He says:

"Potomac requires as much hard work per credit hour as any institution of which I know, and more than the average. The credits are allowed and the degrees granted only for residence work or for work done in extension under the supervision of some reputable and responsible educator. I have done work with three such supervisors, one a college professor, one a Baptist minister, and one a city superintendent of schools. Suitable evidence of at least one college degree and of integrity and standing in his community is required of the extension supervisor by the university. All examinations on which extension credit is based must be performed entirely in the presence of such supervisor, and this fact must be certified in writing for each examination, the certificate being signed by the supervisor of each course. The possibilities of fraud are much less than in the average college examination."

The Rev. Dallas F. Green, Ph. D., pastor of the First English Lutheran Church, Toledo, Ohio, writes as follows under date of April 28, 1928:

"I have taken work at Potomac. The university held me to every part of the program and every course as outlined.

"The work done is very exact—both recitation and examinations—and no examination on any particular subject can be taken unless the study of the text or subject satisfies the member of the faculty under whom the work is taken.

"The same holds true with the thesis work before graduation. The work is thorough and will not be approved unless every part of thesis as to manner and matter meets with the approval of the faculty."

The Rev. W. E. Davis, Ph. D., pastor of the Baptist Church of Clifton Hill, Mo., gives the following testimony in his letter of April 28, 1928:

"I want to say that the plans for work provided by Potomac University are as definite and extensive as those provided by the other universities for the same degree, with the exception that most institutions require that the student shall be in residence during a part of his work. After choosing my four minors for the work and they had been approved by the university, I began the study which extended over a period of four years and required three years of my effort. I found that each work had to be studied faithfully and recitation work submitted on each guided by a syllabus submitted by the professor in charge. Then for the examination the questions were sent under seal to be opened only in the presence of the supervisor previously chosen by me and accepted by them when they were satisfied of his worthiness. The examination had to be written in his presence and at one sitting. The paper was then turned to the supervisor, who sealed and forwarded it to the university. When the professor in charge had graded it the grade was sent to me. I certify on honor that each and every book of the full course was treated thus. In addition I was required to submit a 5,000-word dissertation at the middle half of my work and a 10,000-word thesis meeting the requirements of all institutions for a doctor's degree."

Rev. S. A. Tamblyn, Fort Sumner, N. Mex. (April 28, 1928), says:

"Having studied in colleges and universities abroad as well as in the United States of America, besides in such sound institutions in the theological realm as Xenia Seminary, I believe I am in a position to judge and express my opinion as to what Potomac University should be and is. Therefore I would say I have always found Potomac University stands for the very highest degree of work and demands

such of its students, and the work has to be done faithfully before either credits are given or degrees conferred. In fact, some of the very toughest examinations it has been my lot to take in any institution were taken under the direction of the faculty of Potomac. Furthermore, their very method of taking such examinations (provided one can not attend the institution for such) precludes any possibility of the student wrongly attaining the credits."

The Rev. James B. Muir, pastor of the First Presbyterian Church, Attica, Ind., writes thus:

"It has been my privilege to pursue a course of studies carried on by the Potomac University, under the direction of Doctor Porter and his colleagues on the faculty, for the past four years.

"A student may pursue the course of studies for their benefit merely.

"A residence at the university is not required of the student for graduation. But if a student is working for either a degree or a diploma, examinations are required to be written under the personal supervision of a supervisor previously nominated and appointed for the purpose, or they may be held at the university.

"A 'supervisor of examinations' shall be nominated by the student, who will receive the test papers from the university; sit with the student while he is writing the examination, and return the answers to the instructor with the certificate of having supervised the test in person."

Rev. Bernard A. Rust, pastor of the Baptist Church of Aurora, Iowa, speaks of the pleasure and profit received from his courses, and testifies to the method of their grading. He says:

"In reply to your letter regarding Potomac University permit me to say that the extension work which I have thus far pursued under their direction has proved very satisfactory as well as profitable.

"The work itself requires a great deal of good, honest study; and the giving of credit, it seems to me, is done on as sound a basis as is possible in correspondence work. The grading is done on the recitation work, which consists of written answers to hundreds of questions, as well as on the examinations which are taken under a supervisor who states each time over his own name that all has been done in an honorable and honest way.

"BERNARD A. RUST."

The Rev. Thomas Merryweather, pastor of the United Church, Oak Lake, Manitoba, says:

"My experience has been such as to justify the statement that the university is quite exacting in its requirements. My experience was that after documentary evidence had been furnished of standing attained in former colleges, recognition of such was obtained only after strict examination of records. I find that the work must be undertaken with thoroughness, and necessitates real application and much time. The examinations that I have taken were rigidly conducted, the conditions outlined in the course of study were followed in every detail; the papers were received directly by an accredited supervisor, whose professional standing, etc., was given before the university accepted his name in that connection. The written examinations were forwarded by this supervisor to the university, and the results, when they came to hand, indicated careful and conservative marking—at least that was my opinion. In short, whatever may be the standing of Potomac University as an institution of higher education, my impression is, and it is based on the year's experience, that whatever degree may be granted, it will be the result of real work, necessitating the expenditure of much time and concentration of energy."

Rev. Guy E. Mark, pastor of the Union Square Baptist Church, Somerville, Mass., says:

"I have been taking special studies with the Potomac University for about four years. Their standards are good and their requirements are fair. All examinations are safeguarded by the presence of a supervisor."

The letter of the Rev. L. M. Persenius, M. A., pastor of the Zion Lutheran Church, Kewanee, Ill., is so lucid and comprehensive that I read it as a summary of many other testimonials which can not be read on account of lack of time. He says:

"I can assure you that no degrees are granted there without the most rigid examinations, and the students have no way of cheating, because the examination questions must be answered before a schoolman or pastor, or some other reliable person recognized by the university, and that person has to sit there and watch and testify in writing to the university what time the examination started, how many hours it took the student to answer the questions, etc., and then he takes the papers and sends them in. I have taken many examinations and answered many questions, but no examination has been more rigid than the one I took on my course at Potomac University."

VII. POTOMAC UNIVERSITY HAS STOOD THE TEST OF THOROUGH INVESTIGATION

In support of this declaration I wish to introduce several characteristic testimonials. The first of these is a letter from the Rev. Richard H. Bosworth, A. M., Ph. D., S. T. D., of Burlington, Vt. Doctor Bosworth is now 80 years of age and is Potomac's oldest graduate. He says:

"It was only after careful inquiry that I enrolled as a student under Doctor Porter, and I have never regretted it. I received strong approval regarding it (Potomac University), especially from my college president, the Rev. Samuel Fallows, D. D., of the Illinois Wesleyan University."

The Rev. Isaac W. Grimes, S. T. D., a noted New England Baptist preacher, of Cambridge, Mass., contributes the letter with which the testimony in connection with this proposition is closed. He writes:

"I was a resident student at Worcester Academy, Massachusetts, for four years; a resident student at Colby University, Waterville, Me., for four years; a resident student at Rochester Theological Seminary, New York, for three years, graduating from each of these, and then, after 15 years of active service in the Christian ministry, a brother clergyman, who had taken a correspondence course of Potomac University, spoke of it with such appreciation that after investigation I, too, enrolled, and gladly testify to the value of the instruction received. I believe that the correspondence courses of Potomac University will compare favorably with those offered by recognized schools of learning, and that the requirements for its degrees will meet the approval of the competent and the unprejudiced."

The Rev. Vernon L. Shontz, minister of the First Baptist Church of Muscatine, Iowa, says:

"Before deciding to take up special work by correspondence in Potomac University I investigated the standing of the school and had a personal conference with Dr. Ernest W. Porter. If ever I find it possible to complete the work he has outlined, I shall never feel ashamed of the degree for which I am working."

Rev. A. E. Blundon, B. A. (Potomac University), Stittville, N. Y., says:

"Before I took up work with Potomac University I investigated the work of the institution through scores of people who were acquainted with the work there, many of whom were not at all connected with the institution; my conclusion justified my enrollment."

Rev. David Young, M. A., pastor of the Methodist Episcopal Church of Ogden, Iowa, says in his letter to Congressman NELSON:

"In reference to the work I did at Potomac University, may I say first of all that I spent five years in Alberta Theological College and the University of Alberta, Canada, prior to taking the Potomac course. Had it been possible to take work extramurally with either of these institutions, I should have done so. Not being able, I sought carefully for a correspondence school where I might take the work necessary for the master's degree in arts. After very careful investigation I found just such a school as I desired in Potomac University and majored in sociology."

The Rev. T. De Courcey Rayner, pastor of the Presbyterian Church of Wallacetown, Ontario, writes, April 28, 1928:

"My first knowledge of Potomac University and the courses it offered in university extension work for students, like myself, unable to continue the work in residence, came to me through an advertisement in the pages of the Presbyterian, a weekly organ of the Presbyterian Church, published in Philadelphia, Pa. As I was interested, I wrote to the editor making inquiries as to the standing of Potomac University, suggesting that so reputable a magazine would not carry the advertisement of any institution that was not a bona fide institution. The following reply from V. T. Smith, business manager of the Presbyterian Publishing Co., Philadelphia, was what decided me to enroll as student:

"'With regard to the Potomac University, Washington, D. C., we have investigated this institution to some extent, and as far as we can find it does not make any claims which it is unable to support. This institution should not be classed with the type that you find now and then from which a degree may be practically purchased, but real honest work is required in order to qualify.'

"In all my dealings with the university I have found this to be abundantly true, as one has to give evidence of academic standing prior to being permitted to enroll as a student in a course leading to a degree, and then has to do real honest hard work in order to begin to qualify for a bachelor's degree."

Miss Mary Olive Vaudry, M. A. (McGill University), of Lenoxville, Quebec, a very successful teacher, says in her letter of May 3, 1928:

"It gives me much pleasure to reply to your letter of April 24 relating to Dr. Ernest W. Porter and Potomac University. I am a graduate of McGill University, Montreal, and received from that institution the B. A. and M. A. degrees. As I have chosen the teaching profession, it seemed an advantage to obtain the degree of Ph. D. also. After some correspondence with Doctor Porter and friends in Boston who knew of him and his work, I enrolled as a candidate for the Ph. D. degree nearly two years ago. So far I have found the course as stiff and thorough as in any of the best universities that require personal attendance, also the work is done faithfully by the teaching staff."

VIII. THE POTOMAC UNIVERSITY IS A BLESSING TO THOSE UNABLE TO ATTEND RESIDENT INSTITUTIONS OF HIGHER LEARNING.

The records of earth will never adequately tell the blessing which has come into the lives of thousands of men and women through this noble institution. Men and women occupying positions of great

responsibility and influence point with grateful pride to Potomac as their alma mater. Teachers, professors, heads of departments, linguists, physicians, lawyers, judges, government attachés, and especially Christian workers, ministers, and missionaries, gratefully record their indebtedness to this great open door to educational opportunity.

This is especially true of hundreds of persons who, by no fault of their own, were deprived in early life of the advantages of higher education, and who in later life have come to realize their need for better equipment for their tasks, and yet are unable to attend college, university, or seminary because of family ties, financial inability, peculiar conditions, parental responsibilities, the duties of present vocations, or other hindering circumstances are unable to take further training in residence.

Think of the number of ministers in rural or country churches bound by the obligations of family support and utterly unable to leave the work on other fields for periods of study in residence, and yet are able to arrange their daily schedules so that an hour or two each day may be devoted to special cultural training of higher university grade under expert leadership and direction. The same possibility applies to the lawyer, teacher, and member in any profession, as well as the laborer, tradesman, scholar or man of affairs anywhere who desires to better equip himself for the filling of his place in the world's great field of need and opportunity, and of being the greatest possible channel of human and divine service.

Think of the lonely missionary, shut away from the centers of education and culture, yet capable and eager to have the very best educational equipment possible, and to be kept in constant mental contact with the leaders in thought from whom he may be separated by thousands of miles, and all of this in order that he may be the best possible representative of his Lord and Master.

Think also of those who have had educational advantages in the years of preparation for their life work, but have come to realize, after years of effective ministry and service, that their abilities would be greatly augmented if they could take further courses of study adapted to peculiar needs and conditions in their fields of labor or to bring them into fuller acquaintance with modern thought and methods, but are hindered from returning to their alma maters or going to other institutions for post-graduate work in residence.

To these Potomac University offers the supreme opportunity through her matchless university extension courses in absentia.

Personally, I scarcely dare to think of the added ability which might be mine if I had known Doctor Porter and Potomac University 20 years ago. I can never put into language a just appraisement of what they have meant to me and my work during the past four years, and my experience has been duplicated in the lives of many others, as is evidenced in extracts from letters received during the past month, a few of which I will now present.

Rev. William J. Marks, D. D., pastor of the Methodist Episcopal Church of Lansford, Pa., writes:

"The work taken with Potomac University has been of inestimable value to me in my life's work, that of the Christian ministry, and I have nothing but the highest praise for them in the great educational work they are doing."

Rev. Harry S. Hammann, pastor of the First Baptist Church, Florence, Colo., says:

"Potomac University is faithfully endeavoring to supply a great need. There are those who do not have the opportunity to pursue a resident course in continuing their education, yet they are desirous of carrying on their studies under expert supervision. Some may be interested only in obtaining a degree, whether it has been earned or not. There are many others who are interested in the work that is required, looking forward to the just reward of faithful study. This school caters to those of the higher motives."

Rev. R. S. Booy, rector of the Episcopal Church of Temiscaming, Quebec, Canada, chairman of the school board, writes:

"I am in receipt of your questionnaire regarding Potomac University and have much pleasure in adding my testimony as to the benefits which students enjoy by means of its correspondence course.

"To the genuine student, who, like myself, has neither the time nor the means of taking a residential course, Potomac provides a long-felt want.

"From my own experience I have no hesitation in saying that the work outlined in the course of study must be done faithfully or the student will suffer and fail. And as one who had done a considerable amount of work as an examiner in former days in England, I would say the marks awarded the papers sent in were absolutely just, and that the standard required was by no means easy to attain, but is quite on a par with the college exams there.

"I showed the course of studies to my bishop when he was staying with me, and he said they were very good."

The Rev. Charles H. C. Jackson, editor of the Evangelistic Messenger, Edmonston, Alberta, Canada, says, in his letter of May 2, 1928:

"Potomac is without doubt a real friend to those of us who are located great distances from it and who are desirous of pursuing an additional course of study."

Rev. Benjamin J. Johnson, Kenosha, Wis., says:

"Such a school as the Potomac University fulfills a great need in the educational field. Many good men would be deprived of higher learning were it not for the efforts of such a school."

Mr. W. R. G. Orwick, Miami, Fla., says:

"I can truthfully say that they are serving a great need in this country, as there are thousands like myself who are not able to go to a resident school to finish their education, but through this institution can fit themselves for whatever they wish."

Rev. William Wyman, Ph. D., Regent's Park United Church, St. Vital, Manitoba, Canada, says:

"I took the course of study leading to the Ph. D. with Potomac University and feel that the work was faithfully done and well looked after by that institution. I believe it is filling a need—that of supplying an opportunity for men like myself who wish to take up extension work while in active service of the ministry."

H. Stanley Witwer, B. S., B. Th., Ph. D., of Elverson, Pa., says:

"APRIL 28, 1928.

"Potomac University has been of tremendous value to me in completing my education."

Rev. A. H. Ericsson, of Littleton, N. H., said on April 27, 1928:

"To those of us who could not possibly go to a resident school because we lacked the funds and had families to answer for, Potomac University has been and is a real godsend, a blessing indeed."

Rev. W. B. Rogers, of the Church of the Star, Methodist, Hollywood, Calif., says:

"It was my pleasure to take work with Potomac University, and I regard it as one of the great benefits that has come to me. The faculty is worthy of the name of educators. The school is an asset to the country. No finer thing could be done by Congress than to help strengthen by its moral support such an institution as the Potomac University."

Rev. Wallace H. Wotring, D. D., LL. D., pastor of St. John's Reformed Church, Nazareth, Pa., writes:

"I was graduated from Ursinus College and Theological Seminary, and therefore received the best training that our denominational schools can give. It was after I had been in active service in life for a good many years that I took advantage of what Potomac had to offer. To me it was a new revelation and such a boon that I often wished that men who can no more be resident postgraduate students knew of the thorough work done by this institution, and thus bring themselves abreast of modern development in the field of knowledge."

Rev. Le Roy Halbert, Th. D., pastor of the Mount Pleasant Baptist Church, Newark, N. J., says:

"In reply to your inquiry about the work of Potomac University allow me to say that in my mind it offers the highest grade nonresident work to be had, when judged by the care which the instructors use in making criticisms and replies to the students. Everything is bona fide and according to their proposals in the catalogue. I greatly enjoyed my work with them and profited by it.

"To close Potomac would be a serious loss to many men who have entered the ministry too late to go into residence. I think many of these mature men get more out of these courses than many young fellows do out of their resident courses, because Potomac students, though in nonresidence, have a serious purpose and should have the credit."

Rev. Paul Wagner, minister of the Ninth Presbyterian Church, Troy, N. Y., writes:

"I would like to go on record as having said that I think the school as represented by Doctor Porter and his colleagues is a boon to mankind—the men who are placed in a position where their time will not allow them to get to a resident university or where they would not have time to spend attending such a college.

"I know that in my own case, though I am a quite recent addition to the school, that there is no possibility of getting any credit unless the work done as outlined is done sincerely and with application. The course that is given is outlined to cover a certain period of weeks, and this must be adhered to or there will be no credit given."

Rev. I. M. Bachman, Northampton, Pa. (April 28, 1928), says:

"Relative to the Potomac University, Washington, D. C. I took the Ph. D. degree in that institution some years ago, and in the three years I worked for it I can frankly say that I was greatly benefited by the course of studies. I could not afford to get this course by any other way but by correspondence, and I presume others are taking it for the same reason.

"A man who took the Ph. D. in university came to my study and, comparing what either of us had to do, he said, according to the books you had in the course, I am sure you got more out of it than by listening to lectures only and doing a little research work."

Rev. George L. Warnke, of Staunton, Ill., replies to Congressman NELSON as follows:

"I have taken courses with different schools but have never found any which cover the work in such a splendid manner as Potomac does. The school has been a blessing for our entire country. It has

especially an open door for the student who is not able to pay a Columbia, Princeton, Yale, etc., tuition for his education."

Rev. George G. Treanor, B. Th., minister of the Dresden Presbyterian Church, Dresden, Ontario, Canada, says:

"I am glad to give a word for Potomac. I am a candidate there for the doctor of theology degree, and the work I have done has been a wonderful help. I have found the work of the highest order and beneficial. I have felt all along that in earning the degree I would have a great deal more than the degree."

Rev. John E. Miles, Syracuse, N. Y., calls attention to the place Potomac is filling in developing and maintaining studious habits. He says:

"From my first acquaintance with the institution and Doctor Porter I have found everything and everyone just as represented. I have never regretted taking the work prescribed, but rather felt that it was an excellent help in developing and maintaining studious habits.

"The work was carried on just about the same as the extension courses of larger universities. Although a graduate of McMaster University, Toronto, Ontario, I wanted to continue college work, and Potomac University offered what I needed."

Missionary J. C. Kobes, of Toadlena, N. Mex., says:

"My experience would lead me to believe that Doctor Porter and those associated with him are endeavoring to furnish honest help to those who are unable to further their education through the usual resident channels."

Rev. Fred William Hubbard, of Paterson, N. J., writes:

"It gives me great pleasure to say that I found the courses not only interesting but extremely helpful which I took with the Potomac University. I highly recommend that this institution is fulfilling a big need toward aiding a person to do advanced work as well as undergraduate collegiate work."

Thus one might go on reading for hours the statements of those to whom this splendid institution has been and is a godsend. I must content myself, however, with but one other tribute which sums up the feeling and testimony of hundreds of Potomac students and graduates and expressed by the Rev. A. E. B. Blundon, pastor at Stittville, N. Y., in his letter of April 28, 1928, in which he says:

"Potomac University should be looked upon as a great asset to our educational forces and a blessing to the State and Nation."

IX. THE POTOMAC UNIVERSITY PRESIDENT, DR. ERNEST WARREN PORTER, IS A CAPABLE, EXPERIENCED, AND SUCCESSFUL EDUCATOR

In speaking of the scholastic attainments of Dr. Ernest Warren Porter, president and founder of Potomac University, the editors of "Who's Who in America," say: "Educated in Y. M. C. A. School of Modern Languages (Northeastern University), Boston, 1893; Law School, Boston, 1894–95; Kent College of Law, 1895–96; LL. B., Chicago Law School, 1897; D. C. L., 1898; Ph. B., Taylor University, Indiana, 1899; M. A., Amity College, 1909; admitted to bar, Illinois, 1896; District of Columbia, 1905; instructor Illinois College of Law, Chicago, 1897–98; instructor political and social science, history, private school, Boston, 1900–1903; president and professor Potomac University, Washington, D. C., since 1904." In 1914 Doctor Porter was made a Fellow (F. S. P.) of the Philologie Société (London); and in 1923 the same institution awarded him the degree of Ph. D.

These attainments together with his extensive experience as an instructor attest his capability and experience, while the tributes of the thousands trained under his direction attest his success as an instructor.

Regarding his character, those who know him best know him to be a man of broad culture, high ideals, deep sympathies, kindly disposition, and exemplary Christian deportment; beloved, respected, and trusted, as evidenced in the numerous personal testimonials which I have the honor and privilege of presenting.

May I, first of all, read extracts from a letter addressed to Congressman NELSON by the Rev. Gove G. Johnson, D. D., pastor of the National Baptist Memorial Church, Washington, D. C., of which Doctor Porter and wife are honored members. He says:

"Please allow me to express to you the esteem in which I hold Dr. Ernest W. Porter, president of Potomac University. I have for some years known Doctor Porter intimately and believe that he and his work are genuine."

I follow this with a tribute from the Pinkham Bible Class of the National Baptist Memorial, Washington, D. C.:

"The Pinkham Bible Class has on its rolls names of 104 men. On Sunday morning April 22, 1928, there were present 72. The followlowing paper was presented by one of the members and unanimously adopted by an enthusiastic vote:

"To whom it may concern: This paper is to give expression to the high esteem in which Dr. E. W. Porter is held by the members of the class. We commend him unhesitatingly as a man of the highest Christian integrity.

"E. W. MAY, *President.*
"WM. S. ANDERSON, *Secretary.*
"S. G. NOTTINGHAM, *Treasurer.*"

Rev. John E. Briggs, D. D., pastor Fifth Baptist Church, Washington, D. C. (April 24, 1928), says:

"In reference to Professor Porter, of Potomac University, I beg to say that I have known him for some years as a Bible teacher and one who is interested in religious work."

Mr. Robert H. Clark, member of National Baptist Memorial Church, Washington, D. C., says:

"I have known Dr. E. W. Porter, of the Potomac University, for a period of five years and have found him to be a man of the highest Christian integrity."

"DEAR SIR: My acquaintance with Dr. E. W. Porter began when I became a member of a Bible class of which he was the teacher. I soon recognized his ability as a teacher and became very much interested in his work. Holding him in high esteem, I sought a closer acquaintance with him, and that more intimate acquaintance has confirmed the judgment first formed and I have come to love him as a high-toned Christian gentleman.

"Respectfully yours,

"Rev. L. R. THORNHILL, *D. D.*"

Rev. George L. Gibbs, pastor First Baptist Church, North Braddock, Pa., says:

"I can speak only in terms of the highest commendation of Doctor Porter and his work through Potomac University. Besides, there could be no sounder man or more thorough student and teacher than Dr. George Boddis, one of his colleagues."

H. A. Stacy, of the Government engineering department, residing in Takoma Park, D. C., says, under date of April 26, 1928:

"I have been acquainted with Mr. Ernest W. Porter, president of the Potomac University, since 1911 and believe him to be a thoroughly earnest, honest, conscientious man, whose school is doing a similar good work in its line."

FIRST BAPTIST CHURCH,
Washington, D. C., April 24, 1928.
(Rev. Samuel Judson Porter, D. D., pastor)

Mr. Ernest W. Porter, Bible teacher and for many years teacher in Potomac University, is, in my judgment, a man of splendid character. I do not believe he would do anything unethical in connection with his work.

SAMUEL JUDSON PORTER.

Dr. Maurice E. Miller, Medical Science Building, Washington, D. C. (April 21, 1928), says:

"Mr. Ernest W. Porter, educator, Bible teacher, and church worker of this city, many years a teacher in Potomac University, is known to me as a man of strong Christian character."

Dr. William M. Sweet, 1801 I Street NW. (April 21, 1928), says:

"Ernest W. Porter is a Bible teacher of this city, whom I know as a man of strong Christian character."

The following splendid tribute was sent by Mr. C. F. Haden, chief of examining division 2 of the United States Patent Office:

"I have known Ernest W. Porter about 17 years and I have been quite closely associated with him part of that time, long enough and closely enough to know that Mr. Porter is honest, honorable, and conscientious and is conducting a legitimate business, and he has built up a deservedly honorable and widespread reputation both for himself and for his school. He should be encouraged and his school should be recommended, because good correspondence schools are needed and do an inestimable amount of good. They are a godsend to a large class of ambitious people who have been unable from one cause or other to get a liberal education in any other way."

Mr. William E. Dyre, McLachlen Building, Washington, D. C., attorney at law, under date of April 21, 1928, says:

"I am a native and also a life-long resident of the District of Columbia and attorney at law specializing in patent and trade-mark causes, the executive secretary of the patent, trade-mark, and copyright section of the American Bar Association, a member of the Board of Trade and various other local civic organizations.

"I have very little knowledge of the Potomac University of this city and am not conversant with its courses of instruction or methods, but I have a personal acquaintance with its president, Mr. Ernest W. Porter, extending over a period of 20 years and know him to be a man of high ideals, excellent moral character, and a Christian gentleman. He is a prominent member and officer of the National Memorial Baptist Church of this city, a man of integrity, whose daily life is characterized by a sincerity of purpose and a desire to merit the confidence of mankind to which I believe he is justly entitled.

"WILLIAM E. DYRE."

Miss Ruth Gray, Munsey Building, Washington, D. C. (April 21, 1928), says:

"I know Doctor Porter and each member of his family personally. I have worked for him and I have worked with him, and I know that the courses which are given through his university are above the average. I have copied many sets of lessons which have been sent out to their students, and I feel that his students are amply paid for every cent that has been received by Doctor Porter. His work entails an

expense which the fee that is asked for the same would hardly pay at times, yet this is all done for the sake of the students. I have always found Doctor Porter to be a gentleman in every respect. He is a capable man and a learned man. I feel positive that he would be a great help to any student to whom he might impart his knowledge.

"RUTH GRAY."

Rev. A. A. Swanson, B. D., of Russell, Pa., says:

"Permit me to lend a word in appreciation of Doctor Porter himself, who is a man of sincere motives and outstanding ability as an educator, and a friend to all who aspire to do better work for their Lord and Master."

Rev. Francis L. Beal, D. D., St. James' Rectory, West Somerville, Mass., says:

"Potomac is doing excellent work for higher education. I know President Porter to be a man of high integrity, broad learning, and large administrative ability."

Rev. C. L. Doyle, M. A., B. D., Ph. D., pastor First Baptist Church, Tiffin, Ohio, pays this splendid tribute to the integrity of Doctor Porter in his letter of April 27, 1928:

"Hon. JOHN M. NELSON, M. C.,

"United States Capitol, Washington, D. C.

"DEAR SIR: The one thing on which the Potomac University lays great stress is that a man must earn his degree by honest, hard work or he will not get it. And the courses of study are not light.

"I tried to get them to give me credit for work I had already done in subjects on their course, but there was 'nothing doing.' I had to study and pass the tests as required by their own teachers if I would receive recognition from their school. I had a disagreement with one of their professors because I thought he was unreasonable in his demands in requiring so much work on a certain subject. The professor stood his ground and the university backed him up. Result was, I lost all my credit for that subject and had to do the work over or shift to another subject of equal importance. If any man gets a degree from that school he earns it by honest, hard study and passing of severe tests."

Dr. Clifford E. Scouten, superintendent of schools, Millerton, N. Y., sends a similar tribute clothed in this language:

"I have found Doctor Porter a fine Christian gentleman and of unusually sensitive conscience. For example, he refused me credit for 12 hours of residence work of graduate grade, this work never having been applied on any degree. Several other universities were willing to accept this work toward a Ph. D., and about six credit hours taken under similar circumstances were accepted for graduate credit on my M. A. Doctor Porter based his refusal on the fact that the work in question was taken before I had received my B. A. degree, although the work was given as graduate work and was ordinarily open only to graduates."

Mr. William Douden, architect, Washington, D. C., says:

"Allow me to add a word in the interest of my friend, E. W. Porter, president of Potomac University.

"Our acquaintance has extended over a period of six years, and I have known him only as an honorable Christian gentleman of exceptional ability and good judgment.

"My acquaintance with the work of the Potomac University is somewhat limited, but what I do know is that it has met a need and demand for a methodical direction of home study along certain lines, with high ideals and without the least taint of commercialism."

Rev. H. J. Councilor, S. T. D., Calvary Baptist Church, Washington, D. C. (April 25, 1928), says:

"I have known Mr. Porter for 20 years or more and have been associated with him in religious work more or less intimately throughout these years. I am therefore happy to bear this testimony of my knowledge of his personal activities and interest in things worth while."

Howard S. Fisk, lieutenant, Supply Corps, United States Naval Reserve, past commander George Washington Post, No. 1, the American Legion, Washington, D. C., says in his letter of April 23, 1928:

"I wish to place myself on record in behalf of Mr. Ernest W. Porter, president of Potomac University, and to state that it has been my pleasure to have been acquainted with Mr. Porter for approximately 20 years and that I hold him in the highest esteem.

"During all the years of our friendship I have always found him to be honest, square, and upright, and his character above reproach. I have the utmost confidence in him, and have never heard any unfavorable criticism of Mr. Porter or his school. The fact that he has been established in his school work over 20 years is, to my mind, evidence enough of his business integrity and fair dealing.

"Mr. Porter is a man of excellent moral character and a student of many years, and one deeply interested in the educational field in which he is engaged. I therefore take pleasure in adding my testimonial as to Mr. Porter's character during these many years of our friendship, which still exists at the present time."

Rev. G. A. Leichliter, M. A., pastor of the Prospect Avenue Baptist Church, Buffalo, N. Y., under date of April 28, 1928, pays this splendid tribute which admirably expresses the esteem and appreciation of hundreds and thousands who delight to honor the worthy president of our beloved alma mater, Potomac University:

"I esteem Dr. E. W. Porter, the president, very highly, indeed. In all my dealings with him I have found all other considerations lost in the desire to have the student reach an honest and honorable goal. To me he is one of the very worth-while educators of our day and able to take his place in the ranks of the profession with honor."

X. THE POTOMAC UNIVERSITY IS WORTHY OF THE FULL CONFIDENCE AND SUPPORT OF THE PUBLIC

My remarks regarding this proposition shall be brief. No person who will carefully weigh the hundreds of expressions which have already been adduced in this address and reflects on the unusually high class of persons from which they come can possibly escape this conclusion.

Regarding the sincerity of the purpose and aim of the founder and promoters of Potomac University there can be no question. Regarding the character of the instruction imparted, clearest testimony has been given. All who have touched at any point the activities of the university commend it unreservedly. Potomac University is worthy of the fullest confidence and strongest support of the public at large, and for this I must sincerely plead.

The positive, active, moral support of every person interested in any manner, shape, or form of higher education must surely be given by all who honestly and conscientiously weigh the facts. But this is not enough. Potomac University must have the strongest possible financial backing if she is to measure up to her privileges and opportunities. The self-denial and self-sacrifice of her founder and president marks one of the greatest examples of giving up one's life and all for the realization of an unselfish, beneficent ideal that has ever come under my notice. If Potomac University is to be the blessing in the realm of higher education God means her to be and we sincerely desire her to be, we must see to it that adequate financial support shall be provided, and to this provision I invoke your earnest, prayerful consideration.

In support of my proposition and plea may I read the following brief extracts from the letters of others who share similar convictions?

Rev. O. H. Dorschel, B. A., B. D., pastor of the Salem Evangelical Reformed Church, Buffalo, N. Y., says:

"When I enrolled I was promised certain things along the lines of advancement in knowledge and can sincerely say that I received all promised and greater satisfaction than I anticipated."

The Rev. Joseph Wilson, jr., of Sherman, Tex., expresses the sentiment of those who best know Potomac. He says:

"In reply to your letter of inquiry concerning the work of Potomac University and its faculty, would say, so far as my knowledge goes, both the institution and the faculty are serving a noble purpose and are worthy of the full confidence of the public."

Rev. Antonio Perrotta, pastor Italian Baptist Church, Utica, N. Y. (May 8, 1928), says:

"I am a graduate of Colgate and Yale Universities and understand somewhat the methods used in these high schools of learning to impart proper instruction and intelligently educate the mind; hence I speak and write with a degree of intimate knowledge of such things.

"Having taken courses with Potomac, I can assure you that the imperative and absolute request of the faculty is to pursue the studies as they are outlined, and the promise and plan are plainly stated, that no credit is ever given unless the lessons are properly and correctly done. * * * I believe that Potomac University is worthy of respect and public support."

Prof. Charles M. Jones, principal of the Taylor County High School, Perry, Fla., says:

"I am a graduate of Western Kentucky State Normal, Potomac University, and University of Chicago. I consider the services rendered at this institution (Potomac University) to be high grade and faithfully done."

Rev. Hislop Dickson, M. A., B. D., pastor of the United Church, Oak River, Manitoba, writes under date of May 7, 1928:

"I have been studying with Potomac University for the degree of Th. D. for between three and four years and am only about half way through the course at present. My experience has been that they are thorough in their correspondence courses and businesslike in management.

"Another minister who completed this course a year or so ago informed me recently that he had done honest and faithful work with them and that he was highly pleased with their dealings with him.

"H. DICKSON."

Rev. John C. Cowell, jr., evangelist of Fayetteville, N. C., says:

"I count it a happy privilege to say a kind word for Potomac University. I have taken work with this institution and say unhesitatingly that I have found them to be upright and conscientious in all of their dealings. Their work is of high character, and when one is awarded a diploma from the school it is because they have earned it."

Rev. J. D. Spidell, B. A., M. A. (Potomac University), pastor of the Ludlow Street Baptist Church, West St. John, New Brunswick, Canada, says:

"I have nothing but highest praise for the work Potomac University is doing. The work of the university has all been thorough and honest."

Owen F. Renegar, B. A., LL. B., attorney at law, and former judge, Oklahoma City, Okla., writes:

"Will say that it has been my pleasure to have been a student of Potomac University and have taken considerable work with other institutions, and I prize my training taken in extension with Potomac University as the highest type of university culture."

In conclusion may I ask you to consider again the 10 propositions presented, together with the testimony produced:

I. Potomac University is true to the fundamentals of the Bible.

II. The Potomac University faculty is one of superior scholarship.

III. The Potomac University system of instruction is the equal of the method used in residence in the best colleges, universities, and seminaries.

IV. The Potomac University system of instruction is the equal of the method used by the best university extension and correspondence schools.

V. The Potomac University credits are accepted by other standard institutions of higher education.

VI. The Potomac University examinations are personally supervised.

VII. The Potomac University has stood the test of thorough investigation.

VIII. The Potomac University is a blessing to those unable to attend resident institutions.

IX. The Potomac University president, Dr. Ernest Warren Porter, is a capable, experienced, and successful educator: Therefore

X. The Potomac University is worthy of the full confidence and support of the public.

RESEARCH UNIVERSITY

STATEMENT BY ELMER J. BINFORD, TRUSTEE

Democracy depends for its growth and perpetuity on the education of its leaders. University education in America has its grave faults and has been following tradition quite blindly and not enough the needs of our people. Yet some of its most helpful critics have recently been university presidents, and a number of institutions and faculties are beginning to throw off the dead hand of precedent and to direct the forces of research and experimental investigation toward their own effectiveness. At the University of Wisconsin we have seen the inspiring example recently of the establishment of an educational experiment within the university in which some 250 young men are being trained for life in ways very different from those followed in the traditional institution, built in imitation of the old European universities and later getting standardized into subjects, "credits," "semester hours," "serving sentences" in classrooms for four years to get a degree, etc., to a point of formalism. President Bowman, of the University of Pittsburgh, expressed the new point of view recently in an interview:

"SELF RESEARCH AND EXPERIMENTAL SCHOOLS

"One of the first and most constructive things we did was to set up a research organization for a research of ourselves as a university. For years, in common with other universities, we have been making researches for others in medicine, physics, biology, chemistry, and industrial lines. It never occurred to us, however, that our own educational methods might profit by research. We who were in the business of dispensing knowledge were being guided not by knowledge but by tradition. We were deciding on precedent not on facts." (American Magazine for May, 1928.)

One of the first institutions to catch and embody this modern spirit is Research University here in the National Capital. Because for nearly a decade it has been somewhat different and has based its service as much as possible on an original adjustment of higher education to the needs of adults here and everywhere in the Nation it has received, of course, the usual criticism from the conservative. The recent attempt to get Congress to legislate and the consequent investigation by Congressman NELSON of this and other higher institutions here in the effort to discover the significance of this legislation (which would have put some of our local universities into the control of the school board and left others free, instead of providing a real board of higher education for all) has helped to bring out its national significance.

Out of this study has grown, I believe, an appreciation of Research University and a realization of the sacrifices made by its officers, who, against great odds, have since 1919 been building here for the city and the Nation a form of educational service that Congress and every other governmental agency should help to the limit of their powers. It is true that certain agencies have failed to help as they should in getting this institution widely recognized by other institutions, but the widespread recognition so far received and the remarkable support of its students and alumni should soon secure for it adequate endowment and general favor.

THE STORY OF RESEARCH UNIVERSITY

I have learned no more interesting and sympathy-provoking story than that of the rapid rise of Research University and of its struggles in this environment which should be the best in the world for it. As a professor in law schools, as a judge, and as a trustee of the institution, I have a basis for sound judgment of its worth and promise. Starting as the National School for Social Research in 1919, it incorporated as a university, in the only way possible in the District, early in 1920. Leading men and women in the city were its directors, one, in 1919, being Hon. CLYDE KELLY, of Pennsylvania, and another, in 1920, James T. Lloyd, later president of the local chamber of commerce and president of the local school board. Dr. Roy S. MacElwee, Director of the Bureau of Foreign and Domestic Commerce, was one of the incorporators, as was also a noted and very highly educated Harvard man, Dr. Edson L. Whitney, of the Bureau of Labor Statistics, who wrote the original charter.

A NEW TYPE OF UNIVERSITY

Dr. Louis Win Rapeer, the president and founder of the National School for Social Research, who was then a well-known research worker, educator, and author, had been president of another university, head of the department of education in another college, had taught in some 10 or more universities from one coast to the other, and had degrees from the University of Chicago (S. B.), the University of Minnesota (A. M.), and from Teachers College and Columbia University (Ph. D. and doctor's diploma in education), after graduating from the Indiana State Normal in 1902. He was recognized as one of the inventive and progressive leaders in the field of education and as a brilliant specialist and organizer in the science and development of education. He was not a professor of history, of English, nor of mathematics, attempting to create a new type of university, but was a distinguished professor of education, a specialist in the science of education, with many years of consecrated training, starting in 1897 in Indiana, and continuing summer and winter, day and night, up to the very top, a man well qualified to be the president of any university of the Nation or the director of any type of educational research. He did not want to be a routine director of a traditional university or public-school system. He had administered, observed, and studied many such attempts at education. Coming from experimental schools which he had developed or established and from the Federal Board for Vocational Education, where he had helped in the earliest researches on the rehabilitation of wounded soldiers, he was interested in creating here a unique institution that would produce a new and more effective type of adjustment to modern life for adults than was being secured.

He would gather together experts of the Government service and the District of Columbia, and in late afternoon and night classes and conferences they would study the process of education itself and make it reach more people, make it deal more with the problems which people face daily in their work and recreation, make it far cheaper for them than the costly universities that were doubling in expensiveness and becoming more exclusive, make it less of a begging institution than those universities that are constantly pleading with the rich or with State legislatures to hand them out millions to be spent as they choose, make its methods such as would be less of a pouring-in system, and make it the savior of thousands of teachers and superintendents and Government employees in offices who could not leave salaries and get away to college for a full year, but could take much of their work by correspondence, in vacations, and for those here in the District in night classes. The whole field of educating adults had hardly been studied by any agency. The possibilities of presenting to students the actual life situation by the case system of teaching and the problem method of training people to think on the actual problems of life—all this was an open field for research and consecrated devotion.

AHEAD OF THE TIMES

The task was one of pioneering. As Dr. Charles H. Lane, of the Federal Board for Vocational Education, well said in a recent letter to Congressman NELSON: "Doctor Rapeer was about 25 years ahead of his time in his plans for the institution. The fact of the matter is that he conducted the institution as would our leading educators if they were not bound down by academic traditions. * * * I should say that the Nation needs at least one experimental university at the National Capital." Moreover, the aim was not to lower standards but to raise them and to insure that students knew far more than usual on graduating. The new university was to have only small classes, below thirty, instead of the hundred or more common in big universities, and to put the hurdles high for all and pass no one who was not well qualified, and measured so by tests and a university council that for the higher degrees invited in disinterested experts to help examine candidates.

Every teacher was to be given freedom "to teach the thing as he saw it for the god of things as they are" and to lay aside the worry of the "big stick" and gossip, which is the bane of many college faculties. So the idea was new; the older universities had hundreds of alumni in the city; the interest of the faculty was in building the university instead of winning outside converts to a new idea. So explanatory propaganda was sorely needed and very hard to secure when the leader was giving some 15 hours a day to the task of internal construction and of getting students before endowment was available. Dr. John Dewey recently expressed the difficulty at Columbia University at the installation of Doctor Russell as dean of Teachers College: "The simple discovery that education is, first of all, a problem for study, for investigation and research and a problem so com-

plex and diversified as to demand prolonged and thorough training marks in itself an almost revolutionary departure from the older attitude."

But here we had scholarship, devotion, inventive genius, and persistent industry, coupled with a uniquely favorable outward environment. Hundreds of capable and well-trained men and women with the higher degrees were here available and glad to teach after 4.30 in the afternoon for half of the tuition of their respective classes, and many for nothing. No university located in a small town has such advantages available; and most "standards" created to apply to such colleges out in the country town are inapplicable here. Research University did not need the customary "eight full-time professors" of the traditional standards set up by some college associations since it had more than 80 part-time professors with qualifications superior to those possible to the small and struggling college. Instead of having the minimum of "25 students" it had over 800 in one college year. Instead of having to struggle for perhaps a half century to secure a suitable library there was available for the use of students here the greatest collection of books in the world, from the vast Library of Congress down to several thousand books of Doctor Rapeer's own library.

THE PLAN

Instead of having to beg for money to spend for buildings the plan was evolved of renting large down-town residences with very large rooms and high ceilings, renting out the top floor or floors as a dormitory for men, and of thus getting at very reduced or no rent the lower floor or floors for the university. Here at one swoop was eliminated one of the greatest agonies of many college presidents and faculties—practically selling their peace of mind to the rich to get buildings and yet more buildings. The principal buildings secured were, first, from the Red Cross at 1719 H Street, and later at 20 Jackson Place (on Lafayette Square for a campus and only a half block from the White House) an ideal center for Federal employees in evening classes and for others who might attend day classes. Instead of requiring much money for museums and equipment for natural sciences much of this matter was provided in our great public institutions here and by loan and gift from Government departments and others—one, for example, being geological specimens from the National Museum.

The ideal was to start with merely nominal tuition and gradually to reduce it by some means until it was practically nil, at least as "free" as at State universities, and to get endowment and help from Congress and others for this purpose. The old idea that a university must be seclusive and austere, with a "take it or leave it" attitude, was to be abandoned. Students were not merely to have education provided for them if they came but people were to be sought out, urged, and stimulated to "make the most of themselves." The ideal was to make two students grow where but one grew before in the National Capital and the Nation and to adopt for philanthropic purposes some of the persuasive methods of the great commercial schools run for profit. Education was to be made attractive and obviously worth while, closely related to actual human needs and under the guidance of men who were daily in contact with reality and were not mere bookworms and pedants.

With the recent great shower of letters of praise of the university received in response to the inquiry by Congressman NELSON, and which has been printed in part, also, in the House hearings of the District Committee, came a letter and a copy of an investigation of Research University made in 1921–22 by Dr. Charles W. Blessing, of Albany, N. Y., a man educated in the best universities of the Old and New Worlds and a professional educator. His story and survey of his findings there printed show Research to be one of the most promising and worthwhile institutions of the entire country, not merely in the city of Washington. (I should like to quote this survey in full, but refer to the volume of hearings.) Without entering into competition with other institutions here, the university has developed, first, this evening university work and has thus helped thousands forward with their education, and, second, has evolved the combination of correspondence and residence work which the older universities here have failed to initiate—a plan that gives as much as possible of the training by correspondence and the remainder in vacation residence. These are its two great fields for experimental development, not overlooking experimental development of new methods of teaching in colleges.

The extension work, partly because of Doctor Rapeer's specialty, education, for which he is well known, through his many books, articles, and pamphlets, appeals especially to schoolmen. Some thirty to fifty thousand school executives and teachers of the United States have for decades been failing to go forward with their professional training because family obligations, low salaries, the necessity for nearly year-round work, and the great expense of "going off to college" have prevented them from leaving their schools and giving up salaries for that "year of residence" which has become a veritable fetish among American colleges. Because some students needed a year in residence for natural-science work in university laboratories, because a year was the usual length of a course before the University of Chicago invented the four-quarter system, and because in the early days books were scarce, correspondence work was undeveloped, and Carnegie and other libraries were not widely scattered, the colleges of the country required a full year of residence, usually at one time, for any degree. This tradition has put up an obstacle, however, that has stopped the professional growth of thousands of school superintendents, principals, and teachers in this democratic country so much needing education. They are our "professionally retarded educators."

Schools are often somewhat "dead at the top" because correspondence and reasonably limited summer-residence work were not combined. "The laboratory of the schoolman is his school" is the new slogan. Most adults in school positions of responsibility have already had laboratory work in the natural sciences at some college. They need to be trained to study not so much books of theory in libraries far off from their work, nor chemistry or physics in a laboratory, but the many acute problems in their own school systems, where the children and teachers are. Half of the so-called professional education of such leaders by the old methods has probably missed fire and been wasted. Thus America is kept backward by reason of the lack of advancement of its school leaders, who in turn are retarded and discouraged by the traditionally long residence requirements of universities, especially for degrees above bachelor. Even where some universities, like Columbia, permit summer-residence credit toward degrees the summer session is usually but six weeks in length, and it thus takes about six years to make up 1 year of 36 weeks in residence; and where the summer quarter is 10 to 12 weeks long, as at the University of Chicago, the difficulty is that few superintendents and principals can get off for a full summer session, and several years are required, no matter how much progress has previously been made by correspondence. So the result is that there is a psychological and financial handicap on the professional growth and efficiency of those upon whom we must depend for the superior education of our children in this Nation to meet the increasing complexities and difficulties of life. Here is one extension problem to which Research University set itself early, and especially after 1924. It could insist on a full year of residence for all if this proved best, and does for those in the District.

EXTENSION CREDIT FOR DEGREE OF MASTER OF EDUCATION

It was soon learned, then, that for the master's degree, or that of master of education, all of the time—that is, a full year in residence—was required at many universities and that this was regarded as an inviolable tradition—that no work by correspondence could be counted toward this "fifth year of college."

A few progressive universities in the West had begun to meet this problem by use of the subterfuge of calling graduate correspondence work "projected study." But usually a person must get off a full year at one time to get a higher degree beyond the bachelor's degree; and the schoolman feels, in many cases, that he might as well give up and remain a plodder with the lower degree and training only. At great cost our president had worked himself through the Indiana State Normal School, graduating in 1902, after teaching several years, and then gradually through other of the best institutions to the highest degrees. But few had his health, industry, skill, and freedom (until 1908) from family and other burdens. He saw that for schoolmen (however it might be for natural scientists) it was folly to try to force them to put in all or even half of the time in residence; and that one or two short summer sessions were quite sufficient, after a long period of effective correspondence instruction and original research in the laboratory of the schools, to make schoolmen professionals instead of mere theorists. Research University therefore announced in a 1926 catalogue that the residence time would be lessened and that a large part of the work could be permitted by correspondence for the strictly professional degree of master of education.

But this plan was also unheralded. For, traditionally, universities gave no credit toward the master's degree for education by correspondence, even though the training was several times as effective and laborious as sitting in the typically large classes or writing the usual thesis, which was here abolished. The master of arts degree was especially under the taboo that required residence classwork only. Research University decided to avoid objection from the conservatives by giving only the professional degree of master of education and of reducing residence time below a half year for only professional degrees and to require a full year of university training by correspondence, no matter how long it took, and a full quarter, or two short terms of five or six weeks, here at the university for this degree. Of course, these are mature students with one or more years of residence in college and with teaching experience, and a number are over 50 years old. Thus we require 38 semester hours instead of the usual 24 semester hours and a master's thesis. The standard was indeed raised so high that no university, no matter how reactionary, could legitimately complain; but we have seen that one of the association officers, whose function it seems to be to help colleges to continue looking backward, has caused some trouble with the recognition secured by the university in 1921–22 with nearly a hundred colleges and universities and with many that have since accredited us. Sympathetic understanding is needed.

HELP NOT HINDRANCE

Of course, the full light of truth must be thrown upon such underminers of mutual good faith among educators and colleges; but such a process costs money; and my speech to you is one means available for

helping our institution to grow untrammeled and to continue its noble work instead of being injured by doubts subtly raised as to whether it is maintaining "standards" and is "accredited." It is blazing a trail; it is more than maintaining standards. Its graduates will have their place in the sun along with those from the oldest and the largest universities—with which many of its graduates and students very favorably compare it in the many letters to Congressman NELSON previously mentioned.

WHY STUDY BY CORRESPONDENCE?

By modern correspondence training the student has many decided advantages. He may do his work when convenient; he may utilize leisure hours; he may drop his work and take it up again; he has it constantly before him, stimulating him to go forward to the best of his ability in his cultural, business, or professional growth. He can hook up what he learns daily and weekly with his life work and can thus practice that most important psychological doctrine of "use or lose." He can constantly use and retain and work over and modify and re-create within himself what he learns. These and a hundred other advantages inhere in this rapidly growing service that will in the future reach a large proportion of our adult population by one of the most skilled forms of training ever devised and now in the process of rapid experimental improvement. Many other universities will adopt the plan within 50 years, but present schoolmen need present help.

The correspondence student must solve all problems, face all "cases," and recite on all questions, rather than on a small part, as in residence. He does not sit and listen to others recite and grow; he must do all the reciting and growing himself; and there is no way of evading the development—while anyone can sit in many university classes for years without contributing, growing, or doing much. A student, for example, is reported as having attended but twice in a year in a very large class, and yet as having "passed" and having received a degree. The stories of such "college fooling," with degrees passed out at the end of a period of years, are revolting to all friends of economy and national hardihood and ability. The really fraudulent universities to-day are the ones that must resort to enormous classes to teach all who apply, and that then give out degrees when the "sentence" of sitting in class is served. This is the very opposite of the process of correspondence work and, especially, of our system at Research University. The difference is almost that between having a book read to you in class and in writing the book yourself in private.

WHAT EDUCATORS THINK OF RESEARCH

Principal H. D. Vincent, of School 16, Troy, N. Y., says, for example, in one of the many letters to Congressman NELSON:

"I have three degrees earned elsewhere, and I know what work is like. The big criticism I have to offer in regard to Research University is that it requires so much that the wonder is that anyone ever finishes. The instruction is of a high order and faithfully done. More is required at Research University than is required at most institutions for the same credit. One assignment of your work is equal to about two weeks of work at State College for Teachers at Albany, according to what my friends say."

Superintendent of Schools L. J. Belt, of Wheatland, Wyo., says:

"I have attended day classes in five colleges and universities and can truthfully say that the course I am taking from Research gives me more of a conscious feeling of accomplishing something than almost any course I ever took."

Superintendent Cotton, of Derry, N. H., says:

"I am a college graduate, Colby, 1900, also of the University of Maine Law School, 1906, a member of the Massachusetts bar, 1906, Harvard University, 1927, with the degrees of A. B., LL. M., and Ed. M. (Master of Education). The educational philosophy on which Doctor Rapeer bases these courses is the best I have ever read * * *. The subject matter of the courses I am taking is sufficiently difficult to be called 'advanced' when compared to other courses I have previously taken * * *. A university at Washington so organized, to do work such as this, should be the pride of the Nation."

Please hear also from one of the first graduates of the 1921 class, who is now practicing her profession in New Haven near Yale University—Miss Alice M. Hopkins, A. B.:

"I was a student in this university from its opening until 1922 * * * and I am glad to be able to say that during this time the professors and instructors were all experts in their lines, and that the instruction was of high grade, equal to any I have since received in such universities as Columbia and in the teachers' courses offered at Yale University * * *. I feel that Doctor Rapeer's idea of a cooperative university, with an opportunity for everyone to get the education needed to advance him in his life work, at such hours and on such terms as would enable him to take advantage of it, is a great contribution in the field of experimental education for adults."

Superintendent William E. Melvin, of the Lordstown centralized schools, Warren, Ohio, also voices the judgment of the group from evidently long and intimate experience:

"I have attended three of the great universities of our land, namely, Ohio University, the University of Cincinnati, and the University of Colorado. I consider the instruction given by Research University absolutely on a par with these; and I have found Research even more exacting in the preparation of lessons."

There is the story; and there is the truth! And this seems to be the consensus of opinion among all those who know. And my temptation in selecting passages for this speech was to include many complete letters and hundreds of extracts from letters of resident and correspondence students. Many of these, however, have been printed in the hearings on the favorably reported bill and some appear below.

WHY THIS REFORM IN HIGHER EDUCATION?

"Well, why don't these schoolmen study regardless of degrees?" said a Senator at one of the hearings. The reasons, very simply and sufficiently, are: First, that degrees are required for professional advancement and increase of salary in a growing number of States; second, that students can now get a year or two of credit or more toward bachelors' degrees from most of the large accredited universities for correspondence work, and colleges yet do not see the need of increasing this credit; third, that the work for the "fifth year of college" is not essentially different from the fourth year and should be treated and accredited in much the same way; fourth, that a man who has completed a course of training is entitled to a symbol that indicates he has made certain achievements and has these abilities; fifth, that students are getting degrees for residence work in large classes of far inferior quality to correspondence work, and in examinations far less carefully safeguarded, as in the "honor system," so called, which Amherst has just abandoned; sixth, that since school boards can not always judge merit except by degrees, and since superior professional fitness is not always recognized, schoolmen and their teachers have not a sufficient incentive to lay out money and an immense amount of hard work in their leisure hours to engage in the correspondence training, although, of course, many do, to their great honor.

These and other factors combined tend to make education unattractive and seemingly impossible. The result is that very many of the school systems of the country are relatively "dead at the top" and partly dead within, because the teachers, superintendents, and principals are not growing as they should be. They are stagnating because of a stupid system which robs them of incentive and which forces them out of the schools. It gives the man of wealthy parents the advantage, and the man of wealthy parents usually does not go into teaching, although salaries of from $5,000 to $10,000 are now becoming common in this field, and some superintendents of schools are paid as much as $20,000 and have the most important responsibilities in this Republic. Moreover, not to grant degrees to deserving men and women for correspondence plus residence work is unjust and puts the cost of instruction and publicity too high to provide the service.

GREAT COST OF THE SERVICE

He who sells education must be a very great salesman, indeed; and he who gets people at a distance to take their scanty leisure and to give it over to hard work in correspondence study must be a "past master." He who buys an automobile, a radio, or a house buys immediate satisfaction and delight. He who purchases a correspondence course makes himself for a time a slave, and one who must command all of the forces of his nature to cause himself to labor, to write, to think, to persist, and to finish the work. There is the real reason why so many people fail to take or to complete correspondence courses! Without agents, "business methods," and high tuitions (to split with agents), such courses can not be provided on the scale and quality of those of Research University without very great personal sacrifices or much money in the form of gifts to make up deficits. That Research University is working out economical methods by experimental research for doing this great job for the Nation is to be highly commended and praised! Only little souls will fail to help it render this service to the Nation.

Thousands of letters come to the university each year. Each entails a cost of about 20 to 50 cents for a careful personal reply by an expert. Many letters are usually needed for each person. Out of these thousands of letters comes a personal acquaintance and awareness of the actual facts of life and of the educational needs in the field as they are that can be acquired in no other way. No one who has not read these thousands of letters for years and generalized wisely on the outstanding facts is competent to challenge the plans of work devised by those who are here giving their lives to this training. And no really professional expert on education will even dare to speak authoritatively on correspondence instruction, this field being as yet largely untouched by research, and genuine experts avoid dogmatic opinions on what they do not know. Yet here in the hearings we have heard dogmatic and silly assertions made by persons who are not educators, who are not college professors, who know nothing about the science and facts relating to this problem, and who do only harm to education and society.

Such testimony and such an "expert" as one who has, for example, been only a teacher of English in a college, speaking oracularly on correspondence work and university standards, bears out the witticism now going the rounds that such "an expert is an ordinary man away from home." What those in Congress need to do is to discover the real experts and to give them the best help and the greatest encour-

agement possible to go on and to discover how best to educate the American people. If large bodies of universities in associations must move slowly, let a few go forward. We must protect the men and women of Research University from the cynics and others who would hinder the most cordial recognition and acceptance of their acts by all universities. Any other course strikes at the very heart of American methods and ways of growth. We must give our universities freedom, as 36 States do, and not retard them by the "cancer of too much government" and standards out of touch with a changing reality.

GENERAL ACCREDITING

The more than a hundred colleges and universities and State departments of education that have recognized Research University in the past will be multiplied until there is none that does not credit it. And to those persons now students and to those who will be students in the next 50 years I say that it is far better to study with a live, small institution than a big, dead one; and that if you will stand by the university, as you have in this matter of the proposed unwise legislation, it will stand by you and will grow until it will be one of our best beacon lights of educational research and school improvement. Furthermore, I say that if a college, State department of education, or other agency questions legitimate credit for your achievements and full recognition of the university, let us know, and such matters will be immediately rectified or you will be given the privilege of going forward with Research University to the very highest degree, that of doctor of education, when you will be beholden to no other university or State department of education for accrediting.

These things are swayed now too much by custom and fashion and by gossip. The only person besides Congressman NELSON and Professor Loftis who has ever really investigated Research University at all thoroughly on the ground was Dr. Charles W. Blessing, and his conclusions are full of praise and encouragement. Dr. Charles H. Lane, Prof. Philip E. Bunker, and others who got their degrees as far back as 1921, are in high positions and should be justly proud of their degrees. I say to you alumni, let no one injure your pride in your own. You know that you did standard work and that you received standard recognition that others may refuse to accept at their cost. Thus would I speak to the graduates. Have the backbone ever to work for your alma mater, even if she doesn't live in a palace and doesn't beg for her income!

SERVICES OF REGISTRAR SAUNDERS

I suggested before how interestingly the work is organized and conducted. The registrar, Mrs. Virginia H. Saunders, a graduate of the University of Wisconsin in the class of 1902, has reared a family and has had a rich and varied experience. She studied in the evening classes of Research University for a year or so, getting her master's degree in 1926, and, not wanting to be a burden to her husband for her training, worked in the university office with other students for her tuition. Gradually the ideal opportunities for adult study opened out and appealed to her so much that she has for three years been giving her services without financial compensation to the university as registrar, and knows it more intimately than anyone except the president, who is the present guiding officer of the institution. She says that it is a constant surprise to her how great is the need of this training, how little this need is being met by other institutions, and how expert and worthy this service is of the most generous financial and moral support. I believe that this judgment is sound, as is also the judgment of her husband, who visits the university daily and cooperates with Mrs. Saunders in the contribution of her services to this worthy cause. I have talked with our faculty members, other trustees, and with students, and they are mature and far above the average, the kind of people who unselfishly are molding modern life and helping it to overcome its serious handicaps. And they all boost for Research.

REQUIREMENTS FOR DEGREES AND CREDITS

I have mentioned the evening and the summer classes in residence. The general credit requirement for these and for the extension work is the usual 120 semester hours for the bachelor's degree, and 30 more for those in residence, and 38 for those by correspondence and summer residence, for the master of education degree. Some of the best of those students who complete the work to the degree of master of education may be permitted, experimentally, to go forward to the doctorate in education. The president's interest is largely in this very advanced field and in getting hundreds of schoolmen to work on school problems that can be solved only by local experimental research.

The typical extension student is supposed to have had at least two years of college work in residence before he enrolls with Research University; and in this way he gets his natural sciences which, as stated, we do not teach by correspondence, excepting biology. We prefer also not to teach the foreign languages in this manner. We do not for good reasons require the foreign languages for degrees in education. When he comes during the summer session the student may be asked to enroll for some of his classes at another local university here also, for which he can receive residence credit at Research.

HOW STUDENTS WORK

When he completes the 36 sections of a year's course by extension, the student may take an examination before a local supervising examiner if he wants college or State credit. But if he wants a degree from Research University he must take further examination on these subjects when he comes for his residence work. No one can get a degree without residence work, and no one can get a degree without final oral and written examinations on all of the work counting toward that degree. For the degree of master of education there are five extension subjects and a term in residence beyond the bachelor's degree. For the bachelor's degree the requirement is the equivalent of 20 subjects in which classes recite three times a week for a college year, five subjects making the equivalent of 15 hours a week, the standard performance, if not achievement, that has become a custom in our colleges. An ideal course of 20 subjects is suggested to students for the four years of training. Yet all work is based and selected on intimate knowledge of the individual student and his needs. Every extension student sends in his photograph; and a very good idea of the quality of the extension students is gained by looking through the albums of portraits.

These men and women, as stated, are for the most part above 30 years old and are of a distinctly student and professional type. They are persons who have the character, persistence, and courage to study for themselves and to make sacrifices to get ahead. They are distinctly not of the type that is "sent to college," there to invent ways of "killing time and spending dad's money." The whole university is on a much higher plane than this, and is more like a cooperative graduate research-institute in the field of education.

The undergraduate work is divided among the three colleges of Commerce, Education, and Liberal Arts. The only division that goes higher than the bachelor's degree in these three lines now is that of the College of Education. No school of medicine, dentistry, law, or of other similar professions is offered. A school of religious education has been in operation but is not actively seeking new students. Our extension work is mainly for educators, not pastors.

Fundamental education in the social and natural sciences and higher specialized training in business, education, and the allied fields is provided; and good teachers are connected up with good students. Lesson papers are sent in to the university, out to the instructors, most of whom are in Washington, in to the university after being corrected, and out to the student after being supervised and recorded in the office. The system impresses me as being original, thorough, growing in efficiency, and eminently worth while. Certainly such a service has more promise of usefulness to the Nation than many an old-time university; and it should receive the first attention of discriminating philanthropists. It is remarkable how far the institution can make a little money go. Our main expense is for printing. The professors teach for 25 cents a lesson ("section") or less. Each subject, consisting of a year's work and giving six semester hours, or nine quarter hours, of college credit, now costs the student only $27 cash, or $30 in installments of ten to twenty dollars a month. Most students take from three to five subjects at a time. You can see that this leaves little money for university overhead and nothing for the ordinary magazine and newspaper advertising or the commissions of agents. We use no agents; but it may require agents and a higher tuition rate to make the system financially successful, because of the great difficulty of getting people to enroll for courses of work when the movies, the radio, the dances, and the autos are so seductively claiming so much of their leisure time and when our recognition is being secured over the entire area of the United States.

HARD INTELLECTUAL WORK AIDED

These forces and others are the chief foes of extension work and of night classes. The tendency is unfortunately toward easy living and flabby minds. While the standards of education are rising for many positions, those who want to rise must meet all of these dragons and slay them if they are to succeed in securing even part-time professional and cultural growth. Any institution that helps people in such work is worth an immeasurable amount to this Republic; and how any person can lay one stone in the way of Research is inconceivable. That any one or any group should belittle its service shows plain misunderstanding. Here we have a great educational reform and vision. Are we going to be so ignoble as not to catch the vision and to help forward these reforms, when every day brings new alarms showing the need of more superior education than we now have to meet the grave perplexities of modern life? No! Research University will soon be recognized as in the van of progress and as an aid to all colleges and individuals.

THE FUTURE

This is the type of institution which should be encouraged to grow and to provide its training for men and women who can not spend all of their time at college in residence. The solution of the problem of coordination in the District of Columbia is not one of giving the local school board more powers but very probably that of forming by statute a board of higher education that will assist all institutions of higher learning here and prevent abuses of the incorporating powers. Thus the District of Columbia could take a step in advance of any State in the Union. The Nation wants not less education but more education and more kinds of education; and it must promote, not hinder, experimentation and devotion to the public welfare.

EXCERPTS FROM LETTERS TO HON. JOHN M. NELSON, OF WISCONSIN, RELATIVE TO RESEARCH UNIVERSITY OF WASHINGTON, D. C., AND REPLIES OF STUDENTS, TRUSTEES, FACULTY, AND ALUMNI TO AN INQUIRY WITH ESPECIAL REFERENCE TO THE EXTENSION TRAINING BY CORRESPONDENCE

SUPERINTENDENCY UNION OF THE TOWNS OF
DIGHTON, FREETOWN, AND BERKLEY, MASS.,
May 6, 1928.

DEAR SIR: I have your letter of April 30 asking for my frank opinion of Research University.

My connection with the institution is briefly that of submitting to them from time to time material of constructive investigations that I am doing in connection with my regular work. It is precisely the same as work that I would otherwise do with Harvard under a course in individual research such as, in the Harvard catalogue, carry course numbers of over 100 in their respective departments. I need only say that, since I can do this work under the auspices of either Brown University or Harvard, as I might elect, the fact that I am working with Research University is due only to my finding, after experience with all three institutions, that Research University is in this respect the full equal in excellence of the other two; and, to me, preferable because I can adjust correspondence to my schedule better than I can monthly conferences that pass for residence.

Regarding credits, I can say nothing. In work of this sort no specified credit is prearranged at Harvard or Brown. When the work is completed such credit is given as the work is considered to merit. I have asked for no credit at Research because, in the first place, my work is not as yet finished; and, in the second place, I am not especially interested in credits, as I have already from Brown, Harvard, and Yale attendance acquired a fairly adequate supply of letters for ordinary purposes. My impression from general contact with Research is that credits from them would be harder to extract than from any institution with which I am familiar.

I may say, in passing, that this district encourages, almost to the point of compulsion, teacher study. My teachers are regularly working with Harvard, Boston University, Brown, and Teachers' College, Columbia, on summer and Saturday courses. I am expected to adjust salaries to the value of such courses. If I did not consider the work at Research of equal value, I should not accept such work for salary credit, let alone recommending it as I now am. I consider Research, on its merits, the full equal of resident work anywhere and also a unique service to educators in service that for many is an absolute necessity.

Sincerely yours,

EDWARD L. HILL,
Superintendent of Schools.

MILLERSBURG, OHIO, *May 3, 1928.*

Hon. JOHN M. NELSON, M. C.,
House of Representatives,
Washington, D. C.

Hon. JOHN M. NELSON, M. C.: I can faithfully and honestly say that the type and kind of work conducted by Research University of Washington, D. C., is of a high standard and is also well done. In quality the instruction of this institution is equal to the lecture method, recitation, research, or experimental work of institutions of university rank. In quantity the requirements exceed in most instances those of institutions which have all the work done in residence. I have done more work in this institution than any other that I have attended for the same number of credits. The credits are properly safeguarded by an examination in absentia on extension work and another examination at the institution in residence. The institution requires a portion of the work done in residence for those who are working for degrees. Many students go to the institution for conference periods on work at various intervals. This attendance requirement in residence and the giving of examination in residence at this time carefully safeguards the matter of examinations upon which credits are based.

* * * * * * *

I have my bachelor's degree from the College of Wooster, my master's degree from the University of Wisconsin, and have been superintendent of schools for 21 years, with additional 5 years of teaching. With this experience in educational work I am fully persuaded that Research University is making it possible for many a person who is limited in means and must be employed the major portion of his time to secure a higher education. I have worked my way through school from the beginning, with no financial help whatever; and the aid of such an institution of high standards and good efficiency, where work may be carried on partly in residence and partly in extension, makes it possible for me to work out my doctor's degree.

An institution of high standards of this type should be maintained to meet this need of a great number of such men who are at work in the schools of our Nation. In this way I feel that Research University is rendering a great service to our general educational program by giving up-to-date and efficient training to many superintendents and principals. The research work and the experimental work done by this institution are of an exceptionally high character and are worthy of due recognition.

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Yours truly,

J. A. GERBERICH,
204 East Jackson Street, Millersburg, Ohio.

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
Washington May 8, 1928.

MY DEAR MR. NELSON: On return to the office I find a circular letter from you under date of April 30, relative to Research University, located in this city.

At the time I was familiar with the work of Research University the instruction was of high standard and faithfully done. The faculty was composed of men who were then in the employ of various departments of the Federal Government. They were men who had had unusual academic preparation in our larger universities and were then doing notable work as employees of the Government.

The instruction in the institution at that time compared very favorably with the usual methods employed in our colleges and universities which carry on evening instruction.

The credit requirements were based upon the same credit requirements as are found at Chicago University and like institutions.

Credits in the institution were based on carefully safeguarded examinations and on residence and attendance here in Washington for those who were working for degrees.

I have no knowledge whatever of anything done by the president, registrar, trustees, or faculty of which there could be any legitimate public complaint. I am confident in saying that Doctor Rapeer was about 25 years ahead of his time in his plans for the institution. The fact of the matter is he conducted the institution as would our leading educators if they were not bound down by academic traditions.

I should say that the Nation needs at least one experimental university at the National Capital.

Very truly yours,

C. H. LANE,
Chief Agricultural Education Service.

WASHINGTON, D. C., *May 29, 1928.*

Hon. JOHN M. NELSON,
United States Capitol, Washington, D. C.

MY DEAR CONGRESSMAN NELSON: I have taught for 30 years in colleges and have for 7 years been a professor of education at Anderson College and a summer instructor at Furman University, South Carolina. For 20 years I taught at Berea College in Kentucky; and during my entire career I have specialized in education and allied subjects, especially in the supervision of teachers. The highest degree I could get at Berea was that of bachelor of science in education.

I had long known of Dr. L. W. Rapeer as a leader in education and an author of standard works for teachers; and one of my associates at Anderson College, Mr. Holliday, now president of Millersburg Woman's College, Kentucky, told me in recent years that he had studied in residence at Research University when he was president of a school in Virginia and that I could get exceptionally good training in residence and by correspondence with Research University and thus go forward to the degree of master of education, from which I had been kept by my need of money to support dependents. I taught summer and winter, except for a year off at Peabody College, when Berea paid my salary. Consequently, the opportunity to study for a degree that seemed necessary for promotion and change to better positions, seemed providential; and I gladly availed myself of the opportunity to investigate Research University.

The result was that I registered and have been studying, by correspondence, educational statistics, educational research, educational supervision, etc., and have learned that these graduate courses are exceptionally thorough and well organized. I did not know that they could be so educative and could take so much time and effort. Certainly anyone who completes a subject with Research University knows his subject better and is able to use it with more facility than most people in classes in colleges. During the past year I have taken an extension course in classes from Columbia University, and I find the level of training and methods on the same high plane. Of course, in correspondence work one must do every part of an assignment himself.

I have been in residence, also, at Research University and know that no one can get a degree there without being in residence and without meeting the very highest standards. If anyone who was doubtful would just take a course and go through the final and other examinations he would realize the effectiveness of this institution. Research University is meeting a great need of educators over the country and is helping many like myself from blind alleys.

Very truly yours,

M. ADELIA FOX.

THE NEW JERSEY STATE COUNCIL OF CHURCHES,
Dover, N. J., May 3, 1928.

Hon. JOHN M. NELSON, M. C.,
Washington, D. C.

MY DEAR SIR: It is with great concern for the future of educational research and of pedagogical progress that I write to urge upon the Congress the enactment of the amendment to safeguard the charter of Research University of Washington, D. C., Dr. Louis W. Rapeer, president. The history, work, influence, and prospects of this institution are unique.

I have taken many courses at a number of different institutions during my half century of life, and with none have I been better pleased than with the work which I have been doing with Research University.

New York State normal school, Temple University of Philadelphia, Drew Theological Seminary of New Jersey, and New York University are among the institutions at which I have studied. I am particularly interested in religious education, and I have taught several years in public and private schools. Research University has opened to me a new world of practical educational theory and practice. With all the emphasis at my command, I say that it should go on unhampered and unhindered.

I have worked harder at the courses here taken than with almost any taken in all my life. Doctor Rapeer takes great care to deal with each individual and does it in a way which is not possible in the crowded classrooms of the ordinary institution. One soon comes to feel that he is in close touch with the institution and that he is receiving personal and special attention. I can not tell you how much this means to the student, especially the graduate student.

Individual initiative is encouraged and each student gets at his instructors with his questions, problems, and ideas in a surer way than he can do in a crowd. The ordinary lecture method "stuffs" one with facts and ideas, but the Research University method develops research, reflection, judgment, and invention to an altogether unusual degree.

Research University students take their examinations at the university itself and under the eye of the officers. Examinations are as uniquely personal as is instruction. Students could not possibly get away with deception or tricks, as is very often the case in crowded examination halls. Of course, the class of students accepted for work at Research do not wish to "get away" with anything. The entire history of the institution and conduct of those connected with it is, I am sure, above question or reproach.

The United States certainly should have at its center such an institution as this. In the hands of Doctor Rapeer—a widely known teacher of teachers and author of educational works of great merit—the university is destined to play a large part in a field where original thought, personal development, and individual initiative are absolutely essential to progress. And the Capital City of our country is the precise place where that institution should be located.

The growing alumni of the university greatly appreciate your efforts in its behalf. In course of time we shall be able to help put it on a better footing as to endowment and equipment. It is comparatively young, but it is already highly useful and greatly needed. I searched for some time before deciding to take work here, but am more than pleased with my choice.

Yours respectfully,

JOHN H. EARLE, *Pastor.*

WASHINGTON, D. C., *May 10, 1928.*

DEAR SIR: I have a copy of your letter of April 30, 1928, requesting information concerning the work done by Research University.

I became a member of the faculty of Research University in the fall of 1922 and took charge of the chair of geology. I have the degrees of LL. B., LL. M., B. S., and M. A. In October, 1923, I was sent to the Pacific coast by the Interior Department and during most of the period I was in the West my connection with the university was severed.

Doctor Rapeer is a learned scholar and author, with many degrees from different universities. He has always been fully absorbed in his duties as teacher and administrator.

As my instruction proceeded I had occasion to handle classes in other subjects. Everything was splendidly organized, and all students were on tiptoe to bring their subjects up to the requirements. Doctor Rapeer filled all the character of a gentleman and a scholar at all times. No degree was ever sold, although offers were made to him at times of as high as a thousand dollars for a degree. There have been issued in all only about 50 degrees in the course of some eight years—about six degrees a year. The requirements for credits and degrees are stern, as I know by experience, having obtained my master of arts degree from this institution.

* * * * * * *

No degree is ever given without residence work being required, as in the best colleges.

I have been handling and marking examination papers in history since my return from the Pacific coast. They would pass criticism anywhere, and many of them show a high degree of critical knowledge. I have not had to mark any of them "deficient." A few get "A," most of them "B," and some of them "C," which is passing mark.

There can be no valid criticism made of any member of the faculty. They are all ladies and gentlemen and scholars.

There is, indeed, a crying need in the city of Washington for such an institution as Research University.

Very truly yours,

VICTOR L. DODGE,
2554 University Place.

THE PENNSYLVANIA STATE COLLEGE,
State College, Pa., May 9, 1928.

DEAR MR. NELSON: Thank you for the opportunity to answer your note of April 30, 1928.

I heartily oppose the bill giving the licensing of incorporated schools to the board of education, especially as it may affect Research University of Washington, D. C.

Its instruction is of high standard and faithfully done; its comparison with other and "old-time" methods of instruction is most favorable; its credits are equal to our own; its credits are based on carefully planned and equally safeguarded examinations and on a minimum residence requirement. Our Nation does need one such university at the National Capital of the caliber of Research. Nor can any legitimate public complaint be made of any of its officers or staff.

Personally, I can best indorse it by saying that I should be highly honored to be a coworker on its staff. To a teacher that means a lot.

Sincerely,

ROBERT E. FLANAGAN,
Instructor in Classical Languages.

ROCKSBORO APARTMENTS, APARTMENT 509,
1717 R Street NW., Washington, D. C., May 8, 1928.

MY DEAR MR. NELSON: It is with great pleasure that I take this opportunity to tell you of my very cordial and cooperative relations with Research University. After graduating from high school at Evansville, Ind., in June, 1926, I began to despair of going to college until I heard of Research University. Here Doctor Rapeer made it possible for me to go on with my school work by giving me employment in the university office, and in return for my work gave me my tuition, a room in the dormitory, and $5 a week. He also found a part-time job in a restaurant for me, so that I was practically self-supporting. Other students were offered similar opportunities, and at the time that I entered the university several students were working in the office.

I attended night classes from October 6, 1926, to July 15, 1927, and was much benefited by the courses. The personal guidance, encouragement, and instruction were very gratifying. Furthermore, the experience which I received while working in the university office helped me directly in obtaining a position with the State Department. The university went even so far as to lend me a typewriter with which to take the examination for this position.

Naturally, in the time I was with the university I became well acquainted with its officers, and especially with Mrs. Saunders and Doctor Rapeer. I found that they held high the standards of all work and quickly discouraged any backsliders or would-be diploma purchasers. They were always willing to help conscientious persons who were really looking for instruction and help, and the cordial attitude shown me was accorded them alike.

While with the university I made the personal acquaintance of several correspondence students who were doing residence work; they were all men of high moral standards, scholars, and gentlemen. None of them at any time so much as intimated that he was dissatisfied with the training he was receiving. In fact, before the news of the investigation by the district attorney's office got abroad not one of the correspondence students, to my knowledge, expressed dissatisfaction or doubt; on the contrary, the university has on hand "rafts" of letters praising and commending this phase of the university's work.

* * * * * * *

Since you have so whole-heartedly taken an interest in this matter, there is no need to go on further in telling what has been done by the enemies of the university. But in closing I wish to say that I am heartily in favor of an experimental institution such as is Research University and should be bitterly disappointed if an institution with such high standards and educational possibilities should go down, as an "innocent bystander" in a diploma-mill fracas. I believe that Research University is an institution of learning from the ground up.

I should be very glad to meet you personally and give you any additional information or answer any further questions which you would like to ask.

I thank you for what you have already done in the interest of education.

Very sincerely yours,

EDMUND BECKER.

VANDALIA CITY SCHOOLS,
Vandalia, Ill., May 7, 1928.

DEAR MR. NELSON: In reply to your letter, I beg to say that I have been doing work with Research University for nearly two years and have planned to spend this summer there. The instruction given by Research is equal to any I have ever received elsewhere. It is of high standard and faithfully done. The credit requirements are equal to those of other schools. Credits are based on carefully guarded examinations, and residence work is required for those wanting degrees.

* * * * * * *

I think the Nation needs such an experimental university at the National Capital. It would be a serious mistake to curtail the work of Research University. I have served as superintendent of city schools for 12 years and as county superintendent for 16 years, and have kept in close touch with school work during this time.

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Yours truly,

F. E. CRAWFORD, *Superintendent.*

THE UTICA SAVINGS BANK,
Utica, Ohio, May 2, 1928.

DEAR SIR:

* * * * * * *

I have taken, by correspondence, several courses from this school in subjects relative to my own profession, which is banking. I can truthfully say that these courses have been of a very high type. As you know, many of the larger colleges and universities of the country offer correspondence courses for which they allow regular college credit. I chose Research because it seemed to offer the same courses at a much lower tuition charge. Now, after having taken the courses, I feel sure that the instruction which I received could not have been bettered anywhere.

Although I am a graduate of one of the large universities of the Middle West, I feel that there is much room for improvement in our American system of education. Research University fills a need which really exists, and, if permitted to carry on its present program, should accomplish much in solving the problems of part-time education. We are indeed fortunate in having a man of the caliber of Dr. Louis Rapeer, who is interested in working out these problems in what might be called an "experimental university."

Yours very truly,

WILBUR L. GRANDLE, *Cashier.*

RIO GRANDE COLLEGE,
Rio Grande, Ohio, May 16, 1928.

DEAR CONGRESSMAN NELSON:

* * * * * * *

I am at present enrolled in this university for work looking toward my doctor's degree. Having done work for my master's degree in our own State university—Ohio State University—I believe that I am in a position to be a judge of work done by Research University.

The Nation needs one experimental university at the National Capital, and I believe that Research University will give to men such as myself an opportunity to do research work while at the same time doing active work in the field.

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Very truly yours,

W. A. LEWIS,
Dean Normal Department and Acting President.

CONTINENTAL PUBLIC SCHOOLS,
Continental, Ohio, May 5, 1928.

DEAR SIR: In answer to your letter of recent date relative to the work done at Research University, I am pleased to say that I have taken some work from this institution and regard the work of the very highest type. Every paper I turned in for correction was carefully marked by the instructor; even the omission of a comma was corrected. The examination was difficult which I took at the university, and it was carefully graded.

The president, Doctor Rapeer, was always truthful with me; he does not promise anything that he does not give, so far as I know. I was in Research University six weeks doing residence work, and I always found everything equal to that of any college or university of which I have had any acquaintance.

The correspondence work of this institution is of a higher quality than of other correspondence schools, in that no credit is given without actually being in the university to take the final examination.

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I consider the work done at Research University of the very highest type. A visit to this university and Doctor Rapeer will convince the most doubting person.

Very truly yours,

JAMES A. ROGERS, *Superintendent.*

MILLERS FALLS, MASS., *May 10, 1928.*

Hon. JOHN M. NELSON,
Washington, D. C.

DEAR SIR:

* * * * * * *

The instruction seems to me to be of high standard and faithfully done. I am a graduate of the Massachusetts Agricultural College and am now doing graduate work there. I have studied at Columbia Teachers College summer session and taken correspondence courses from Chicago University. I see no reason to rate the work of President Rapeer below any of these.

As I understand, Research University attempts to be more liberal than most other schools of its grade in allowing credit for work done outside residence, and thereby is rendering a great service to many who have done good work but can not spare the time or expense for long residence. I have every reason to believe that high standing is always demanded and that satisfactory examinations and necessary residence are required.

* * * * * * *

With the enormous amount of material suitable for study gathered in Washington and constantly being increased, it seems to me that there is no place on earth more suitable for the location of an institution of university grade giving large place to research work. I should consider it an injury to the public welfare if Research University were discriminated against in any legislation or if it and other similar institutions in the District of Columbia were put under restrictions or any form of supervision or restraint not found necessary in other parts of the United States.

Respectfully,

D. F. CARPENTER,
Superintendent of Schools.

NORTH ARKANSAS ANNUAL CONFERENCE,
METHODIST EPISCOPAL CHURCH SOUTH,
Searcy, Ark., May 2, 1928.

DEAR SIR:

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Something more than two years ago I began to study under the direction of Research University. Last summer I spent some time in resident study there. I belie that I am well acquainted with the methods of Research University and with the members of the faculty.

The instruction is of the highest standard and is very faithfully given. I have studied both by correspondence and resident study, and I am frank to say that I have received more actual benefit from the correspondence method. The credit requirements of Research are equal to any other college or university with which I am acquainted. The credits given are carefully safeguarded by strict examinations and resident study. I have never found the president, the registrar, the trustees, or anyone connected with the university slack in any respect in the management of the university or in granting credits. I have the fullest confidence in Research University and I am glad to recommend it at all times.

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Yours very truly,

J. E. COOPER,
Pastor Methodist Episcopal Church.

AMERICAN BIBLE TRAINING SCHOOL,
Brooklyn, N. Y., May 4, 1928.

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MY DEAR MR. NELSON: I have had opportunity to become acquainted with the standards maintained by this institution, and it is my opinion that their students will have to work rather longer and harder for degrees than in any other university of which I know. In addition to my own studies in Syracuse, Columbia, and New York Universities, I have made a study of methods in various institutions, so that I feel that I know whereof I speak.

The foundation principle of the instruction given by Research University is more sound pedagogically than are the principles followed in most schools for the training of teachers. The student is required to do much of his work in connection with actual teaching in the school where he is employed, submitting frequent reports by correspondence during the year, and during a vacation period each year going to Washington for an intensive review and seminar session at Research University. It is my earnest conviction that this type of teaching is much more effective than that usually given, in which the student is doing very little practical work during the period of his study. The ideal laboratory in which to train a teacher is a real school. Doctor Rapeer makes it possible for a student to gain the best values of correspondence and residence study in a curriculum well chosen and ably taught.

A member of our faculty, Prof. John H. Earle, who is a graduate of Drew Theological Seminary and who has studied in various other institutions, and has been teaching for many years, is now taking a professional course with Research University, and was recently in Washington

to attend one of the seminar periods required in his work. He is highly enthusiastic over the high standards and efficient methods of Research University, and I know he desires me to give it his heartiest indorsement.

Respectfully yours,

L. W. BARNARD, *President.*

SANTA MARIA, CALIF., *May 7, 1928.*

MY DEAR CONGRESSMAN NELSON: In reply to your recent inquiry regarding Research University at Washington, D. C., I am glad to say that the course which I take at the university is splendidly handled by the university. I have taken courses by correspondence with Eastern and Western universities; but no other university does such splendid service for its students as does Research University. Already I have planned several years' work ahead with this university. I may wish to take as much as 10 years of work with this school. I am now taking a very good course (special higher algebra) with Research University such as I can get at no other school by correspondence. Thus this university is doing a real service.

The instruction is of as high standard as that of other universities. The professor with whom I am taking my work does his work as faithfully, even more faithfully, than any other professor with whom I have ever taken correspondence. The credit requirements are fully equal to those of high-class universities. Their credits are safeguarded by examinations. * * *

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Very truly yours,

CALVIN FUNK,
Mathematic Instructor, Junior College.

GRIMES, VA., *May 2, 1928.*

Hon. JOHN M. NELSON,
Washington, D. C.

SIR: In answer to your letter respecting the general worth of the services rendered to higher education by Research University, to avoid needless prolixity I am answering your questions specifically and also in consecutive order.

The instruction is of high standard. It is more than that, for it is sympathetic in tone, individual in method, most catholic in scope. The tolerance and open-mindedness evidenced by the comment appended to work done is stimulating and free from narrow prejudice. The projected, warmly human insight of Doctor Rapeer permeates the guiding notations so effectively that there is no hint of a mechanical relationship which (I have found through personal experience) exists between the student and the overgrown institution of learning.

The instruction compares favorably with that given by the extension department of the University of Chicago, the only other institution with which I have had relation, except in residence work. It is superior to that which I received in residence at the University of Virginia in this respect. The student is placed squarely upon his own initiative. He learns what his professor's viewpoint is after, not before, he answers a given hypothesis. Thus he can not hypocritically make his answer coincide with that of his teacher because such agreement is politic.

The credit requirements are about the same as are those of other institutions. In several courses I have found them to be rather higher.

My examinations have been written in the presence of the division superintendent of schools of my county seat.

If I obtain my degree in the future it will be on the condition of a stipulated amount of residence work in addition to that already completed by correspondence.

I know of no act upon the part of any officer, teacher, or trustee which should engender public complaint. The extent of my personal satisfaction with services received may be guaged by the fact that I am still enrolling for new courses upon the completion of old ones.

Very truly yours,

EDWIN H. SHEPARD.

BURNHAM PUBLIC SCHOOLS,
Burnham, Pa., May 14, 1928.

DEAR MR. NELSON: Research University has given me such careful attention and service as a student that I should be unfaithful if I were not to write a few lines in its behalf. I am now pursuing five courses in this university, and the results are beyond my expectation. I am sorry for one thing, and that is that I did not enroll 10 years ago. The work is up to date, thorough, and practical—just the kind that a superintendent needs.

I have gained more permanent knowledge from these courses than I could have got from crowded classes in college in the same amount of time. I have increased the efficiency of my school system by the application of this knowledge. I am now closing out the tenth term here, and Research University has helped to make it the best one. I am sold to the idea that a man can advance best right in his own work, his schools being his laboratory.

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Respectfully yours,

ELMER E. SIPE,
Supervising Principal.

ATLANTA THEOLOGICAL SEMINARY,
Atlanta, Ga., May 3, 1928.

MY DEAR SIR: In reply to your letter of April 30, I take pleasure in stating that I think Research University has a vital mission and is doing splendid work. The instruction and credit requirements are equal to and above those of many colleges, and the students are compelled to work harder than those attending the lecture rooms of many other institutions.

The credits are based on carefully safeguarded examinations, and even on residence and attendance at the university for those who desire degrees. I have no knowledge of anything that could be complained of that was or is being done by the president, faculty, or trustees. Doctor Rapeer is a man of sterling qualities.

The course leading to the degree of bachelor of arts, which I pursued in the above institution, has been very helpful to me, as since graduating I have received my LL. B. degree and am admitted to practice law in the highest courts in Kentucky and Georgia and am teaching history and Greek in the Atlanta Theological Seminary, Atlanta, Ga., and will get graduate standing here in a standard university for my A. B.

Without my course at Research University this would have been impossible, although previous to taking my course at Research University I graduated from the Theological Seminary of the Reformed Church, Lancaster, Pa.

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This institution makes it possible for energetic men and women to complete their education who would otherwise forever be deprived of that privilege. Why deprive some of the most energetic and worthy men and women in the country, who are crying out for an opportunity of this privilege? Is education to be commercialized and only for the few? Congress certainly should safeguard this institution, the status of the degrees, certificates, and credits of its former and present students.

GEORGE A. EHRGOOD, *Instructor.*

ALEXANDER HIGH SCHOOL,
Alexander, N. Y., May 4, 1928.

DEAR SIR: It gives me pleasure to speak a good word for Research University. I have done work in this university by correspondence. I have also done work in two of the best universities in this State. I know that the instruction given by Doctor Rapeer is of a standard as high as given in those universities and that the work is more faithfully done than in one of those where the honor system prevails.

I have always heard Doctor Rapeer praised as an educator. He is considered one of the great educators of our country.

Very truly yours,

FRED H. BOWKER, *principal.*

NEW CASTLE SENIOR HIGH SCHOOL,
New Castle, Ind., May 5, 1928.

MY DEAR CONGRESSMAN NELSON: I am pleased to give to you my truthful opinion relative to legislation concerning the Research University. My experience has been that the university has offered work of a high quality and has required more than some that I have been privileged to know as a student.

The integrity of the executive officers of the Research University is perfect, to the best of my knowledge. I sincerely feel that this school is needed, inasmuch as it offers educational opportunities to many that otherwise could not afford to get them. By all means, protect and defend an institution with such motives.

Yours truly,

GLENN O. HARRELL.

WASHINGTON HIGH SCHOOL,
Milwaukee, May 4, 1928.

DEAR MR. NELSON:

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Allow me to say that after having done both residence and correspondence college work that I believe firmly that the work done by the Research University is on the par if not above any work that I have done. This institution is far from a "diploma mill." I have found through personal experience that you are given credit for just the work you have done and all papers are very carefully credited. I have never found any of the officers and faculty anything but the highest grade of men.

I believe that there is a great need for such an institution as Research University. The United States has many men and women who are looking for high-grade college work who find themselves financially unable to leave their present locations to go to college. Research University is giving such men and women an opportunity to get the high grade of work without leaving home. This is being done with a great deal of sacrifice on the part of those in charge, and I should hate very much to see anything done which would jeopardize their work.

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Very truly yours,

R. J. BLAIR.

SUPERINTENDENT OF SCHOOLS OF ALLAMAKEE COUNTY,
Waukon, Iowa, May 3, 1928.

DEAR MR. NELSON: I have your letter of inquiry concerning Research University, Washington, D. C. I am taking five courses in the Research University and find the work first class in every respect and ranking very high. The texts used are the same as the ones used in the University of Iowa and the University of Minnesota, and I suppose the other universities.

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Very truly yours,

W. L. PECK,
Superintendent of Schools.

OLYPHANT, PA., *May 7, 1928.*

DEAR SIR: If I can in any way aid Research University my service will be gladly given.

The instruction given by Research I believe to be "of high standard and faithfully given." * * * The credits received must be earned and examinations are carefully safeguarded. * * * It appears eminently fitting that there should be at the National Capital an experimental university of the character of Research University.

I can write of Research only as I know it through my personal work, and this, performed by correspondence, has been most satisfactory and beneficial.

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Sincerely yours,

FLORA B. DAVID.

NEW YORK EDUCATION CO.,
Albany, N. Y., May 5, 1928.

DEAR SIR: Your letter of April 20 regarding the standing and services rendered by Research University is hereby acknowledged. The writer has been in personal touch with its president, Dr. Louis W. Rapeer, during its entire history. When Doctor Rapeer was a student at Columbia University, taking a postgraduate course for his Ph. D. degree it was my privilege and pleasure to know him intimately, and I can testify to his splendid ability as a student and research worker. He has probably done more experimental and research work individually than 9 out of 10 persons who have won the Ph. D. degree.

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From time to time I visited his institution at Washington; spent several days investigating; and observed closely the work that this institution was then doing, and had nothing but words of praise and commendation for the entire plan and program of work carried out. You will find in this article my own personal views, and nothing has taken place since that time either to change my own opinion or warrant in any way the discrediting of the high quality of work that this institution offers to those who desire to take advantage of it.

Indeed, I know of hardly a single educator who has had such a vision as Doctor Rapeer who pushed ahead in spite of criticism and almost insurmountable obstructions and in spite of all of the opposition has done a most creditable piece of work. I regard all of the instruction that I personally witnessed of a high standard and faithfully and well done.

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I regard the credit requirements of the institution equal and in some respects above those of similar institutions.

Doctor Rapeer has been a most scientific worker for more than a score of years, has broadened the curriculum to meet the needs of a great variety of mature students, and many can, like myself, testify to the exceptional quality of the instruction offered, to the safeguarding of degrees by rigid examinations and to the large, personal value received from all courses of study regularly pursued and completed.

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Respectfully yours,

C. W. BLESSING,
Principal Public School No. 5 and
Former Editor of American Education.

LAIE, OAHU, HAWAII, *May 15, 1928.*

DEAR CONGRESSMAN NELSON: Your letter of April 30 asking for my views concerning Research University is at hand. I take pleasure in saying that I have made great strides in my progress as a teacher and principal ever since I have taken a course from this institution and that I have received much valuable information and guidance as regard my profession from them in the past two years. The success of the instruction given by this institution and the standard they uphold and the integrity of the same, I believe, compare favorably with that of other recognized universities of our country.

I believe that we who are out in the world engaging in the professions need a university of this kind, from which we can take courses adapted to our needs, or at which we may work for higher degrees. Dr. Louis W. Rapeer, the president of this institution, has been of great help to me in giving me wise and pertinent counseling and instruction.

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Very truly yours,

CLINTO J. KANAHELE,
Principal of Laie Elementary School.

WASHINGTON, *D. C., May 5, 1928.*

DEAR SIR:

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I found each subject in which I was interested to be conducted nearer to a common-sense method of instruction and training than was to be found elsewhere in the city. The services offered by the university seemed to supply the needs of people who desired to educate themselves. I found the services of the institution to be all they were represented to me to be, and I believe superior to services of the kind I have observed elsewhere.

I believe that Research University is a very useful institution, and its service has been made available for many who would not otherwise get the equivalent elsewhere.

Yours very respectfully,

J. Y. BLAKELY.

NORWOOD, PA., *May 9, 1928.*

DEAR SIR:

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In reply thereto you are advised that Research University is experimenting in a work that is invaluable to those who have the desire to continue their education, but who lack the time or financial resources to attend the modern daytime university. The type of man to whom this university appeals particularly is the professional man. He can continue his work and yet use his spare time to fit himself for a still higher place in his profession. I believe you will find the majority of students who attend or who have attended this university are of that type.

* * * The instruction is of a high standard, its credits are based on rigid examinations, and its degrees are zealously guarded. In fact, I attended the University of South Carolina and Georgetown University Law School and I found Research University up to the standard of these universities.

It is with regret that I see the present trend of the larger universities to attempt to regulate education, or at least, higher education, by discrediting night classes. It has been my experience that the man who labors nightly over his books after a long day of toil is the man who really appreciates the value of an education.

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Yours truly,

EDWIN L. LAYTON.

PITMAN HIGH SCHOOL,
Pitman, N. J., May 3, 1928.

MY DEAR SIR: It is almost impossible for a school superintendent to find time to take the courses that he should take and at the same time keep the many details of his school work well done.

In the courses offered by Research University the busy superintendent makes his schools the laboratory for his courses. What plan can be more nearly ideal for real help for the superintendent in doing his best for the schools?

Lectures are not always very helpful. But the courses with Research University are always helpful. Every student must work.

I know of nothing more needed by the superintendent than the opportunity to advance by using courses, partly by correspondence and partly by residence work. The courses at Research are at once helpful in one's school work and interesting too.

I took residence work at Research last summer. The examinations given to me were most comprehensive.

In my dealing with the university I have found its officers to be exacting, but fair. The work which Research University is doing for superintendents is, I think, a real service. I am planning to take residence work at Research again next summer.

Respectfully,

DANIEL W. DAVIS,
Supervising Principal.

KAPAA SCHOOL,
Kapaa, Kauai, Hawaii, May 10, 1928.

DEAR SIR: Permit me to state that I am now taking extension work in that institution under Dr. L. W. Rapeer. I met Doctor Rapeer in Washington in 1925. I have studied under his directions for three years. I have found the work superior and, moreover, an opportunity. The work compares favorably with lecture courses in any school. The supervision is of a high standard and faithfully done. The credit requirements are as high as they are in any other institution granting degrees.

Let me state that I attended Tufts College, in Massachusetts, for two years. I have taken a number of correspondence courses. I have given extension courses here in Hawaii under the direction of the Territorial Normal School of Honolulu. I feel that credits obtained from Research University are based on carefully guarded examinations. * * *

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Yours very respectfully,

GEORGE S. RAYMOND.

GAINESVILLE, TEX., *May 30, 1928.*

DEAR SIR: This is in answer to yours of April 30 requesting information in regard to work done in Research University.

I consider this school the equal of any of the leading universities when it comes to the question of high standards of work and credits. The same rules prevail as to examinations, residence, and correspondence as are required in any accredited university. The courses offered by Research University are carefully prepared and ably conducted. Anyone who is conscientious in his study and who puts forth the necessary energy can obtain a high-class education in Research University. Anyone who has failed to learn in Research University will fail to learn in any university. In all my study and in all my association with Research University I have never seen anything that was in any way underhanded.

In my correspondence and in my residence work Doctor Rapeer was always kind, considerate, fair, and just in all his dealings with me. I have no knowledge and no reason whatever to believe that Doctor Rapeer or anyone connected with Research University has ever given cause for public complaint. I have no fault to find but much to commend.

I think that Research University fills a great public need. And I as one of its graduates feel that Congress should get behind this school and give it the moral and financial support it so justly deserves. Congress lends aid and prestige to many things of minor importance; now it can render a real service to every citizen by rallying to the call of Research University in its time of trial.

Wishing you success, I am,

Yours truly,

MRS. NELL M. COLE.

RESEARCH UNIVERSITY BLAZING A TRAIL

N. J. Quickstad, A. B., superintendent of schools, Mountain Iron, Minn.:

"I sincerely believe that the work that Research University is doing is of a very valuable sort, and is blazing a trail that will some day be followed by other institutions. The work that I have come in contact with in connection with the institution has been well organized and has been inspiring to one in the educational field. I believe that credits are based on carefully safeguarded examinations, and residence and attendance in Washington is required for degrees."

A. D. Horton, M. A., superintendent of schools, Weston, W. Va.:

"My impression is that the work is very thorough. From what I can see the credit requirements are as high as those of other schools with which I am familiar."

"As to the needs of such a school, I should state that there is a strong tendency to have our education familiarized into 'hours.' Research University is doing a good work in embodying definite attainments rather than length of time as the basis of crediting."

Claude M. Beitler, A. B., superintendent of schools, Cardington, Ohio:

"Doctor Rapeer in my opinion is offering a great opportunity for advancement to those who can afford neither time nor money to attend our other type of institution. I expect to continue my work toward an M. Ed. degree, which it would be impossible for me to obtain otherwise except by correspondence. I have been in touch with others who have completed courses under Doctor Rapeer, and they have been enthusiastic in commending work done and benefits received.

"As many of our State institutions are offering courses by correspondence, I can see no reason why Research University should be discriminated against. I feel quite sure that upon careful investigation you will find this work to be of high order and should be encouraged.

"An institution of this kind is a boon to many who have not had an opportunity to complete their college work or who would like to take advanced work and are unable to do so.

"I am a college graduate, and feel that the work offered here compares favorably with that I have taken in college. The standards are sufficiently high that one must do work of a high quality in order to meet their requirements."

CREDIT GIVEN AT FLAGSTAFF TEACHERS' COLLEGE

Miss May Hall, instructor, North Arizona State Teachers' College, Flagstaff, Ariz.:

"I will say, too, that my work at Research has been more difficult and inclusive than some work I have taken at other colleges. Their examinations are conducted in the same manner as other universities giving correspondence courses, and, of course, they do not grant degrees without the standard number of credits and without residence work, as well I know. At least, I was unable to get a degree there because I could not go for my residence work.

"I look forward to study at the Nation's Capital—and I'm all for Research. It has proved itself to be a fair and human institution of learning, one whose good works should be carefully guarded."

Walter B. Zimmerman, chaplain (captain), United States Army, Fort Bragg, N. C.:

"Because of my heavy duties the method of Research University is the only one which permits me to do the work I have in mind. I believe this institution has the facilities to direct this type of work in a successful manner. At least, my experiences have been satisfactory.

"Specifically answering your questions, I should say that the instruction is of high standard and faithfully done; that it compares favorably with that given by lecture methods and other methods for adult students who are mature in their thinking processes."

SUPERIOR TRAINING IN EDUCATIONAL RESEARCH

Carl Cotton, A. B. (Colby), LL. M. (University of Maine), Ed. M. (Harvard), superintendent of schools, Derry, N. H.:

"Last fall I had a problem concerning my local school system which I wished to solve. I found that a number of courses in research would be necessary in order for me to qualify myself in the technique of research work, as I had previously had only the equivalent of a three weeks' course in this work. A New Hampshire superintendent who had previously done work in Doctor Rapeer's department at Pennsylvania State College spoke to me favorably about him. I found some circulars descriptive of the work at Research University, and enrolled in some of the courses offered. I have been carrying on these courses all winter in my spare moments.

"The courses I am taking are more motor than the customary college lectures. I have averaged 20 to 30 typewritten pages per week during the past fall and winter. The authors of these courses have a very adroit way of questioning the student in such a manner that the problems pertaining to the courses have to be answered fully.

"The educational philosophy on which Doctor Rapeer bases these courses is the best I have ever read. The student is led to the proper sources of authority and guided in the selection of the best educational literature that is productive of a philosophy that is sensible and worthy of a wider application in modern educational practice. As a guide to this type of reading, the course has saved me many months of aimless search among the educational philosophers. It was just what I had been seeking.

"I believe that there is a real need for just such courses as these for field workers in education everywhere. I found the courses in Research quite difficult. They would be of little value to one who has no need of them. A student must have had a number of substantial courses in education in order to do this work and profit by it."

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Glen O. Chenoweth, principal of schools, Lynn, Ind.:

"Permit me to say that the instruction of the school [Research University] is of high standard and faithfully done. The courses of instruction that I took from the university aided me more in my teaching work than that from other schools." * * *

MORE THAN FROM FIVE UNIVERSITIES

L. J. Belt, superintendent of schools, Wheatland, Wyo.:

"I really do not know very much about Research University, as I have only been taking one course and that is not finished yet. There is one thing that I do know, however, and that is that the courses are unusually well organized, that the questions are very searching, yet very interesting, and that working out the questions and assignments certainly develops thought power and results in mental development. I have attended day classes in five universities and colleges, and can truthfully say that the course I am taking from Research University gives me more of a conscious feeling of accomplishing something than almost any course I ever took."

GOOD WORK FOR PASTORS

Louis H. Losch, minister, Main Street Baptist Church, Oneonta, N. Y.:

"Relative to Research University, I should say that I have investigated same very thoroughly. * * * I have personally met Doctor Rapeer, president of the institution, and am very much impressed with his earnestness and his honest endeavor to make the courses in his institution of proper standing. * * * I am personally acquainted with those who have taken work there and know them to be very much satisfied with the standard of work." * * *

Rev. John E. Jackson, Castle Shannon, Pa.:

"The textbooks used are the latest and best. Suggestions are given as to the best methods of studying each subject. Correction of lessons

is faithfully done, and the suggestions and criticisms are very helpful to the student.

"The instruction of this university is distinctly individual; thus the faulty methods of each student are corrected. Anything which is not understood by the student is explained.

"Each lesson assignment must be worked out by the student and sent to the instructor for correction and criticism; thus there is no possibility of any evading of actual work and study, as is the case where the lecture method is used. * * *

"The wholesale methods of instruction used in many of our colleges can not be compared with carefully supervised home-study work for thoroughness."

"The past work of Research University for adult students throughout the Nation is sufficient justification for its continuance, and a distinct loss would result if this work were discontinued. Personally I am very much indebted to Research University for its part in leading me out into a wider knowledge in the field of religious education and assisting me to broaden my vision in this aspect of religious work."

Miss Mary C. Learn, Farner Apartments 5, Burlington, N. J.:

"I have done work in the teaching of mathematics by correspondence and I know I was required to use the best text and that all in all I gained just as much as I would have by attending in residence. The examination was very stiff. I began two other courses which were so heavy I couldn't go on with them with my other schoolroom duties. I think that I say a sufficient amount for that type of work and the credit the individual student deserves."

WILL ATTEND THIS SUMMER IN RESIDENCE

R. Carley, superintendent of schools, Sparta, Ill.:

"I have done a number of courses through correspondence in such universities as Chicago University. I find the work offered by the Research institution more searching and difficult of accomplishment than that of the class of schools mentioned.

"Research University is doing a much-needed service in advanced education and stands foursquare with any school within my knowledge doing a similar work.

"The fact that both Mrs. Carley and myself are coming for study to this institution June, July, and August of the present summer will give you my personal reaction as to the merit and integrity of this school."

* * * * * * *

Floyd Baggett, Marion, Ill.:

"Although I have never had any work from the university, I know that it fills a long-felt need for such schoolmen as myself—those that can not attend classes, but desire to increase their ability and training by correspondence.

"I should like to see Research University continue, as I want to take a course of training and because I feel it is doing a wonderful work!"

IT SAVES THOSE WHO DESERVE SAVING

Prof. Theo. W. Knote, head of the department of business administration, Virginia Polytechnic Institute, Blacksburg, Va.:

"Research University requires work in residence and examinations in residence before degrees are granted; and I think they are filling a need, especially for those at a distance who are unable to leave home on account of obligations there. It makes getting a degree possible for these men who would be prevented from getting it if they had to give up everything until they could spend a year or two in a large university."

"I look upon instruction by correspondence as one of the most wonderful developments of the age; and since the University of Chicago, Columbia, and other great universities give instruction and allow college credit for this kind of work, it certainly is sound. You can not push anyone up a ladder unless he is willing to climb a little himself, so the man worth while will get as much out of this long-range method as he will by a more direct method. * * *"

O. S. Amsler, principal, high school, Decatur, Ga.:

"In regard to his [Doctor Rapeer's] letter on my entrance requirements and subsequent work to obtain a doctor's degree at Research, there is nothing short of the well-arranged and well-directed work of other colleges. These requirements seem to be on an equal basis with those of other institutions of similar standing with which I am familiar."

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Raymond L. Cortner, pastor First United Brethren Church, Berthoud, Colo.:

"It is my opinion that the universities doing correspondence work are of real value to the Nation. There are many people who would not receive higher education were it not for their services. I should say that the standard of instruction is reasonably high and is faithfully done, comparing very favorably with instruction given in other institutions.

"All but a few hours of my university work were done in residence, but since graduating I have taken some courses by correspondence from State universities and others, and I feel that the above statements are not overestimated.

E. G. Faulhaber, 622 West One hundred and seventy-ninth Street, New York City:

"This institution [Research University] is better than other institutions of its nearest kind. It brings out the facts to the students clearer, also the learning is of broader and longer study. The credits are more extensive and I believe they are above other colleges due to the fact the work is of larger volume."

"I firmly believe that in time to come when more people know of Research University, especially the poorer type, or I might say the people that have little means of financial help, that this institution will be overcrowded, as the people will then know the actual value of such a college."

Mrs. M. Rose Smith, Route 2, Castorland, N. Y.:

"I think that the university at Washington, D. C. [Research University], is doing meritorious work and helps one to rise professionally. * * * The credit requirements will equal those of our universities in New York State. I haven't completed my course in history * * *, but if the examinations are given by our superintendent of schools I do not think they could be anything but well safeguarded."

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SURPRISED THAT ANYONE GETS THROUGH

H. D. Vincent, A. M., principal School 16, Troy, N. Y.:

"As to the nature of the course of instruction in this institution [Research University] I do not hesitate to say that it is of a very high order. I have three degrees earned elsewhere, and I know what work is like. The big criticism I have to offer in regard to Research University is that it requires so much that the wonder is that anybody ever finishes.

"The instruction surpasses in certain respects that done by the lecture method. * * * The student in a large class may get along without any preparation generally. He trusts to luck to pass the final. By the correspondence method he must do all of every lesson. Credit requirements are more rigid than in the ordinary college."

Miss Edna M. Davis, 18 West Cottage Avenue, Haddonfield, N. J.:

"I laid my previous training before President Rapeer and told him what I hoped to do. He planned a curriculum for me that he thought would fit my needs, and I enrolled and enthusiastically followed his helpful guidance. I was employed during the day, and had only my evenings to devote to my studies. When I had a little of real study I was too impatient to wait for a slow, night course, and stopped and went to Temple University, where I am now a student."

"The grades on my papers were always the same [B] and the instructors' comments highly flattering, as I felt. But since I have attended Temple I am more and more convinced that Research University marked on a par with other institutions as my marks are at the top of the class at Temple."

Miss Gladys Stein, 2202 Raspberry Street, Erie, Pa.:

"In answer to your letter concerning Research University I will say that I found the lessons sent out by this university to be very thorough and carefully worked out.

"I am a graduate of the Pennsylvania College of Music and of the New England Conservatory of Music, and I have found the work sent out by Research University to be of the same high standard as of these other schools."

Russell Colbert, Washington, Ind.:

"In my judgment, Congress should give every possible encouragement to Research University, of Washington, D. C. Any act which would restrict the work of this university in any way would be a serious mistake.

"Please do your utmost to prevent any unwise legislation along this line."

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C. Louis Knight, Wharton School of Finance and Commerce, University of Pennsylvania, Philadelphia, Pa.:

"I should be inclined to oppose any legislation which purports to bring institutions of higher education under the control of a board of education. The fact that the personnel of such boards is often affected by political considerations, while, on the other hand, it is socially desirable that institutions of higher learning should be unhampered in their conduct by politics, makes such legislation highly dangerous and of the sort that should be vigorously opposed."

W. P. Clark, commercial department, high school, Point Pleasant, W. Va.:

"I have had no courses in this [Research] University. * * * I had some correspondence with President Rapeer several years ago relative to a course. * * * As far as I can judge, their program is an excellent one. * * * I do think the work of this university should be not hindered but fostered."

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NO COMPLAINTS TO FEDERAL TRADE COMMISSION

John S. Biggs, Federal Trade Commission, Washington, D. C.:

"I am not sufficiently familiar with the work in the correspondence courses to state any facts or to express any views in regard to them, but the Federal Trade Commission has had frequent complaints against correspondence schools, and I was informed to-day by the legal division that no complaint has ever been filed against Research University. The division of trade practice conferences also informs me that Research

is one of the signers of an agreement as to trade practices by correspondence schools which has the approval of the commission."

Daniel B. Feyan, 1220 I Street NW., Washington, D. C.:

"My connection with this institution [Research University] embraced a two years' night course in a class of public speaking. The instruction rendered in this class and in other classes I observed was efficient, inspiring, and on a par with that of other institutions I formerly attended.

"I did not take any subjects taught by correspondence, although I heard the correspondence courses highly commended by people familiar with them.

"I strongly approve your endeavor to safeguard the credits and certificates obtained by former students of this school. I know from experience that the institution was attended by many capable, industrious students, whose painstaking efforts entitle them to proper recognition in the business and educational world."

"While the law should require efficient and well-organized schools and colleges in the District of Columbia, it is not to be taken for granted that they can not function without a large faculty and five or ten thousand students. Institutions of learning with small attendance but controlled by able teachers can achieve highly satisfactory results, and the legislation now pending in Congress should be governed by this consideration."

H. H. Harlan, A. B., Washington, D. C.:

"I consider the instruction given at this [Research] University of a high standard, faithfully done. I pursued also some correspondence work in accountancy, and the same high standard set for resident work was maintained in the correspondence work. I was compelled to take examination before some one selected, and he made statement that I received no assistance during the examination. The credit requirements are the equal of other institutions with which I am familiar. I attended the National University and received the degree of LL. M. The requirements in the work at the Research University along the line of the courses I studied were as exacting as the National University."

J. G. Willier, A. M., Odebolt, Iowa:

"While I was a student at Research University, in 1921–22, I found the work quite satisfactory and equal to that given in other colleges which I have attended. Appropriate tests and examinations were given, and I was required to earn the same amount of credit for a master's degree that had been asked of me at American University, which institution is regarded as being in good standing. I consider Research University as being worthy of being protected by appropriate legislation."

HIGH-CLASS PIONEERING

Frank Cushman, 200 New Jersey Avenue, Washington, D. C., Federal Board for Vocational Education:

"During the school year, 1922–23, I took a full program of work there [at Research University], attending classes five evenings per week for the full year.

"The general purpose of the institution made a very strong appeal to me. It seemed to me that Doctor Rapeer was a very progressive, forward-looking educator, who was not afraid to put into practice many new ideas in education which many college and university men were prevented, by academic traditions, from adopting, even though they personally believed in them.

"I am of the opinion that Research University at the time of my connection with it was a reputable institution and that it was meeting a real need in the field of higher education in Washington. I regarded Doctor Rapeer as an earnest, scholarly, and capable man. I know that I received real value from the courses in psychology and mental tests and measurements which I took under him as instructor. Another instructor for whom I had great respect and from whom I received instruction of great value to me was John O. Hall, Ph. D. (Columbia). The courses which I took in economics, sociology, statistical methods, psychology, etc., all called for attendance at lectures and recitations as well as class discussion, outside study, and written work. Doctor Hall and Doctor Rapeer were the two instructors under whom I did most of my work, but I had occasion to meet other instructors during the year and all of them impressed me as being men of a high type who knew their subjects."

Joseph A. d'Alessio, M. S., 29 Hollywood Avenue, Trenton, N. J.:

"The instruction given at Research University during the time I undertook their courses was of high standard and was all faithfully taught. The instruction, compared with that usually given by other colleges, is equal and, I personally believe, more educational and practical.

"The credit requirements are equal to those universities to which I have applied and matriculated. The credits are not only based on carefully safeguarded examinations but on attendance, class work, and research. Their courses have been a great service to me. I know their instruction is of the greatest usefulness to the teaching profession and our country."

"I wish I had more time to state just how Research trains its pupils—that its methods equal those I have undertaken in other colleges, and, furthermore, that the night classes at Research are as faithfully conducted as the day sessions of the recognized universities."

A GREAT CONTRIBUTION

Miss Alice M. Hopkins, A. B., 215 Whitney Avenue, New Haven, Conn.:

"I was a student in this university [Research] from its opening until 1922, a period of nearly three years, and I am glad to be able to say that during this time the professors and instructors were all experts in their lines, and the instruction given was of high grade, equal to any I have since received in such universities as Columbia and in the teachers' courses offered at Yale University."

"I feel that Doctor Rapeer's idea of a cooperative university, with an opportunity for everyone to get the education needed to advance him in his life work at such hours and on such terms as would enable him to take advantage of it, is a great contribution in the field of experimental education for adults."

Miss Willie O. Denson, 1245 Shepherd Street NW., Washington, D. C.:

"I have had both correspondence work and work in the night classes of this school [Research University], and I consider that I have been greatly benefited thereby. The instruction is of high standard, and the instructors are conscientious and faithful. As far as I know, the credit requirements are about the same as other universities. In order to obtain a degree a student is required to do some residence work."

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Herbert F. Mitchell, Riverdale, Md.:

"I was for a time an instructor in mathematics in that school [Research University]. I should say that so far as I could see Doctor Rapeer was a faithful and tireless worker. * * * It seems to me that the work would measure up to the standard of George Washington University."

UNJUST TO DISCREDIT GRADUATES

Miss Elder Preston Summers, A. M., Washington, D. C.:

"I attended Research University during the session 1921–22, receiving the degree of master of arts. Previously I graduated with the degree of bachelor of arts from a Virginia college and George Washington University. * * * While at Research University I was instructed by an unusually well-trained faculty and did not observe anything which would be a discredit to the institution."

"The president, Doctor Rapeer, holds his degree of doctor of philosophy from Columbia University and is a noted educator and author. I believe that this criticism is due to competition among the students and faculties of the Catholic universities and others.

"I sincerely hope that the great injustice of discrediting the institution will not have to be borne by the hundreds of innocent and ambitious students who not only have spent their time but money in this school for the last 10 years. In this case they will make the greatest sacrifice, and it seems unreasonable that the law should have to take 10 years to uncover this error."

Paul Wernicke, Ph. D., 3600 South Dakota Avenue, Washington, D. C.:

"My connection with Research University, with regard to the standing of which you are inquiring, has been limited to teaching in their evening classes during the years 1921 to 1924.

"My classes were small ones in analytic geometry and calculus. The students were, on the whole, well qualified to take these subjects, and made good progress. They were put through regular collegiate examinations and graded according to standards of recognized schools, as, e. g., the engineering department of Washington University, St. Louis, where I formerly taught.

"Naturally, I did not become very thoroughly acquainted with the way in which the other work was conducted, but I was distinctly impressed with the ability and painstaking conscientiousness of the faculty. I should not hesitate a moment to declare them thoroughly competent to teach the collegiate and university subjects that were assigned to them and to turn out as well-prepared graduates as the average institution claiming a similar standard."

Mary J. Beers, 1739 I Street NW., Washington, D. C.:

"The instruction which I received at Research University was of a high standard, faithfully given, and most helpful.

"I took a course in short-story writing, and if I ever write anything worth while it will be due to the inspirations received from Doctor Rapeer."

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EXCELLENT BUSINESS PREPARATION

J. Chris Wood, Treasury Department, 802 Chamber of Commerce Building, Pittsburgh, Pa.:

"I am glad to have the opportunity to tell you of my work at Research University and to express my hearty indorsement of the steps you have taken in its behalf.

"I completed a course in business administration in evening classes in this school. I have attended six different schools of college and university grade, due to residence in various parts of the country. In three of these schools I took university courses in evenings, and I believe that I am qualified by experience and the opportunities of comparison to say that the instruction at Research University and the credit requirements there are equal to those of other standard schools with

'accredited' standing. Examinations are conducted with care and integrity.

"The instructors whom I met there had previously taught in other universities, and were capable, conscientious men, taking pride in their work."

"It would seem manifestly unfair to permit certain interests, by the proposed bill, thus indirectly to penalize the men and women who have expended time, effort, and money in pursuit of an education and to whom only evening classes are available. Putting obstacles in the way of honest effort toward self-improvement and nullifying past achievements is not constructive or beneficial legislation."

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Robert C. Hillsdale, attorney at law, 16 East Forty-third Street, New York City:

"I am personally acquainted with Doctor Rapeer by reason of the fact that I have had professional relations with him and was also an instructor in business law in his institution several years ago. I certainly do think that we should not suffer honest efforts along the lines of this institution to be destroyed in any such attack as you indicate."

L. R. Turner, 2910 Eighteenth Street NW., Washington, D. C.:

"The course [accounting] required hard study, and the instructors gave us nothing we did not earn. This can be proved by the fact that only a few graduated compared with the large number who enrolled.

"I never took any correspondence courses from the school, so could not say anything about that side of the school's work, but I could not bring myself to think that Research University maintained a double standard of requirements."

Miss Elizabeth Hoke, 3611 Fourteenth Street NW., Washington, D. C.:

"I took a late afternoon class in short-story writing and found the class, the hour, and the ground covered very much to my liking. The instruction was of a high standard and faithfully done. The course was varied and was made extremely interesting; more, it was inspiring. Doctor Rapeer's range is so wide that it is a privilege to hear his lectures."

OLD COLLEGES TROUBLED IT

E. L. Sechrist, A. B., associate apiculturist, Bureau of Entomology, United States Department of Agriculture, Washington, D. C.:

"I am glad to have the opportunity of saying a word in behalf of Research University, from which I received a bachelor's degree in 1921–22. I had done more than two years of college work previous to coming to Washington in 1917. Finding it worth while, even at the age of 50, to continue the work, I did evening work at Research, choosing it because of its convenience for me.

"The instructors were excellent and the work all that could be desired. * * * All the instruction I received there was of high standard and faithfully done. * * * Doctor Rapeer has had a difficult task. The idea, I am certain, is excellent. And it gave excellent instruction to those whose time and means made it difficult for them to carry on work at schools of regular character. Being such a school—that is, carried on along cooperative lines—the old-line colleges did all in their power to discredit it and make trouble for it, so that Doctor Rapeer had difficulties that were unjust. * * *

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WORKED FOR TUITION

Miss Helen R. Hegarty, 5112 Connecticut Avenue, Washington, D. C.:

"I was a student at Research University only for a short time * * * during which time I was given tuition in exchange for secretarial work done for Doctor Rapeer. * * * I should say that the instruction was of a high standard. In comparison with lecture and other methods employed in colleges, its system is peculiarly adapted to the class of persons attending Research University—that is, adults pursuing a vocation in the day and endeavoring to further their education in the evening. * * * The credit requirements, so far as I was able to observe, are equal to these of other institutions, are based on careful examinations, and for candidates for degrees on residence and attendance here. * * * I do think Research University fills a need well met for those who are striving to obtain higher education while necessarily employed in the day."

Miss Laura E. Ferguson, A. B., apartment 18, 1345 Taylor Street, San Francisco, Calif.:

"It is a pleasure to inform you that in June, 1924, I was granted an A. B. degree from that institution [Research University]. I was then a resident of Washington, D. C., and personally attended all classes.

"I considered the instruction of extraordinarily high standard, comparing most favorably with that received in other universities. The credit requirements were equal to those of other institutions which I had attended. Credits were based on carefully safeguarded examinations."

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STRONG WORDS FROM FOUNDERS

L. H. Weir, director National Study of Municipal and County Parks, 315 Fourth Avenue, New York City:

"In the beginning of this institution, back in 1919–20, I served on the original board of governors up to a time I had to reside in the far West, when I resigned. I was deeply interested in the project of President Rapeer and felt very strongly at the time that there was a real need for such an institution, and the fact that it has been in continuous existence since then, serving large numbers of people, confirms my judgment of the importance of its founding."

"Aside from the question of the work of this university, however, it appeals to me to be a very strange proceeding, indeed, to think of placing the licensing of incorporated schools, especially higher institutions of learning, under the control of the local Board of Education, which is primarily concerned with primary and secondary education.

"I regret exceedingly that I am not familiar enough with the actual work of the university during the past eight years to answer your questions, but I sincerely hope that nothing will be done to jeopardize its existence."

Edson L. Whitney, Ph. D., LL. D., 3411 Oakwood Terrace, Washington, D. C.:

"Relative to your letter of inquiry concerning Research University, I drew up the charter, or articles of association, forming that institution, and for two years was the secretary of its board of trustees, dean of graduate students, and an instructor in the institution. During the first year I served without pay and during the second year nearly so. Among the first board of trustees were an officer of the W. C. C. S., the director of one of the bureaus of the Department of Commerce, and a man who shortly afterwards became president of the Board of Education of the District of Columbia. The other trustees were equally as honorable, though not so well known, one being a prominent member of the Bureau of Standards, another a woman educator of the city, besides Doctor Rapeer, a graduate of the Universities of Chicago, Minnesota, and Columbia, and myself, a Harvard Ph. D.

"I am well acquainted with Mr. Tufts, who is probably more responsible for the introduction of the bill to regulate colleges than anyone outside of Congress. I have talked with him several times on this subject. I agree with him that 'diploma mills' should be closed, but I protest against closing an institution because it is new or poor or does not have an endowment or a library or scientific apparatus, when those behind the movement are working honestly in the interest of higher education. Degrees should represent a certain standard and should not be given for mere attendance. There are universities in this country and in Europe that are mere examining institutions and give degrees on the completion of satisfactory work, and I have yet to hear degrees thus granted by the University of London or the University of the State of New York questioned by anyone."

"As to putting the control of new institutions into the hands of the Board of Education, that seems improper. I have heard that not long ago a high officer of one university, a wife of an official of a second university, and a person closely connected with a third university of this city sat on the Board of Education here. I have heard it said that the board is dominated by the universities here. Under those circumstances it would seem a hard thing to place a candidate for the right to grant degrees in the hands of such a board."

Samuel Henri Con'e, Ph. D., Villa Monteray, Wilmington, Del.:

"I am in receipt of your letter of April 30, and it is a pleasure to answer the question you ask:

"'Are the credit requirements equal to or above those of the institutions with which you are familiar?'

"The credit requirements of Research University are equal to any institution I have ever attended, and its requirement for degree work is above any institution I have ever attended."

A. J. Pacini, director Pacini Laboratories, 9 South Clinton Street, Chicago, Ill.:

"A more thorough form of instruction has never in my experience been presented by any university with which I am familiar."

Ethel Hayes Gilbertson, Washington, D. C.:

"I am glad indeed for this opportunity of speaking a word in behalf of Research University. I wish that I were able to express all that the privilege of attending Research University has meant to me, culturally and materially. I consider that privilege one of the most worth while in my life."

Basile G. d'Ouakil, professor of French literature, Fordham University, N. Y.:

"I can speak with but the greatest respect and esteem of the men who composed the faculty of Research University."

Mrs. Mary C. Wadkins, B. Ed., tobacco experiment station, 205 North Adams Street, Quincy, Fla.:

"I wish to say that I am heartily in favor of any legislation that will safeguard Research University, its faculty, officers, and past and present students. I have found it a very high-class institution and one doing a most unique and wonderful service. The Nation's Capital is, indeed, in need of one experimental school in higher education. Let Research stand and do its bit for the great teaching profession and the Nation.

"I have found the work at Research of the very highest class. The instruction was of the best and ranks well with the Alabama Polytechnic Institute, Auburn, Ala. I am familiar with this institution.

"My examinations at Research were carefully given, and I took them within the institution. I am holding a degree in education. My record will show my residence work there, which safeguards my credits. From the above, you may know that I have no criticism for Research, its president, registrar, trustees, or officers."

"It is my wish that Research may yet become a greater institution and rank with the best without question. I am willing to do my bit to make it so."

Fernely Britt, Olmsted, Ill.:

"I wish to say that my work with Research University has been satisfactory. * * * They are more strict about their subjects than any other school I have taken work with * * *."

James B. Howell, Cedarville, N. J.:

"The way Research University conducts its correspondence courses is better than any other that I have heard of, and I can see no reason why its diplomas are not as good as those of resident universities. I have taken resident courses and correspondence courses, and wish to say that the correspondence courses are a necessity and their value can not be estimated nor realized. The cost of correspondence courses should be kept as low as possible, because the student who takes a correspondence course is not usually supplied with cash or he would attend a resident college. The diplomas should be as nearly equal as possible; anyone who is attaining practical knowledge with theoretical knowledge is attaining more than one who is only attaining either practical or theoretical knowledge. * * *"

J. E. Birch, Willows, Calif.:

"From what dealings I have had with it [Research University] I feel that it is deserving of much credit and is performing a real service to many who are striving for higher education. So far as I am able to judge, the requirements of Research University are as high as those of any other school I have had work with."

C. L. Muir, 1628 Clackames Street, Portland, Oreg.:

"I feel that the work is superior in many respects to classroom and lecture methods and is carefully and faithfully carried out on the part of the school * * *. The methods of examining correspondence students are exactly the same as those of the University of Oregon and Washington."

"I hold Doctor Rapeer in high esteem, both personally and professionally. As a teacher he is second to none; and the memories of his able lectures are still vivid in my mind. His school certainly deserves the support of all broad-minded men."

William O. Melvin, superintendent Lordstown Centralized Schools, Warren Ohio:

"I have attended three of the great universities of our land, namely, Ohio University, the University of Cincinnati, and the University of Colorado. I consider the instruction given by Research University absolutely on a par with these; and I have found Research University even more exacting in the preparation of lessons."

Maude R. Cavanagh, Ph. D., Rockford, Ill.:

"Your letter of April 30 has just reached me, and I hasten to thank you for your interest in Research University.

"I studied there for over four years, and consider the instruction I received of high character and the requirements as rigid as those in other schools of graduate rank. The credits I gained there were based on written and oral examinations conducted as examinations usually are in colleges. I resided in Washington during my years at Research, and know of no disregard of the rule of residence."

LEAVE TO ADDRESS THE HOUSE

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that at the conclusion of the special order to-day, I may be permitted to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. KNUTSON. Mr. Speaker, reserving the right to object, on what subject?

Mr. O'CONNOR of New York. On the Dale retirement bill.

The SPEAKER. Is there objection?

There was no objection.

PRESERVATION OF FISHERIES

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries, with a Senate amendment thereto, and agree to the Senate amendment.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table the bill H. R. 13383, with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

GREAT FALLS OF THE POTOMAC

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 307, to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River, which I send to the desk and ask to have read.

The Clerk read as follows:

That in order to preserve for development, in whatever manner Congress may ultimately find most desirable, the natural resources in water, potential water power, and park and recreational facilities afforded by the falls and gorge of the Potomac River near the National Capital, the Federal Power Commission be, and hereby is, authorized and directed to refuse to issue any permit, preliminary or final, to any private interest for the development of water power in the Potomac River between the mouth of Rock Creek and a point 4 miles upstream from the present intake for the water supply of Washington, until further action of Congress, after consideration of such joint report or separate reports as may be made by the National Capital Park and Planning Commission and the Federal Power Commission as to the best utilization of the said area for the public benefit.

With the following committee amendments:

Page 1, line 8, strike out the words "authorized and," and in line 9 strike out the words "to refuse" and insert the word "not."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman explain the resolution.

Mr. CRAMTON. Mr. Speaker, the only purpose of this resolution is to hold the Potomac situation in statu quo until Congress decides what to do with the gorge and Great Falls of the Potomac, either as to park development or the development of water power. This resolution asks the Water Power Commission to hold the whole in abeyance.

Mr. EDWARDS. From what committee does this come?

Mr. CRAMTON. It comes unanimously from the Committee on the District of Columbia.

Mr. TILSON. And there is some danger of permits being granted in respect to it?

Mr. CRAMTON. There is pending an application for a permit that would endanger the situation for park development in which I am chiefly interested.

Mr. MOORE of Virginia. I understand that this resolution, if adopted, would not interfere with the construction of a bridge?

Mr. CRAMTON. It does not. It is only directed to the power commission.

Mr. LAGUARDIA. The gentleman from Michigan is very alert in these matters. This should be the first step in the direction of providing that the Federal Power Commission shall grant no licenses until a survey shall be made of the whole country and the potential power ascertained.

Mr. CRAMTON. I do not ask for that this morning.

Mr. LAGUARDIA. I wish you did.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FARM RELIEF

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that my colleague, Mr. HAMMER, may extend his remarks in the RECORD by printing his own letter written on the subject of farm relief.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the permission to extend remarks in the RECORD, I include the following letter in reply to Prof. J. L. Burgess, botanist, North Carolina Department of Agriculture, Raleigh, N. C.

I have known Professor Burgess many years. He is not only one of the State's profoundest scholars in his profession, but is also a sincere, conscientious friend of the farmer. I regret to disagree with him.

The following is my reply to his letter, which is not herewith inserted for the reason that under the rules of the House I am not permitted to do so. Statement of my position in reply to Professor Burgess:

Prof. J. L. BURGESS,
Botanist, North Carolina Department of Agriculture,
Raleigh, N. C.

DEAR SIR: I have read your letter of April 26 inclosing a copy of your letter of April 4 to Senator BROOKHART very carefully and after giving them mature consideration I am convinced that your objections

to the McNary-Haugen bill are based on misinformation and misconceptions, not only concerning the purposes of the bill and its plan of operations but also as to the actual provisions included in the text of the measure. For your information I am inclosing a copy of the bill in the final form reported to the House of Representatives by the Committee on Agriculture, together with a copy of a report of the Agricultural Committee and speeches which I made last year. I also made a speech on farm relief the year before. I do want to call your attention, however, to some of the misconceptions concerning this legislation which are contained in your letters.

You said that it "does not promise the farmer any relief" and that "the only beneficiaries of the bill are the middlemen and the manufacturers that use farm products." To read the bill is sufficient to show that the whole measure is plainly drafted for the benefit primarily of the farmers. The very first section, which declares the policy of Congress in this legislation, is all directed primarily to the good of agriculture. The purpose of Congress is declared to be to preserve advantageous markets, to prevent undue price depression of farm products, to minimize speculation and waste in marketing, to further the organization of producers, etc.

Section 3 of the bill requires the Federal Farm Board in mandatory language to keep advised concerning "crop prices, prospects, supply and demand at home and abroad, etc.," in order that it may advise producers concerning the production, distribution, and marketing of any farm commodity "in order that they may secure the maximum benefits under this act." A still further mandate is placed on the board to advise producers concerning development of suitable plans of planting and breeding "so that burdensome crop surpluses may be avoided or minimized, in order that they may secure such benefits." It is the producer who will receive the maximum benefits of this legislation. That is a clear statement of purpose written into the act itself again and again. It is a well-established legal principle that the courts in interpreting an act give prime consideration to the intent and purpose declared in such act. Hence, the board may be restrained in the courts from violation of these purposes.

Section 4 requires the board to set up an advisory council representative of the producers with authority to confer and advise with the board and to represent the producers "concerning matters within the jurisdiction of the board." Amendments inserted by the House provide that nominations for membership on these advisory councils may be submitted not only by farm organizations but by the governors and heads of departments of agriculture of the various States.

A further amendment inserted by the House requires the board before beginning or terminating an operating agreement or equalization fee to submit its findings to the appropriate commodity advisory council and the board is forbidden to act unless the council, representing producers, agrees that the board's findings were correct and in accord with all the facts which should be considered.

Section 5, which provides for loans out of the revolving fund of $400,000,000, specifically limits these loans "to any cooperative association or corporations created and controlled by one or more cooperative associations," thus restricting all of the benefits of the loaning features of the bill to the farmers' own organization.

Section 8, which provides for the establishment of clearing house and terminal marketing associations, specifically restricts membership in such associations to "cooperative associations or corporations created or controlled by one or more cooperative associations."

Under section 9 of the bill the board is required by specific mandatory language to conduct investigations to determine whether or not there is a surplus, whenever requested to do so by the commodity advisory council—which represents the producers—or "upon request of leading cooperative associations or other organizations of producers of any agricultural commodity."

This process might be continued further, but these references to the language of the bill itself show plainly that the real intent of the bill is to benefit the farmers and not the middlemen.

You also refer in your letter to the board as "irresponsible." The text of the bill does not bear out this charge. The Federal farm board which is to be created is appointed by the President, subject to the consent of the Senate; hence to get appointed in the first place these members must be acceptable to the Senate of the United States as well as to the President. Moreover, they must be regionally appointed, one member from each of the 12 land-bank districts, which render them more responsive to their constituents in their districts. Still, further, they can be removed by the President for cause. It is not more irresponsible than any other Federal board, department, or Government agencies which have been set up since the founding of our Government. It would not be nearly so irresponsible as the Interstate Commerce Commission which is not regionally constituted. That the members of the board would "eventually belong to no political party in particular," and therefore to create such a board would be "unforgivable," I can not agree, because this is not a political but an economic problem.

Your statement that this bill places in the hands of the Federal farm board the "lives and fortunes of the entire American people" is entirely unjustified and refuted by a study of the bill itself. There is not a line or clause of the bill which gives the board or any other agency control over the lives of anybody, much less of the entire American people. The same may be said concerning control of the fortunes, unless you mean by this the economic welfare rather than, in the monetary sense, the accumulation of wealth.

The board, however, does not even have control over the economic welfare of the entire American people by any means, except in an indirect sense. It does have the power to give assistance to the farmers' own organizations whereby they can dispose of their crop surpluses to better advantage and bring the farmers a higher price for what they have to sell by promoting orderly marketing. The power to render this assistance to the farmers the board does have and should have if agriculture is to be restored to a permanent basis of prosperity.

Your principal fears concerning this bill seem to arise out of misconceptions as to how it might operate. To summarize these, you apparently fear that the Federal Farm Board, the President, and the Secretary of Agriculture will all be in favor of the measure and by virtue thereof gain control "of the statistical forces of the United States" and thus "declare a surplus when there is no surplus" and that the "board will secretly conspire with foreign spinners as well as the middle men in this country to beat down the price of farm products in this country by declaring a surplus and enriching themselves at the expense of the farmer through the equalization fee paid by the farmers in order to guarantee the middleman a profit." This indeed would be a fearful picture if true, but the provisions of the bill do not justify such fears.

If the President, the Secretary of Agriculture, and every member of the board were in favor of the bill as you predict, then it appears to be a strange conclusion to reach that the board would set about to do the very things which would violate the chief purposes of the measure. Such reasoning is just the reverse of that of farm leaders who are supporting the measure. They do not fear a board and an administration which will sincerely try to carry out the purposes and provisions of this bill. That is what they want done. They would fear rather that the board might fail to carry out this legislation. That is why the advisory councils are set up to confer with the board and to represent the farmers' interest.

In the next place the mere fact that the President and Secretary of Agriculture and other members of the board would be in favor of this bill—even assuming that this were true—does not necessarily mean that they would have in their charge "the entire statistical force of the United States." Every individual State has its own department of agriculture and its corps of agricultural statisticians which gather and disseminate agricultural information. These agencies would not be entirely uninformed concerning the amounts of crops produced from year to year. Furthermore, great corporations representing the middlemen also maintain private statistical organizations to gather information concerning crop produced and crop surpluses. A still further safeguard which has been hereinbefore mentioned requires the board to get the approval of its findings by the commodity advisory councils representing the producers. Your fears that the board by its mere declaration of a surplus could make the world believe for any reasonable length of time that such surpluses existed when in reality there was a shortage could hardly be realized. Even if the board were to attempt such folly, it would soon be checkmated by the information given to the world by other agencies both public and private.

The fear that the board could declare a surplus when in reality a shortage existed and thus beat down farm prices below their real value is entirely unfounded. Prices are not determined by the mere statements of Government agencies or any other agencies as to surplus or deficiency of production except as these correspond to a reasonably accurate statement of the facts. Prices are determined by supply and demand in the markets and other economic factors which are involved. Moreover, it is hardly probable that the producers through their councils would approve such findings.

Furthermore, you seem to assume that all the board is going to do is to declare a surplus or declare a deficit. The fact is the bill itself requires that whenever the board, after investigation, finds there is a surplus and announces this fact it is required by mandatory language in the bill itself to "arrange for marketing any part of the commodity by means of marketing agreements with the cooperative associations engaged in handling the commodity or cooperatives created and controlled by one or more such cooperative associations." In other words, the board can not declare a surplus and then sit idly by and let prices go to smash. Quite the contrary, the declaration of a surplus is merely the acknowledgment of a condition already in existence and this declaration is merely a preliminary step whereby operations through cooperative associations are made possible so as to prevent an undue depression of prices. The board through agreements with those cooperatives will furnish them with sufficient funds, first by loans and later by the collection of an equalization fee, to acquire control of the surplus, withhold it from market in a period of oversupply, and dispose of it

later in periods of undersupply, thus preventing depression of prices below the real value of the product, which would otherwise be the case if the surplus were dumped on the market within two or three months, as is done now.

In these operations of the board the middlemen would not be guaranteed a profit at the expense of the farmers as you state in your letter. In the first place, according to the bill as it is now drafted, the equalization fee would not be collected from the individual farmer but from the middlemen—cotton ginners, millers, meat packers, etc. The chances are that the middlemen would not be able to pass it back to the producer or on to the consumer, except in some instances, but they would have to absorb part if not all of it in their overhead expenses.

There are so many middlemen, between the farmer and consumer, that the fee would be absorbed in the marketing process between the farmer and the consumer. Nevertheless even though the farmer should pay the entire amount of the fee, the benefits to him in increased prices would much more than repay the small amount of the fee. It is a well-known fact in economics that the existence of a small surplus on the market depresses the price for the entire supply. By the collection of a small equalization fee upon each unit of the commodity entering into commerce, a fund is secured with which to withhold this relatively small surplus from the market and thus prevent the depression of the price for the bulk of the crop offered for sale. Surely no farmer would object to paying a cent a pound as an equalization fee on cotton if thereby he could secure for his entire crop an average increase in the price of 5 cents per pound. For example, in the months of September, October, and November, only 75 or 80 per cent of the cotton is moved to market. The average farm price received by the producers for those months in 1926 was 13.2 cents per pound and the average for October and November was 11.3 cents per pound. During those three months only about 24 per cent of the total yearly consumption of cotton is consumed on the average. Several months later in the months of June, July, and August of 1927, the price of cotton had risen to an average of 15.8 cents per pound. The next three months it averaged 21.1 cents per pound. If the McNary-Haugen bill had been in operation the Federal Farm Board could have authorized the cotton cooperatives to remove the surplus from the market in the fall of 1926, thus checking the disastrous break in prices to the producers, and by means of a small equalization fee, the surplus could have been carried over into the next year at a considerably enhanced price thus enabling the farmer to get a higher return for his cotton, stabilizing the price at a more profitable level, and distributing the expense equitably upon each marketable unit of the commodity, since all would get their proportionate share of the benefits.

As a matter of fact the fee will not be collected direct from the farmer but from the middlemen. The effect of the measure will be to reduce the spread between the producers and consumers and to stabilize farm prices at a higher level without adding unnecessarily to the retail cost to the consumer.

Who are the principal enemies of this measure? They are the middlemen, that is, some but not all of the cotton spinners, the flour millers, and others who have made profits at the expense of both the farmer and the consumer. On the other hand, there is overwhelming support from the farmers and other leaders in favor of this measure. No other measure has been proposed which has gained such widespread support among the farmers and despite bitter assaults and misrepresentations, the McNary-Haugen bill has gained rapidly in favor and successfully withstood the fire of criticism for the past three or four years. If this measure were drafted primarily for the benefit of the middlemen or if the effects of this operation would result primarily in the enrichment of the middlemen, then it seems strange that they are the principal opponents of this legislation. Surely the acute thinkers, the trained economists, and the brilliant legal talent employed by some of the great industrial corporations of middlemen would have perceived ere this these exclusive benefits alleged to be in their behalf. Quite the contrary, it is from the middlemen that the chief opposition of this bill is directed. I believe this is one of the best answers to the charge that the bill is primarily for the benefit of the middlemen.

The only way in which the board can operate through the middlemen is by means of the emergency provision of the bill, which authorizes the board to arrange for the disposal of surpluses through other agencies than the cooperatives. This, however, is merely an emergency provision to enable the board to deal with the surpluses in the event the cooperatives should find themselves unable to handle the surpluses. This provision is safeguarded by various provisions of the bill:

First. It is to be resorted to only when the board finds that the cooperative associations are unable to handle the surpluses;

Second. The commodity advisory councils are authorized to represent the interest of the producers to the board in all its operations;

Third. The conditions which must be found by the board before the operating period can be declared and marketing agreement entered into are definitely provided for in the bill;

Fourth. The marketing agreements and the operations of the board therein are subject to restraint by the courts if the fundamental policies for the benefits of agriculture as outlined in section 1 of the bill are violated;

Fifth. This is a discretionary and not a mandatory provision;

Sixth. It is a safety provision to be used as a last resort whenever the cooperatives are not able to cooperate with the board in disposing of the surplus; and

Seventh. The board must secure the approval of its findings by the advisory councils which represent the producers.

You ask how this organization will be financed when there is no equalization fee to draw from, and you state that this measure will cost the Government one-half billion dollars annually, whether there is any surplus or not. The bill provides an appropriation of $500,000 to pay the administrative expenses of the board. The expenses of disposing of the surplus are to be paid out of the equalization fee collected on each unit of the commodity and not out of the Federal Treasury. The equalization fee can be collected only under conditions specified definitely in the bill, and the findings of the board must have the approval of the commodity advisory councils representing the producers, as I have already explained. Thus the board's expenses will be borne out of the annual appropriation of $500,000, just as the expenses of any other Federal board are met, and the expenses of handling the surplus will be borne by the commodity and can only be incurred under definitely specified conditions.

I do not share your prediction that the surplus in farm products "is not likely to worry this country very much longer." Concerning your statements that there is no longer a surplus of cotton, that the wheat surplus is diminishing, and that we now export not more than 1 per cent of our production of corn, I wish to point out the production of cotton in 1927 was curtailed primarily because of the disastrously low prices received in 1926, and that we always have a large surplus of cotton for export. According to the data published in Crops and Markets, December, 1927, by the United States Department of Agriculture, the production of wheat in 1927 was 871,000,000 bushels, compared with 831,000,000 bushels in 1926; the production of corn in 1927 was 2,700,000,000 bushels, compared with 2,600,000,000 bushels in 1926.

Neither can I agree with you that the "laws of supply and demand, aided, it may be, in some instances by a protective tariff, will entirely solve the surplus farm-product question of the American farmer." The agricultural depression has continued now for seven years, yet neither the laws of supply and demand nor the protective tariff have restored agriculture from its ruinous condition. I believe the farmers are entitled to legislative assistance by the Federal Government to place agriculture on a prosperous basis, just as this has been done for other groups by the Government.

The McNary-Haugen bill is a real farm-relief measure, which will enable the farmers through their cooperative associations to handle agricultural surpluses so as to stabilize prices at a more profitable level without Government subsidies, without putting the Government in business, and without placing an undue burden on the consumers.

Very sincerely,

W. C. HAMMER.

OLD-AGE PENSIONS

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill which I introduced on the subject of old-age pensions.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, the other day all the newspapers of New York City gave space to the story of four wrecked cast-offs in Brooklyn, voluntarily putting an end to their misery by choosing the convenient road of suicide.

One aged couple did it through the aid of gas tubes. According to the newspaper story, they owed three months' rent.

During their days of productivity each of these broken splints of human driftwood undoubtedly gave a full share toward the creation of the wealth of our country, but either missed the opportunity to save or perhaps circumstances and reverses did not allow them to put away a little for subsistence during the bleak and hoary days of old age. They starved.

All around them bustling society continued on its busy way and these unfortunates found themselves alone and unable to continue to carry on so as to keep the soul in their withered bodies.

They found it more convenient to make use of the gas tube, and they went.

Thousands of us read this story at our breakfast tables, and a great many thousands perhaps did not even read the story, just glanced at the headlines and either turned to the sporting page or read the latest news of presidential possibilities.

Perhaps there were a few of us who, reading of these suicides, paused for a moment and brought to mind the immortal lines of Hood, somewhat paraphrased:

Oh, for the rarity
Of Christian charity
Under the sun,
Is it not pitiful
In a whole city full
Home they had none.

The stories of these suicides followed on the heels of the recent report made by P. Tecumseh Sherman, of the National Civic Federation, in its so-called study of the extent of old-age dependence, stating that the extent of such dependence is really not at all serious, and that in its investigations in four States the federation found only 200 aged people destitute.

I wonder whether the reports of the federation included the four Brooklyn hapless ones.

Reading the story of these old derelicts on the ocean of life, I thought of the unfair, unjust, and un-American report of the National Civic Federation regarding our old, feeble, and worn-out workers, who labored in the quarries of American industry, but who through no fault of their own found themselves penniless, friendless, and homeless in their old age, denied the just rewards and the social fruit of their period of productivity in this the great civilized era of machine age. The aborigines of North America were more considerate. They took their aged and incapacitated and hied them far away from the village and there put an end to their misery and continued suffering.

That was humane.

Particularly was it thoughtful on the part of the red man when we realize that he subsisted on hunting, trapping, and fishing, and lived from hand to mouth. He had no banks; he had no reserve fund; he levied no taxes on those who could and should pay; he had no national reserve; he did not spend fortunes on educational systems and institutions; he established no hospitals, nor even penitentiaries, prisons, nor electric chairs.

The male hunted and fished; the squaw grew the corn and in her crude way milled it, prepared the food, and carried the papoose. When the warrior was no longer able to hunt and to fish, and when the squaw was no longer able to plant and to do the work around the tepee, the charitable offsprings who had not learnt to put away for a rainy day did a most humane thing.

What a shame and disgrace it is, however, to our civilization, when, after taxing ourselves for institutions and efforts of public welfare of almost every description, we forget those aged industrial veterans who worked and helped create the wealth of the Nation—forget the weary old men and women, sapped of strength to continue to work and to create.

Thomas Paine insisted that "society owed the youth his opportunity to enter the world of industry fairly equipped to cope and to carry on, and to the aged, the means to pass out of life decently and peacefully."

We are somewhat reconciled to our duty to our youth by the establishment of educational institutions to equip them mentally. While this effort on our part is praiseworthy, there is, however, a selfish motive in arming the industrial soldier more effectively so that he can more ably create and build.

Our old and feeble are still subject to charity, because, perhaps, we do not look forward for any material profit from them any more.

Old people are known to strive to hang onto life as tenaciously as possible under all circumstances. When four old people in one borough commit suicide in one day there is obviously something more serious facing them than what the National Civic Federation seemed to convey. These people evidently have found life unbearable in old age under the present prospects of inability to find employment and with the poorhouse or public charities as the only alternatives to a life of unbearable wretchedness.

I am convinced that the adoption of the bill which I introduced in Congress providing for Federal aid to States adopting old-age pension laws would prevent innumerable tragedies.

Forty-two nations of the civilized world have already adopted various forms of government pensions to their aged and infirm. Our country, rich and affluent, munificent and broad-hearted, renowned for its institutions of public welfare and general good, is still generations behind in its care for those who have reached the twilight of life and who need care and who should have our support.

Men and women in the office and in the workshop and in the street all agree that government care of the aged is a governmental duty. The newspapers of the country, indeed all influential newspapers, should give space to this cause and help bring about our realization of our paramount duty to help and blot out the crying shame of our criminal negligence.

To determine the extent of old-age dependency in the United States, I introduced the following joint resolution on April 19, 1928:

Whereas over 40 civilized nations of the world have introduced and developed in conformity with their separate needs, scientific and comprehensive methods of taking care of their aged dependents, in the form of old-age pension or insurance systems; and

Whereas the United States shares the unenviable distinction of being associated with China and India as the only large countries in the world having no modern adequate provision for their aged and dependent poor; and

Whereas the United States, as a Government and a people, has uniformly shown its high regard for human rights by placing them not on a parity with property rights but above it when the call of humanity demands; and

Whereas this attitude has been given practical expression in various forms of national and humane legislation such as workmen's compensation and employees' liability, Sheppard-Towner maternity bill, vocational education bill, etc.; and

Whereas the tendencies of our modern industrial civilization are such as to render it difficult for those suffering from the infirmities of age to secure a wage sufficient for their needs and to maintain body and soul together; and

Whereas investigation has shown that there exists a close association between old age and dependency, or destitution, and that conditions creating dependency are such as are often beyond the power of the individual to meet or to provide against; and

Whereas the honest and industrious workingman who, by his labor, has added to the wealth of the Nation, and who, through no fault of his own, but by reason of impaired health or strength due to age, is deprived of his earning power, is entitled to consideration other than as an object of charity; and

Whereas the almshouse and outdoor poor-relief systems in force in the United States represent an antiquated as well as costly method of helping the aged, and the taint of charity serves to embitter the declining years of thousands of worthy and respectable old men and women whose only crime is old age and poverty; and

Whereas the home is the highest and finest product of civilization, yea indeed the foundation of society and government, no sacrifice should be considered too great to preserve it; and

Whereas the almshouse method of poor relief serves to break up the home and thus runs counter to man's greatest need in the last few remaining years left him by his Maker; and

Whereas in the last 10 years the importance of old-age pensions as a substitute for other systems of relief now in force has been recognized in the United States by the adoption of such laws in six States and the Territory of Alaska; and

Whereas since 1907, 17 investigating commissions have been appointed to study and report their findings as to the advisability of adopting old-age pension legislation and as to the various methods of old-age relief in operation in other States and foreign countries; and

Whereas these investigations have resulted in general agreement as to the urgent need of legislation of a broader and more humane kind in behalf of the dependent aged; and

Whereas the question of old-age pensions and the appropriate legislation in each State is conditioned by different factors, and the local differential must be taken into consideration; and

Whereas such investigations are being continued and new ones are being inaugurated, involving considerable duplication of effort: Now, therefore be it

Resolved, etc., That an old-age security commission be created to consist of 15 members and to be constituted as follows: That the President of the Senate be, and hereby is, empowered to appoint four United States Senators; that the Speaker of the House of Representatives be, and hereby is, empowered to appoint four Members of the House of Representatives; that the President of the United States be, and hereby is, empowered to appoint seven members to consist as follows: Two representative employers of labor, two representatives of organized labor, and three public-spirited citizens; that the members are to serve without pay excepting for legitimate expenses incurred while transacting the business of the commission; that the commission is authorized to employ the proper experts and investigators and to secure all other necessary assistance to enable them to compile a complete report appertaining to the subject of old-age dependency in the United States; and be it further

Resolved, That the commission be authorized to report within two years from the passage of this resolution on (1) the extent of old-age dependency in the United States, (2) existing systems of relief for the aged in the various States, (3) the nature and workings of the old-age pension legislation adopted in this country, (4) the methods of old-age provision in vogue in the various foreign countries, and (5) the probable costs involved in the various forms of old-age pension systems; and be it further

Resolved, That the commission be empowered to subpœna persons, records, documents, data, and such other information as may be deemed

necessary to aid the commission in the ascertainment of the facts; and be it finally

Resolved, That the commission be allotted $75,000 to enable them to make a complete and thorough investigation upon every phase of old-age dependency in the United States.

The need for this joint resolution can be readily realized and appreciated by the membership of this historic body when they will read the following article I wrote to the editor of the New York Times:

To the EDITOR OF THE NEW YORK TIMES:

Permit me to call the attention of your readers to the statement carried in Friday's Times, in which P. Tecumseh Sherman, of the National Civic Federation, was quoted to the effect that State old-age pensions are "a discredited experiment." Mr. Sherman, of course, knows that this is not quite true, since something like 35 nations to-day are caring for their dependent aged through systems of old-age pensions or insurance. Since the World War 14 additional countries adopted such plans, and only a month ago France, the most thrifty and individualistic nation, enacted one of the most comprehensive systems of social insurance. This record is hardly "discrediting."

Mr. Sherman's contentions that somehow the United States alone can escape sound State or Federal provision for the aged are based solely on the conclusions drawn by himself of the findings of the recent report of the National Civic Federation conducted under his general direction. The conclusions of that report have become so discredited everywhere that one is surprised to find Mr. Sherman bringing them up again. The very facts contained in that report repudiate Mr. Sherman's conclusions.

In a recent article in the New Republic Dr. I. M. Rubinow, one of the leading authorities in this field, showed that in spite of the fact that the cases selected by the civic federation's investigators were not at all representative of the general working population, since it included more than twice the normal percentage of manufacturers, merchants, professional persons, etc., and aside from the fact that the enumerators excluded entirely the aged already provided for in public and private relief institutions, the federation's own investigations showed that—

(1) Twenty-five per cent of the men and 34 per cent of the women over 65 years of age own no property at all.

(2) Forty per cent have no income from work or business and some 17 per cent have neither property nor income.

(3) Over 25 per cent, by their own admission, are totally unable to work, and 30 per cent are able to do only light work which added to the disqualification of age makes them practically unavailable for industry. The comparatively high percentage of those still able to work (about 45 per cent) is probably largely due to the peculiar occupational distribution, the excessive representation of professional and commercial groups.

(4) Many of those who were forced to retire are, in addition, afflicted by chronic illness, rheumatism, invalidity due to accident, etc.

(5) Of the total number, some 60 per cent receive no aid, and 40 per cent are assisted primarily by children and to some extent by other relatives and friends. The number of those supported by public charity is very small, less than 1.5 per cent. That, of course, is largely explained by the failure to include any old people maintained in institutions.

It is in order to clarify the atmosphere in this controversy that on April 19 I introduced in Congress Joint Resolution 278, providing for the creation of an impartial United States commission to study the entire subject from every angle. The commission is to be made up of 4 Senators, 4 Congressmen, 2 representatives each of employers and organized labor, and 3 public-spirited citizens to be appointed by the President of the United States. An appropriation of $75,000 is asked in that bill. This commission would not only prove of immense value to all persons interested in the subject, but would, once for all, settle scientifically and properly this mooted question.

In view of the fact that about the same time as my resolution was introduced Representative JOHNSON of Washington introduced another resolution appropriating from $25,000 to $50,000 for a commission to study the destruction of fish in certain dams and rivers, I feel it would be comparatively cheap to invest a similar sum in the study of the conditions of and proposed remedies for our destitute and dependent aged, who have given their lives to our industries and to our welfare. If Mr. Sherman and his supporters are really sincerely desirous of the actual facts in the case I hope they will do everything possible to help the establishment of such a commission.

Mr. Sherman's present remedies along the lines of poor relief and the adoption of industrial pension plans by private corporations can hardly meet the present needs. The poor-relief system stands indicted beyond redemption. Industrial pension plans with their long periods of service requirements can never meet the present emergency, since only a small percentage of workers stay with one corporation long enough to qualify for these benefits, and only large industrial establishments can afford to undertake such provisions.

It is true that the contributory-insurance plan is spreading abroad. Side by side with this system, however, there is everywhere in existence a noncontributory system of pensions supported entirely by taxation which aims to alleviate the immediate needs. Plans along the same lines are urged by the advocates of humane care for the aged in the United States, since the old men and women now destitute can hardly be expected to make contributions for their own support. The American Association for Old Age Security, the leading organization promoting this subject, is working toward this entire program.

If, as Mr. Sherman suggests, the poor-law system, which in essence dates back to the period of Queen Elizabeth, is not archaic, then by the same logic the stagecoach in these days of trans-Atlantic flying remains the most up-to-date method of transportation.

There can be no doubt that old-age dependency and its relief is for the great interest of the public. As a Nation we spare no pains to get at the bottom of hog cholera and the boll weevil. The fate of superannuated human beings is equally important. A number of reasons exist as to why a study of this subject is desirable. In the first place, there is a serious lack of knowledge as to why old-age dependency exists in the United States. The problem of unemployment is one of the pressing problems of the day. Another tendency which is daily aggravating the gravity of this subject is the lengthening life span, a product of our better knowledge of sanitation and practice of hygiene.

The other is the reducing age limit at which workers are barred from employment by many great employment agencies.

All these factors need to be reckoned carefully before we will be in a position to take up intelligently suggestions of old-age relief.

There ought to be a careful assembling of all information available upon these and related points throughout the Nation.

It is a type of census work appropriate for the Federal Government of the United States.

Four million men and women have been denied the right to work in our country due to physical defects. In the coal fields of Pennsylvania, Virginia, Ohio, and Illinois more than 100,000 men have been forced into idleness. Tremendous suffering, destitution, and privation are found among old fathers and mothers who have contributed their all on the altar of service to make our Nation the greatest and most prosperous in all the world.

The twentieth century of civilization will be known as the great machine age in which most of the industrial work upon farms and elsewhere is being perfected and done through the medium of machinery.

To-day when a man or woman needs work at the age of 45, he or she has great difficulty in finding anyone to give them employment.

Imagine therefore what happens when an old mother or father at the age of 65 or 70 tries to find employment in the great industries of our Nation.

We need a commission to inquire into the subject of old-age pensions, to make old age secure until the curtain of life falls upon our aged citizens. Social responsibility for the aged in Europe is widely recognized. The countries of Europe take care of their aged as a collective responsibility, not necessarily through State monopoly or State bureaucracy but through collective associated activities.

Between 1890 and 1914, a period of 24 years, 14 countries enacted old-age pension legislation.

Since the beginning of the war, a period of 14 years, an additional 14 countries enacted legislation of this character.

The credit of having enacted the first old-age pension law in the world relongs to the world's oldest Republic, Iceland, which celebrates its one thousandth anniversary in 1930. Iceland's foster state, Denmark, enacted an old-age pension law in 1891. New Zealand, a country recognized as having a very equitable distribution of wealth, enacted an old-age pension law in 1898. Other countries, both rich and poor, among European and England's dominions made their first essays in such legislation between 1906 and 1913. Great Britain, Belgium, and Canada have, during the last decade, approved the principle of old-age pensions.

Some years ago I visited an institution for the aged. The superintendent was showing me through, and as we were passing a side corridor something strange attracted my attention. I noticed a white-haired, stooped old man approach a feeble old lady. He put his arms gracefully around her waist and kissed her tenderly. I looked on bewildered.

When we reached the office I frankly asked the superintendent whether romance and love could still be found among the inmates of his institution. The superintendent smiled and explained that there was little danger of elopements among the inmates and that he had no difficulty in maintaining a proper morale.

After a brief explanation, he informed me that the old man was the husband of the lady he embraced. The institution, un-

fortunately, he went on to say, had made no provisions for the maintenance of married couples together; that husbands and wives had to be kept in separate quarters and that the display of affection I had witnessed was a daily occurrence whenever such couples met in the corridor.

This particular couple had been married 54 years. They had nine children, of whom four were still living. All of these had large families and, because of their small earnings, were unable to help their parents.

MANY PITIFUL TRAGEDIES

About the time of this visit I had the privilege of participating actively in the framing of widows' pensions and child-welfare legislation for the orphans and dependent children of the State of New York. Instead of the earlier method of placing dependent, fatherless children in orphan asylums, compelling the mother, heart-broken and alone, to eke out an existence as best she could, we are now providing, through our child welfare law, for the maintenance of these children by the mother in her own home.

In New York City alone we have taken care of 40,000 mothers and orphans, at an expense of $7,000,000 per year. Experience has shown that this law has not only prevented many pitiful tragedies and the pauperization of the children, but that the actual cost to the taxpayer to support a child in its own home with its mother is less than maintaining such a child in an institution.

As I thought over the touching incident of the aged couple I saw in the institution for the aged, I reflected that while we have the wisdom to see the social, moral, economic, and humane advantages of maintaining the home for the child, we have somehow ignored or entirely forgotten our aged parents, who have kept an independent home for themselves and who contemplate life in an institution with dread and horror.

A TERRIFYING OUTLOOK

How terrifying must it be for such people to be forced to spend their final days abandoned as inmates of an isolated, cold, barren, four-walled room in a charitable institution.

Indeed, it is time that we began to consider this situation seriously. The difficulties to be faced in old age are fast growing harder. Most of our people to-day no longer work in some little business for themselves as they used to, but are more and more coming to depend upon their daily job for their daily bread and sustenance.

Furthermore, through our progress in public health and sanitation, we have made it possible for a greater number of people to reach old age. The number of the aged is increasing relatively as well as absolutely. In 1870 the aged population numbered a little over 1,000,000. To-day the number is approximately 5,500,000. Twenty-five years ago the aged constituted less than 3 per cent of the total population. To-day they comprise nearly 5 per cent.

On the other hand, modern industry finds less and less room for older workers. Practically all railroad corporations and numerous industrial concerns to-day deny new and permanent employment to a skilled workman after 45 years of age and to an unskilled workman after 35 years of age. Even municipal and State employment is now refused in most of our Eastern States to persons over 45 or 50.

As a result of these changed conditions, it is now conservatively estimated that at least 1,800,000 aged persons are dependent, in the sense that they have not accumulated a sufficient income to provide them even with the barest necessities. Thus, there is a crying need for some constructive solution of this poignant problem.

Our present methods of relief for the aged are extremely antiquated—indeed, a blot upon our civilization.

1. The "poor laws" in our States are practically all modeled after the old British poor-law system. In the main, this system has existed with little change for over 300 years. Indeed, in many of our States the poor-relief systems are still almost identical with the Elizabethan law of 1601.

Shameful as it may seem in this twentieth century, the poorhouses in the United States are "catchall" institutions. There are rarely strict regulations as to admission and discharge of inmates, and there is always a heterogeneous assemblage in these homes. They include the young and the old, the feebleminded and epileptic, prostitutes and abandoned babes, inebriates and worn-out toilers. They are the homes of both the veterans of labor and the veterans of dissipation—derelicts and driftwood from every form of social, industrial, and economic life.

The inmates are given mostly coarse and unpalatable food. A study conducted by the Pennsylvania Commission on Old Age Pensions showed the following annual food rations served to inmates and supervisors in one almshouse of the better class:

	Per inmate	Per steward
Butter	7½ pounds	30 pounds.
Eggs	38	200.
Chicken	1 ounce	10 pounds.
Milk	23 quarts	101 quarts.

2. To a great extent the private charitable organizations represent no improvement over the public poorhouse. The stigma attached to such relief agencies need hardly be discussed. They are the last refuge of the very helpless poor. Furthermore, the management of these institutions is extremely wasteful. This was shown by a recent study made in Boston, where less than 900 aged persons were taken care of by 151 different charitable organizations, while each of 54 of these aged was receiving his pittance from five and more agencies.

3. The number of aged persons relieved and cared for by the pension plans of industrial concerns and fraternal and trade union associations is negligible. Few of these are established on a sound financial basis, and most of them represent only good-will promises.

The history of private pension systems, laudable and ambitious as were their intentions and purposes when founded, is strewn with wrecked pension plans and not one of these forms of relief can be depended upon to offer any enduring solution of the great problem.

The most comprehensive study of industrial pensions recently published by the Pennsylvania Old Age Pension Commission shows that these take care of only from 5 to 6 per cent of the needy aged. The Pennsylvania commission after a complete study of the financial side of the industrial-pension plans concludes:

> The large majority of the pension systems now in operation are so constructed as to preclude any hope of their ever becoming effective instruments in solving the growing problem of old-age dependency to any considerable degree.

The fraternal and trade-union pension plans are on the whole not more actuarily sound than the industrial plans.

That the present method of poor relief is not only out of date but economically wasteful is evident from the following:

A recent study entitled "The cost of American almshouses," made by the United States Department of Labor in 1925, shows that the maintenance cost per inmate in almshouses throughout the country ranges from $293.89 a year in 16 institutions to $508.13 a year in 787 institutions.

The Pennsylvania Commission on Old Age Assistance, in its report submitted to the 1925 Pennsylvania Legislature, showed that for the present cost of an almshouse inmate in that State three persons could be supported on a pension in their own homes. A survey recently made by the same commission of the pension system in operation in Montana discloses that in 12 out of 22 Montana county almshouses the cost per inmate is five times higher than the average pension paid in the same counties. At the same time every applicant preferred the meager pension to the more expensive and presumably better care provided in the county poorhouses.

UNITED STATES LAGS

Indeed, the backwardness of the United States in this measure of social justice to its aged toilers, despite its tremendous wealth, is conspicuously shown by the following statement in the recently published legislative report of the Pennsylvania Commission on Old Age Pensions. Says the commission:

> Our studies of pension plans in foreign countries show that during the last quarter century practically every civilized nation in the world has either already adopted a carefully worked out system of old age provision or is contemplating such in the near future. About 6,500,000 persons are now already protected with one form or another of modern insurance or pension provisions against the economic hazard of old age.
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> Indeed, of the populous countries still remaining without any form of constructive care for the aged only China, India, and the United States are left. Of the industrially developed nations the United States as a unit stands alone in its isolation in still applying early seventeenth century methods to twentieth century problems.

The Dominion of Canada, which, until recently, was the only other English-speaking country besides the United States without a pension plan, finally deserted our fold last March and adopted a federal pension plan.

Is it not time for the richest nation on earth to accord to its fathers and mothers at least the same measure of security and comfort as is given to-day even by the poorest of nations, such as Ireland, Belgium, Rumania, Jugoslavia?

Is it not obvious that when two out of every five persons reaching old age in this great Nation become dependent upon

others for support that the cause of dependency lies not with themselves, but with the social and economic conditions over which they have little or no control? Therefore society is obligated to come to their help when they no longer can eke out a livelihood out of their own toil.

APPEAL TO CONGRESS

Once the conditions are made sufficiently known, I am convinced that the American people, who have never failed to respond to a humanitarian cause, will demand that justice be done, and that our old men and women who contributed during their long lives much to the Nation's progress will be enabled at least to spend their declining days in some measure of comfort and happiness, in an honorable and self-respecting manner in their own homes, amid hallowed surroundings and among those near and dear to them.

Therefore, in cooperation with the recently organized American Association for Old-Age Security, which is made up of representative leaders of every religious denomination, social workers, and representatives of capital and labor, I have prepared a bill for consideration by this Congress as the first step in the movement for the bettering of this class of unfortunates.

In my humble opinion, it is our duty to care for and relieve those who have fallen by the wayside through no fault of their own—victims of social and economic injustice. This can be done only most efficiently and most economically through the agency of progressive, up-to-date, humane legislation based upon the lessons of many years of sociological observation and research.

To realize the principle of old-age security in the United States, in conjunction with Prof. Joseph Chamberlain, of Columbia University, Mr. Abraham Epstein, secretary of the American Association for Old-Age Security, as well as other distinguished citizens of our country, I prepared a bill called the "old age security bill," which I think will stand the test of the constitutionality of the United States Supreme Court, and that I sincerely hope may be adopted by the Seventy-first Congress as an onward and forward step in the civilization of our Nation in which once and for all it will arraign itself with all civilized nations of the world that have approved the principle of old-age pensions. This bill of mine reads as follows:

Be it enacted, etc., That this act shall be known and may be cited as the United States old age security act."

SEC. 2. Definitions: When used in this act—

(a) "Bureau" shall mean the old age security bureau;

(b) "State authority" shall mean the State authority charged with cooperating with the commission;

(c) "Assisted person" shall mean a person entitled to receive assistance under a State plan approved by the bureau;

(d) The masculine shall include the feminine.

SEC. 3. Authorization and appropriation: There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of $, to be apportioned among the States as provided herein, to aid them in giving assistance to aged persons under the conditions of this act.

SEC. 4. Allotment not to be used for lands: No portion of any money allotted under the act for the benefit of any State shall be applied to the purchase, rental, erection, repair of any building, or for equipment, or for the purchase or rental of any lands.

SEC. 5. Money to be spent by State: All money allotted under this act to any State shall be expended under the supervision of the State authority.

SEC. 6. Acceptance of act by State: In order to receive the benefit of this act, any State shall through its legislature—

(a) Accept the provisions of this act;

(b) Empower and designate a State board or officer as the State authority to prepare the plan herein provided for, to cooperate with the bureau, and to supervise the expenditure of the funds;

(c) Appoint the State treasurer as custodian of any allotment paid it under this act, who shall receive and provide for the proper custody and disbursement of all money so paid.

SEC. 7. (1) There is hereby created in the Department of Labor a bureau to be known as the old age security bureau.

(2) The bureau shall be in charge of a director to be appointed by the Secretary of Labor.

(3) There is hereby authorized to be employed by the bureau, chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations.

(4) There shall be an acting commission to the bureau which shall consist of the director of the bureau, the Director of the Veterans' Bureau and three persons appointed by the President for terms of four years and until their successors are appointed and have qualified. The three appointed members shall be persons who have had experience in social work and they shall be paid their expenses when on the business of the commission.

SEC. 8. Duties of bureau: It shall be the duty of the bureau to carry out the provisions of this act and to that end—

(a) To make the necessary rules and regulations;

(b) To examine plans submitted by a State authority for the disbursement of an allotment to the State under this act and to approve such plans and any changes thereof;

(c) To make necessary investigations of the administration of any plan approved by it;

(d) To cooperate with State authorities and other agencies, public and private, for the purpose of improving the administration of old-age assistance, and of studying the problem of old age in the United States;

(e) To withhold from any State the payment of any allotment or installment thereof, when it decides that the money allotted is not being expended as provided in the plan;

(f) To certify to the Treasurer of the United States the amount of allotment to any State;

(g) To take any other action necessary to carry out the purpose of this act.

SEC. 9. Appeal to President or Secretary: When any allotment or any installment thereof is withheld by the bureau, the State affected may appeal to the Secretary of Labor, and from his decision to the President of the United States, who may either affirm or reverse the action by the bureau or the Secretary as he may judge proper. The bureau on receiving notice of the opinion of the Secretary or of the President shall take action to accord with it.

SEC. 10. Contents of plan: The bureau shall not approve any plan submitted by the State authority which does not provide that—

(1) An old person entitled to relief under it:

(a) Has been a citizen of the United States for at least 20 years and resident of the State for a period of years determined by the State law providing old-age assistance; and

(b) Is 70 years old or over; and

(c) Does not possess real and/or personal property of a value in excess of $5,000; and

(d) Has no child or other person responsible under the law of the State for his support and able to support him; and

(e) Has not disposed of any property during the five years prior to his application for relief, unless the State authority has, under a power granted by the State statute, waived this requirement; and

(f) Has been decided by the State authority to be of good moral character.

(2) There shall not be charged against the allotment made under this act more than one-third of the total sum paid to aged persons under the plan, except that payment made in excess of $1 a day to any such person shall not be taken into account.

(3) So much of any sum paid as assistance, which shall be equivalent to the share paid from the allotment under this act, shall be a lien on the estate of the assisted person and upon his death shall be collected by the State and reported to the bureau provided in this act.

SEC. 11. Changes in plan: The State authority may at any time submit proposed changes in the plan to the bureau, which may approve such changes if they are in accord with the provisions of this act.

SEC. 12. Report by State authority: (1) The State authority shall annually on or before the 1st day of May of each year, or as soon thereafter as possible, submit to the bureau a statement—

(a) Of the amount of the appropriation made by the State for the period of the ensuing fiscal year for the purpose of assistance without including any part of the expenses of administration; and

(b) An estimate of the sum which must be contributed by any political subdivision of the State during such year for the purpose of assistance without including any part of the expenses of administration; and

(c) A statement of the amount collected, if any, from the estate of any assisted person for which the State is accountable to the United States under section 9, subsection (2); and

(d) An estimate of the amount unexpended of any allotment made from appropriation under this act for the current year.

(2) (a) The bureau shall compute annually the amount of allotment to be given such State at one-half of the sum of (a) and (b) of subsection (1) of this section, after deducting from such one-half the sum of (d) and (c) of such subsection.

(b) If the amount of assistance to any aged person under the plan be at a rate in excess of $1 a day, then only so much of the appropriations by the State and the political subdivisions thereof shall be taken as a basis for computation, which when added to the Federal allotment will provide assistance at a rate of $1 a day.

(c) If the sum of all allotments be in excess of the appropriations for the purpose, then the allotment to each State shall be diminished in the same percentage as the total allotments in excess of the appropriation bear to the total of the appropriation.

(3) The State authority shall report at such date to the bureau, in respect to the administration of the plan, and shall make such other reports at such time as may be fixed by the bureau.

(4) Each State authority as soon as possible after the 30th day of June of each year shall notify the bureau of the exact amount unex-

pended of its allotment for the year ending on such 30th day of June, and the bureau shall adjust the allotment to each State in accordance therewith.

SEC. 13. Notification to Treasurer: The bureau shall annually notify the Treasurer of the United States of the States whose plans have been accepted and are in force and the amount of the allotment made to each State. The Treasurer shall thereupon pay to the treasurer of each such State the sum so allotted in quarterly installments, beginning the 1st of July of each year unless he is notified by the bureau to withhold or change the amount of any allotment, in which case he shall act in accordance with such notification.

SEC. 14. Action of Comptroller General: The Comptroller General is authorized and directed to allow credit in the accounts of the Treasury of the United States for payment of allotments in the amount notified him by the commission.

SEC. 15. This act shall be incorporated into the Code of Laws of the United States of America as chapter 5, title 29: Labor; and the sections shall be numbered in said code consecutively, sections 51 to 67, inclusive.

SEC. 16. Chapter 5 of title 29: Labor, of the Code of Laws of the United States of America is renumbered chapter 6; section 51 is renumbered section 82, and section 52 is renumbered section 83.

NANCY HART

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 7452 and include some excerpts from a few histories concerning Nancy Hart.

The SPEAKER. The Chair is not inclined to recognize the gentleman to insert historical excerpts in the RECORD.

Mr. BRAND of Georgia. May I have a minute to give a reason for making the request?

The SPEAKER. Certainly.

Mr. BRAND of Georgia. This woman is of Revolutionary fame. Not only the young people of the counties of Elbert and Hart in Georgia but also the D. A. R. associations of the State would like to have a brief statement made of her history and character and her activities during the Revolutionary War.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD upon the bill referred to I include the following:

Under the terms of the above-stated bill the Secretary of War is authorized to erect at some suitable point at Alfords Bridge, which crosses the Savannah River in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, a tablet or marker to commemorate the memory of Nancy Hart, the county of Hart and the city of Hartwell being named in her honor.

Subsequently I introduced another bill which authorizes the Secretary of War to erect a tablet or marker to be located at the home place of Nancy Hart, in Elbert County, State of Georgia, on War Woman's Creek, being near Dyes and Wills Ferries, at what was then known as Fish Dam Ford on Broad River, to commemorate the memory of Nancy Hart and to indicate where she lived during the American Revolution.

In Memorials of Dixieland, by Lucian Lamar Knight, M. A., LL. D., the author writes:

It was during the troublous days of Toryism in upper Georgia that Nancy Hart performed the courageous feat which has since carried her name to the ends of Christendom. There is perhaps no exploit in our annals richer in the thrilling elements of the drama. It was staged in a little cabin of the backwoods.

The Hart family, into which she married, an aristocratic one, gave a wife to the illustrious Henry Clay, while it flowered again in the great Thomas Hart Benton, of Missouri. Her own maiden name was Nancy Morgan, a name which honorably connects her with one of the best families of the Old Dominion. She has left us no mound to bedew with our tears, to bedeck with our garlands; but she has left us an immortal memory.

In the Women of the Revolution, by Elizabeth F. Ellett, written in 1848, the authoress writes:

At the commencement of the Revolutionary War a large district in the State of Georgia, extending in one direction from Newsons Ponds to Cherokee Corner near Athens and in the other from the Savannah River to Ogeechee River and Shoulderbone, had been already organized into a country which received the name of Wilkes, in honor of the distinguished English politician. At the commencement of hostilities so great a majority of the people of this country espoused the Whig cause that it received from the Tories the name of the "Hornet's Nest." In a portion of this district, near Dye's and Webb's ferries on Broad River, now in Elbert County, was a stream known as "War Woman's Creek," a name derived from the character of an individual who lived near the entrance of the stream into the river.

This person was Nancy Hart, a woman entirely uneducated and ignorant of all the conventional civilities of life, but a zealous lover of liberty and of the "liberty boys," as she called the Whigs.

On the occasion of an excursion from the British camp at Augusta a party of loyalists penetrated into the interior, and, having savagely massacred Colonel Dooly in bed in his own house, proceeded up the country with the design of perpetrating further atrocities. On their way a detachment of five from the party diverged to the east and crossed Broad River to examine the neighborhood and pay a visit to their old acquaintance Nancy Hart. When they arrived at her cabin they unceremoniously entered it, although receiving from her no welcome but a scowl, and informed her that they had come to learn the truth of a story in circulation that she had secreted a noted rebel from a company of "king's men" who were pursuing him, and who, but for her interference, would have caught and hung him. Nancy undauntedly avowed her agency in the fugitive's escape. She had, she said, at first heard the tramp of a horse and then saw a man on horseback approaching her cabin at his utmost speed.

As soon as she recognized him to be a Whig flying from pursuit, she let down the bars in front of her cabin and motioned him to pass through both doors, front and rear, of her single-roomed house—to take to the swamp, and secure himself as well as he could. This he did without loss of time; and she then put up the bars, entered the cabin, closed the doors, and went about her usual employments. Presently some Tories rode up to the bars, calling vociferously for her. She muffled up her head and face, and opening the door, inquired why they disturbed a sick, lone woman. They said they had traced a man they wanted to catch near to her house, and asked if anyone on horseback had passed that way. She answered no, but she saw some one on a sorrel horse turn out of the path into the woods some 200 or 300 yards back. "That must be the fellow," said the Tories; and asking her direction as to the way he took, they turned about and went off, "well fooled," concluded Nancy, "in an opposite course to that of my Whig boy; when, if they had not been so lofty minded, but had looked on the ground inside the bars, they would have seen his horse's tracks up to that door, as plain as you can see the tracks on this here floor, and out of t'other door down the path to the swamp."

This bold story did not much please the Tory party, but they would not wreak their revenge upon the woman who so unscrupulously avowed the cheat she had put upon the pursuers of a rebel. They contented themselves with ordering her to prepare them something to eat. She replied that she never fed traitors and king's men if she could help it—the villains having put it out of her power to feed even her own family and friends by stealing and killing all her poultry and pigs "except that one old gobbler you see in the yard." "Well, and that you shall cook for us," said one who appeared to be a leader of the party; and raising his musket he shot down the turkey, which another of them brought into the house and handed to Mrs. Hart to be cleaned and cooked without delay. She stormed in protest, but seeming at last disposed to make a merit of necessity, began with alacrity the arrangements for cooking, assisted by her daughter, a little girl 10 or 12 years old, and sometimes by one of the party, with whom she seemed in a tolerably good humor—now and then exchanging rude jests with him. The Tories, pleased with her freedom, invited her to partake of the liquor they had brought with them—an invitation which was accepted with jocose thanks.

The spring—of which every settlement has one near by—was just at the edge of the swamp, and a short distance within the swamp was hid among the trees a high snag-topped stump, on which was placed a conch shell. This rude trumpet was used by the family to convey information, by variations in its notes, to Mr. Hart or his neighbors who might be at work in a field, or "clearing," just beyond the swamp, to let them know that the "Britishers" or Tories were about, that the master was wanted at the cabin, or that he was to keep close, or "make tracks" for another swamp. Pending the operation of cooking the turkey, Nancy had sent her daughter, Sukey, to the spring for water, with directions to blow the conch for her father in such a way as should inform him there were Tories in the cabin, and that he was to "keep close" with his three neighbors who were with him until he should again hear the conch.

The party had become merry over their jug, and sat down to feast upon the slaughtered gobbler. They had cautiously stacked their arms where they were in view and within reach; and Mrs. Hart, assiduous in her attentions upon the table and to her guests, occasionally passed between the men and their muskets. Water was called for; and our heroine having contrived that there should be none in the cabin, Sukey was a second time dispatched to the spring, with instructions to blow such a signal on the conch as should call up Mr. Hart and his neighbors immediately. Meanwhile, Nancy had managed, by slipping out one of the pieces of pine which forms a "chinking" between the logs of a cabin, to open a space through which she was able to pass to the outside two of the five guns. She was detected in the act of putting out the third. The whole party sprang to their feet, when quick as thought Nancy brought the piece she held to her shoulder, declaring she would kill the first man who approached her. All were terror struck, for Nancy's obliquity of sight caused each to imagine himself her destined

victim. At length one of them made a movement to advance upon her, and true to her threat she fired and shot him dead. Seizing another musket she leveled it instantly, keeping the others at bay. By this time Sukey had returned from the spring, and taking up the remaining gun she carried it out of the house, saying to her mother, "Daddy and them will soon be here."

This information much increased the alarm of the Tories, who perceived the importance of recovering their arms immediately; but each one hesitated, in the confident belief that Mrs. Hart had one eye on him at least for a mark. They proposed a general rush. No time was to be lost by the bold woman; she fired again, and brought down another of the enemy. Sukey had another musket in readiness, which her mother took, and posting herself in the doorway, called upon the party to surrender "their Tory carcasses to a Whig woman." They agreed to surrender, and proposed to "shake hands upon the strength of it." But the victor, unwilling to trust their word, kept them in their places for a few minutes, till her husband and his neighbors came up to the door. They were about to shoot down the Tories, but Mrs. Hart stopped them, saying they had surrendered to her; and her spirit being up to boiling heat, she swore that "shooting was too good for them." This hint was enough; the dead man was dragged out of the house; and the wounded Tory and the others were bound, taken out beyond the bars and hung.

In Gov. George R. Gilmore's History of Georgia, 1855, he says:

Nancy Hart was one of the North Carolina emigrants. She was a tall, muscular, red-headed, cross-eyed woman. In the contest between the Whigs and Tories, in the Revolutionary War, she proved herself every inch a Whig.

Nancy Hart's confident courage stirred into patriotic action many vacillating, British-fearing men of the times. When the Whigs of upper Georgia were flying from the murdering and plundering of the Tories and their superiors, she stood her ground, ever disposed and ready to defend herself and hers from her country's foes.

The restless temper and fearless spirit which had urged Nancy Hart to fight for liberty made her the best backwoods woman after the war ended. She traced the bee to its tree and the deer to its lair among snakes and wild beasts with unequaled success.

I was a Member of Congress in 1828–29. General Jackson's successful election to the Presidency put the ambitious Members all agog to attract his favorable notice. One of the means used was proposing to fill the vacant niches in the rotunda with paintings descriptive of the Battle of New Orleans and his other great victories. I prepared a resolution, as an addition or substitute, to fill one niche with a painting of Nancy Hart wading Broad River, her clothes tucked up under one arm, a musket under the other, and three Tories ahead, on her way to the camp of the Whigs to deliver them up to the tender mercies of Col. Elijah Clark.

In The Life and Times of William H. Crawford, by J. E. D. Shipp, A. B., 1909, he says:

On the north side of Broad River at a point about 12 miles from the present city of Elberton, Ga., and 14 from historic Petersburg, in what is now Elbert County, was situated the log house in which Benjamin Hart and his wife, Nancy Morgan Hart, lived at the commencement of the Revolution.

The State records show that Benjamin Hart drew 400 acres of land on Broad River, and afterwards another body of land in Burke County. He was a brother to the celebrated Col. Thomas Hart, of Kentucky, who was father of the wife of Henry Clay.

Nancy Hart, alone with six boys—Morgan, John, Thomas, Benjamin, Lemuel, and Mark, and her two girls, Sally and Keziah—presents a unique case of patriotic fervor, courage, and independence of character unparalleled in history. Rough, unmanageable, 6 feet tall, spare, big-boned, and exceedingly strong, she was high spirited, energetic, and shrewd, and delighted in her prowess and physical strength. The Whigs all loved her—she was hospitable and kind to them. The Liberty Boys called her "Aunt Nancy." The Tories feared and hated her unrelentingly.

When Gen. Elijah Clark moved the women and children away from Broad River settlement to a place of safety in Kentucky most of them were anxious to go, but Nancy refused, and remained along with her children after her Whig neighbors had departed. Her life was in constant danger, but she was resolute, and inspired the Tories with a wholesome dread, and for a long dismal period she stood her ground. Her house was a meeting place for her husband's company. She aided as a spy and kept him informed of the movements of the enemy.

One day very near her dwelling "Aunt Nancy" met a Tory. She engaged in conversation with him, and after a while diverted his attention and seized his gun. There was a lively wrestle over the weapon, but her superior strength gained the mastery, and she marched him down the river a mile and a half to a fort known as the Old Block House and turned him over as a prisoner of war to its commander. All through Georgia and the Carolinas Nancy soon became famous. Her courage and confidence rekindled the smouldering sparks of liberty in hearts that were weary and ready to faint.

Hart County is the only one in Georgia named for a woman, and the town of Hartford, which in 1810 was the county seat of Pulaski County and likewise the city of Hartwell in Hart County, were also named in her honor. Many of her descendants reside in Georgia, and treasure with pardonable pride her virtues, and fondly relate the traditions of her great name.

In Historical Collections of Georgia by the Rev. George White, M. A., 1855, he says:

One among the most remarkable women that any country has ever produced resided in Elbert.

The clouds of war gathered, and burst with a dreadful explosion in this State. Nancy's spirit rose with the tempest. She declared and proved herself a friend to her country, ready "to do or die."

On one occasion, when information as to what was transpiring on the Carolina side of the river was anxiously desired by the troops on the Georgia side, no one could be induced to cross the river to obtain it. Nancy promptly offered to discharge the perilous duty. Alone, the dauntless heroine made her way to the Savannah River; but finding no mode of transport across, she procured a few logs, and, tying them together with a grapevine, constructed a raft, upon which she crossed, obtained the desired intelligence, returned, and communicated it to the Georgia troops.

Once more, when Augusta was in possession of the British, the American troops in Wilkes, then under the command of Col. Elijah Clarke, were very anxious to know something of the intentions of the British. Nancy assumed the garments of a man, pushed on to Augusta, went boldly into the British camp, pretending to be crazy, and by this means was enabled to obtain much useful information, which she hastened to lay before the commander, Colonel Clarke.

In the story of Georgia and Georgia people by George Gillman Smith, D. D., 1900, he says:

In her old age the governor says she became a shouting Methodist and was recognized by all as a good woman. She married an uncle of Thomas Hart Benton, the famous Senator, and the sterling old statesman was always proud of his connection with her. It is certain she was a woman of substance and family and integrity, and her family was among the best.

THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, in connection with the filing of the conference report on the revenue bill H. R. 1, I ask unanimous consent that the conferees be given until midnight in which to file a statement.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the conferees on the part of the House on the bill H. R. 1 be given until midnight to file a statement. Is there objection?

There was no objection.

LEAVE TO PRINT

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent for 10 days after adjournment in which to extend my remarks in the RECORD. Or I will modify that request and ask that I be given until the last issue of the RECORD.

The SPEAKER. The gentleman from Alaska asks unanimous consent to extend in the RECORD his remarks, extending until the last issue of the RECORD. Is there objection?

There was no objection.

BRIDGE ACROSS THE OHIO RIVER NEAR RIPLEY, OHIO

Mr. DENISON. Mr. Speaker, by authority of the Commirtee on Interstate and Foreign Commerce I ask unanimous consent to take from the Speaker's table the bill (S. 4450) authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio, and ask for its consideration.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Senate bill was read.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill, H. R. 13591, was laid on the table.

BRIDGE ACROSS THE SANTA ROSA SOUND IN FLORIDA

Mr. DENISON. Mr. Speaker, by the same authority I call up the bill (S. 4456) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across the Santa Rosa Sound in the State of Florida, and ask for its consideration.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.
The Senate bill was read.
The SPEAKER. The question is on the third reading of the bill.
The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider the last vote was laid on the table.
A similar House bill, H. R. 13177, was laid on the table.

BRIDGE ACROSS PERDIDO BAY, FLORIDA AND ALABAMA

Mr. DENISON. Mr. Speaker, I also call up Senate bill 4457, authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala., and ask for its consideration.
The SPEAKER. Is there objection?
There was no objection.
The SPEAKER. The Clerk will report the bill.
The Senate bill was read.
The SPEAKER. The question is on the third reading of the bill.
The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider the last vote was laid on the table.
A similar House bill was laid on the table.

BRIDGE ACROSS THE SAVANNAH RIVER

Mr. DENISON. Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce, I call up Senate bill 4474, authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.
The SPEAKER. The gentleman from Illinois calls up a Senate bill which the Clerk will report.
The Clerk read the bill.
The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.
A similar House bill (H. R. 13267) was laid on the table.

BRIDGE ACROSS WHITE RIVER

Mr. DENISON. Mr. Speaker, I call up Senate bill 4504, granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark., and ask for its immediate consideration, a similar bill having been reported and being on the calendar.
The SPEAKER. The gentleman from Illinois calls up a bill, which the Clerk will report.
The Clerk read the bill.
The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.
A similar House bill (H. R. 13689) was laid on the table.

BRIDGE ACROSS THE RIO GRANDE

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 12877, authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex., and agree to the Senate amendment, the amendment being merely a correction of the date of an act of Congress.
The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 12877, with a Senate amendment, and agree to the Senate amendment. Is there objection?
There was no objection.
The SPEAKER. The Clerk will report the bill and the Senate amendment.
The Clerk read the title of the bill.
The Clerk read the Senate amendment.
The Senate amendment was agreed to.

JENNIE K. HUNT

Mr. MACGREGOR. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.
The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.
The Clerk read as follows:

House Resolution 183

Resolved, That there shall be paid out of the contingent fund of the House to Jennie K. Hunt, clerk to the late Hon. A. E. B. Stephens, of Ohio, an amount equal to one month's salary.

With the following committee amendment:

Strike out, in lines 3 and 4, the words "an amount equal to one month's salary" and insert in lieu thereof "$150 for services subsequent to his death."

The committee amendment was agreed to.
The resolution was agreed to.

KATE GILBERT

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution from the Committee on Accounts.
The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.
The Clerk read as follows:

House Resolution 220

Resolved, That the Clerk of the House is authorized to pay, out of the contingent fund of the House, a sum not exceeding $500 to Kate Gilbert to reimburse her for expenses incident to the last illness and funeral of William R. Palmer, late an employee of the House of Representatives on the soldiers' roll.

The resolution was agreed to.

NORA B. BEATTIE

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution from the Committee on Accounts.
The SPEAKER. The gentleman from New York presents a resolution which the Clerk will report.
The Clerk read as follows:

House Resolution 210

Resolved, That there shall be paid out of the contingent fund of the House, to Nora B. Beattie, widow of David Beattie, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 to cover the funeral expenses and the expenses of his last illness.

The resolution was agreed to.

EXTRA SERVICES IN ENROLLING ROOM

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I have sent to the Clerk's desk.
The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution which the Clerk will report.
The Clerk read as follows:

House Resolution 224

Resolved, That there shall be paid out of the contingent fund of the House during the remainder of the session not exceeding $100 for additional clerical services in the Enrolling Room.

The SPEAKER. Is there objection?
Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, has this resolution been considered by the full committee?
Mr. MACGREGOR. It has not, but it is the usual resolution passed at the end of a session and the resolution simply provides $100 for extra services.
Mr. GARNER of Texas. It is satisfactory to the entire subcommittee that considered it?
Mr. MACGREGOR. It is asked for by the Clerk of the House.
Mr. GARNER of Texas. Has the gentleman consulted any Democrat on his committee about this resolution?
Mr. MACGREGOR. I confess I have not, because it is the usual resolution passed at the end of a session for extra services in the enrolling room to take care of the mass of work which comes in at the close of a session. The Clerk of the House handed it to me and asked me to take care of it.
The SPEAKER. Is there objection?
There was no objection.
The resolution was agreed to.

DISABLED EMERGENCY OFFICERS' BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Emergency Officers' retirement bill.
The SPEAKER. Without objection it is so ordered.
There was no objection.
Mr. SIMMONS. Mr. Speaker, pursuant to permission granted me by the House to extend my remarks on the disabled emergency officers' bill, I offer the following for printing in the CONGRESSIONAL RECORD:
On May 11 the disabled emergency officers' bill passed the House and went to the President.
On May 12 the vice chairman of the national legislative committee of the American Legion issued a bulletin on the bill and sent it throughout the United States.

The American Legion officials to whom this and other bulletins were sent are entitled to know the truth. These bulletins contain a number of inaccurate and misleading statements that ought not to go unchallenged, although time will not permit the discussion of all of them with their unjust and untrue inferences. The CONGRESSIONAL RECORD, giving the debates fully, answers the personal charges against those of us who opposed this measure. We are content to leave that record as our answer. But leaving out the personal charges, let us consider facts.

This statement is made:

> Not a former World War enlisted man in the Congress worked or spoke against the bill.

Surely he who wrote this bulletin knew that the gentleman from Mississippi [Mr. RANKIN] controlled the time against the bill and that he "worked and spoke against" it. Surely he also knew that Mr. RANKIN's service during the World War was as an enlisted man. Surely he knew that the gentleman from South Dakota [Mr. JOHNSON], the gentleman from Missouri [Mr. MILLIGAN], the gentleman from Michigan [Mr. VINCENT], and myself all served as enlisted men before becoming commissioned officers. Then, why this obvious misstatement of fact?

Again the statement is made:

> The following veterans spoke abainst the bill:
> ROBERT G. SIMMONS, of Nebraska;
> BIRD J. VINCENT, of Michigan;
> JACOB L. MILLIGAN, of Missouri; and
> JOHN E. RANKIN, of Mississippi.

That statement is true. But why did they leave out of that list the gentleman from South Dakota [ROYAL JOHNSON]? True, they mention later on that he offered a substitute for the bill. They do not carry him in the list of those for the bill nor in the list of those against it. Neither do they quote his statement about this bill on the floor of the House that—

> I do not believe we could justify the law without amending it to cure the objections to which I have referred.

All of us who favored amendments were branded as enemies of the bill. The gentleman from Ohio [Mr. FITZGERALD], proponent of the bill, stated that he would "resist every amendment" and that there "is not any merit" in any of them. ROYAL JOHNSON, wearer of the croix de guerre and the distinguished-service cross, disabled emergency officer, member of the American Legion, chairman of the Veterans' Committee of the House—why was he not placed among the list of those veterans who opposed the bill? Was it because they dislike to acknowledge to the service men of the Nation that ROYAL JOHNSON, outstanding veteran of the House, refused to support this bill? There seems no other answer.

Then again, there is this statement:

> In addition to these veterans, the following nonveterans spoke against it:
> FINIS J. GARRETT, of Tennessee, minority leader;
> JOHN Q. TILSON, of Connecticut; majority leader;
> W. FRANK JAMES, of Michigan;
> GEORGE HUDDLESTON, of Alabama;
> OLGER B. BURTNESS, of North Dakota; and
> CHARLES C. KEARNS, of Ohio.

True it is, that these men all spoke against the bill, but why should Mr. TILSON, Mr. JAMES, and Mr. HUDDLESTON be classed as "nonveterans"? The membership of the House knows, and surely he who wrote this bulletin knew, that all three of those men have served America in time of war as soldiers. Mr. TILSON was a second lieutenant, Sixth United States Infantry, during the Spanish-American War. He was a lieutenant colonel Second Connecticut Infantry and served on the Mexican border during that trouble. He holds now a commission as colonel, Ordnance Department Reserve.

Mr. JAMES served as a private, Company F, Thirty-fourth Michigan Infantry, during the Spanish-American War.

Mr. HUDDLESTON served as a private in Company K, First Alabama Infantry, during the Spanish-American War.

Likewise, speaking against the bill and not mentioned at all in this bulletin, was the gentleman from New York [Mr. GRIFFIN]. He served as captain of Company F, Sixty-ninth Infantry, New York Volunteers, during the Spanish-American War and has had National Guard service both before and since. Also opposed to this bill was the gentleman from Michigan [Mr. MICHENER], who served throughout the Spanish-American War with Company B, Thirty-first Michigan Volunteer Infantry. Why should the service of these men who fought for America in the war with Spain be ignored and why should they be either entirely omitted or classed as nonveterans in the discussion of this bill? Is the American Legion now to ignore the service of those who fought in the war with Spain as they ignore and discriminate against their officers in this bill?

When I spoke to the House on May 10 I quoted from a number of bulletins sent out by the national legislative committee of the American Legion on this bill. Across the top of each of the bulletins on the first page in large letters is printed these words, "Give this wide publicity." Surely the proponents of this measure should not criticize my using their publicity in the debate here, and yet the inference is left again that giving "publicity" in the Congress is not the sort of "wide publicity" that the author of these bulletins desired or intended.

The bulletin stated that the President had until May 24 to approve or veto the bill and that—

> a Legion delegation will call upon him and urge his approval of the measure.

That they had a perfect right to do, and did do, and no one criticized them for it.

The bulletin continued:

> The opponents have announced their intention to work for a presidential veto. They can not endure a defeat in the open.

If it is proper, and I grant you that it is, that the proponents of this measure urge its approval by the President, wherein was it wrong for those of us who opposed it to urge its veto?

In the bulletin of the national legislative committee of the American Legion for May 5, 1928, the statement is made:

> There are 53 legionnaires in the House and only 3 of them are actively working against the bill, while 3 more will probably vote against it. So, on this basis, the legionnaires in the House are about 10 to 1 for the bill.

What was the fact about the vote? Forty-five World War veterans of the House voted on the question as to whether or not the bill should pass over the President's veto. On that vote, which was the only record vote, 27 voted for the bill, 18 were against it—exactly 3 to 2 and not 10 to 1 as the Legion had been told. Here let it be noted that had the nonveteran voted as did the veteran in the House, the bill would not have passed over the President's veto. Who were the 18 World War men who voted against the bill?

Mr. GIBSON, of Vermont, who served as captain of Infantry in the American Expeditionary Force, is, at present, colonel in the Vermont National Guard and has been commander of his home post of the American Legion. Much has been said about a subcommittee report in 1924 for this bill that I signed. Colonel Gibson also signed that report and by voting "no," three of the four Members who in 1924 signed the report for the bill were finally recorded against it.

Mr. JONES, of Texas, who served as an enlisted man in the Tank Corps.

Mr. VINCENT, of Michigan, served as first lieutenant of Infantry, Sixth Division.

Mr. WAINWRIGHT, of New York, lieutenant colonel, division inspector, Twenty-seventh Division; Assistant Secretary of War, 1921–1923.

Mr. SPEAKS, of Ohio, enlisted man, National Guard, in 1878; major in Spanish-American War; colonel, Ohio National Guard; brigadier general, Mexican border and World War, Thirty-seventh Division.

Mr. CHASE, of Pennsylvania, enlisted man, Air Service, sergeant major, Third A. I. C.; former post commander and department commander, American Legion, in Pennsylvania, 1925.

Mr. JOHNSON, of South Dakota, whose splendid record I have already given.

Mr. RANKIN, of Mississippi, who served as a private, Field Artillery.

Mr. MILLIGAN, of Missouri, captain, Infantry; member of the Paris caucus from which came the American Legion. He also signed the subcommittee report for the bill in 1924.

Mr. WATRES, of Pennsylvania, major of Infantry, Twenty-eighth Division.

Mr. WOODRUFF, of Michigan, enlisted man, Thirty-third Michigan Infantry, Spanish-American War; major, Infantry, World War, Eighty-sixth Division. He, with ROYAL JOHNSON, started the investigation of the war frauds. Mr. WOODRUFF, while not actually voting, stated to the House that he would have voted "no" had he been present.

Mr. HILL, of Alabama, first lieutenant of Infantry, Seventeenth and Seventy-first Infantry, Eleventh Division. Former post commander of American Legion.

Mr. UPDIKE, of Indiana, private, Sixth Regiment, United States Marines, wounded five times.

Mr. THURSTON, of Iowa, veteran of the Spanish-American War, Philippine insurrection, and World War.

Mr. FROTHINGHAM, of Massachusetts, major, The Adjutant General's Department, former commander home post of American

Legion; committee chairman at St. Louis caucus, American Legion; speaker of the house and Lieutenant Governor of Massachusetts.

Mr. ANDREW, of Massachusetts, French ambulance service, 1915–1917; major and lieutenant colonel, ambulance service, American Expeditionary Forces, 1917–1919; first vice commander American Legion in Massachusetts and former commander home post of the American Legion.

Mr. BACON, of New York, Plattsburg Training Camp; Mexican border; major, Field Artillery, World War, now a colonel (reserve), Field Artillery. Has the distinguished-service medal. I was in the balloon division of the Air Service.

Of the World War Veterans' Legislation Committee voting, 8 were against and 9 for the bill. Of the veterans on that committee who voted, 5 were against the bill, 4 for it.

Of the Spanish-American War veterans of the House, 11 were against the bill and 5 for it.

Those voting for were Mr. CRAIL, of California; Mr. MOORMAN, of Kentucky; Mr. SELVIG, of Minnesota, Mr. DYER, of Missouri; and Mr. LEAVITT, of Montana. Those voting "no" were Mr. HUDDLESTON, of Alabama; Mr. FREEMAN and Mr. TILSON, of Connecticut; Mr. THURSTON, of Iowa; Mr. MICHENER and Mr. JAMES, of Michigan; Mr. WAINWRIGHT, of New York; Mr. SPEAKS, of Ohio; and Mr. HULL of Tennessee. Mr. GRIFFIN, of New York, spoke against the bill, but was absent on this vote. Mr. WOODRUFF, of Michigan, while not voting, stated he would have voted "no" had be been present.

The bill is now a law. This résumé of the vote is to enable those who care to know the facts to have them easily accessible. The list of veterans used here is believed accurate. The Spanish-American list was furnished by the Veterans' Committee of the House. The World War list is furnished by the American Legion.

VOCATIONAL REHABILITATION OF DISABLED RESIDENTS OF THE DISTRICT OF COLUMBIA

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 13251, a bill to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes, with an amendment. This bill has been unanimously reported by the committee and is on the calendar.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration in the House as in Committee of the Whole of a bill which the Clerk will report.

Mr. SNELL. Mr. Speaker, is this a unanimous consent request?

The SPEAKER. It is.

Mr. SNELL. Mr. Speaker, perhaps we had better have a short statement from the gentleman from Washington.

The SPEAKER. The Chair has directed the reading of the bill so the House may be informed.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after July 1, 1928, the Federal Board for Vocational Education is authorized and directed to provide for the vocational rehabilitation and return to employment of any disabled resident of the District of Columbia.

SEC. 2. For the purposes of this act (1) the term "disabled resident of the District of Columbia" means any bona fide resident in the District of Columbia who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to become totally or partially incapacitated for remunerative occupation; and (2) the term "vocation rehabilitation" means the rendering of any such disabled resident fit to engage in a remunerative occupation.

SEC. 3. (a) The United States Public Health Service is authorized and directed to cooperate with the Federal Board for Vocational Education in carrying out the provisions of this act, and the board may, in carrying out such provisions, obtain the cooperation of (1) any other establishment in the executive branch of the Government; (2) any department or agency of the government of the District of Columbia; (3) any State, Territory, or political subdivision thereof; or (4) any private agency or person.

(b) The Federal Board for Vocational Education and the United States Employees' Compensation Commission are authorized and directed to formulate a plan of cooperation for the vocational rehabilitation of civil employees of the United States disabled while in the performance of duty and who reside in the District of Columbia, and such board may, in carrying out the provisions of this act, in so far as it applies to such civil employees, carry out such plan.

SEC. 4. The board is authorized to prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

SEC. 5. The Federal Board for Vocational Education is authorized to make such expenditures (including expenditures for personal services at the seat of Government and elsewhere, for printing and binding, for traveling and subsistence expenses, for the payment of tuition to schools, for the compensation of tutors, for the purchase of prosthetic appliances and instructional supplies and equipment, and for the payment of necessary expenses of persons undergoing vocational rehabilitation) as may be necessary to carry out the provisions of this act.

SEC. 6. For the purpose of carrying out the provisions of this act there is authorized to be appropriated to the Federal Board for Vocational Education a sum not to exceed $20,000 for each fiscal year; except that for the fiscal year ending June 30, 1929, there is authorized to be appropriated the sum of $16,000, of which not more than $8,000 shall be expended for salaries.

SEC. 7. The board shall submit to Congress on or before the first day of each regular session a report of all rehabilitation service provided and of all expenditures made under this act during the preceding fiscal year.

With the following committee amendment:

On page 3, in line 14, strike out "$20,000" and insert "$15,000."
In line 16, strike out "$16,000" and insert "$12,000."
In line 17, strike out "$8,000" and insert "$6,000."

Mr. SNELL. Mr. Speaker, I think the gentleman from Washington [Mr. SUMMERS] should make a statement about this before the unanimous-consent stage has been passed. I would like to know if this goes any further than what we are already doing in the States at the present time, and also what the provision is about the District paying its normal share of 50 per cent, the same as is done by the States.

Mr. SUMMERS of Washington. I will say that this bill is meant to parallel the Federal act which we passed in 1920 and which is now cooperating in 41 States. I trust the seven other States will be cooperating soon. The bill as written did not provide for cooperation financially by the District of Columbia, but I am submitting an amendment putting it on exactly the same basis as that enjoyed by the States; that is, a 50-50 basis.

I would like to say that during the seven or eight years that this work has been done over the country there have been some thousands of rehabilitated cripples, that have cost on the average $255 for taking them off of the street corner selling shoestrings and putting them into gainful employment. In Buffalo, N. Y., for instance, out of 369 cases 52 per cent of them are earning as much or more money after rehabilitation as they did before. There is a great saving to the community beside the humanitarian element, that, of course, is the most appealing.

Mr. SNELL. As I understand it, then, it simply puts the District in exactly the same position as the States that are taking advantage of this legislation and nothing more?

Mr. SUMMERS of Washington. That is correct.

The SPEAKER. Is there objection?

Mr. COLLINS. I object.

Mr. SUMMERS of Washington. Will the gentleman withhold his objection?

Mr. COLLINS. Yes; I will withhold it.

Mr. SUMMERS of Washington. May I call attention to the fact that Mississippi is doing exactly this work, and one of the best reports that comes in is from the State of Mississippi? It is quoted in the hearings. This is merely to take the man who is a hopeless cripple and instead of putting him on charity or in an almshouse give him an opportunity to earn a living for himself and family. There are 277 of such cases in the District of Columbia, with 686 dependents. Surely the gentleman will not object to our doing this work, which is being done in 41 States by the same cooperation with the Federal Government, and which has made such a wonderful showing.

Mr. CRAMTON. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. CRAMTON. I wonder if the gentleman from Mississippi is aware of the amendment which the gentleman from Washington is to offer, which requires the same cooperation financially by the District as the States have to give.

Mr. COLLINS. I have that in mind, and I also have in mind the fact that the Federal Government contributes $9,000,000 to the support of the District.

Mr. SUMMERS of Washington. It will not contribute any more with this bill enacted into law, I want to say to the gentleman; and besides, a large number of these people are not taxpayers in the District but Federal employees who come from my State and yours, and so on, all over the country.

Mr. CRAMTON. This contribution is just what we are making now to Michigan and Mississippi. We are making this contribution now to Michigan and Mississippi and other States.

Mr. LOWREY. Will the gentleman yield to me if he has the floor?

Mr. SUMMERS of Washington. Yes; I yield.

Mr. LOWREY. I want to say, as the ranking minority member of the committee that is reporting this bill, we studied it very carefully. It is not adding practically anything to the amount we give the District, and I do not think we have reported out any bill that was backed by better authority or more justifiable or one that would cause more sadness if the bill was killed.

Mr. COLLINS. Mr. Speaker, I withdraw my objection.

Mr. SUMMERS of Washington. I thank the gentleman from Mississippi. That rehabilitation is more permanently beneficial for the individual, for the family, and for the community at large than is relief, is an accepted fact.

Dr. Richard Cabot says in The Social Workers' Goal:

> We have begun to recognize that the "unemployed" as they march in procession may represent a considerable percentage of the "unemployable or of the professionally unemployed," while many others just as badly off but less vocal escape our notice.
>
> So with the physically handicapped. Unless we make a house-to-house canvass, as was done in the Cleveland survey, the group that presents themselves at an agency organized to help may represent the more vocal plagent fraction and often those hardest to help, not the whole number nor those most capable of being aided.
>
> * * * * * * *
>
> And so we write rash volumes about the criminal or the unchaste woman, forgetting that our knowledge is based only on the certainly small and probably unrepresentative fraction who get caught because they have not the skill nor luck to escape detection.

ONE HUNDRED AND TWELVE THOUSAND INJURED ANNUALLY

The law we passed in 1920 covers all injured persons, whether on the farm or in the cities, but does not apply to the District of Columbia; but after listening to reports of the Rehabilitation Board in my subcommittee on independent offices of the Appropriations Committee and learning of the wonderful work that was being accomplished, it appeared to me that the same benefits ought to be brought to the disabled in the District of Columbia. So this bill was introduced. It is appalling, the number of accidents that are occurring over the country—1 death from accident every six minutes in the United States; 63 deaths from industrial accidents per 105,000 persons permanently disabled by industrial accidents annually, with a grand total of about 112,000 permanently disabled from industrial accidents and public accidents combined in the country. Not all of these require the assistance of the Federal or State governments or the public in rehabilitating them and taking care of them, but it is estimated that about 50,000 of them do require such assistance.

I think I can not give you a better idea of the effectiveness of the work that is being done than to tell you something about what an investigation of the results of the past five or six years shows. I am going to quote to you from the report from Buffalo, N. Y. From 1921 to 1925 there were 369 rehabilitants in the district of Buffalo, N. Y., of whom 146, or 40 per cent, are now working on an increased wage and 46, or 13 per cent, are working at the same wage as before the accident, while 32, or 9 per cent, are now working at a decreased wage and 46, or 12 per cent, are out of the district, probably employed; 8, or 2 per cent, are out of the district, probably not employed; 18, or 5 per cent, are convalescing; 15, or 4 per cent, are dead; 12, or 3 per cent, are not employed; and 46, or 12 per cent, not found, making a total of 369.

Here is an interesting statement. The average weekly wage at the time of disablement of the persons rehabilitated in 1924 was $23.20, whereas after rehabilitation their wage was $25.28 per week. Of the group rehabilitated, 87 per cent had no earning power during the period of disablement, while 6 per cent had never worked prior to rehabilitation. Again, after rehabilitation the average weekly wage of the group that had never worked until rehabilitated was $19.30.

There is an equally favorable showing made by Mississippi, Montana, Michigan, and different parts of the country. There are 41 States of the Union cooperating with the Federal Government in this work. Here is an interesting table from Wisconsin for the five-year period from 1921 to 1926, showing the total number of disabled persons rehabilitated, 1,036; total gross annual earnings after rehabilitation, $499,208.09. The total gross annual earnings after rehabilitation, $1,159,948.18; the per capita annual earnings before rehabilitation, $481.85, and the per capita annual earnings after rehabilitation, $1,119.64. The percentage of increase of earnings was 232 per cent over the amount that they were receiving before their injuries. The per capita cost of rehabilitation was $242.37. The per capita cost in all of the States where work is done over the country is $255 for rehabilitating a single case, which is less than the cost of maintaining an individual in the poorhouse or almshouse for one year. Rehabilitating them is a single-year cost, whereas the maintenance cost would extend for a lifetime of probably 20 to 40 years. We may, therefore, reasonably conclude that the total cost of rehabilitation is from 2½ to 5 per cent of the total cost of maintenance.

MISSISSIPPI SHOWS BRILLIANT RESULTS

Since the beginning of rehabilitation work in Mississippi 914 crippled persons who were totally or partially dependent for support on relatives, friends, or the community, are now happy, self-sustaining, productive citizens because of rehabilitation service.

During the first year after training these disabled persons earned more than seven times the amount appropriated by the State for their training.

The crippled persons trained in Mississippi are engaged in 81 different kinds of employment.

The average length of training period for men was five months, for women seven months.

The average cost per case for men was $131.92, for women $123.94.

In many cases the disabled person earns in one month more than it has cost the State and Federal Governments to train him.

Among the cases given hospital treatment were 15 young men and women who had never walked but had to crawl. All are now able to stand erect and walk with crutches.

Six hundred and fifteen disabled persons, at the present time, are applicants for aid.

A SUCCESS IN MONTANA

In most instances applicants for training are unemployed and have no income. All of the bureau's beneficiaries rehabilitated the past year were in that plight. Following a period of training their average wage or salary is now $95 a month. Most of them have expectations of making much more than this within a short time. Among our successful trainees is a young married man afflicted with paralysis, who was taught linotype operation. He was married, quite helpless, and without funds. Now he receives $155 a month as operator on a weekly newspaper. Another man, similarly afflicted and with a large family to support, was given instruction in shoe repairing. To-day he operates his own shop and earns a good living for himself and his dependents.

SHAVES WITHOUT HANDS

Let me give you the details of one pupil as related to my committee by Mr. Cummings, of the Federal Vocational Board. This man was in a poorhouse when the rehabilitation division contacted him. He had lost both hands between the wrist and elbow in trying to hop a freight train. The county commissioners did not know what to do with him, so they put him in the poorhouse. The rehabilitation division talked to the man and found that, although illiterate, he was intelligent and was interested in raising chickens.

The authority was granted by the commissioners for the rehabilitation division to take him out and train him. We equipped him with two Dorrance hooks. That is an apparatus with straps over the shoulders, and by moving the shoulders the man performs the different operations. It is an uncanny arrangement. He was equipped with those, put on a poultry farm, and taught the poultry business by being on the job. He was uneducated; he could not go to school. He learned it by actual employment and training on the job. When I saw him some two years ago he was in charge of a flock of 5,000 white leghorn hens at the State tuberculosis sanatorium. He lived in a little bungalow on the grounds, and that morning he shaved himself with a safety razor and used his knife and fork at the table just about as well as I use them. He is making now $200 a year. The State of Montana is paying him $200 a year and giving him a home to live in, whereas before it was costing the State of Montana $40 a month to keep him in the poorhouse. He is now about 27 years old, so that at $40 a month for 30 years he probably would have cost them close to $15,000.

So something may be done for a man even though he is seriously disabled.

This is the humanitarian economic work we want to do in the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SUMMERS]?

There was no objection.

The committee amendments were agreed to.

Mr. SUMMERS of Washington. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: On page 3, at the end of line 17, strike out the period, insert a colon, and add the following: "*Provided*, That no such appropriations of Federal funds shall be available for expenditure except when matched by equal appropriations of District of Columbia funds which are hereby authorized."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INTERPARLIAMENTARY UNION

Mr. BURTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13930) to authorize an appropriation for the American group of the Interparliamentary Union.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That in order to assist in meeting the annual expenses of the American group of the Interparliamentary Union for the fiscal year beginning July 1, 1928, there is hereby authorized to be appropriated the sum of $10,000, or so much thereof as may be necessary, such appropriation to be disbursed on vouchers to be approved by the president and the executive secretary of the American group.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, I would like to ask the gentleman from Ohio if this is a unanimous report from the Committee on Foreign Affairs?

Mr. BURTON. It is.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURTON a motion to reconsider the vote was laid on the table.

NIGHT DIFFERENTIAL PAY BILL

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the post office night differential bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RATHBONE. Mr. Speaker, it is with regret that I feel constrained to vote to override the presidential veto of the measure before us, known as the night differential bill. I am not convinced by the reasons advanced by the Chief Executive and feel it my duty to vote according to my own convictions, which are that this is a highly just and salutary measure and ought to be enacted into law.

For years I have believed in and championed the principle of this bill and I can not repudiate it now merely because the President's views and my own differ.

Every day of the year there is an average of over 70,000,000 pieces of mail deposited in the post offices of the United States. The slogan of the Postal Service is "Keep the mails moving," and from the time a letter, parcel, or newspaper is deposited in the mail box until it is delivered to the addressee, it is the aim and the practice of the postal employees to keep that mail continually moving toward its destination.

Because over 75 per cent of all mail is deposited after 4 o'clock in the afternoon, post-office clerks are required to work far into the night in order that every piece may be properly routed and dispatched on the first train, boat, or airplane, that will take it to its destination.

These men who perform this night work are the expert distributors, who must have a thorough practical working knowledge of intricate schemes of distribution involving a mass of train schedules, types of services on different trains, and the connecting or junction points of intersecting lines. They are required to know these facts instantly in reference to anywhere from 3,000 to 10,000 post offices. To acquire this knowledge and to keep it current with the continual changes they must put in many hours of study and practice upon their own time.

They are examined at least once yearly upon their knowledge of these schemes and must attain a proficiency of at least 95 or 98 per cent correctness. Upon their proficiency in these examinations as well as upon their daily work depend their chances for promotion in the automatic salary grades or their retention in the grade to which they have attained.

In many of the larger offices also they work under a system by which a record is kept of the weight of the mail which each clerk handles, and every clerk whose record is below the average for his crew, is admonished and speeded up, which automatically increases the average, thus compelling these men into a ceaseless competition that taxes not only their physical strength but places an unwarranted mental and nervous strain upon them.

In spite of the known extra fatigue occasioned by night work and the highly exacting nature of the work, and also in spite of the time and study that must be devoted to distribution schemes outside of working hours, these men receive no extra compensation or consideration for the disadvantages and discomforts of night work, but must work a minimum of eight hours nightly.

Postal Service is a 24-hour service, and its regularity and celerity are essential to our modern social, civic, commercial, and industrial world. There must, therefore, always be night work in the Postal Service. That it can be materially reduced there is no doubt, but it can not be eliminated. It should be reduced to the absolute minimum. When that is done, those men who are still compelled to work unnatural hours should receive consideration for the extra fatigue, for being deprived of participation in the normal social and civic activities of their communities.

Private industry recognizes the hardships of night work, and almost invariably makes compensation for it in increased wages or shorter hours or both. The Government itself, in the Government Printing Office and in the navy yards and arsenals, pays a higher rate for night work than for day work. During the war, the War Labor Board, a Government agency, in its awards took cognizance of the hardship of night work and invariably granted a differential in favor of the night worker.

Night work should, in my judgment, receive a greater compensation than that given to work by day because it involves a greater strain in all ways upon the employee. It involves a loss of sleep and work during hours when sleep is most beneficial and natural. Workers employed at night are invariably deprived of sunlight, one of the essentials of health. The danger of eye strain from close application to work is intensified at night by insufficient and improper lighting of work rooms or by the glare of excessive or unshaded light, which may be as injurious to the eyes as insufficient illumination. Night work and late overtime hours prevent the workers from taking advantage of most of the educational opportunities offered by enlightened communities. For these and other reasons night work is and should be almost universally regarded as far more irksome, undesirable, and unwholesome than day work.

In 1922 Postmaster General Work, and in 1924 Postmaster General New called attention to the need for legislation which would tend to equalize day and night work by providing for a higher rate of pay for the latter.

Postal employees are human beings with the same desires for normal, social, and fraternal activities and with the same love for their families and yearning for their companionship as other American citizens. But because they are engaged in this great and highly essential public service to which they have dedicated their lives, they must forego, for many years, the normal companionship of their children, and any participation in the social, fraternal, or civic activities of their respective communities.

The Government should be a model employer and should insist upon American standards of employment in its service.

I shall, therefore, cast my vote for this bill, the objections of the President to the contrary notwithstanding. I believe that the enactment of this measure will be acclaimed as an act of justice and humanity by the American people.

FOUR YEARS OF RESTRICTED IMMIGRATION

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on immigration and deportation.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOLADAY. Mr. Speaker, on the 28th of February, 1924, in urging the passage of a restrictive immigration law, I said:

OUR DUTY TO AMERICA

It is our duty to allay and prevent race prejudice and to offer every opportunity and facility for our foreign born to fall into step with America. No greater service can be performed for our foreign born than to restrict immigration for the next few years, and thus give those that are now here a better opportunity to become assimilated.

This is the opportunity for Congress to preserve America and her uplifting influences, not only for the benefit of America but for the benefit of the entire world.

On May 26, 1924, a Republican Congress passed and a Republican President signed America's first permanent "restrictive immigration law." This act became effective July 1, 1924, and is known as the "Immigration Act of 1924." Three years and

eleven months have elapsed, a sufficient length of time to permit of a fair estimate of the effect of this law.

For a hundred years prior to July 1, 1924, immigrants in an ever-increasing stream had poured into America. The numbers by 10-year periods are as follows:

1821–1830	143,439
1831–1840	599,125
1841–1850	1,653,275
1851–1860	2,571,036
1861–1870	2,377,279
1871–1880	2,812,191
1881–1890	5,246,613
1891–1900	3,687,564
1901–1910	8,795,386
1911–1920	5,735,811
1921–1924	2,344,599
1925	294,314
1926	304,488
1927	335,175
1928 (estimated)	320,000
Total	37,220,295

The figures for the first 11 months of the current fiscal year ending June 30, 1928, indicate that immigration for 1928 will fall slightly below the immigration of 1927.

An analysis of the 335,175 immigrant aliens admitted to the United States during 1927 is interesting.

They came from—

Europe	168,368
Canada and Newfoundland	84,580
Mexico	67,721
Others, total	14,506
Total	335,175

	Admitted	Departed
21 years and under	129,325	6,286
22–44 years	176,938	50,917
Over 45 years	28,912	16,163
Total	335,175	73,366

The net immigration gain in foreign-born population for 1924, the last year preceding the enactment of the 1924 immigration law, was 630,107, while for the following three years under the operation of the law the average net gain in foreign-born population has been 230,284. If we take into account the average death rate and the number deported we find that the net gain in foreign-born population is about 100,000 annually instead of 1,000,000 annually, as it was in 1913 and 1914.

The "1924 immigration law" does not apply the quota to the countries of the Western Hemisphere.

It may be noted that of the 335,171 immigrant aliens entering the United States in 1927, approximately 85,000 came from Canada and 67,000 from Mexico.

Immigration from Canada presents no difficult problems, but the character of the immigrants entering from Mexico presents a problem, the successful solution of which may perhaps be effected only by extending the provision of the quota law to Mexico.

The struggle for self-preservation is not, as many appear to believe, confined to aliens seeking to enter the country, nor to aliens who, having gained lodgment by unfair means, resist all efforts to dislodge them, but is shared by Americans and aliens alike who have a right to be and remain here in unimpaired enjoyment of the blessings which this country has to offer. Were we indefinitely and without limitation or discrimination to share these blessings with those who wish to come and whom we do not need, and with the aliens already here who violate our hospitality, we would sooner or later be no better off than the supplicants; in short, we would eventually have no need of immigration laws, since the inducements to come here would cease to exist. The welfare of the millions making up our own country must be held steadfastly paramount. It is not nearly so cruel, if cruelty it be, to reject the ones who threaten our well-being as it would be to subject those in our midst who are healthy, happy, prosperous, and law-abiding to the danger of unfair competition, the result of unrestricted immigration and its attending train of lowered living standards and other devitalizing processes.

ALIEN CRIMINAL DEPORTATION

On February 11, 1925, speaking in support of the alien criminal deportation bill, I said:

We believe that no provision in this bill will work the least hardship on any worthy and law-abiding alien who is legally in the United States. We believe that it will be a positive benefit to aliens and equally beneficial to every citizen of the United States, both foreign and native born. This statement has been fully justified by the records of the Bureau of Immigration for the last three years.

In 1927 the number of aliens deported was 12,055, and the number subject to deportation, permitted to depart voluntarily, was 14,619. Included in this 26,674 undesirable aliens were many hundreds of insane, feeble-minded, prostitutes, narcotic peddlers, criminals of every class, and persons afflicted with loathsome or dangerous contagious diseases.

The Bureau of Immigration has attempted to work in cooperation with the penal and public health boards of the various States, and has been successful in this effort in every State except New York. It is the practice for the proper boards of the various States to notify the Bureau of Immigration when an alien convict is released for parole, so that the Government can take immediate steps to deport him.

At the time of the passage of the immigration act of 1924 there was great opposition on the part of many "foreign-born organizations," but with almost four years of beneficial operation of the law we are happy to learn that opposition to the restricted immigration principle has been greatly allayed.

The foreign born themselves realize that they have been tremendously benefited by restricted immigration.

Since 1924 the policy of the Bureau of Immigration has been to discourage married men from immigrating to the United States unless accompanied by their families.

The present law permits an American citizen to bring into this country outside of the quota his wife and unmarried children under 18 years of age.

An alien, if well qualified and desirous of embracing American opportunities to the fullest extent, may become an American citizen upon five years' residence in the United States. By July 1, 1929, every alien who entered the United States prior to the enactment of the 1924 law will have had the opportunity of becoming an American citizen, and as such bringing to America his wife and children.

The problem of "reuniting families" will therefore solve itself by July 1, 1929, without any further amendment of the present immigration law.

With a system of inspection in Europe and restricted numbers we have been able to better detect and prevent the entry of many undesirable aliens, and thus our country has been benefited not only by the entry of fewer aliens but those that have entered have been of a better and more desirable class.

I believe the "restrictive immigration law of 1924" to be the most important and beneficial measure that has been enacted by the American Congress within the last 50 years.

Its maintenance as the bulwark of American wages, living standards, social conditions, and political liberty becomes the sacred duty of every American citizen, be that citizen native or foreign born.

MONUMENT ON SITE OF BATTLE BETWEEN SIOUX AND PAWNEE INDIANS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, and concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts ask unanimous consent to take from the Speaker's table the bill (H. R. 9194) and concur in the Senate amendment. The Clerk will report the bill.

The Clerk read the bill, with the Senate amendment.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I have studied the Senate amendment as it appears in the RECORD, and it seems to me that it should be amended in two respects. If the amendments commend themselves to the gentleman from Massachusetts, he can adopt them, or perhaps he would like to have it passed over for the present so that he can study them.

Mr. SHALLENBERGER. If the gentleman from Michigan will permit——

Mr. CRAMTON. As the amendment is printed in the RECORD it says the title to the land "deemed appropriated," and it should be the land "deemed appropriate." It may be a misprint in the RECORD. It should provide, since they strike out the donation of a site, after the word "Nebraska" it should say "the acquisition of the site" which would mean acquisition of the site without expense to the Federal Government.

Mr. SHALLENBERGER. When the bill came before the Senate it provided that the title should be in Nebraska instead of the Federal Government.

Mr. CRAMTON. I think that is all right. I have been advised that the word "appropriate" is correct in the bill. Now, the only suggestion I have is that the bill specifically provide that the acquisition of the site shall be without expense to the Federal Government, and that can be easily done by inserting, after the word "Nebraska," "the acquisition of the site."

Mr. SHALLENBERGER. The time is getting so short and that will make it necessary for the bill to go back to the Senate. There will be no question about the title.

Mr. CRAMTON. I have perfect confidence in the gentleman from Nebraska. Can the gentleman from Nebraska assure us that the site is to be furnished without any expense to the Federal Government?

Mr. SHALLENBERGER. I can.

Mr. CRAMTON. That satisfies me.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I present a conference report on Senate Joint Resolution 82, relating to Fort Defiance, Ohio, for printing.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I call up the conference report on Senate Joint Resolution 46 and ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on Senate Joint Resolution 46, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BYRNS. Reserving the right to object, I want to ask the gentleman from Pennsylvania a question. There are some Members like myself who are very much opposed to the conference report. Is it the gentleman's purpose to allow us a reasonable time in which to express our views?

Mr. MORIN. I have been informed by gentlemen who controlled the time in opposition in the House that they did not wish to debate it. I will be glad to yield time out of the hour to any Member who wants to express his views.

Mr. FROTHINGHAM. We are entitled to a certain amount of time.

Mr. MORIN. Yes, and I will give gentlemen a reasonable time out of the hour.

Mr. LINTHICUM. Will the gentleman yield me five minutes?

Mr. MORIN. I will.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the joint resolution, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution, and agree to the same with an amendment as follows:

In lieu of the language put in by the House insert the following:

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Muscle Shoals Corporation of the United States" (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the 'Muscle Shoals act of 1928.'

"SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States, and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with this advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"SEC. 4. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business and may dispose of any such personal property held by it.

"(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SEC. 5. The board is hereby authorized and directed—

"(a) To operate existing plants for experimental purposes, to construct, maintain, and operate experimental plants at or near Muscle Shoals for the manufacture of fertilizer or any of the ingredients comprising fertilizer for experimental purposes.

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

"(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

"(d) To cooperate with national, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction;

"(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

"(f) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

"(g) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities.

"(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(i) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

"(k) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

"(l) To produce, distribute, and sell electric power, as herein particularly specified.

"(m) No products of the corporation shall be sold for use outside of the United States, her Territories and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"SEC. 6. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby intrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"SEC. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"SEC. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by the General Accounting Office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"SEC. 9. The board is hereby empowered and authorized to sell the surplus power not used in its operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth; and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years. And in the sale of such current by the board it shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

"SEC. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such

State, county, municipality, or other organization to contract with the board for such power: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

"SEC. 12. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporation, after deducting the cost of operation, maintenance, depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

"SEC. 13. The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"SEC. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for the fixation of nitrogen for agricultural purposes in time of peace.

"SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

"SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be entrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River and in the Clinch River.

"SEC. 17. The corporation as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access to pending applications for patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient thereof, and any patentee whose patent rights may have been thus in any way copied, used, or employed, by the exercise of this authority by the corporation, shall have as the exclusive remedy a cause of action to be instituted and prosecuted on the equity side of the appropriate district court of the United States for the recovery of reasonable compensation. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"SEC. 18. The Government of the United States hereby reserves the right, in case of war, or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract, for the purchase of electric power or fixed nitrogen or its ingredients, is thereby violated after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

"SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed $2,000,000 shall be made available with which to begin construction of Cove Creek Dam during the calendar year 1929.

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved."

And the House agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

CHAS. L. MCNARY,
G. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report:

As amended by the House there were three major differences in the provisions of the resolution as it was passed by the Senate and as it was passed by the House. These were, first, whether the Government property at Muscle Shoals should be operated by the Secretary of War and Secretary of Agriculture, or whether it should be operated by a Government corporation; second, whether Cove Creek Dam should be constructed; and, third, what should be the character of the products to be manufactured. On the first two differences the Senate conferees receded, accepting the House language, with such amendments as necessary to provide for a board of directors with a member-

ship of three instead of five, while on the third difference the House conferees reached an agreement by a compromise that brings into conformity with the resolution as it passed the House the Senate provisions for the construction, operation, and maintenance of experimental plants at Muscle Shoals, the manufacture of nitrogen in such form as shall make it immediately available and practical for use by farmers in application to soil and crops, and to arrange with farmers and farm organizations for the practical use of the products of the plants at Muscle Shoals, as well as to cooperate with all existing agricultural experiment stations.

An amendment to the section concerning patent rights designed to speed up any possible court action was also agreed to.

In short, the joint resolution as agreed to by your conferees provides for a Government corporation authorized and directed to conduct experiments in the production and use of nitrogenous products, to sell surplus electric power, and the Secretary of War is authorized to construct Cove Creek Dam for the benefit of navigation, flood control, and the generation of electric power.

An authorization for an appropriation of $10,000,000 is carried in the resolution, with a provision that not to exceed $2,000,000 of this amount is to be used to begin work at Cove Creek during the year 1929.

JOHN M. MORIN,
W. FRANK JAMES,
B. CARROLL REECE,
PERCY E. QUIN,
WILLIAM C. WRIGHT,
Managers on the part of the House.

Mr. MORIN. Mr. Speaker, this report as now agreed to by the conferees conforms to the wishes of the House as expressed in its vote when the bill was before the committee.

The joint resolution (S. J. Res. 46) providing for the operation of the Government properties at and near Muscle Shoals as agreed to in conference, provides for the organization of a corporation to organize and operate the project by the construction, maintenance, and production of fixed nitrogen or its by-products, including fertilizer, for the sale of surplus power. The resolution also provides that the Secretary of War shall proceed with the construction of Cove Creek Dam.

As amended by the House there were three major differences in the provisions of the resolution as it was passed by the Senate and as it was passed by the House.

The first difference, whether or not the Government property at Muscle Shoals should be operated by the Secretary of War and Secretary of Agriculture, or whether it should be operated by a Government corporation, the conferees agreed to the House language with reference to same, with such amendments as are necessary to reduce the number of directers from five to three.

On the second difference, whether Cove Creek Dam should be constructed, the Senate conferees agreed to accept the House language providing for the construction of Cove Creek Dam by the Secretary of War.

The third point of difference, the characters of the products to be manufactured, was settled by compromise, the Senate conferees agreeing to accept, in modified form, the language of the House with new language added, providing for the manufacture of fixed nitrogen in such form as shall make it immediately available for application to soil and crops, confining the manufacture of fertilizer to experiments as provided originally in the Norris resolution, but only at Muscle Shoals.

Section by section the resolution provides the following:

Sections 1, 2, 3, and 4 provide for the organization of the corporation, detailing the number of directors to be named, their tenure of office and qualifications, the executive officers and their duties in the administration of the affairs, and details as well the general powers of the corporation and the salaries to be paid the various officers. These sections are taken from sections 1, 2, 3, 5, and 6 of the resolution as passed by the House, with such amendments as are necessary in reducing the number of directors from five to three.

Section 4 of the House amendment to the resolution, authorizing capital stock for the corporation, and part of section 6, detailing the policy as to distribution and sale of surplus power as carried in the House amendment, are not used in the conference resolution.

Section 5 of the conference resolution is divided into a number of lettered paragraphs detailing the activities of the corporation in the operation of experimental plants at or near Muscle Shoals for the manufacture of fertilizer for experimental purposes.

Paragraph (a) concerns the operation of existing plants for experimental purposes. This paragraph is a modification of the language of paragraph (A) of section 2 of the Senate resolution.

Paragraph (b) concerns the acquisition of fertilizers or fertilizer materials from commercial producers that may be needed in developing the experiments. The wording of this paragraph is the same as paragraph (B) of section 2 of the Senate bill.

Paragraphs (c) and (d) provide for arrangement with farmers and farm organizations for the practical use of new forms of fertilizers and cooperation with national, State, district, or county experiment stations. The wording of these two paragraphs is a modification of the language of paragraphs (c) and (d) of section 2 of the Senate bill.

Paragraph (e) provides for the manufacture of fixed nitrogen in such form as shall make it immediately available for application to soil and crops. This paragraph is a modified form of paragraph (e) of section 8 of the House amendment with new language added.

Paragraph (f) provides for the donation of not exceeding 1 per cent of the product for use by various experimental agencies so as to obtain information as to the value, effect, and best methods for use. It is a modified form of the language of paragraph (f) of section 8 of the House amendment.

Paragraph (g) provides for any changes or improvements in existing plants. It is part of the language of paragraph (f) of section 2 of the Senate resolution.

Paragraph (h) provides for the establishment and operation of laboratories and experimental plants. It is the language of paragraph (f) of section 8 of the House amendment.

Paragraph (i) gives the board authority to request assistance and advice from other Government agencies. It is the language of paragraph (g) of section 8 of the House amendment.

Paragraph (j) provides for the sale and cost to the Secretary of War and the Secretary of the Navy of explosives or their nitrogenous content. It is the language of paragraph (c) of section 8 of the House amendment.

Paragraph (k) provides for the delivery of power necessary to operate all locks, lifts, or other facilities in aid of navigation. It is the language of paragraph (d) of section 8 of the House amendment.

Paragraph (l) provides for the production, distribution, and sale of electric power. It is the language of paragraph (e) of section 8 of the House amendment.

Paragraph (m) provides that no product shall be sold outside of the United States except to the United States Government. This language is taken from paragraph (b) of section 8 of the House amendment.

Section 6 details the properties of the Government to be turned over to the corporation and how they shall be transferred. This is the language of section 9 of the House amendment.

Section 7 provides for the location of the principal office of the corporation and the maintenance of complete and accurate records. It is the language of section 10 of the House amendment.

Section 8 provides for reports and audits to be filed with the President and with Congress in December of each year. It is the language of section 11 of the House amendment.

Sections 9, 10, and 11 detail the method for the sale of surplus power. These sections provide for the sale of power to States, counties, municipalities, or other organizations, with a maximum rate to be fixed by the Federal Power Commission. It is the language of sections 6, 7, and 8, with necessary modifications, of the Senate resolution.

Section 12 is new language providing for the deposit of funds of the corporation in the Treasury of the United States at the end of each calendar year.

Section 13 provides for the completion of Dam No. 2. It is the language of section 1 of the Senate resolution.

Section 14 declares the policy of the Government for the utilization of Muscle Shoals. It is the first three lines of section 7 of the House amendment with an amendment.

Sections 15 and 16 provide for the construction of Cove Creek Dam by the Secretary of War. It is the language of sections 17 and 18 of the House amendment.

Section 17 outlines the use of patent rights by the corporation. It is the language of section 19 of the House amendment with an amendment agreed to in conference designed to speed up any possible court action.

Section 18 provides for the use of the property by the Government during war. It is the language of section 12 of the House amendment.

Section 19 provides the penalties incident to any improper conduct in the operation of the project. It is the language of section 20 of the House amendment with an amendment.

Section 20 authorizes the appropriation of $10,000,000 to carry out the program, including not to exceed $2,000,000 to begin the construction of Cove Creek Dam during the calendar year 1929. It is the language of section 11 of the Senate resolution with an amendment.

Sections 21, 22, 23, and 24 are the usual miscellaneous provisions to make the act effective and is the language of sections 21, 22, 23, and 24 of the House amendment.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. MORIN. Yes.

Mr. SNELL. Do I understand that it provides in the bill that we are to build a complete fertilizer plant at Muscle Shoals, but only use it for experimental purposes?

Mr. MORIN. No; we are to use whatever plants we have there for experimental purposes.

Mr. SNELL. And there is no fertilizer plant, as I understand it, at Muscle Shoals.

Mr. MORIN. We are authorized to complete any plants there that we need for experimentation in the matter of fertilizer.

Mr. SNELL. And how much will it cost to build a fertilizer plant at Muscle Shoals?

Mr. MORIN. A complete plant?

Mr. SNELL. Yes.

Mr. MORIN. I do not know.

Mr. ALMON. Mr. Speaker, if the gentleman will permit, in answer to the gentleman from New York, the plant is already in existence—plant No. 2—with which the Government corporations can make fixed nitrogen.

Mr. SNELL. That is what I understood. You have a plant there at the present time for the manufacture of fixed nitrogen?

Mr. ALMON. Yes; in order to make fertilizer for experimental purposes, and to teach the farmers and the fertilizer industry better methods of making fertilizer. Of course, they may have to build a plant, but they can now with existing facilities make fixed nitrogen, as provided for in this bill.

Mr. SNELL. The conference report, as I understand it, provides for making finished fertilizer?

Mr. ALMON. Yes; for experimental purposes.

Mr. SNELL. But you would have to have a complete plant in order to do that.

Mr. ALMON. That probably would not cost much.

Mr. SNELL. Could the gentleman tell us what that will cost?

Mr. ALMON. I do not suppose anybody knows. No estimate has been made on that.

Mr. SNELL. And there is no limit to the authorization heretofore, and what I might say is necessary for experimental purposes, the gentleman might not agree with.

Mr. ALMON. That is to be determined by the board of directors who will be appointed by the President.

Mr. SNELL. And there is really no limit to that?

Mr. ALMON. I do not think there ought to be.

Mr. SNELL. And are they to sell the fertilizer for experimental purposes or are they to give it away?

Mr. ALMON. There is a provision here for giving away 1 per cent for experimental purposes.

Mr. SNELL. The original bill provided for 5 per cent.

Mr. ALMON. It is 1 per cent in the conference report.

Mr. FROTHINGHAM. But 15 per cent in the other bill.

Mr. ALMON. But that is dead, and there is no use talking about that now.

Mr. FROTHINGHAM. I do not know whether it is dead or not.

Mr. WILLIAM E. HULL. Are you going to manufacture fertilizer and sell to the trade in opposition to the fertilizer companies?

Mr. ALMON. No. This is satisfactory to the fertilizer industry, as far as I know.

Mr. NEWTON. The House adopted certain amendments taking fertilizer out of the bill, and, as I understand it, the conference report puts fertilizer back in the bill, but limits it to experimental purposes. The Senate bill, when it came over to the House, provided for this experimentation to be conducted not only at Muscle Shoals but at other portions of the country.

Mr. MORIN. It is confined to Muscle Shoals and Government property.

Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McMILLAN].

Mr. McMILLAN. Mr. Speaker and gentlemen of the House, I am only going to take a very few moments to discuss the conference report of this bill, because I am fully aware of the fact that the House has already given a great deal of consideration and thought to this question.

You will recall the fight I made here on this floor a week or 10 days ago in respect to this bill, taking the position that the Congress should confine the operations of the Muscle Shoals plant to the provisions of law under the act of 1916, which provided for the manufacture of nitrates for explosives in time of war and nitrates for agricultural purposes in times of peace. I am glad that the House agreed with my position at that time by adopting a series of amendments I offered providing for the manufacture of fixed nitrogen for national defense and agricultural purposes.

I am delighted on this occasion to observe that the conferees of the Senate and House have come in with a report providing for the manufacture of fixed nitrogen in times of peace for the benefit of the agricultural interest of America. Heretofore American farmers have been paying, as I pointed out in my remarks when this bill was up before the House for consideration, a royalty to foreign countries of $12 per ton for nitrates, amounting approximately to $10,000,000 annually. This report therefore, if adopted, and the bill becomes a law, unquestionably means the saving of many millions of dollars annually to the American farmers.

Nitrates is one of the necessary ingredients for explosives. It is absolutely essential in the event of war, and this country should unquestionably be prepared at all times to produce sufficient quantities for national-defense purposes, and it is only the part of wisdom, as I see it, that the national defense act of 1916 contains such provisions with respect to the plant at Muscle Shoals for the production of nitrates. In peace times it is perfectly proper, from my point of view, for this great plant to manufacture fixed nitrogen for agricultural purposes, because the machinery for such manufacture is available, nor is such production in competition with private industry, whether it be for fertilizer purposes or otherwise, because, as I have already stated, practically all of our nitrates is imported from foreign countries.

The manufacture of fertilizer under the bill is confined only to experimental purposes, which I concede to be a very fine thing from an agricultural standpoint, as well as for the interest of the fertilizer industry, because any experiment that is found to be successful and beneficial as a fertilizer will be mutually helpful to the farmer and to fertilizer concerns.

The question has been raised here with reference to the interpretation of paragraph E, under section 5 of the report, which relates to the manufacture of fixed nitrogen and its practical application to soil and crops, some of the Members taking the position that the provisions found in this paragraph give authority to the corporation to manufacture a complete fertilizer. Such construction, with due deference to their opinion, I believe, is a mistaken one, for the reason that pure nitrogen can not be successfully used when applied to a plant or crops, and the words, "in combination with such other ingredients," mentioned in the paragraph merely intends to serve as a "filler" or a "base" to preserve and make available the nitrates as a fertilizer. Furthermore, the report definitely confines the manufacture of fertilizer for experimental purposes only and therefore it follows, it seems to me, that should the corporation undertake to manufacture a complete fertilizer for sale such action would be in direct conflict with both the explicit terms and spirit of the act as well as initiating an activity in competition with private industry to which I am unalterably opposed.

It will be observed also that section 14 of the conference report definitely declares the policy of the Government to utilize the Muscle Shoals property for the fixation of nitrogen for agricultural purposes in times of peace. This expressed policy as outlined in section 14 leaves no doubt in my mind the definite intent of Congress with respect to this question.

I hope the House will adopt the conference report which has just been favorably acted upon by the Senate, and put through this Muscle Shoals problem. It has been, as every one will agree, a matter that has been pending in this Congress for years. We have spent already $140,000,000 toward this project for national defense and agricultural purposes, and it is my opinion that this bill in its present form will meet with the approval of a great majority of the people of our country. [Applause.]

Mr. MORIN. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. BYRNS. Mr. Speaker, under all the circumstances it is perhaps futile to undertake to defeat this conference report. I have been amazed at the disposition of the House, for with practically no debate and with no real deliberate consideration of this important legislation it has passed a bill and is now about to adopt a conference report which invades the sovereignty of a State of this Union and establishes a precedent which will enable the Federal Government in the future to enter any

sovereign State without its consent and take possession of its greatest and most valuable power site, utilize it for its own purposes, without regard to the sovereign rights of the State to regulate and control any power that may be generated at that power site, without regard to the right of the State to exercise its taxable power, and, above all, to provide for the erection of a transmission line which will carry every kilowatt of that power from the State where it is generated to another State for sale or disposition in that other State.

That is the proposition that confronts you. This report does not provide for commercial fertilizer, and in verification of that statement I call attention to the statement made by the gentleman from Michigan [Mr. JAMES] the other day, and the statement made by the gentleman from Alabama [Mr. HILL], when the amendment submitted by the gentleman from South Carolina [Mr. MCMILLAN] was pending, to strike from the bill the proposal to manufacture complete fertilizer. On that occasion they both vehemently declared on the floor of this House that the action of the committee and of the House in adopting the amendment had robbed the bill of its fertilizer feature, and that it would not provide fertilizer for the farmer. The gentleman from Pennsylvania [Mr. MORIN] has just told you that this report conforms to the action taken by the House at that time.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Yes; I yield for a brief question.

Mr. DAVIS. Is it not conclusive evidence that this bill is of no benefit to the farmer in its present form—the fact that the Fertilizer Trust is now satisfied with the bill?

Mr. BYRNS. Yes. I think the gentleman is clearly correct. That it will give to the farmer cheaper fertilizer or will bring about competition in the sales of fertilizer will not be seriously claimed by anyone supporting this conference report.

Mr. BEEDY. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. For only a brief question.

Mr. BEEDY. This conference report, under section 5, paragraph (e), on page 4 of the printed conference report, carries this language:

> The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

Mr. BYRNS. I can not yield to the gentleman further. This provides for complete fertilizer for experimental purposes only. It provides for the fixation of nitrogen. But what can the farmer do with nitrogen? It will have to be sold to some mixing concern.

What is the present situation? The bill has been stripped of every pretense that enabled those who advocated it to claim that the additional power at Cove Creek was necessary in order to furnish fertilizer to the farmer. They said that was the reason why they were invading the sovereignty of the State of Tennessee and taking away from it in perpetuity the rights to which the State is legally entitled. Now it is stripped of those features, and therefore the bill stands before you in all its nakedness as a power bill and a clear purpose to erect a dam costing millions of dollars within the State without its consent, and over 300 miles from Muscle Shoals, for the purpose of generating power and carrying that power by a transmission line into Alabama for sale by the Government. The taxpayers of Tennessee are to have no right to a voice in its disposition, nor are they to be permitted to share in its benefits.

Gentlemen, I repeat to you that there was never a grosser usurpation of the rights of the States. What the Government is seeking to do in this instance in Tennessee the Government may seek to do in your State at some future time.

As I have had occasion to say heretofore, the fundamental reasons for my opposition to this bill is that it is an outrageous violation of the legal rights of my State. It is estimated that 120,000 horsepower will be generated at Cove Creek for at least seven and one-half months in the year. Not a kilowatt of this power is to be used in the State for the benefit of its industries. It is to be carried 310 miles to Alabama on a transmission line built at public expense and then disposed of by the Federal Government. The State of Tennessee is to have no voice in the regulations, control, or disposition of this power, nor is it to get any revenue therefrom, notwithstanding over 54,000 acres of land will be flooded and taken out of the taxable values of the State and the county in which it is located.

Oh, the gentleman from Alabama said:

> Pass this bill now, and then later on we will enact a law to cure that.

The State of Tennessee is to be deprived in perpetuity of this great power site which to her is worth at least $50,000,000, according to the statement made by Henry Ford several years ago. In other words, what the gentleman from Alabama meant was to take it from Tennessee and give it to Alabama, and then, as he said, "We will pass a law to prevent it."

That is what you are being asked to do to-day. That is what the passage of this conference report means.

I believe the President will veto it. I hope he will. But let me tell you this, that if he does not veto it, the State of Tennessee is not going to sit supinely by and see her constitutional rights taken away from her until the courts of the country have passed upon the question, even though it will involve the State in expensive and prolonged litigation, drawn out perhaps for years.

Why this proposition now to make fertilizer for experimental purposes? The proposition heretofore was to manufacture fertilizer in time of peace. For the last 12 years you have stated that you would give cheaper fertilizer to the farmer. What will you say to the farmer when you go back and say you passed a bill for experimental purposes only; that you have not passed a fertilizer bill, but a power bill, for the benefit of certain interests? What is the farmer going to say to you—the farmer whom you have assured for years that you were going to give him commercial fertilizer at Muscle Shoals, when he learns that the promises repeatedly made have not been kept and that you are more interested in passing a power bill than you are in the effort to give him cheaper fertilizer, as was intended by the act of 1916?

Mr. BEEDY. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Not now. I know that this bill provides for the manufacture of fixed nitrogen; but the gentleman from Maine knows and this House knows, that the farmer can not use fixed nitrogen. The gentleman knows that there are ingredients which the farmer has not got, and with which it must be mixed for fertilizer purposes, and if the farmer had such ingredients he has not the knowledge or experience to enable him to mix them. As my friend from Tennessee [Mr. DAVIS] has said, it is no wonder that the fertilizer interests have withdrawn opposition to this bill as it now stands.

If this bill would produce fertilizer for the farmer, do you suppose some here would be advocating the passage of this report? No. They would be here fighting it just as they fought it the other day, but since the teeth have been drawn, since they know the farmers are not going to get fertilizer, and since they know the provision which the gentleman from Maine read will not bring about competition, they are asking you to adopt this report because they are not interested in the question of power. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MORIN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, there has been a great ado made about this legislation on the part of the State of Tennessee with regard to sovereign State rights. I would be one of the last men in the world to invade the sovereign rights of a State; but what is the situation here? This Cove Creek Dam site in Tennessee, I presume, has been there about 6,000 years. The State of Tennessee, her citizens, and no private enterprise has ever developed it. As a matter of fact, it is not a water-power proposition per se. If a dam should be constructed at Cove Creek there will only be generated there primary power of some 8,000 or 9,000 horsepower. That is the great power my friend BYRNS is talking about being taken out of Tennessee and transmitted to Muscle Shoals.

Mr. BYRNS. Will my friend yield?

Mr. WRIGHT. Certainly.

Mr. BYRNS. Is it not a fact that according to the reports and estimates, 120,000 horsepower can be generated at Cove Creek for at least eight and a half months in the year?

Mr. WRIGHT. At the time of flood season; yes.

Mr. BYRNS. I said for at least eight and a half months in the year.

Mr. WRIGHT. I am talking about primary power, which is the only kind you can depend on the year around. Now, what would happen if this Cove Creek Dam should be constructed? A great reservoir would be created there which would store the water in time of the flood season and in the low-water period it could be released so as to practically double the primary power, not only at Muscle Shoals but at every dam which might be built on the Clinch River and the Tennessee River below Cove Creek. Gentlemen, that is the greatest boon that could be given to the State of Tennessee.

It is a thing which she has refused to do herself, which private enterprise has failed to do, and it is a thing which the Government is now proposing to do for the State and her people. Yet gentlemen stand here talking about the Government robbing the State of Tennessee. [Applause.] Gentlemen, it means more

industrial development in the State of Tennessee than anything that could happen to the State. The Government will expend from $20,000,000 to $35,000,000, without one cent of it being contributed by the State of Tennessee, except the proportion of the taxes which would be paid by Tennessee to the Federal Government. In all of the Tennessee Valley it would mean development in an industrial way, and the dams which would follow the construction of this Cove Creek Dam would mean that their primary power would be practically doubled. Not only that, but Tennessee is interested in flood control as well as the people below Tennessee, and the estimates of the engineers show that the construction of this Cove Creek Dam alone will lessen the flood danger in Tennessee 15 per cent. In addition, you must understand that if the Cove Creek Dam is constructed there will be other dams built along the Clinch and Tennessee Rivers, not by the Government but by private enterprise, which will aid in the control of floods and will make navigation possible on the Tennessee River, the very thing Tennessee has so long clamored for. The dams which may be built below Cove Creek would, of course, have to contribute to the Government for the just proportion of the amount of benefits.

Now, my friend BYRNS says fertilizer has been taken out of this bill. I confess, gentlemen, from my viewpoint it is a disappointment so far as fertilizer is concerned, but, gentlemen, let him get in his mind the fact that there is still a lot of fixed nitrogen in this bill, a thing which the farmer can use and which is a very important thing in the manufacture of fertilizer. It is one of the three elements used in making plant food, and it carries with it the same chemical ingredients of nitrate of soda.

Mr. BEEDY. Will the gentleman yield?

Mr. WRIGHT. Yes.

Mr. BEEDY. I think there should be some explanation as to subsection (e), on page 4. Either fertilizer is in the bill or it is not.

Mr. WRIGHT. The bill provides for the manufacture of fixed nitrogen.

Mr. BEEDY. Certainly; and the language is:

> The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

Mr. WRIGHT. Absolutely. My friend has said that it can not be used. It can be hydrated by applying water and oil to it so that the farmer himself can scatter it.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. MORIN. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, the Muscle Shoals conference report before us to-day is much modified and to many perhaps easier to digest, but it still maintains that principle to which I am unalterably opposed, that is, that of launching the Government in private business. If we propose to socialize the manufacture of nitrates, fertilizers, and power, then we had just as well begin to socialize other industries of the land which are bound to follow in its wake.

This conference report and the Muscle Shoals bill which will be the outcome thereof is but the camel's nose under the tent. You tell me this is for the manufacture of fertilizers for experimental use only, but I say to you that when the Government constructs a fertilizer plant which is authorized under this act it will not long limit itself or this corporation which is formed by this bill to the manufacture of fertilizer solely for experimental purposes.

It is well known to the Members of this House that when the legislative camel gets his head under the tent, subsequent legislative enactments enable him to pass in with his whole body. You tell me this bill limits the manufacture of fertilizer for experimental purposes only. If that be the case, then I must confess I do not understand that section of paragraph E, page 4, of the report which says:

> The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

Certainly this authority, unless some construction of other portions of the bill prevent, would give the right to manufacture fertilizer. It is certainly on its face subject to liberal construction and unlimited manufacture.

You propose to turn over to the corporation formed in this bill the sum of $10,000,000 in cold cash, together with the entire Muscle Shoals property of $140,000,000, and then to make the measure heaping and running over, you transfer to them the million and three hundred thousand dollars revenue which the Government is now deriving from the property. A massive corporation, indeed, operating upon Government funds. The board of directors is to be composed of three members, who are each to receive $50 per day, but are not to serve more than 150 days in any one year. They are not to have any interest in any corporation which manufactures or distributes power; manufactures nitrogen or any of the ingredients thereof.

How can they have had any experience and not have obtained any financial interest in any business comparable to that of which they are to be directors? The corporation is not limited to the number of employees, except that the salaries of the general manager and the two assistant managers shall not exceed the sum of $50,000 per annum.

This corporation is to be augmented, according to section 15, by the construction, through the Secretary of War, of a dam across Clinch River in the State of Tennessee, commonly called Cove Creek Dam, and for this, in addition to the money provided for the corporation and that invested in property of over $150,000,000, the Congress is expected to appropriate additional funds for the construction of this dam, and this Cove Creek Dam is to have $2,000,000 to begin construction at once.

It is not so much the fertilizer or the nitrates nor even the power of which I am speaking, but it is the fact that the National Government is to launch into business upon a tremendous scale incompatible with the policies of our Government and certainly never contemplated by the framers of our Constitution. I think I speak for the people of my native State of Maryland when I say that we are unalterably opposed to any such action on the part of the Government.

Mr. SCHAFER. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. SCHAFER. The gentleman is not opposed to the Government entering into the dispensary business if the existing prohibition laws are modified, is he? [Laughter and applause.]

Mr. LINTHICUM. I am in favor of the Government controlling alcoholic liquors, whether it is done by the dispensary system or otherwise as is done in Quebec, because I think that is a matter which is in the interest of all the people, is a police power, but this is not. [Applause.]

It is a sad commentary indeed that because we have expended millions of dollars on Muscle Shoals for war purposes that we should now be compelled to expend this vast sum of money in addition upon a venturous proposition. The property is susceptible of producing a very large income in time of peace and to be utilized for the manufacture of nitrates needed in time of war. Step by step the National Government seems to be entering into business. Numerous officers and job holders are being added to the Government pay roll. Government bureaus are being created to take care of new enterprises, new appropriations, new allocations of funds. Millions of dollars are being appropriated to finance various projects contemplated by the different sections of the country. Yesterday and again to-day we discuss the Boulder Dam proposition upon which there is no consensus of opinion as to its advisability, and yet the Government is asked to appropriate $125,000,000 for that project, which it is proposed to repay in 50 years, but there is room for reasonable doubt and certainly strong arguments that it can never be repaid, and that the Government will be mulched for many millions in addition to the $125,000,000. Then there is to come later the Columbia Basin project, which would require many millions, and the proponents of the McNary-Haugen bill have not yet been killed off in spite of the meat-ax veto of President Coolidge. Where are we to terminate? What is the answer to all the demands upon the National Government? The Treasury of the United States is not filled by any miracle nor by the printing press nor the engraver's method, but it is filled by taxation taken from the pockets of the humblest citizens as well as the princely merchant. The more appropriations we make the heavier the tax and the harder the strain on our citizens. I sincerely trust, Mr. Speaker, we will vote down this conference report, and let us return to those things more in conformity with proper legislation. [Applause.]

Mr. MORIN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP]. [Applause.]

Mr. CRISP. Mr. Speaker and gentlemen of the House, I am for this conference report. [Applause.] Two propositions are involved, the manufacture of nitrates and the development of power, and the whole history of the use of this Muscle Shoals project for eight years has not been creditable to the Congress. [Applause.]

Briefly, the Muscle Shoals situation is this: In 1916 Congress passed a law to develop Muscle Shoals for the purpose (as the law stated) of furnishing nitrates for national-defense pur-

poses in time of war and nitrogen and other useful products to aid agriculture in time of peace. From the cessation of hostilities until now, Congress has been endeavoring to make some useful disposition of Muscle Shoals. Six or seven years ago it was proposed to manufacture nitrogen there, and the fertilizer interests all fought it, saying nitrogen could not be economically manufactured there. The power interests joined them and fought it, saying there was no need to develop power as there were not sufficient industries to consume it. About four years ago, when Ford offered to lease it and operate it, both fertilizer and power interests fought that plan. Since then the Government has endeavored to obtain a private lease for its development and has utterly failed. The fertilizer interests were urged to submit a bid for the plant to manufacture nitrogen and refused to do so.

The situation now is simply this: Government operation or continuance of present conditions. The taxpayers have invested about $150,000,000 at Muscle Shoals, and it is costing them about $250,000 a year for maintenance and protection of the idle and deteriorating plants. The Government is now in business there generating power which is being sold to the Alabama Power Co. at 2.6 mills a kilowatt, and they in turn are selling it to consumers at from 6 to 14 cents a kilowatt. Of course, this is a very profitable and highly agreeable arrangement for the power interests.

To-day the farmers are paying $12.53 a ton export tax to Chile on Chilean nitrate and paying freight on about 1,600 pounds of worthless filler to each ton of nitrate shipped from Chile, leaving only 400 pounds of nitrogen or plant food per ton. This, to my mind, is an unjust burden on the farmers, when nitrate can be manufactured at Muscle Shoals and sold to the farmers at less than half they are now paying. I prefer for the great mass of the people to get some benefit of our investment there rather than the power interests.

The opponents argue that only the farmers near Muscle Shoals can get the benefit on account of freight rates, and that it discriminates against those who can not pay cash. This same discrimination exists against the farmers now by reason of the vast difference made by the fertilizer companies between their cash and credit prices. Fertilizer manufactured at Muscle Shoals is to be 60 per cent plant food instead of from 15 to 20 per cent plant food. Unquestionably, if the farmers save the freight on worthless filler, the Muscle Shoals product can be shipped to a much larger area than the low-grade fertilizers of to-day can be economically shipped, and no one can question that Muscle Shoals is nearer to the farmers than Chile.

I think the fertilizer plants are unnecessarily alarmed, because most of them are simply mixing plants and they buy their ingredients. If they can buy them cheaper at Muscle Shoals than they buy them to-day, they can still do business, though, of course, they will have to reduce their sale price to the farmers, and I am sincerely in favor of this, for I know of no class of people needing financial and governmental assistance more than the farmers. The Government has aided about every other industry, and I think it time for them to help the farmers.

When the first Senate resolution, No. 46, came over from the Senate, neither of these interests opposed it. It provided for the manufacture of only fixed nitrates. It provided for the sale of power under certain conditions. Cove Creek Dam, which would practically double the horsepower of the project, was not in the bill. With Cove Creek in, more surplus power would be for sale in competition with the power companies. The House amended the bill and made it a real, workable bill to manufacture fertilizer and power, and since I have been in Congress for 15 years, I have never seen such propaganda against any bill as there has been against this one.

Now, what does this conference report do? It does not go as far as I would like. I think this bill is satisfactory to the fertilizer people, for it does not propose to manufacture and sell a complete fertilizer. It provides only for the manufacture of one element or one ingredient of fertilizer—nitrates. You gentlemen who are not familiar with fertilizer, I apprehend, do not understand it. A complete fertilizer is a mixture of three plant foods—phosphoric acid, ammonia or nitrates, and potash. To-day the fertilizer companies get their potash from Alsace-Lorraine. They get their nitrates from Chile, from blood and tankage from the packers, from fish scraps, or from cottonseed meal, and a very few companies manufacture phosphoric acid from phosphoric rock. The great majority of the fertilizer companies purchase these three elements of plant food and mix them with sand, ground rock, and other worthless filler, and sell as a complete fertilizer.

Under this bill only one element of the complete fertilizer will be manufactured—nitrate. To-day the fertilizer companies are getting hundreds of thousands of tons of nitrate from Chile and paying $12.53 export duty on every ton of nitrate imported into the United States, which the farmer when he buys their product is compelled to pay the Chilean Government.

Under this bill fertilizer companies can buy their nitrate from the Muscle Shoals corporation instead of Chile, and they will use it as one element for mixing a complete fertilizer, and it is not competing with them in business. I hope and believe that as they can buy this nitrate cheaper they will reduce the price of complete fertilizer to the farmer after mixing it and making a complete fertilizer. I am for the bill for the reason that it is a step in the right direction. [Applause.] If the fertilizer companies do not give the farmers the benefit of a lower price on this one ingredient, the most expensive element in fertilizer, I hope Congress will take further steps and amend the law and authorize the manufacture and sale of a complete fertilizer.

You gentlemen from the West who are supporting the Boulder Dam should appreciate that the inclusion of Cove Creek Dam is identical with your proposition. I appreciate the position of the gentlemen from Tennessee who, actuated by the highest motives, are standing up for what they believe to be the sovereign rights of their State, but there are other interests opposing it because they do not want to double the power which will come in competition with the private power companies. But you gentlemen supporting the Boulder Dam should appreciate that this is an identical proposition with yours—Cove Creek provides for this dam as an aid to navigation. It is a key dam that will open up a 150 or 200 miles of river navigation. It doubles the power to be generated at Muscle Shoals and reduces the flood danger to Chattanooga 15 per cent seeking to accomplish exactly what the friends of the Boulder Dam say it will accomplish if built—protect the Imperial Valley from flood, aid navigation, and generate power.

I am going to vote for this bill. [Applause.] That is all I care to say; the report is in the right direction, and I hope it will be adopted. [Applause.]

Mr. MORIN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, boiled down to its final analysis, the House need not be deceived as to the primary purpose of this project. The primary purpose is a power project, because there is plenty of power at Muscle Shoals now to manufacture all the nitrate that they need and all they will ever produce by it. But the people of Tennessee have a principle involved that is not involved in Boulder Dam, because the Boulder Dam bill provides that when you amortize the expense connected with it each State has its equitable right to the property and improvements there, and the Government has no further financial interest in it. But when we asked for that, when we from Tennessee sought to amortize the expense of Cove Creek Dam and all the transmission lines and improvements connected with it—the same rights that they have guaranteed to the project at Boulder Dam—we were accused of trying to steal something. You gentlemen who vote to give at Boulder Dam—you who vote to give back to the States the property after amortizing the bonds that are used to construct it, have no right to question us, because we ask that the same thing be done for Tennessee.

The gentleman from Georgia, Judge WRIGHT, insists that they are conferring a great favor on Tennessee. Well, we are not willing to have such favors forced upon us. Remember, gentlemen, that Cove Creek in Tennessee is 300 miles above Muscle Shoals, and all the power goes down into Alabama, over this transmission line, not only from this dam but from the other eight or nine dams below it in Tennessee, and that our State is being robbed of its sovereign rights in this power and is denied the benefits of any development within its borders. In other words, it is hereby proposed to decree that God Almighty made a mistake in giving any natural resources to Tennessee; it was intended to give it all to Alabama.

The gentleman from Georgia, Judge WRIGHT, a good friend of mine, admits that Tennessee has some rights, but he says, "Let us build the dam and take over the power for the Government, and then determine later what the State rights are, and that we can reserve them." It reminds me of the time when I reserved title to a biscuit that I had in my hand and then gave it to my bird-dog pup.

The SPEAKER. The time of the gentleman from Tennessee has expired. The question is on agreeing to the conference report.

Mr. MORIN. Mr. Speaker, I yield one minute to the gentleman from Alabama. [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I just want to take this time to say that I am in favor of this report and trust that it will be adopted.

I, of course, preferred the original bill which provided for the manufacture and sale by the Government corporation of a

complete concentrated fertilizer, but this is the best bill that we can get at this time. If it is approved by the President, as I sincerely hope it will be, future Congresses can make such amendments as may be found necessary. This bill will at least make a start and put the plants into operation and provide for a sale of the power which is now running to waste. The bill authorizes the manufacture and sale by the Government of fixed nitrogen in such form and with such ingredients as shall make the nitrogen immediately available and practical for use by the farmers by application to soil and crops just as nitrate of soda is used. Fertilizer of this kind made at Niagara Falls by the American Cyanamid Co. is now selling for 7 cents per pound. The Government should make and sell it at Muscle Shoals for not more than 6 cents per pound, thereby saving the farmers at least 15 cents per pound for their nitrogen which is the principal ingredient in all fertilizer. They can then buy the phosphoric acid if they like and do their own mixing and in that way they should be able to save something like one-half of their fertilizer bill. In addition to this, the Government corporation should be able to sell the power that is now running to waste at Wilson Dam. A recent communication I received from the United States district engineer at Muscle Shoals shows that there is now 245 horsepower available and that the Alabama Power Co. is taking a little less than 10 per cent and the balance is running to waste. If the power that is going to waste were sold at even 2 mills per kilowatt it would amount to $7,158 per day.

I trust that all of you gentleman who are interested in agriculture will vote for the adoption of this conference report, and from what I can learn I believe it will be adopted by a good majority. [Applause.]

Mr. MORIN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. FROTHINGHAM].

Mr. FROTHINGHAM. Mr. Speaker, I think the House ought to realize what it is doing on this conference report and also realize that as far as speed goes, the Government is receiving for Muscle Shoals now nearly a million dollars a year, so that there is no immediate need for rushing headlong into legislation which has not been digested, and this certainly has not been digested. Whether it is easier to digest it with the fertilizer out of it or not, I do not know, but the bill still has the same grave objections from my point of view that it had when we were considering it in the House. It not only establishes a corporation with a capital of $10,000,000, which is just a beginner, but it is a matter that might perfectly well be turned over to a department of the Government to experiment with for fertilizer purposes. It also provides that the Government shall construct a dam at Cove Creek, which will cost $37,000,000, if I am correctly advised. Beyond that, it still leaves in the bill the right for this huge Government monopoly to go into the Patent Office of the United States and take cognizance of any patent that happens to be registered there.

Mr. McSWAIN. Will the gentleman not admit that so far as patents are concerned, that is the law and has been since 1910? Any Government agency since 1910 has had that right. That is in the law.

Mr. FROTHINGHAM. And that is why it is unfair competition with a private corporation which can not do that, and if any of these patents happened to have been owned by a foreigner, of course it is absolutely illegal to do such a thing.

Mr. McSWAIN. The Bethlehem Steel Co. was glad to use that power when it was making guns for the United States.

Mr. FROTHINGHAM. I don't know anything about that, but in time of war all things are different.

Mr. WAINRIGHT. Did not the gentleman vote for the Madden bill which provided for the construction of the Cove Creek Dam?

Mr. FROTHINGHAM. Yes; with objections. I voted against the Cove Creek Dam. It is one thing to allow private investment to go into this sort of thing, and another thing to put public money in there in the form of a Government corporation.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken.

Mr. BYRNS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNS. This conference report has been adopted in the Senate. Would it be in order to move to recommit the conference report to the committee of conference with instructions?

The SPEAKER. The report must be voted either up or down in its entirety.

Mr. HULL of Tennessee. Mr. Speaker, I understood the gentleman from Pennsylvania agreed to yield me three minutes.

Mr. MORIN. I was about to yield three minutes to the gentleman when the House was dividing on the question.

The SPEAKER. The question has been submitted to the House and the Chair does not see how he can stop the division at this time. The question is on agreeing to the conference report.

The House divided.

Mr. LINTHICUM. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 147, answered "present" 1, not voting 71, as follows:

[Roll No. 87]

YEAS—211

Abernethy	Dowell	King	Rankin
Adkins	Driver	Kvale	Rathbone
Allgood	Edwards	LaGuardia	Rayburn
Almon	Englebright	Lampert	Reece
Andresen	Estep	Langley	Reed, Ark.
Arentz	Evans, Calif.	Lanham	Robinson, Iowa
Arnold	Evans, Mont.	Lankford	Romjue
Aswell	Fish	Larsen	Rubey
Auf der Heide	Fitzpatrick	Lea	Rutherford
Ayres	Fletcher	Letts	Sanders, Tex.
Barbour	Frear	Lindsay	Sandlin
Bell	French	Lowery	Schafer
Berger	Fulbright.	Lozier	Schneider
Black, N. Y.	Fulmer	Lyon	Sears, Nebr.
Black, Tex.	Furlow	McClintic	Selvig
Box	Gardner, Ind.	McDuffie	Shallenberger
Boylan	Garner, Tex.	McKeown	Simmons
Brand, Ga.	Garrett, Tex.	McLaughlin	Sinclair
Brand, Ohio	Gasque	McLeod	Sirovich
Briggs	Gibson	McMillan	Somers, N. Y.
Browne	Gilbert	McReynolds	Speaks
Buchanan	Goodwin	McSwain	Steagall
Buckbee	Gregory	McSweeney	Stedman
Busby	Green	Major, Ill.	Steele
Canfield	Greenwood	Major, Mo.	Stevenson
Cannon	Griffin	Manlove	Summers, Wash.
Carew	Hall, Ill.	Mansfield	Sumners, Tex.
Carss	Harrison	Mapes	Swank
Cartwright	Hastings	Martin, La.	Swing
Casey	Haugen	Mead	Tarver
Celler	Hill, Ala.	Michaelson	Taylor, Colo.
Chapman	Hill, Wash.	Milligan	Taylor, Tenn.
Christopherson	Hogg	Moore, Ky.	Thompson
Clague	Holaday	Moore, N. J.	Vinson, Ga.
Cochran, Mo.	Hooper	Moore, Va.	Vinson, Ky.
Cochran, Pa.	Hope	Moorman	Wainwright
Collier	Howard, Nebr.	Morehead	Ware
Collins	Howard, Okla.	Morin	Warren
Combs	Huddleston	Morrow	Weaver
Cooper, Wis.	Hull, William E.	Nelson, Mo.	Welch, Calif.
Cox	Jacobstein	Nelson, Wis.	Weller
Crail	James	Niedringhaus	White, Colo.
Cramton	Jeffers	Norton, Nebr.	Whittington
Crisp	Johnson, Ill.	O'Connor, La.	Williams, Mo.
Crosser	Johnson, S. Dak.	O'Connor, N. Y.	Williams, Tex.
Davenport	Johnson, Tex.	Oliver, Ala.	Williamson
Davey	Johnson, Wash.	Oliver, N. Y.	Wilson, La.
De Rouen	Kading	Parks	Wingo
Dickinson, Iowa	Kahn	Pou	Winter
Dickinson, Mo.	Kelly	Prall	Woodruff
Dominick	Kemp	Quin	Wright
Doughton	Ketcham	Ragon	Yates
Douglass, Mass.	Kincheloe	Rainey	

NAYS—147

Ackerman	Doyle	Kearns	Ransley
Aldrich	Drewry	Kent	Reed, N. Y.
Allen	Dyer	Kiess	Rogers
Andrew	Elliott	Kindred	Rowbottom
Bacharach	Eslick	Knutson	Sanders, N. Y.
Bachmann	Faust	Kopp	Seger
Beck, Pa.	Fenn	Korell	Shreve
Beedy	Fitzgerald, Roy G.	Kurtz	Snell
Beers	Foss	Leatherwood	Sproul, Ill.
Bland	Free	Leavitt	Sproul, Kans.
Bohn	Freeman	Leech	Stalker
Bowles	Frothingham	Lehlbach	Stobbs
Brigham	Gambrill	Linthicum	Strong, Kans.
Britten	Gifford	Luce	Strong, Pa.
Browning	Glynn	McFadden	Swick
Burdick	Goldsborough	MacGregor	Taber
Burton	Graham	Maas	Tatgenhorst
Byrns	Griest	Magrady	Thatcher
Campbell	Guyer	Martin, Mass.	Thurston
Chalmers	Hadley	Merritt	Tilson
Chase	Hale	Michener	Timberlake
Clarke	Hall, Ind.	Miller	Tinkham
Cohen	Hancock	Monast	Treadway
Cole, Iowa	Hardy	Montague	Tucker
Cole, Md.	Hawley	Moore, Ohio	Updike
Colton	Hersey	Morgan	Vestal
Connolly, Pa.	Hickey	Murphy	Wason
Cooper, Ohio	Hoch	Nelson, Me.	Watres
Crowther	Hoffman	Newton.	Watson
Cullen	Houston	O'Brien	Welsh, Pa.
Dallinger	Hudson	Palmisano	White, Me.
Darrow	Hull, Morton D.	Parker	Williams, Ill.
Davis	Hull, Tenn.	Peery	Wolverton
Dempsey	Igoe	Perkins	Wood
Denison	Irwin	Porter	Woodrum
Douglas, Ariz.	Jenkins	Pratt	Wyant
Doutrich	Johnson, Ind.	Ramseyer	

ANSWERED "PRESENT"—1

Chindblom

NOT VOTING—71

Anthony	Connery	Hughes	Sears, Fla.
Bacon	Corning	Johnson, Okla.	Sinnott
Bankhead	Curry	Jones	Smith
Beck, Wis.	Deal	Kendall	Spearing
Begg	Dickstein	Kerr	Strother
Blanton	Drane	Kunz	Sullivan
Bloom	Eaton	Menges	Temple
Boles	England	Mooney	Tillman
Bowling	Fisher	Norton, N. J.	Underhill
Bowman	Fitzgerald, W. T.	O'Connell	Underwood
Bulwinkle	Fort	Oldfield	Vincent, Mich.
Burtness	Garber	Palmer	White, Kans.
Bushong	Garrett, Tenn.	Peavey	Whitehead
Butler	Golder	Purnell	Wilson, Miss.
Carley	Hall, N. Dak.	Quayle	Wurzbach
Carter	Hammer	Reid, Ill.	Yon
Clancy	Hare	Robsion, Ky.	Zihlman
Connally, Tex.	Hudspeth	Sabath	

So the conference report was agreed to.

Mr. CHINDBLOM. Mr. Speaker, before the pairs are announced I wish to inquire if the gentleman from Alabama [Mr. BANKHEAD] voted?

The SPEAKER pro tempore (Mr. DICKINSON of Iowa). He is not recorded.

Mr. CHINDBLOM. I have a pair with the gentleman from Alabama, and I ask leave to withdraw by vote of "no" and vote "present." Mr. BANKHEAD would vote for the conference report if he were present.

The Clerk announced the following pairs:

Mr. Bankhead (for) with Mr. Chindblom (against).
Mr. Smith (for) with Mr. Eaton (against).
Mr. Spearing (for) with Mr. Corning (against).
Mr. Clancy (for) with Mr. W. T. Fitzgerald (against).
Mr. Bowling (for) with Mr. Garrett of Tennessee (against).
Mr. Wilson of Mississippi (for) with Mr. Drane (against).
Mr. Hare (for) with Mr. Deal (against).
Mr. Hammer (for) with Mr. Golder (against).

Until further notice:

Mr. Begg with Mr. Oldfield.
Mr. Temple with Mr. Connally of Texas.
Mr. Robsion of Kentucky with Mr. Bulwinkle.
Mr. Butler with Mr. Hudspeth.
Mr. England with Mr. Quayle.
Mr. Fort with Mr. Zihlman.
Mr. Wurzbach with Mr. Blanton.
Mr. Underhill with Mr. Sullivan.
Mr. Purnell with Mr. Connery.
Mr. Reid of Illinois with Mr. Mooney.
Mr. Zihlman with Mr. Jones.
Mr. Bacon with Mrs. Norton of New Jersey.
Mr. Curry with Mr. Sears of Florida.
Mr. Kendall with Mr. O'Connell.
Mr. Boles with Mr. Whitehead.
Mr. White of Kansas with Mr. Underwood.
Mr. Beck of Wisconsin with Mr. Yon.
Mr. Hughes with Mr. Carley.
Mr. Vincent of Michigan with Mr. Kunz.
Mr. Bowman with Mr. Dickstein.
Mr. Anthony with Mr. Johnson of Oklahoma.
Mr. Menges with Mr. Sabath.
Mr. Carter with Mr. Bloom.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY, is absent on account of illness in his family. If he were present he would vote "aye."

The result of the vote was announced as above recorded.

On motion of Mr. MORIN, a motion to reconsider the last vote was laid on the table.

EXTENSION OF REMARKS

OPERATION OF RETIREMENT LAW AND NEEDED AMENDMENTS

Mr. MEAD. Mr. Speaker, from the time the original retirement law became effective on August 20, 1920, to the end of the fiscal year of June 30, 1927, 19,802 civil-service employees have been placed upon the retirement rolls. Of this number 15,480 were retired on account of age and 4,322 on account of disability. The total number of employees on June 30, 1927, who had reached retirement age but had received an extension of service, was 5,497.

The following table shows the number of employees retired each fiscal year, the number of annuitants on the roll and the number of deaths at the end of each fiscal year:

Fiscal year ending—	Total number retired	Annuitants on roll at end of year	Number of deaths on retired roll
June 30, 1921	6,763	6,471	274
June 30, 1922	1,714	7,576	614
June 30, 1923	2,521	9,332	745
June 30, 1924	2,082	10,548	833
June 30, 1925	2,084	11,689	943
June 30, 1926	1,873	12,529	962
June 30, 1927	2,765	14,119	1,110
Total	19,802		5,481

In considering retirement legislation it might be well at this time to keep in mind a few fundamental principles on which it is believed all can agree. Primarily the original purpose of enacting retirement legislation in 1920 was, first, to relieve the Government service of superannuated employees, by retiring them and putting in their places younger and more efficient workers, thus getting the work done more economically. The second purpose of the law was to make provision for the few remaining years of life left to the faithful old Government workers, when the time comes, that will come to all of us some day, when their tasks must be given over to younger hands. The law provided that if an employee was fairly efficient and willing to remain in the service of the United States, he might, upon reaching the age fixed for the retirement of his group, receive an extension of employment for a term of two years upon the approval of the Civil Service Commission; and at the end of the two years he may, by similar approval, be continued for another two years, and so on. After August 20, 1930, however, no employee shall be continued in the civil service of the United States beyond the age fixed for his retirement for more than four years.

Has the retirement law accomplished the important purposes of relieving the Government service of old and worn-out workers, and of providing the simple comforts of life for these workers when they are forced to retire? All the evidence before us shows that it has not. And that is why Congress is now making an effort to amend the law, so that it may reasonably achieve the worthy purposes sought when the original law was enacted. Let us briefly examine the causes of this failure, in order that we may better understand what is needed to correct the situation.

The principal reason, in my opinion, why the law has failed to fully accomplish the desired result is because of the amount of annuity paid. The original law of 1920 provided for a maximum of $720 a year. This was in effect until July 3, 1926, when the act was amended to provide a maximum annuity of $1,000. But these figures are misleading for the reason that less than 20 per cent of those on the retired roll receive the maximum of $1,000 per annum. The actual average annuity received by those on the retired roll is much below that figure. The following table shows what the average has been at the end of each fiscal year since the law has been in operation:

Fiscal year ending—	
June 30, 1921	$568.44
June 30, 1922	564.48
June 30, 1923	551.64
June 30, 1924	546.30
June 30, 1925	544.64
June 30, 1926	545.57
June 30, 1927	721.00

In other words, when the law provided a maximum of $720 a year, the actual average received by the retired employees was only $545. Now, under the present law with a maximum of $1,000, the average annuity paid is $721, or only $60 a month. Obviously no Government worker is going to retire and try to exist on this pittance, if he can get the Civil Service Commission and the head of his department to approve his continuance in the service. Naturally, if the head of a department has a spark of humanity in his breast, he is not going to throw out an old and faithful employee to struggle along on an annuity of $60 a month, or less, if the employee can still perform his work, after a fashion, in the Government service.

Hence the retirement law because of the low amount of annuity paid, up to the present time, has failed to relieve the Government service of superannuated employees to the extent desired. This is evidenced by the fact that 5,479 employees who were past the retirement age fixed for their respective groups were on extensions on June 30, 1927. From the time the law went into effect until June 30, 1927, 9,530 employees reaching retirement age have been granted a two-year extension; and during that same period 3,271 have been granted two two-year (four years) extensions beyond the retirement age. These extensions apply to all, the 62-year group, the 65-year group and the 70-year group. Nor are the extensions limited to four years. Up to May 15, 1928, 1,308 employees had received third continuances in the service, meaning that they are working six years beyond retirement age. Four hundred and eighteen employees have received four extensions of two years each, while a few are now on their fifth extension. And after August of this year, there will be many more in the third, fourth and fifth extension groups, owing to the fact that many received their first extension when the law went into effect August 20, 1920.

Until August 20, 1930, the law puts no limit on the number of continuances an employee may receive after reaching retirement age. After that date, however, extensions of service are limited to four years in two two-year periods. Thus when the original law was enacted, Congress provided a period of 10 years when there was no limit on continuances and making

it possible for an employee to work far beyond his retirement age. It is only reasonable to assume that those who were responsible for the enactment of the original retirement law in 1920 provided for this 10-year period with the thought that in the meantime Congress would amend the law so that a Government worker reaching the age fixed in the law could retire on an annuity sufficient to provide against want in the declining years of his life. This 10-year period is nearly at an end; and it is the duty of Congress to take action so that the law may accomplish its logical purpose of relieving the Government service of superannuation, and at the same time deal justly and fairly with the old workers who must step out, by providing an annuity which will insure reasonable comforts during the few remaining years of their life.

One step was taken in this direction when, on July 3, 1926, Congress amended the retirement law to provide a maximum annuity of $1,000, under which those now retired receive an average of about $721 per annum. The time has arrived when we should take the next step of providing a maximum of $1,200. Even with that maximum, under the bill now before Congress the average annuity will be less than $900. No stronger appeal should be needed for the proposed amendments to the retirement law than our sense of justice and decency in providing for those who have retired or will soon retire after a life of service to their Government. At the best the annuity proposed in this bill will provide only for the urgent necessities of life under present conditions. As it is now under existing law, retirement too often does not mean relief from toil for the aged, but merely that they must step out of a Government position for which they are fitted, if able to work at all, and go out into the world to seek some other sort of employment to supplement the meager annuity received under present conditions. And they can not always find such work, even if they are capable of a few years more of toil.

The situation now is quite similar to that existing on April 5, 1926, when the House Civil Service Committee reported a retirement bill (H. R. 7) providing for a maximum annuity of $1,200, with optional retirement, after 30 years of service, at certain specified ages for each group. In submitting the report on that bill Chairman LEHLBACH concisely and forcefully summed up the situation regarding retirement legislation; and it applies with equal force and logic to the present retirement bill before Congress. He stated:

> The Government is committed to the policy of retirement. Whatever the cost may be, it must be met. The evidence demonstrates that the existing plan is inadequate to secure both to the employees and to the Government the full measure of anticipated benefits. Hence the Government is not receiving full value for its money. By enacting into law the provisions of this bill the present deficiencies will substantially be corrected and the additional expenditure will make productive the total cost. This is true economy. This question must be met. Postponement will merely result in more widespread and intense insistence upon a reformation of the system. Nothing is ever settled until it is settled right. The wise course is to settle the retirement problem now and thereupon insist that it stay settled.

The best illustration of the need of an amendment to the present retirement act can be found in the statement made in support of the amendment by Henry H. Strickland, secretary of the Railway Mail Association:

> The number of railway postal clerks on the retired roll on June 30, 1927, was 1,132 out of a personnel of 20,550 in the Railway Mail Service. The percentage of retirements among this group of employees is higher than in any other branch of the Government service, due to the strenuous character of their work. A railway mail clerk stands on the swaying floor of a rapidly moving mail car and works continuously from 12 to 16 hours without rest. It is work that calls for extreme physical endurance and requires mental alertness at all times in the rapid distribution and dispatch of the mails en route. A railway mail clerk is always fighting against time; making every effort to complete the distribution of the mail before reaching the terminal of his run, in order that it may be dispatched to connecting trains without delay.
>
> Because of the strenuous and hazardous nature of their employment, the retirement age of railway mail clerks was fixed at 62 years of age, three years lower than other groups of postal workers. Not only does the nature of the work cause a high percentage of retirements for age but the percentage of disability retirements are also higher than in any other group of Government employees. Approximately 260 railway mail clerks have been retired on account of total disability since the retirement law become effective in August, 1920. Under conditions of this kind, it is obvious why railway mail clerks are in need of an amendment to the retirement law that will permit them to retire after 30 years of service, even if they can not exercise this option until they reach the age of 60.

BENEFIT TO FARMERS IN MUSCLE SHOALS BILL

Mr. McSWAIN. Mr. Speaker, two groups in the House seem confused about the bill just adopted by both the Senate and the House after conference, relating to Muscle Shoals. Those that have had primarily in mind the object of protecting the fertilizer industry seem to fear that subsection "e" of section 5 as the same passed the House, will make it possible for the corporation to manufacture a "complete fertilizer." They derive this fear from the language to the effect that nitrogen to be manufactured shall be "in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops." They fear that these words "in combination with such other ingredients" will authorize the corporation to combine the nitrogen produced with phosphoric acid and with potash and thus have a complete fertilizer. I respectively submit that the language, in view of the history of the legislation and in view of the other language in the bill, should not be given such broad interpretation. The House adopted the amendments offered by the gentleman from South Carolina [Mr. McMILLAN], striking out the authority to manufacture fertilizers and striking out the authority to construct a fertilizer factory to manufacture phosphoric acid. When the bill went to the conference, as the Norris bill had authority to manufacture fertilizers, the conferees included in their first report authority to manufacture fertilizers.

It was in the power of the conference to do this under the rules. But when the matter came up before the Senate when it came to consider the conference report, it became manifest that the Senate would probably take the House view and would refuse to approve the conference report because it retained the power to manufacture a complete fertilizer. Therefore a motion was made by the proponents of the bill to recommit the same to conference, and upon such conference the authority to manufacture fertilizers as such for sale to the public was stricken out and the bill confined to the fixation of atmospheric nitrogen.

Mr. Speaker, the language "in combination with such other ingredients" does not necessarily mean in combination with other plant foods. Nitrates are a most important and highly valuable plant food, but power or highly concentrated nitrates would not be useful and serviceable to practical farmers. It is necessary that such highly concentrated nitrates should, as it were, be "diluted," and should be combined with other chemical elements used as "carriers" to which the nitrates are "fixed." For instance, nitrate of soda as it comes to this country, is suitable and available for practical use by the farmers in application to the soil and crops. It is true that most frequently it is combined by mixing the same with phosphoric acid and potash. But it is possible to use the same separately and independently of the other two mentioned. In the case of Chilean nitrates, the nitrates are "fixed" to sodium. It is chemically called "sodium nitrate." It is also fixed and combined with certain other minerals, because Chilean nitrates are only about 15 per cent pure nitrogen. In the case of cyanamide, which is about 24 per cent pure nitrogen, the nitrogen is fixed to and in combination with calcium, which is the base of limestone.

Chemists will tell you that numerous other minerals may be used as carriers to which the nitrates may be "fixed," and the corporation will adopt just such carriers as appears most practicable for that purpose. Consequently, the language "in combination with such other ingredients" is obliged to mean in combination with such other minerals as under the circumstances will constitute a useful and beneficial "carrier," so as to make the "nitrates available" when mixed with the soil and placed near the plants.

Mr. Speaker, in this connection I wish to give credit to the services rendered by the gentleman from South Carolina [Mr. McMILLAN] in connection with this matter. It was upon his motion that the word "fertilizers" was originally stricken from the bill, and many seemed to think at the time that such action was fatal to the project to use Muscle Shoals power for the benefit of agriculture. But I never thought so, and stated to the friends of the bill that, in my judgment, the motion of Mr. McMILLAN, in view of the numerous forces fighting the bill, might ultimately prove useful in the final passage of the bill. It is now manifest that if the bill could have passed the House as reported by the committee it probably never could have passed the Senate. Furthermore, after the adoption of the amendments offered by Mr. McMILLAN, he generously supported the bill in every other respect and urged and appealed to his friends to support it. Then, when the conference report came up for consideration to-day, Mr. McMILLAN spoke en-

thusiastically for the bill as reported by the conference. It is manifest to anyone understanding the true situation that the power given to the Muscle Shoals corporation to manufacture nitrates will not prove harmful in the least to the fertilizer manufacturers in this country and may indirectly prove beneficial to them.

The reason is this: The fertilizer manufacturers do not manufacture nitrogen but buy the greater part of the same from Chile and buy the rest either from Canada or from the small producers of sulphate of ammonia in this country. The fish scrap and meat trimmings are relatively insignificant.

Mr. Speaker, the net result of this bill is to help set free the American people from the monopoly that Chile has upon the natural resources of nitrogen. We are annually paying a direct tribute in the form of an export duty of nearly $9,000,000 to the Chilean Government. We are paying over $40,000,000 a year to the producers and shippers of Chilean nitrates. We almost entirely depend upon Chilean nitrates for our ammunition in the event of war. We could not afford to continue thus dependent. For that reason the Government established the great nitrogen fixing plant at Muscle Shoals. That plant can fix perhaps 50,000 tons of pure nitrogen every year, and the cost will be not over 6 cents a pound. We are now paying Chile about $60 a ton for nitrate of soda, which is about 15 per cent pure nitrogen. That means that we pay $60 for about 300 pounds of nitrogen, and that means we are paying about 20 cents a pound. The American Cyanamid Co. is fixing nitrogen at Niagara Falls at about 6 cents a pound. We can fix nitrogen at Muscle Shoals certainly as cheap as 6 cents a pound and perhaps less. If we succeed in fixing it at 5 cents a pound, then our nitrogen will cost us just one-fourth of what we are now paying for same. In other words, instead of paying to the Chilean Government and Chilean producers and shippers about $50,000,000 a year for nitrates, we can get the same at Muscle Shoals for about $12,500,000, or a saving to the American farmer of about $37,500,000. But in addition to that we will save perhaps $15,000,000 more in freight, and thus a total saving of $50,000,000 a year to the American farmers is worth while.

BENEFITS TO FARMERS

Mr. Speaker, the necessity for taking some action at Muscle Shoals is imperative. Talk about economy and common sense, the present condition of affairs at Muscle Shoals is a huge waste and a foolish mismanagement. The reports for the last few months show that the Alabama Power Co. took less than 10 per cent of the available power at the Wilson Dam. The other 90 per cent of the power was worth at the contract price about $8,000 per day. If we could get a reasonable and fair contract price, which should be twice as much as the Alabama Power Co. now pays, then our net revenues from the power being generated at Muscle Shoals would be over $3,000,000 a year. However, the net revenue last year was less than $1,000,000. Hence under the present condition of affairs at Muscle Shoals, we are losing $2,000,000 a year, the farmers are losing $50,000,000 a year on the costs of fertilizers, and the national defense is imperiled and endangered by having the source of our ammunition 6,000 miles away, separated by an ocean on which hostile fleets float, and connected by the Panama Canal, whose locks might be destroyed by a few bombs dropped by an enemy airplane.

Mr. Speaker, I am sure the farmers will derive great benefit from this bill if the President will approve it, or if he should veto it, if we shall be able to pass it over his veto. However, the key to the situation will be in the appointment by the President of the three directors and in the confirmation of those directors by the Senate. But assuming that nitrates shall be manufactured to the limit of the capacity of the plant at a cost of even 6 or 7 cents a pound, pure nitrogen, I am sure that it will prove a saving of forty or fifty million dollars a year to the farmers.

It has been contended by some persons in objection to the bill that the fertilizer manufacturers only will derive any advantage from this bill, because, it is said, they alone will be able to buy and handle the nitrates manufactured at Muscle Shoals and that they will combine these nitrates with phosphoric acid manufactured by themselves and with potash imported from Germany and that they will continue to charge the farmers a price for these finished and complete fertilizers made by agreement among themselves. But, Mr. Speaker, I do not believe that that is possible, and I do not believe that any such result can follow. I have been assured and still believe it to be true that if the $5 a ton tariff duty on sulphate of ammonia should be removed by eliminating that item in the tariff law, that the farmers would get the direct benefit of same. Furthermore, there is certainly enough competition among manufacturers of fertilizers to insure that the price of finished fertilizers will be reduced on account of the reduced cost of nitrates. The fertilizer manufacturers know that the farmers will know the price that they are paying for nitrates. The farmers also know what potash and phosphoric acid cost. Therefore, the farmers can easily tell whether or not the manufacturers are charging a reasonable price as a result of the reduced cost of nitrates. Furthermore, some of the fertilizer manufacturers are bound to compete for business against other manufacturers and will be bound to reduce the price in order to get more trade, and they can afford to reduce the price considerably on account of the reduced cost of nitrates.

But Mr. Speaker, the greatest benefit to the farmer is the fact that he can buy the nitrates himself. The bill as it passed the House provided that the nitrates should be sold first to the farmers, giving the farmers the preference, and then to farmers cooperative associations, and then to States and counties for resale to farmers, and those groups being satisfied, might sell to fertilizer manufacturers, mixers, and merchants. But the farmer that is able to buy a carload of nitrates at Muscle Shoals which will be equal to two carloads of Chilean nitrates, and will be equal to three carloads of ordinary furnished fertilizers, can buy such nitrates for use by himself on his own farm. Furthermore, groups of farmers can combine and buy a carload for their own use. Furthermore, States and counties can do as the State of South Carolina now does, buy many carloads of fertilizer ingredients and mix them and resell them to farmers at cost. Thus, the American Nation for purposes of national defense, and the American farmers will get rid of the monopoly of the Chilean Government and the Chilean producers. That monopoly has been hanging like a millstone around the necks of the American farmers. Furthermore, if the President signs the bill, and if Congress appropriates the money to build the dam at Cove Creek, the power at Muscle Shoals will be doubled, and thus the ability to turn out nitrates can be doubled without prohibitive cost. Furthermore, there will be still vast quantities of power for distribution among the neighboring States, and some of the power can and probably will be distributed through the power systems, and thus affect the power supply in several of the South Atlantic States. Thus, this great development at Muscle Shoals will prove a blessing to the whole southeast section of our Nation.

BENEFITS TO TENNESSEE

But, Mr. Speaker, that State which will receive the most direct and immediate benefits from this bill will be the State of Tennessee. Senators from Tennessee and several of the Representatives in the House have vigorously fought the bill because it contains the provision to build the great reservoir at Cove Creek. It is denied by them that the Government has the right to build that reservoir. I submit that such proposition can not be sustained. The Federal Constitution and laws made in pursuance thereof are supreme in every State, and the Federal Government need not ask the permission of a State to exercise that power in a State. Now, undoubtedly, the Federal Government has a right to increase the efficiency of its national defense project at Muscle Shoals by building the Cove Creek Dam. Undoubtedly the Federal Government has the right, under the exercise of the interstate commerce clause of the Constitution, to improve navigation in the Tennessee River. Undoubtedly the Federal Government itself must decide upon the manner and means by which it will improve such navigation. If the Federal Government decides that to build the Cove Creek Reservoir will be a benefit to navigation in the Tennessee River and in the Clinch River there is no constitutional power in the State of Tennessee to deny it and to prevent it. Furthermore, undoubtedly the Federal Government has the right and duty to exercise flood control as an incident to the control of interstate commerce. Excessive floods on the one hand, and excessive low water on the other, seriously impede interstate commerce on navigable rivers. The high waters prevent navigation and destroy the boats, barges, locks, and wharves, which are the instruments of navigation. Furthermore, the low water makes navigation impossible. Therefore, to impound the waters and release them gradually, thus rendering the volume of water more uniform, is a great aid to navigation.

Now, these are all exercises of Federal power, and the Federal Government must decide when and how and in what manner it will exercise such power. Therefore the oft-repeated statement that the Federal Government has no power to go into a State over the protest of its representatives in Congress in order to exercise a Federal power, such as is to be exercised here, is contrary to our constitutional system.

Mr. Speaker, let me illustrate just the point at issue in this case so far as the State of Tennessee is concerned. Suppose it should be adjudged by the Federal Government, either by

Congress or by any executive department, that the establishment of a great navy yard near the mouth of the Mississippi River was essential to the national defense. Suppose this navy yard involved the use of the waters of the Mississippi River, though still permitting interstate commerce to pass and repass. Suppose the State of Louisiana should say: "You shall not build this navy yard within my borders unless you agree that the same shall be subject to taxation and that I shall have joint control over the waters of the river and that at some time in the future you will surrender that navy yard to me." That would be a parallel case. Suppose, again, that the proper agency of the Federal Government decided that a magnificent fortress and munition factory and arsenal should be built in the State of Pennsylvania on and by the waters of either the Susquehanna River or the Delaware River. Suppose the State of Pennsylvania should say: "You shall not build this fortification for the national defense and this munition factory in order to make the fortification serviceable and this arsenal in order to use the munitions unless you agree to pay taxes on the property and to permit a joint control of the waters of the river alongside of your establishment and agree that at the end of a fixed time the title of the whole project shall pass to the State of Pennsylvania." The case is parallel.

The Federal Government decides, so far as Congress is concerned, that the Cove Creek Dam is essential to both the national defense and to interstate commerce, and the State of Tennessee can not raise its prohibitive finger and prevent the exercise of a Federal power conferred by the Constitution. That question was settled when the State of Tennessee entered the Federal Government, and accepted the Constitution with its supremacy, and agreed that the Federal Government should be the agent of the people of Tennessee as well as the agent of the people of all the States for promoting the national defense and of regulating interstate commerce.

But, Mr. Speaker, it is argued that for the Federal Government to build the Cove Creek Dam and to inundate about 85 square miles of land, to condemn homes and churches and cemeteries, to overflow roads and railroads and require their relocation is in excess of the powers of the Federal Government. It must be remembered, however, Mr. Speaker, that the Federal Government will pay for the land that it overflows, and will doubtless pay well for same. The right of eminent domain exists and must exist in every government. The Federal Government has the right of eminent domain in order to execute its constitutional powers. However, the very persons that raised this protest against inundating homes and creating a great inland lake admit that the dam should be built by some one, and admit that it will be a great blessing to the State and people of Tennessee when it is built. It is furthermore admitted that the State of Tennessee itself will never build this dam. Therefore, unless the Federal Government builds it, it must be built by some private corporation. If it is built by some private corporation, then the State of Tennessee must lend to that private corporation its governmental power of eminent domain in order to acquire title by condemnation to the land that will be overflowed by the waters.

When this private corporation builds the dam and overflows the land, then it will still be the same 85 square miles of water, overflowing the same homes and the same churches and the same cemeteries and the same roads and the same railroads. The private corporation will exercise the same ruthless power over the property rights of the individual that the Federal Government will exercise. The private corporation must pay the property owners just as the Federal Government must pay them. Therefore I ask what difference does it make to the people of Tennessee and the people living within the area to be flooded by the reservoir whether that power is exercised by the Federal Government or by some private corporation operating for profit? If the people of Tennessee will pause for a moment to think they will realize that the Federal Government will treat them more generously than a private corporation will treat them. The able representatives of the State of Tennessee in Congress will be able to influence the Federal Government to exercise a very liberal and exceedingly generous treatment of property owners in the Cove Creek Reservoir area. Doubtless the Federal Government will pay more for the land than a private corporation would. The private corporation will be very economical, because it is private money and it must earn dividends for its stockholders. If the private corporation builds the Cove Creek Dam, then one ninety-fifth part of the whole area of the State of Tennessee will be the exclusive private property of that corporation for all time to come, and will be a private corporation owning a great inland lake. The citizens of Tennessee might find signs posted around that lake such as were posted around Reelfoot Lake in the same State about 30 years ago. The people of Tennessee will find that a private corporation will exercise monopolistic power in order to earn the greatest power from this reservoir. So, I repeat, that the people of Tennessee should pause and think and realize that those of her representatives that see the advantages to be derived by her from the construction of the Cove Creek Dam by the Federal Government are far superior to the advantages to be derived by its construction by a private corporation, are right.

Again, Mr. Speaker, the bill as it now stands requires no contribution from such persons as may build the seven dams that can be built on the Clinch River and the Tennessee River below the Cove Creek Dam. Those dams will be practically doubled in value. Therefore, if the Government builds the Cove Creek Dam, private capital will hurry to build the other seven dams below. The river will be made navigable at all seasons of the year. The bill requires no contribution from those who build the dams below, toward the expenses of building the Cove Creek Dam. Therefore, with navigation and millions of horsepower, the Tennessee River Valley will begin to develop immediately and will soon become a thriving and prosperous section—a beehive of industry from the Cove Creek Dam to the Alabama line, and extending back a distance of 100 miles on each side of the river.

Therefore, Mr. Speaker, the quickest way to have a wonderful wave of development along the Tennessee Valley is for the people of Tennessee to get behind this building of Cove Creek Dam by the Federal Government. If the President should veto the bill, let the people of Tennessee pass resolutions calling upon both Houses of Congress to override the President's veto, so that this great development in Tennessee may commence. The advantage to the people of Tennessee will be a thousand times more than the little taxes to be derived from the land as it now stands, or even from any private corporation that might build a dam. Because the private corporation will operate the dam selfishly for its own interests, and will compel, under the Federal water power act, those who build the dams lower down the river to contribute to the expenses of the Cove Creek Dam, this contribution will virtually offset the increase of power at those lower dams.

The result is that private capital will not be so much encouraged to build those lower dams. The result will be to greatly retard their building, and thus retard the development of the Tennessee River Valley. But if they get behind the Cove Creek project and this bill and help enact this bill into law, then the hum will soon be heard in the Tennessee River Valley. Lands will immediately begin to increase in value; industries will be seeking sites upon which to locate; mineral lands hitherto of little value will jump in price; inaccessible deposits of coal and of phosphate rock will immediately come into contact with the commerce of the world; phosphate rock will float upon the navigable waters of the river down to the Muscle Shoals plant, where private capital will be permitted and encouraged to manufacture phosphoric acid to mix with the Government-made nitrogen and sell to the farmers as cheap fertilizers. These industries in the Tennessee Valley will be worth to the people of Tennessee in a few years hundreds of millions of dollars. The State of Tennessee will tax all these industries and derive enormous revenue therefrom. So, by cooperation with the Federal Government, by encouraging the Federal Government to exercise its great constitutional powers of national defense and of improving navigable rivers, the people of Tennessee will hasten the coming of a glorious day of prosperity and wealth, long dreamed of but never before realized, and whose realization will be long delayed unless complete cooperation is had with the Federal Government in this great Cove Creek project.

Mr. Speaker, some Members of Congress have based their objection to the bill to make reasonable and proper use of the Muscle Shoals project upon the ground that under section 11 the rights of the States are invaded in that if the electric power be sold to any person, firm, or corporation engaged in the sale of electricity for profit, the corporation shall require such purchasing and selling utility company to agree that the retail price to the public shall be at a price not to exceed what is fixed as reasonable, just, and fair by the Federal Power Commission. It is forcibly and fairly argued that this provision is an invasion of the reserved powers of the States, and with that proposal I agree; and, if I thought that the provision were constitutional and could be enforced over the heads of the regulatory and rate-making bodies of the States, I too would vote against the bill on that ground. But I am convinced that the objectionable provision is unconstitutional, and will be so declared by the courts. It will be remembered that the bill reported to the House by the Committee on Military Affairs contains no such provision. When the Norris bill was referred to our committee it was quickly discerned that there was such a provision in it, and I made objection to the same

at that time on several grounds, and a brief extract from the hearings had before that committee and appearing at page 499, the hearing having been held on March 17, 1928, will show the position that I took.

Mr. McSWAIN. Exactly; but it is subject to a proviso that requires a contract on the part of the purchaser of the power, whether State or municipality, not to charge a rate in excess of what will be fixed by the Federal Power Commission. In my judgment, under the circumstances, expressed by Mr. QUIN, the Supreme Court will hold this unconstitutional and void, as in violation of the fourteenth amendment, as denying to the power companies the right to equal protection of the laws, and will upset all of that paragraph.

Senator NORRIS. I have never yet heard its constitutionality questioned. I can not understand what there is about it that is unconstitutional. We have the property; we have the electricity, and we authorize the Secretary of War to sell it under the conditions named in the law. What is wrong?

Mr. McSWAIN. Here is the argument. Suppose he sells it and imposes a condition, and then the buyer goes to retail the power at a rate lower than the Alabama Power Co. is now selling it for and in direct competition with that company. The Alabama Power Co. will come in and say that that is an unequal exercise of governmental power, which deprives it of this horsepower without due process of law, and denies it equal protection of the law of the Federal Government, under the fourteenth amendment, and it is therefore null and void.

The proviso having gone out, the power to exercise—to make a contract—goes with it. The contract must be exercised subject to the proviso.

I believe that this objectionable feature in the bill will defeat the very purpose of those who have advocated it. It was eloquently and enthusiastically advocated by some Members from the near-by States within transmission distance of the Muscle Shoals plant that this provision should be in the law in order to protect the people of those States from the excessive and unreasonable charges that such corporations as the Alabama Power Co. might fix for their service and electric power. The implication from the argument was that the public utility commissions of some of those States are subservient to the Power Trust, or, at least, to certain power companies operating within their respective States. Of course, that is a matter that I know nothing about, but upon general principles I am opposed to conferring power upon any Federal body to regulate rates and other matters within a State. If the State utility commissions are now subservient, it is within the power of the people of the States to change the personnel of these bodies.

I prefer to have my rights passed upon by agencies and officers of the State rather than by some bureau in Washington. The personnel of the bureau in Washington is nonelective and in fact enjoys a virtual life tenure. Of course, the power commission is nominally made up of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. But these gentlemen have so many other duties that they are mere nominal commissioners, and we all know that the actual work and decisions are controlled by an executive director, a single person. This same person has held the office of executive director since the establishment of the commission after the passage of the law itself on June 10, 1920. Those that expect relief from any rate fixing by the Federal Power Commission are thus exchanging their own State commissions, made up of three or more persons, either elected by the people of the States or elected by the State legislatures, or appointed by the governors, subject to removal, for a commission in Washington made up of three Cabinet members, all too busy to see after details, and therefore everything is left to a single continuing executive officer. It seems to me that the chances are altogether in favor of fairer rates and better prices for the people when appealing to their several State rate-making bodies. Furthermore, the chances are that the rates prescribed by the Federal Power Commission will be higher than those fixed by the State utility commissions. At any rate, I think that the provision is utterly vain, useless, and may be harmful. But, believing the objectionable clause to be unconstitutional, I could support the bill as a whole, due to its other highly important, and in fact, imperative features.

We are so urgently in need of an abundant domestic supply of nitrates for both national defense and for agriculture that I was constrained to approve the bill as amended and as reported to the House by the conferees. Legislation is a compromise and no single legislator can get everything that he wants, and in order to get part of what he wants, he ofttimes must accept something that he does not want. If a legislator occupies a purely negative attitude, always seeking for and finding some excuse to vote against a measure, he will never be able to accomplish any constructive service for his constituents and his country.

Again, Mr. Speaker, it has been strenuously and earnestly argued that the provision authorizing the construction by the United States of the Cove Creek Dam for the promotion of national defense and in aid of navigation and flood control would be a contravention of the policy set out in the Federal water power act of June 10, 1920. It is insisted that said Federal water power act recognizes a joint interest and joint control as between the Federal Government and the State Government, through whose borders the navigable stream passes. It is true that under the Federal water power act if a private corporation desires to build a power dam in and across a navigable stream, it must first obtain the preliminary permit and then the license of the Federal Power Commission, and, that being obtained, it must next obtain the permission and authority of the States. This permission of the State is necessary for several reasons. First, the corporation itself must either be chartered by the State, or if it be a foreign corporation, it must receive the permit of the State to do business within its borders.

In the next place, it must recognize that the State itself has a certain interest in the stream and that the State and the citizens of the State have the right to use the stream as a means of transportation. Furthermore, if the corporation must exercise the power of condemnation, and it is practically certain that no power development could ever be made without the right of condemnation on the part of the power company, it is necessary that the State lend to such corporation the right to exercise its own power of eminent domain. But it must not be overlooked that we have here been dealing with the improvement and development by a private corporation of a power property in a navigable stream and within a State.

But Mr. Speaker, when the Federal Government itself comes to deal with the development and improvement of a navigable stream, for the execution of its own constitutional functions, it need not consult the State. If it must consult the State, then the State might refuse its consent, and if the State could refuse its consent to the Federal Government to exercise its constitutional powers, the State might completely paralyze and thus destroy the Federal Government. The Federal water power act itself recognizes such a project as is contemplated by the dam to be constructed at Cove Creek. The following definition is given in the Federal water power act:

"Government dam" means a dam or other work constructed or owned by the United States for Government purposes with or without contribution from others.

Again anticipating just such a situation as has arisen at Cove Creek in Tennessee, the Federal water power act contains the following provision in subsection D of section 4:

Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further,* That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto.

Again the Federal water power act contemplates the construction of reservoirs by the Federal Government and contains the following right of assessment against any person that might construct a dam below such reservoir and that might be benefited thereby:

Whenever such reservoir or other improvement is constructed by the United States the commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States, to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 17 hereof.

Fortunately for the State of Tennessee the bill as the same passed Congress does not require any contribution by any of the seven dams that may be built below Cove Creek (and all would be doubled in value thereby) to contribute anything to the cost of building Cove Creek Dam. The reason for this is that it is the duty of the Federal Government to improve navigation and to exercise flood control. Therefore it is proposed by the bill that passed Congress to charge up the total cost of constructing the Cove Creek Dam to flood control and navigation and to such benefits as the Government dams at Wilson Dam and at Dam No. 3, when built, would receive, and to give the seven owners of the dams below Cove Creek the benefit and advantage of such improvement in the power to be developed at such dams and not to charge to the owners

of such dams any cost of contribution whatsoever. That is an enormous advantage to the State of Tennessee.

Consequently the proposition that there was contemplated a joint authority to license and a joint control as between both the Federal Government and the State government when the Federal Government itself constructs the dam or reservoir for public purposes is unwarranted and unfounded in either the Constitution itself or in the Federal water power act.

MONUMENT TO ALBERT GALLATIN

Mr. CELLER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

MAY 17, 1928.

To the EDITOR:

The last Congress authorized the erection of a monument to Albert Gallatin at the north entrance of the Treasury Building. Ten thousand dollars was appropriated for the pedestal, but the statue was to be paid out of a fund to be raised by public subscription.

The passage of the bill was hailed with delight. I, personally, argued for its favorable consideration on the floor of the House. At last Gallatin, great Secretary of the Treasury, under Presidents Jefferson and Madison, was to come into his own. A grateful country was to give well-deserved honor to the memory of her adopted son—"adopted" because Gallatin had been born in Switzerland. He was a "citizen by choice." Alexander Hamilton, another great Secretary of the Treasury, another "citizen by choice" because of his birth in the West Indies, had already been signally honored by the erection of a statue at the south entrance. Gallatin, at the north entrance of the Treasury Building, was to be a companion piece.

How fitting it is that these two statesmen, although opposed in political principle and doctrine but who nevertheless united to place the financial credit of the Union upon the strongest basis, should now be remembered by memorials, each gracing the opposite entrances of the famous building housing the department in which they rendered yeoman service! Even so, England has honored Fox and Pitt as they rest side by side in Westminster Abbey. Senator WALSH pointed out that they lie so close that it has been beautifully said:

"The mighty chiefs sleep side by side.
Drop upon Fox's grave the tear—
'Twill trickle on his rival's bier."

But almost a year has gone by since the passage of the Gallatin resolution. Popular subscription has not brought forth the money for the monument. It seems as though the passage of the bill were a mere "Beau Geste."

No great public interest has been aroused, although Mr. Perry Belmont tried earnestly to interest certain people in the project. He now heads the list of subscriptions with $1,000. Frazier, who sculptured the Hamilton Monument, has now been tentatively selected for the Gallatin figure.

Of course, Gallatin's fame does not bite into our history like Hamilton's. He did not meet an untimely death by fighting a duel with Burr. That duel has made Hamilton a sort of legendary character, but Gallatin's achievements are as worthy as Hamilton's. He held the portfolio of the Treasury longer than any other man. He fashioned the financial policy of the young Government for 12 years, for the two terms of Jefferson and for the first term of Madison, and well into the second. It was his ingenuity and skill that prevented financial chaos during the War of 1812. He had been a Member of Congress and later a United States Senator, and was among the first to advocate the abolition of slavery.

He also achieved greatness in the field of diplomacy, where he remained for 16 years, even during the administration of John Quincy Adams, to whom he was opposed politically. In the thirteenth year of his service in the Cabinet as Secretary of the Treasury, Madison sent him to St. Petersburg to enlist the interest of the Czar in connection with peace with Great Britain. His mission ended with the treaty of Ghent. He became minister to France and then minister to Great Britain. He later became a successful banker and founded the National City Bank of New York. When he was 80 years of age he was again offered the office of Secretary of the Treasury. In 1830 he became one of the prime movers in the establishment of what was then known as the University of the City of New York, now New York University. A year later he became its first president.

We are indeed ungrateful if we do not erect the monument that Congress authorized. We are prone to castigate public characters, living and dead, for their errors. Here is an opportunity to honor a real peace-time hero, a statesman to the nth degree, whose life was dedicated to his country's service.

The statute will cost $40,000, $20,000 of which is to be raised in New York and $20,000 in Pennsylvania. I ask all patriotic New Yorkers to contribute.

Grover Cleveland, I believe, said of monuments erected to certain men, that he would rather have it said, "Why was not a statue erected to him?" than "Why was a statue erected to him?" A statue to Gallatin will never be questioned. It will always be applauded.

Contributions should be sent to Col. Thomas H. Birch, 6 East Seventy-sixth Street, New York City, or to my office, room 466 A, House Office Building, Washington, D. C.

Representative EMANUEL CELLER,
Tenth Congressional District, Brooklyn, N. Y.

ARMY HOUSING PROGRAM

Mr. JAMES. Mr. Speaker, during the first session of the Seventieth Congress, which is coming to a conclusion to-day, the Army housing program has been carried forward in what I think we should all consider a highly satisfactory manner. The bills H. R. 13825 and H. R. 11469, which have just passed the House, carry an authorization for a total of $14,809,260. This amount, together with other authorizations passed during the present session and already approved by the President, provides housing for the following personnel of the Army:

Officers	941
Noncommissioned officers	1,160
Enlisted men	9,877
Patients in hospitals	664
Nurses	264

Including the amount which is carried in these bills—which now go to the Senate for action—Congress has authorized since the beginning of the present Army housing program, in March of 1926, a total of $53,026,285 for Army housing construction. Of this amount, $20,839,975 has already been appropriated by Congress. The Secretary of War has been authorized to enter into contracts for an additional $4,585,100. Of the remainder, $12,791,950 has been authorized and is awaiting appropriation, and of the balance $14,200,260 is in H. R. 13825 and $609,000 is in H. R. 11469. Both of the last bills have just passed the House.

This $53,026,285 will provide housing for the following Army personnel:

Officers	1,190
Noncommissioned officers	1,355
Enlisted men	25,413
Patients in hospitals	1,897
Nurses	311

The above statement indicates that the money so far authorized has been for the purpose of providing quarters and hospital accommodations for the officers and enlisted men of the Army and their families, and it will readily be seen that splendid progress is being made in this work. Until these needs for quarters are very fully met, little or no progress can be made with those features of the Army housing program which include stables, warehouses, administration buildings, school buildings, and other necessary structures and buildings that go to make up an Army post.

It is interesting to note that the money included in the above authorizations has been distributed to meet the needs at 53 Army posts, including stations, not only in all parts of the United States but in Porto Rico, the Canal Zone, and Hawaii. Just what has been done for each one of these 53 stations is found in the following detailed statement for each post.

1. ALBROOK FIELD, CANAL ZONE

The following amounts are provided for this station:

Barracks to accommodate 650 enlisted men	$560,000
Quarters to accommodate 90 noncommissioned officers	539,000
Quarters to accommodate 70 officers	778,000
Dispensary	30,000

This is a new flying field which is being developed on the Pacific side of the Canal Zone, and it will be the station of a wing headquarters and a pursuit group.

2. CORUNDU, CANAL ZONE

The following amounts are provided for this station:

Barracks to accommodate 500 enlisted men	$357,500

This is also a new station in the Canal Zone which will be garrisoned by troops of the Field Artillery.

3. FRANCE FIELD, CANAL ZONE

The following amounts are provided for this station:

Barracks to accommodate 370 enlisted men	$360,000
Quarters to accommodate 57 noncommissioned officers	390,000
Quarters to accommodate 50 officers	500,200
Dispensary	30,000

France Field is on the Atlantic side of the Canal Zone and is being completed under the five-year Air Corps program. This station is now partially developed, but there is a shortage of quarters for officers and noncommissioned officers. The amounts herein authorized will provide permanent barracks for the enlisted men assigned to this station.

4. FORT KAMEHAMEHA, HAWAIIAN DEPARTMENT

The following amounts are provided for this station:

Barracks to accommodate 65 enlisted men	$35,000

The permanent quarters at this station prior to the inauguration of the Army housing program accommodated:

Enlisted men	1,061
Noncommissioned officers	29
Officers	40

This station is the headquarters of the harbor defenses of Pearl Harbor, and is garrisoned primarily by troops of the Coast Artillery Corps. It is on land near this post where a new flying field will be developed under the five-year Air Corps program. The authority to acquire the land for this flying field was contained in a bill which recently passed Congress.

5. SCHOFIELD BARRACKS, HAWAIIAN DEPARTMENT

The following amounts are provided for this station:

Barracks to accommodate 1,150 enlisted men	$830,000
Quarters to accommodate 43 noncommissioned officers	172,000
Quarters to accommodate 27 officers	300,000
Hospital of 400 beds	900,000
Quarters to accommodate 28 nurses	65,000

Schofield Barracks is one of the largest posts in the Army, and is the station of the Hawaiian Division, which is composed of troops of all arms of the line of the Army. The permanent quarters which existed at this station prior to the inauguration of the Army housing program accommodated:

Enlisted men	7,000
Noncommissioned officers	38
Officers	275

6. WHEELER FIELD, HAWAIIAN DEPARTMENT

The following amounts are provided for this station:

Barracks to accommodate 432 enlisted men	$504,000
Quarters to accommodate 88 noncommissioned officers	411,600
Quarters to accommodate 58 officers	816,000
Dispensary	40,000

This is a new flying field, and the above funds provide for the first permanent construction at this field. They are sufficient to complete the requirements for barracks, noncommissioned officers' quarters, and hospitalization for this station. An additional $458,000 is required to complete the housing program at this station. It was at Wheeler Field that Maitland and Hegenberger and the Dole flyers landed after their flight across the Pacific Ocean from Oakland, Calif. At that time the field was so limited in area that their plane could not have taken off with a proper degree of safety with a full load. This condition, however, will be rectified before the construction program at this field is completed. I arrived in Honolulu shortly after the completion of the Maitland flight, and I had the privilege of flying over the islands in that historic plane. It afforded me a wonderful opportunity to get a bird's-eye view of our defense system there.

7. SAN JUAN, PORTO RICO

The following amounts are provided for this station:

Barracks to accommodate 270 enlisted men	$20,000
Quarters to accommodate 5 noncommissioned officers	30,000
Quarters to accommodate 24 officers	240,000
Alteration of a hospital	10,000

Porto Rico is the station of the Sixty-fifth Infantry and some other auxiliary troops. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	1,006
Noncommissioned officers	4
Officers	6

The necessity for completing the housing requirements for officers and noncommissioned officers and their families in Porto Rico is very great, as it is in all of our other tropical possessions. Where it is hot the year around our people who are used to colder climates should be quartered in suitable and comfortable buildings. An additional $449,000 is still needed to complete the housing program in Porto Rico.

8. ABERDEEN PROVING GROUND, MARYLAND

The following amount is provided for this station:

Hospital to accommodate 12 patients	$60,000

This is the proving ground for the Ordnance Department of the Army. The garrison at this station consists of officers and enlisted men of the Ordnance Department and some of the auxiliary services.

The above amount will complete the hospital requirements for this station and make ample provision for the accommodation of the medical enlisted personnel, but an additional $294,500 is needed to complete the housing program.

9. ALCATRAZ ISLAND, CALIF.

The following amounts are provided for this station:

Complete the utility building	$15,000

This is the station of the Pacific branch of the United States disciplinary barracks. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	350
Noncommissioned officers	11
Officers	6

Approximately $201,500 is still needed to complete the housing program on this island.

10. FORT BENJAMIN HARRISON, IND.

The following amounts are provided for this station:

Quarters to accommodate 8 noncommissioned officers	$54,000
Service club	50,000
Barracks to accommodate 447 enlisted men	400,000

This is the station of the Eleventh Infantry and the Third Field Artillery and some troops of other branches. A school for bakers and cooks is also located at this station. The permanent quarters at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	900
Noncommissioned officers	8
Officers	48

11. FORT BENNING, GA.

The following amounts are provided for this station:

Barracks to accommodate 2,485 enlisted men	$1,490,000
102 sets of noncommissioned officers' quarters	656,000
38 sets of officers' quarters	484,000
Complete hospital for 250 patients	315,000
Quarters to accommodate 24 nurses	65,000
Dispensary	60,000

These amounts will complete the hospital requirements and the nurses' quarters. This is the station of the Infantry School, the largest special service school in the Army. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Noncommissioned officers	10
Officers	71
Patients in hospital	102

At Fort Benning I was very much impressed with how much the troops have done for themselves in the way of providing quarters for themselves in addition to those authorized by Coogress. In fact, during my 25,000-mile inspection trip I was forcibly struck by the fact that the Army is resourceful and the officers and men, as well as their families, have the happy faculty of making themselves comfortable even under the most adverse conditions.

12. FORT BLISS, TEX.

The following amounts are provided for this section:

Quarters to accommodate 75 noncommissioned officers	450,000

This is the station of the headquarters and a large part of the First Cavalary Division and various auxiliary troops. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated—

Enlisted men	1,132
Noncommissioned officers	8
Officers	110

13. BOLLING FIELD, WASHINGTON, D. C.

The following amounts are provided for this station:

Barracks to accommodate 300 enlisted men	$240,000

There is also carried in the bill which just passed the House an authorization of $666,000 to acquire real estate adjacent to Bolling Field for the necessary extension and development of this flying field. This is a new flying field and these funds will provide the first permanent construction at this post.

14. FORT BRAGG, N. C.

The following amounts are provided for this station:

Barracks to accommodate 1,440 enlisted men	$1,118,000
Quarters to accommodate 46 noncommissioned officers	291,000
Quarters to accommodate 56 officers	780,000
Quarters to accommodate 25 nurses	60,000
Hospital ward to accommodate 30 patients	100,000

This is a large training area for the Field Artillery and is the station of the headquarters of the Thirteenth Field Artillery Brigade as well as troops of some of the auxiliary arms of the service. It is a new station that is being developed since the World War. No permanent quarters existed at this station prior to the inauguration of the present Army housing program.

15. CARLISLE BARRACKS, PA.

The following amount is provided for this station:

Mess hall and kitchen	$110,000

Carlisle Barracks is the station of the Medical Field Service School and also of the First Medical Regiment. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated—

Enlisted men	449
Noncommissioned officers	2
Officers	36

An additional $330,000 will complete the housing program at this station.

16. CHANUTE FIELD, ILL.

The following amounts are provided for this station:

Barracks to accommodate 163 enlisted men	$150,000
Quarters to accommodate 5 officers	70,000

This is a new flying field, and these funds provide the first permanent construction at this post. This is the station of the Air Corps Technical School, and is one of the very important stations to be developed in carrying out the five-year Air Corps program. It is at this school where both officers and enlisted men are instructed in photography and various mechanical and electrical specialties.

17. CRISSY FIELD, CALIF.

The following amounts are provided for this station:

Barracks to accommodate 165 enlisted men	$158,400
Quarters to accommodate 20 noncommissioned officers	144,000
Quarters to accommodate 10 officers	150,000

Crissy Field is located at the Presidio of San Francisco, Calif., and is the station of the Third Division Air Service. The permanent quarters which existed at this post prior to the inauguration of the present Army housing program accommodated:

Enlisted men	160
Noncommissioned officers	11
Officers	25

Approximately $194,000 is still needed to complete the housing program at Crissy Field.

18. CAMP DEVENS, MASS.

The following amounts are provided for this station:

Barracks to accommodate 970 enlisted men	$800,000
Quarters to accommodate 21 noncommissioned officers	136,000
Quarters to accommodate 23 officers	314,000
Hospital of 105 beds	400,000

This is a new post, which is being developed since the World War. It is the station of the Thirteenth Infantry and troops of some of the auxiliary arms of the service, and is a large training center for civilian components of the Army. The above amounts will complete the requirements for barracks, noncommissioned officers' quarters, and hospitalization, but an additional $285,000 is needed to fully complete the housing program. No permanent quarters existed at this post prior to the inauguration of the present Army housing program.

19. FORT DOUGLAS, UTAH

The following amounts are provided for this station:

Quarters to accommodate 8 noncommissioned officers	$54,000
Quarters to accommodate 6 officers	75,000

These amounts will complete the requirements for noncommissioned officers and officers at this station and another $68,000 will complete the housing program. This is the station of the headquarters of the Sixth Infantry Brigade and some other troops of the auxiliary arms of the service. The permanent quarters which existed at this post prior to the inauguration of the present Army housing program accommodated:

Enlisted men	1,269
Noncommissioned officers	12
Officers	40

20. EDGEWOOD ARSENAL, MD.

The following amount is provided for this station:

Quarters to accommodate 10 officers	$90,000

This completes the requirements for officers' quarters at this post, and an additional $281,500 will complete the housing program. This is the station of the Chemical Warfare Depot, the Chemical Warfare Service School, and the headquarters of the First Gas Regiment, as well as some detachments of other branches of the service. The permanent quarters which existed at this post prior to the inauguration of the present Army housing program accommodated:

Officers	79
Noncommissioned officers	8
Patients in hospital	160

21. ERIE ORDNANCE DEPOT, OHIO

The following amounts are provided for this station:

Barracks to accommodate 50 enlisted men	$47,000
Hospital to accommodate 15 patients	75,000

This is an Ordnance Department post and adjoins Camp Perry, Ohio, and the hospital there is used for persons attending the national rifle matches and those attending training camps at Camp Perry. The permanent hospital accommodations must be such to permit of the treatment of the seriously sick and injured.

The above amounts will fully meet these requirements, but an additional $31,000 is needed to complete the housing program.

22. FORT HUMPHREYS, VA.

The following amounts are provided for this station:

Barracks to accommodate 935 enlisted men	$740,000
Quarters to accommodate 72 noncommissioned officers	454,000

These amounts will complete the requirements for barracks and noncommissioned officers' quarters at this post. This is a new post which is being developed since the World War. It is the station of the Engineer Special Service School. There was no permanent construction at this station prior to the inauguration of the present Army housing program. I might state, however, that semipermanent quarters for some officers exist at this station which will not require replacement for a number of years.

23. FORT JAY, N. Y.

The following amounts are provided for this station:

Hospital to accommodate 100 patients	$400,000
Barracks to accommodate 1,571 enlisted men	1,686,000

These amounts will complete the requirements for barracks and hospitalization at this post. This is the station of the headquarters of the Second Corps Area and the Sixteenth Infantry and some troops of the auxiliary arms. It is also the station of the United States Disciplinary Barracks. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Noncommissioned officers	46
Officers	100

24. LANGLEY FIELD, VA.

The following amounts are provided for this station:

Barracks to accommodate 798 enlisted men	$764,160
Quarters to accommodate 80 noncommissioned officers	516,000
Quarters to accommodate 32 officers	480,000
Hospital to accommodate 55 patients	175,000

The bill which has just passed the House also authorized $200,000 for the construction of a sea wall and fill. This is the station of the Air Corps Tactical School, second wing headquarters, Nineteenth Airship Company, Fifty-eighth Service Squadron, and the headquarters of the second bombardment group, as well as other special troops. The permanent quarters at this station will house:

Enlisted men	17
Noncommissioned officers	22
Officers	98

25. FORT LEAVENWORTH, KANS.

The following amounts are provided for this station:

Hospital ward to accommodate 22 patients	$75,000

This completes the requirements for hospitalization at this post, but an additional $312,300 is still needed to complete the housing program. Fort Leavenworth is the station of the Command and General Staff School and of certain special and technical troops. It is to the Command and General Staff School where officers of all branches of the Army are sent after completing the courses in their special service schools for instruction in the duties of the commanders and staff officers of the division and other large military organizations which are composed of troops of all arms. The permanent quarters which existed at this post prior to the inauguration of the present Army housing program accommodated:

Enlisted men	951
Noncommissioned officers	52
Officers	375

26. UNITED STATES DISCIPLINARY BARRACKS, FORT LEAVENWORTH, KANS.

The following amount is provided for this station:

Hospital to accommodate 140 patients	$125,000

This completes the housing program at this post. This is the station of the United States Disciplinary Barracks. The permanent quarters which existed at this post prior to the inauguration of the present Army housing program accommodated:

Enlisted men	485
Officers	30
Noncommissioned officers	46

27. FORT LEONARD WOOD, MD.

The following amounts are provided for this station:

Barracks to accommodate 1,242 enlisted men	$1,010,000
Quarters to accommodate 32 noncommissioned officers	200,000
Quarters to accommodate 34 officers	460,000
Hospital to accommodate 75 patients	300,000
Quarters to accommodate 17 nurses	40,000

This post was known as Camp Meade during and following the World War. Its name has recently been changed in honor

of the distinguished soldier who died only a short time ago. It it a new post which is being developed since the World War, and besides being the station of the Tank School and the headquarters of an Infantry brigade it is a large training area for civilian components of the Army. There were no permanent quarters at this station prior to the inauguration of the present Army housing program.

28. LETTERMAN GENERAL HOSPITAL, CALIF.

The following amounts are provided for this station:

Hospital ward to accommodate 174 patients	$200,000
Quarters to accommodate 18 nurses	70,000

This is the beginning of a development program for this general hospital. The permanent quarters which existed at this hospital prior to the inauguration of the present Army housing program accommodate:

Noncommissioned officers	6
Officers	9
Patients	750

29. FORT LEWIS, WASH.

The following amounts are provided for this station:

Barracks to accommodate 2,083 enlisted men	$1,650,000
Quarters to accommodate 30 noncommissioned officers	191,000
Quarters to accommodate 25 officers	337,000
Quarters to accommodate 9 nurses	32,000
Hospital to accommodate 87 patients	350,000

These amounts will complete the requirements for barracks, nurses' quarters, and hospitalization at this post. This is a new post and no permanent quarters existed there prior to the inauguration of the present Army housing program. This is the station of the headquarters of the Third Division and certain special and tactical troops. It is also a large training center for civilian components of the Army.

30. MARCH FIELD, CALIF.

The following amounts are provided for this station:

Barracks to accommodate 688 enlisted men	$550,000
Quarters to accommodate 39 noncommissioned officers	250,800
Quarters to accommodate 60 officers	750,000
Hospital to accommodate 45 patients	150,000

The above amounts will complete the requirements for barracks at this point. This is a new flying field which is being utilized temporarily as one part of the Primary Flying School for the Air Corps. Under existing plans this section of the Primary Flying School will ultimately be transferred to the new flying field at San Antonio, and March Field will then become a station for tactical units of the Air Corps and certain special and tactical troops. There were no permanent quarters at this station prior to the inauguration of the present Army housing program.

31. MARSHALL FIELD, KANS.

The following amounts are provided for this station:

Barracks to accommodate 132 enlisted men	$125,000
Quarters to accommodate 20 noncommissioned officers	144,000
Quarters to accommodate 20 officers	300,000

This is the station of the Second Cavalry Division Air Service. It is located at Fort Riley, Kans. It is a new flying field and no permanent construction existed at this field prior to the inauguration of the present Army housing program. An additional $275,000 will complete the housing program at this field.

32. MAXWELL FIELD, ALA.

The following amounts are provided for this station:

Barracks to accommodate 162 enlisted men	$130,000
Quarters to accommodate 13 noncommissioned officers	70,000
Quarters to accommodate 23 officers	340,000

This is the station of the Fourth Division Air Service and certain special and technical troops. It is a new flying field and no permanent construction existed at this post prior to the inauguration of the present Army housing program.

33. CAMP M'CLELLAN, ALA.

The following amounts are provided for this station:

Barracks to accommodate 349 enlisted men	$300,000
Quarters to accommodate 7 noncommissioned officers	48,000
Quarters to accommodate 18 officers	225,000
Hospital to accommodate 30 patients	100,000

The above amounts will complete the requirements for officers' quarters and hospitalization at this camp, but an additional $335,500 is needed to complete the housing program. Camp McClellan was originally purchased as a Field Artillery training area for the National Guard. In addition to being the station of Infantry troops, it is utilized as a training center for civilian components of the Army. No permanent construction existed at this camp prior to the inauguration of the present Army housing program.

34. FORT M'PHERSON, GA.

The following amount is provided for this station:

Completion of the hospital	$150,000

This is the station of the headquarters of the Fourth Corps Area and of the Seventeenth Infantry and of certain special and technical troops. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	714
Noncommissioned officers	8
Officers	64

An additional $269,500 is still needed to complete the housing program.

35. MITCHEL FIELD, N. Y.

The following amounts are provided for this station:

Barracks to accommodate 705 enlisted men	$567,000
Quarters to accommodate 50 noncommissioned officers	336,000
Quarters to accommodate 44 officers	660,000
Hospital to accommodate 36 patients	150,000

The above amounts will complete the requirements for barracks and hospitalization at this post. This is the station of the First Division Air Service and other tactical units of the Air Corps and some special and technical troops. It is a new flying field and there was no permanent construction at the post prior to the inauguration of the present Army housing program.

36. FORT MONMOUTH, N. J.

The following amounts are provided for this station:

Barracks to accommodate 860 enlisted men	$555,000
Quarters to accommodate 18 noncommissioned officers	115,000
Quarters to accommodate 52 officers	672,000
Hospital of 27 patients	100,000

The above amounts will complete the requirements for barracks and hospitalization at this station. This is the station of the Signal Corps Special Service School. It is a new station that has been developed since the World War and no permanent construction existed there prior to the inauguration of the present Army housing program.

37. FORT MONROE, VA.

The following amount is provided for this station:

Quarters to accommodate 36 officers	$468,000

This is the station of the headquarters of the Third Coast Artillery District, the harbor defenses of Chesapeake Bay, and of the Coast Artillery Special Service School. The permanent construction which existed at Fort Monroe prior to the inauguration of the present Army housing program accommodated:

Enlisted men	1,234
Noncommissioned officers	81
Officers	119

An additional $274,000 is still needed to complete the housing program.

38. CAMP NORMOYLE, TEX.

The following amount is provided for this station:

Barracks to accommodate 206 enlisted men	$180,000

This is the station of a large quartermaster depot and of the Third Motor Repair Battalion and of some special and technical troops. It is a new station, which is being developed since the World War, and no permanent construction existed there prior to the inauguration of the present Army housing program.

39. PLATTSBURG BARRACKS, N. Y.

The following amounts are provided for this station:

Barracks to accommodate 54 enlisted men	$45,000
An addition to the post hospital to accommodate 12 patients	55,000

This is the station of the Twenty-sixth Infantry and some special and technical troops.

The above amount completes the hospital requirements at this station. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	910
Noncommissioned officers	22
Officers	43
Patients in the hospital	36

40. PRESIDIO OF SAN FRANCISCO, CALIF.

The following amount is provided for this station:

For a chapel	$40,000

This completes the housing program for this post.

The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	3,030
Noncommissioned officers	137
Officers	120

At the Presidio is located the headquarters of the Ninth Corps Area, the Thirtieth Infantry, and their military activities.

41. RARITAN ARSENAL, N. J.

The following amounts are provided for this station:

Quarters to accommodate 7 noncommissioned officers	$42,000
Hospital to accommodate 10 patients	50,000

This is an ordnance post. The amount authorized above will complete the hospital requirements and will give appropriate housing for the medical enlisted personnel, but an additional $362,500 is needed to complete the housing program at this post.

This is a new station and the funds here authorized will provide the first permanent quarters.

42. FORT RILEY, KANS.

The following amounts are provided for this station:

Quarters to accommodate 21 noncommissioned officers	$125,000
Quarters to accommodate 41 officers	523,000

This will complete the noncommissioned officers' quarters requirements at this station.

This is the station of the Cavalry Special Service School.

The permanent quarters which existed at Fort Riley prior to the inauguration of the present Army housing program accommodated:

Elisted men	2,319
Noncommissioned officers	54
Officers	132

43. ROCKWELL FIELD, CALIF.

The following amounts are provided for this station:

Barracks to accommodate 300 enlisted men	$240,000
Quarters to accommodate 28 noncommissioned officers	186,000
Quarters to accommodate 26 officers	350,000

This is the station of an Air Corps depot and of tactical and technical troops of the Air Corps.

The permanent quarters which existed at this flying field prior to the inauguration of the present Army housing program accommodated:

Officers	4
Patients in the hospital	46

44. FORT SAM HOUSTON, TEX.

The following amounts are provided for this station:

Quarters to accommodate 23 noncommissioned officers	$150,000
Quarters to accommodate 18 officers	250,000
Barracks to accommodate 2,679 enlisted men	2,170,000
Post signal communication central building	30,000

The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	2,732
Noncommissioned officers	22
Officers	145

Fort San Houston is one of our largest military posts. It is the station of the headquarters of the Eighth Corps Area, of the Second Division, and of many other military activities.

45. SAN ANTONIO PRIMARY TRAINING SCHOOL, SAN ANTONIO, TEX.

The following amounts are provided for this station:

Barracks to accommodate 1,300 enlisted men	$2,371,950
214 sets of noncommissioned officers' quarters	1,141,200
246 sets of officers' quarters	3,170,000
Hospital of 90 beds	200,000
Magazine (explosive)	15,000
Quartermaster warehouse	90,000
Garage for Government transportation	80,000
Quartermaster maintenance building	20,000
Fire house	15,000
Guardhouse	30,000
Post exchange	45,000
Theater and gymnasium	60,000
Incinerator	5,000
Railroad spur and tracks	39,700
Telephone and telegraph lines in conduit	68,375
Bakery	10,000
Chapel and school	50,000
Enlisted men's club	60,000
Officers' mess	60,000

This is a new station, the site for which has just been acquired in accordance with authority granted by this present Congress. It is to be the station of the Primary Flying School, the two parts of which are now located at Brooks Field, Tex., and March Field, Calif. If the air space above this field is found to be sufficient, it will also be the station of the Advanced Flying School.

46. SCOTT FIELD, ILL.

The following amounts are provided for this station:

Quarters to accommodate 21 noncommissioned officers	$150,000
Barracks for 100 men	100,000

This is a new field and the funds here authorized provide for the first permanent construction.

This is the station of the Air Corps Balloon and Airship School and of some special and technical troops.

47. SELFRIDGE FIELD, MICH.

The following amounts are provided for this station:

Barracks to accommodate 700 enlisted men	$570,000
Quarters to accommodate 78 noncommissioned officers	510,400
Quarters to accommodate 56 officers	787,000
Hospital of 30 beds	100,000

This completes the barrack and hospital requirements of this station. This is a new flying field and the funds authorized above provided the first permanent construction.

This is the station of the first pursuit group and of some other tactical organizations of the Air Corps.

48. FORT SILL, OKLA.

The following amount is provided for this station:

Quarters to accommodate 6 officers	$72,000

The permanent construction which existed at this post prior to the inauguration of the present Army housing program accommodated:

Enlisted men	1,426
Officers	66
Noncommissioned officers	40
Patients in hospital	60

This is the station of the Field Artillery Special Service School, the First Field Artillery, and certain special and technical troops.

49. FORT SLOCUM, N. Y.

The following amounts are provided for this station:

Barracks to accommodate 525 enlisted men	$426,000
Quarters to accommodate 4 officers	54,000

An additional $452,000 will complete the housing program at this post.

The permanent construction which existed at this post prior to the inauguration of the present Army housing program accommodated:

Enlisted men	1,389
Noncommissioned officers	8
Officers	32

50. FORT SNELLING, MINN.

The following amount is provided for this station:

Quarters to accommodate 4 officers	$54,000

This completes the housing program at this post.

The permanent quarters at Fort Snelling prior to the inauguration of the present Army housing program accommodated:

Enlisted men	1,501
Noncommissioned officers	45
Officers	59

Fort Snelling is the station of the Third Infantry and is a training area for civilian components of the Army.

51. FORT WADSWORTH, N. Y.

The following amounts are provided for this post:

Barracks to accommodate 767 enlisted men	$625,000
Quarters to accommodate 5 noncommissioned officers	30,000

The permanent construction which existed at this post prior to the inauguration of the present Army housing program accommodated:

Noncommissioned officers	18
Officers	14

An additional $253,300 is still needed to complete the housing program at this post. Fort Wadsworth is the station of the headquarters of the First Infantry Brigade, of a part of the Sixteenth Infantry, and of some special and technical troops. It is a part of the harbor defenses of southern New York.

52. WALTER REED GENERAL HOSPITAL, ARMY MEDICAL CENTER, WASHINGTON, D. C.

The following amounts are provided for this hospital:

Quarters to accommodate 190 nurses	$660,000
Continuation of work on new hospital	310,000

The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Enlisted men	225
Noncommissioned officers	2
Officers	17

The building program which is progressing so splendidly at Walter Reed is well known to all Members of the House. It is a wonderful hospital and deserving of the fine plant which is being built there.

53. WEST POINT, N. Y.

The following amounts are provided for this station:

Cadet barracks	$185,000
Quarters to accommodate 72 officers	600,000
Quarters to accommodate 25 noncommissioned officers	150,000
Veterinary hospital	25,000
Alteration of West Academic Building	50,000

The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated:

Cadets (2 per room)	875
Enlisted men	1,060
Noncommissioned officers	119
Officers	156
Patients in hospital	116

Construction for West Point has been carried on for several years as a separate building program for that post alone. It is now, and will hereafter be, carried on as a part of the housing program for the Army.

I have related in considerable detail just what we have been doing for Army housing. I want the Members of the House and I want the country generally to know that we are fully alive to these needs and that we are meeting the requirements in a very satisfactory manner.

During the last year I personally spent many weeks investigating these needs, and I think I have a very good understanding of what they are. I traveled over 25,000 miles, and I saw the conditions in Panama and Hawaii, as well as in most parts of the continental limits of the United States. On this trip I devoted my time and study especially to Army housing, and I can assure the Members of the House that every dollar of this money which we are authorizing is going for a good and a necessary purpose and only to those places where it is most needed.

A considerable portion of the amounts carried in each authorization bill is for the Air Corps. This is necessary for two reasons: First, the Air Corps is in almost every case located at a new station, which was acquired during or since the war, and where no permanent construction exists; and secondly, because of the requirements of the five-year Air Corps program. However, it should be noted that construction is being provided for the other branches of the Army in such a way as to carry on a well-balanced program for the entire Army. The Air Corps is catching up with the older branches. In my judgment, the program should go forward so as to complete it for all branches at about the same time, in the meantime keeping in mind the most urgent needs and meeting them as they arise.

In conclusion I want to commend to the House the splendid spirit in which the members of the Military Affairs Committee are working out this housing problem and to assure the Members of the House that in this work the committee has found a splendid spirit of cooperation on the part of the War Department and the Army, as well as on the part of the Bureau of the Budget. In fact, I think I am only giving expression to the feeling of all the members of the committee when I say we especially appreciate the very splendid cooperation which the Director of the Bureau of the Budget has given to our committee in all matters.

THE WELSH PEOPLE IN AMERICA

Mr. KENT. Mr. Speaker, in the great experiment in self-government first undertaken by European peoples upon the Western Hemisphere no race of people was more ambitious or potent than the Welsh race. An unconquerable spirit existed among the Welsh people for many centuries. The early conquerors of the British Isles and their successors drove the original Welsh people back in the furthermost hilly recesses of Wales. From that time until the present the Welsh people have always contended that although from a governmental standpoint they may have been subdued, yet in spirit they were never conquered and so the Welsh people have always retained a marked individuality far different from that of any other race. An air of mysticism has always prevailed over the great Welsh people. Restless to an extent, they followed the flag of the British Empire. They colonized many of the outermost recesses of the British Empire and carried English customs and civilization wherever they went.

The new experiment in America attracted many adventurous and patriotic souls who were thrilled with the attempt of Europeans to colonize America, not for purposes of aggrandizement for European nations, but in the endeavor to set up a nation eventually which would have for its ultimate object the expression of free peoples who wanted to build a government which would derive its powers from the consent of the governed.

The early Welsh people in America and their activities can be traced to a time preceding the landing of the *Mayflower*. They divided themselves into three great waves of immigration. The first, or New England wave started in July, 1621, under the leadership of Stephen Hopkins, an ancestor of a signer of the Declaration of Independence by one of the same name. The second wave began with the landing of the ship *Lyon*, in 1632. Their leader was Edward Garfield, and to him the martyred President traced his ancestry. To these settlers is given the credit of financial strength and support of Harvard College, now one of our greatest universities. The Rev. Josiah Moody, one of the colony, gave 60 pounds sterling annually for the support of that college, but because of the pressure of other business refused to become its president. In this period came the world-renowned Roger Williams, a great factor in civic, political, and moral life, the founder of the first free school in America. The third wave was in 1682, the leader of this branch being our own great Pennsylvanian, William Penn, together with Evan Davis. They settled in Chester, Bucks, Lancaster, Berks, and Montgomery Counties in Pennsylvania.

In Virginia numerous prominent Welshmen settled and impressed themselves upon the governmental life of that great State which has always been called "Mother of Presidents." Chief among the great Welshmen of America was Thomas Jefferson, Secretary of State, Ambassador to France, and for two terms President of the United States.

In his veins flowed blood which was almost exclusively Welsh. He foresaw that the infant Republic of the West, our own America, might tend to monarchial influences. Almost alone and single-handed he penned those mighty papers of State and newspaper articles which eventually aroused the great spirit of the new American people to loftier ideals of self-government. As a young man he himself penned the Declaration of Independence. He saw the Government of the United States drifting into the hands of those who believed that a certain class only should take part in the Government of the country. He saw those in power usurping more privilege and power. He heard serious expression given, and hope entertained that the President of the United States eventually might be given the power to appoint the governors of the several States. Slowly but certainly the Government was drifting into the hands of the powerful financial interests of the Nation. Thomas Jefferson carefully and studiously marshaled the forces of liberalism and showed the people the way whereby they could take control of their own Government and work out their own destinies in accordance with the great experiment which they had undertaken in the first great waves of Welsh immigration. The people responded. Thomas Jefferson eventually became President and founded his own great political party, which endures to the present day. It is the only great political organization in the history of the world which has existed that length of time. His influence therefore is marked indelibly upon the political, social, and economic structures of our country.

And so the great Welsh people, through Roger Williams, have shown the way to religious reform, and as founder of the first public school, has helped to blaze the way toward universal free education. Through William Penn and others who have founded the great Welsh settlements around Philadelphia, they have shown the way to religious liberty and constructive achievement in the founding of governments. Through Thomas Jefferson and his Welsh leaders and followers they have shown the way to the peoples of all times, whereby they may work out their destinies in self-governing republics. Through Robert Morris and William Williams they have shown the way to financially constructive achievement. Welshmen were the first to discover iron, coal, copper, and slate in America. Gabriel Thomas, the first to discover iron ore, and yet in its infancy, had remarked that he had found runs of water having the same color as those which issued from the coal mines in Wales. He is supposed to have been the first to find out the sources of Pennsylvania's great industries. Slate was discovered by William Roberts of Trout Creek, near Slatington, Pa., in the year 1844. In Bangor, Pa., in 1865, Robert M. Jones, fresh from the Civil War, discovered Bangor slate, founded Bangor, and was its first chief burgess.

In every branch of America's mining and manufacturing industries the Welsh people have shown marked success and have been pioneers in the development of our resources.

Therefore with this great historical background we are assured that the peoples of Welsh descent will constantly move forward in the development of those interests of a political, educational, economic, and social nature which look to a realization of the highest American ideals.

LEAVE TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent that to-morrow, at the conclusion of the remarks of the gentleman

from Michigan [Mr. CRAMTON], I may be given 10 minutes in which to address the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that to-morrow, following the remarks of the gentleman from Michigan [Mr. CRAMTON], he may have 10 minutes in which to address the House. Is there objection?

There was no objection.

EXAMINATION OF VESSELS CARRYING EXPORT CATTLE, SWINE, ETC.

Mr. HAUGEN. Mr. Speaker, I call up House Joint Resolution 140 and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Iowa asks unanimous consent to call up House Joint Resolution 140, with Senate amendments, and agree to the Senate amendments. The Clerk will report the House joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 140) to amend sections 1 and 2 of the act of March 3, 1891.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. CHINDBLOM. The gentleman from Texas [Mr. GARNER] is not here to make his usual inquiries about the committee having been first consulted.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

COAT OF ARMS OF THE STATE OF OKLAHOMA

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to speak for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McKEOWN. Mr. Speaker, and Members of the House, I want to call your attention to the fact that the great seal or coat of arms of the State of Oklahoma has at last been placed in the ceiling of the House Chamber, and now shines above the Speaker's stand. [Applause.]

ADDRESS OF HON. RENICK W. DUNLAP

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks by including an address delivered in my district by the Assistant Secretary of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. SCHAFER. On what subject?

Mr. LANKFORD. On the subject of farm relief.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following address of Hon. Renick W. Dunlap, Assistant Secretary of Agriculture, delivered upon the occasion of a joint luncheon of the Brunswick Board of Trade and the Young Men's Club of Brunswick, with farmers as invited guests, at Brunswick, Ga., Monday, April 16, 1928:

Mr. Zelmenovitz, Mr. Heintzman, ladies, members of the Young Men's Club, and business men of Brunswick and vicinity—and when I say "business men" I include such farmers as may be in this assembly—for to-day, in order to be successful farmers, we must also be successful business men:

I was delighted to receive an invitation to come South. We spent three very happy years in the South, not many miles from Brunswick; and we are delighted to have the opportunity of coming back to that place where we enjoyed ourselves so much. While we have never visited this immediate vicinity, we have been in Georgia—and about this county to some extent, and we know something of your community and of your problems.

Before I forget it, Mrs. Dunlap asked me if I would not publicly thank you folks for the wonderful hospitality you have shown us since we arrived a day or two ago, and to especially thank the Young Men's Club and the ladies of the community for the beautiful flowers which she received. Mrs. Dunlap does not often speak in public, and this recalls to my mind a story I heard on the ladies not long ago, which illustrates, I think, that they do talk in private: A friend of a gentleman passed away, and this gentleman was met down the street the next day by another friend, who said, "Jim, what was John's last word?" Jim replied, "John didn't have any last word; his wife was with him to the last." So I want to assure you that, while Mrs. Dunlap does not talk in public, she makes up for it in private, as, no doubt, some of these ladies have observed.

There is another reason why I am glad to be here to-day, and that is because you business men of this community have seen fit to gather here with farmers as your guests to discuss the great subject of agriculture. I can remember very well the time—and I am not as old as my appearance would indicate—when farmers and business men didn't mix any more than oil and water mix. I can remember when I left my father's farm for college—for our State university—I was dubbed a hayseed, a shorthorn, a mossback, and other similar endearing terms. I probably looked the part—redheaded, freckled, probably wore boots and other raiment that corresponded with the boots. Farm boys then were not considered the equal of the city boys, and we didn't mix; in fact, it has been only in the last few years that farmers and city folks have really gotten together in a social and business way.

My friend Heintzman referred to the fact that I held public office in Ohio several years ago. It is true that I was State food commissioner from 1907 to 1911 and also held other State offices. It was necessary while serving the public as a State official to live in the capital city, and having lived there for a number of years I got acquainted with a good many city people. My term of office was a good many years ago—before the days of many automobiles and radios; at a time when the country folks and the city folks were not so well acquainted as they now are. Well, we were living in the capital city of Ohio. The ladies in the north end of the city where we lived organized a mother's club, and Mrs. Dunlap was invited to become a member and accepted the invitation. I do not know whether you have such clubs in Brunswick or not, but I suggest to the fathers if you do not that you encourage these clubs. I find that they beat card clubs all to pieces. It was the custom of this club to invite the daddies to attend a meeting about once a month. Consequently, it gave me the opportunity of getting acquainted with a good many city men and women, and I observed that they usually talked quite a little about farms and farming and they would tell they once lived on a farm, or their father or mother or some of their ancestors lived on a farm, and they would relate how they enjoyed the country and farm life, and that they expected to own a farm some day.

I have observed that those people who are raised in the country usually have a desire to get back to the soil. I have often heard it said that the boy leaves the farm, but the farm never leaves the boy. I presume many of you town folks have the idea in the back of your head that some day you will come back to the place where you were brought up, purchase the old farm, and go into the business of farming. Some of you are now what we might call agriculturists. That is, you make your money in the city and spend it in the country. You know we farmers do the opposite. We make our money in the country and spend it in town. Well, it was a custom in this mother's club for each mother to entertain in turn, but it so happened that I was on the ticket for reelection in Ohio at one of those very few times in the history of the State when the State went Democratic, and as a consequence I was relieved of my official duties and we went back to our farm before the time arrived for Mrs. Dunlap to entertain the mother's club. But we did not want to be slackers, so we invited the crowd down to the farm, and they all came. We had 100 per cent attendance.

As a means of entertaining our guests we decided to find out what they really did know about farming. In one of the large rooms in the old home we set a long table, putting farm articles on it, such as wheat, corn, oats, barley, and field seed, clover, alfalfa, timothy, and alsike, and samples of hay of various varieties, and over at the side we had a crate with some Duroc pigs in it, and in another crate we had some Langshan chickens. We numbered all of these products and handed cards with corresponding numbers to our guests. We turned them loose and told them that the one who made the highest grade would get a prize.

It was rather interesting to read some of these replies. For instance, we asked them to name the breed of the pigs, and most of them said they were Rhode Island Reds, and they had their ages from 3 weeks to 3 years, and the weights were correspondingly ridiculous. In naming the breed of chickens, most of them said they were Shires or Clydesdales—well, they didn't miss that so much for these breeds of horses and Langshan chickens both have feathers on their legs. After they finished in the house they meandered out into the barnyard, and there they saw some little mule colts running along with their mothers. They looked at the colts with a great deal of curiosity, and then asked where their mothers were. I pointed to the mares standing at one side of the lot and said, "There they are." "Well," said our guests, "we may not know very much about chickens, pigs, etc., but we do know that these little mule colts have got to have mules for mothers." Well, we found out all the "rubes" didn't live in the country.

It is said in those days that when we farmers went to town we would blow out the gas instead of turning it out, but to-day we "step on it" when we go to town. I want to tell you it is a mighty fine thing to find business men interested in agriculture. We know, however, you business men are not particularly in love with us and that you do not like us any better than you do anyone else, but you are interested in us because you know it is business for you to

be interested in us. You know that we supply all your food and clothing, and that we also supply material for industries of this country which employ one-half the industrial workers, and you probably know that there is invested in farms in the United States more capital than is invested in manufacturing, mining, quarrying, and railroading combined.

You probably know that about one-eighth of the freight tonnage is supplied by the farmer, and about one-half of the total exports come from our farms, and the farmers of America pay about one-fifth of the taxes. I know our railroad friends sometimes make a great deal of complaint about paying taxes, and they do pay quite a lot of taxes. Some one has estimated that they pay in taxes about $700 a minute—$11 every time the watch ticks. Yet the farmers of the United States furnish those who spend our tax money about $26 every time the watch ticks.

Another matter of much importance to the urban citizen is that the country supplies quite a large number of excellent boys and girls for city consumption. I think if you will go into any of our great industrial centers and trace the history of the successful business and professional men, you will find that a very large percentage of them were brought up in the country, either on farms or in small towns.

You business men perhaps know that on our 6,000,000 farms there are invested $12,000,000,000 in farm buildings and that these buildings last on an average 40 years. Consequently, the farmers of the United States are investing $275,000,000 each year in the replacement of buildings, which is quite a sum of money to distribute among manufacturers of building materials, and, furthermore, if the farmer has at the end of the year a surplus of funds over and above that needed for living expenses, he will erect some new buildings, and that means additional business for the cities. You business men also know there are about $3,600,000,000 invested in farm machinery on these farms, and that on an average this machinery lasts 10 years. Therefore, the farmers are spending each year $360,000,000 for the replacement of worn-out machinery, and, if they can afford to do so, they will buy new machinery, and you fellows in the city are glad to furnish it.

You also know that only about 10 per cent of the farms of this country have running water in the homes, leaving about 90 per cent yet to be equipped. You know that only about 10 or 12 per cent of farmhouses have gas and electricity. There are only about 12 or 15 per cent of farmers that have tractors to operate their farms, and a very few have trucks. You are all interested, regardless of your business or profession, in having agriculture prosperous.

I dropped into a drug store on Fifth Avenue, New York, one day and saw a little flapper standing behind the counter dispensing cosmetics, stuff supposed to make the ladies look beautiful, and I said to her, "Young lady, are you interested in the farmer?" Well, she thought I was crazy, I guess, for she said, "No; why should I be interested in the farmer? I am a New Yorker. I would not know what a farm or a farmer looked like!" I asked, "To whom do you sell this stuff that you are dispensing?" and she replied, "Mostly to stenographers." So I went across the street to a lawyer's office, and I said to the young lady stenographer, "Are you interested in the farmer?" She replied, "No; why should I be interested in the farmer? Those hayseeds do not interest me in the least. I work for a lawyer whose main client is the First National Bank." Then I visited the lawyer and said to him, "Are you interested in the farmer?" "No," he replied; "I am not interested in the farmer. The only client I have is the First National Bank on Fifth Avenue." Then I went over to the First National Bank, and I said to its president, "Are you interested in the farmer?" He replied, "Most assuredly." I said, "How many farmers have you as customers?" He replied, "Not a single one; but I have customers who sell their products to the farmer."

One of our best customers is a manufacturer of steel products; he makes wire, fence, roofing, and many other articles the farmer uses and I know if the farmer is not successful he will not purchase the products made by our customer; therefore, this bank is very much concerned in the welfare of the farmer. Our railroad customers are also very much interested in the farmer, for if they do not have freight to transport over their railroads, there is less income for them. This little girl in the drug store, of course, did not realize that her job depended to some extent, at least, on the success of the farmer. She did not know that if the farmer did not buy the goods made by the manufacturer that the bank would not have the manufacturer as a customer, and the bank without a customer would not need a lawyer. And the lawyer without a client would not need a stenographer, and a stenographer without a job would not have the wherewithal to buy the cosmetics from the little girl behind the counter at the corner drug store, and with no customers for cosmetics there would be no cosmetics sold, and the little flapper, who thought she was not interested in the farmer, would be compelled to look elsewhere for her pay envelope.

Those of us who are farmers know that the farmer has been having a pretty difficult time of it during the past few years. We know he has not been getting the income that he should from his capital invested and labor expended. While it has been said on a great many occasions that agriculture is the foundation of all prosperity, and that if the farmer is not successful, industry will not prosper, yet it is generally admitted that industry has been successful during the past few years, while at the same time agriculture has been depressed.

Is it not true that industry would have been more successful had agriculture been having a reasonable income? And, my friends, I believe the time is almost here, if it has not already arrived, when industry needs the farmer as a better customer than he has been during the past few years, if industry is to continue prosperous.

CAUSES OF AGRICULTURAL DEPRESSION

When we become ill we call a doctor, and if we are seriously ill we get the best medical advice available. We do not accept the advice of a quack, or any doctor who is not an expert. The first thing the doctor does is to make a diagnosis of our case—that is, he finds out what is wrong and what caused us to be ill. After a thorough examination and he is satisfied he knows what is wrong with us, he prescribes a certain treatment or remedy to perfect a cure and will also tell us what we must do to prevent a recurrence of our trouble.

We know that it takes longer to cure certain diseases than others. If we have a headache we can usually be relieved within a few hours. If we have the grippe it may take a week or two to recover; typhoid fever, six weeks or two months; and from some other diseases a much longer time is required to fully recover.

Agriculture became ill in the year 1921 and has been complaining more or less since that time. This great industry was not permitted, as we are, to select its own physician. Unfortunately, we had a large number of volunteer doctors, many of them quacks, who prescribed for agriculture without making a diagnosis. Many of these volunteer doctors knew very little, if anything, about farming. They saw an opportunity of getting before the public and receiving some free publicity. As a consequence, many remedies have been suggested, some of which, if applied, would have made the patient "Agriculture" worse instead of better. Fortunately, agriculture has not been compelled to swallow some of the impractical, or, I might say, patent medicines which have been prescribed.

I do not want to leave the impression with you, in discussing this very important matter, that I consider myself an expert in diagnosing and prescribing for agriculture. The only excuse I have for discussing this matter with you is that I have been a farmer all of my life. Practically everything I own is to-day invested in farm land, livestock, and farm equipment. Furthermore, I am an official in the great Department of Agriculture, which is endeavoring to help agriculture. This being open season for suggestions I venture to offer a program, feeling certain that if it does not help the patient it will certainly not injure it.

It is very apparent to all that the primary cause for the disease with which agriculture is now affected was the World War. The farmers of the United States were urged, if not commanded, to produce food products to the limit of their capacity and endurance. This they did willingly, and we all know they were well compensated for their efforts. The sudden closing of the war immediately brought serious troubles to agriculture. The European market was closed largely for the reason that Europe was broke and could not buy. The farmers acquired the habit of producing surplus crops and did not stop when the war closed, and as a consequence a large surplus accumulated, which naturally resulted in the bottom falling out of the prices of agricultural products. While prices of agricultural products declined, costs necessary to produce them did not. Labor costs did not decline, neither did the cost of farm machinery and other articles farmers buy. Taxes increased by leaps and bounds. From 1913 to 1916 it took only about 11.2 per cent of the net income from the farm to pay the farm taxes, but in 1920 and 1921 it took six times the net income from the farm to pay the taxes.

In 1921 and 1922 it took 77.7 per cent of the net income to pay taxes, and in 1926 it took 30.4 per cent. This increased tax is due to the increase in State and local expenditures. Statistics show that the national debt in 1919 was $25,482,000,000, but in November, 1927, it was reduced to $18,000,000,000. On the other hand, the debt of the States increased between 1913 and 1925 from $3,188,000,000 to $10,261,000,000, and during those years there were issued, each and every year, an average of $1,300,000,000 worth of tax-exempt securities—or putting this in the form of percentage, we find that while the Federal taxes decreased 39 per cent, State taxes increased 37 per cent, and the local subdivision taxes increased 56 per cent.

A further examination shows that new and improved machinery has been an important factor in causing agricultural trouble. New and improved machinery displaced during the past 10 years about 5,000,000 horses and mules. This means that about 20,000,000 acres of land, which heretofore has been used to maintain these 5,000,000 animals, is now used to produce food products which go on the market and increase the surplus. We also find that by the use of this machinery we are producing three times as much per agricultural worker as we did in 1850 and we are producing more than twice as much per agricultural worker as we did in 1870. We are producing 14 bushels more of oats, 17 bushels more of wheat, 17 bushels more of corn, and 39 bushels more of potatoes per acre than we did in 1880. Some folks are very much alarmed because so many folks are leaving the country and going to

town. This does not worry me in the least. In fact, I think a greater migration from country to city will be necessary before we have a balanced production.

With the aid of modern machinery the cotton farmer, for example, operating on a large scale, such as they do in the States of Texas and Oklahoma, is able to produce cotton at about one-half the cost required to produce this product on a small scale, as is the practice in some of the Southeastern States. We also find that by the use of the combine and other large machinery on comparatively cheap land in western Kansas and other Western States the farmers are able to produce wheat and sell it at a very much lower price and still make a profit than are the farmers in the Middle West and the East who operate on higher-priced land and in a smaller way.

Another factor, which may not be the best thing for country life, but nevertheless is coming to pass, is the very much enlarged farming operations. It has been demonstrated in many instances that the larger units can be operated much more economically than the smaller ones. We find that corporations are being formed and large areas are being acquired for the purpose of farming on an extensive scale. I personally know of a corporation in my own State, organized a number of years ago, that has been quite successful. I had a report from one of the stockholders of this corporation last January, and he stated that they had recently declared a 30 per cent dividend and had money left in the treasury. This is as good a dividend as is sometimes paid by some of the industrial and financial corporations about which we often complain. I know of another large farm in my own State, some 2,500 acres, which cleared over and above all expenses $30,000 last year. I might add that in both of these instances which I have cited, and other farmers who have succeeded, use the best business methods.

Another cause of agricultural troubles is that the habits of our people are changing. For example, we are consuming 10 per cent less meat than we did two decades ago; the consumption of wheat flour decreased 20 per cent in the last 24 years; corn meal, 75 per cent; we are using less clothing, very much less made of wool and cotton and perhaps more made of wood and silk.

The last cause of our agricultural depression which I shall mention is our reclamation policy. We have continued to remove water from certain lands and put water on other lands at Government expense and thereby brought into cultivation thousands and hundreds of thousands of acres and thus added millions of bushels and pounds of farm products to the already troublesome surplus.

I have enumerated some of the causes for our agricultural ills. It is always easy to tell about our troubles and to criticise and complain, but it is not such an easy matter to offer practical solutions for our troubles. I would not be fair to you if I did not prescribe a treatment. The remedies I propose are not sensational; they will not be found on the first page of the paper. My remedies will not cure overnight. I believe agriculture has a disease which will take a long time to cure. My prescription would read about as follows:

1. Cease opening new lands for settlement.

2. Encourage, through Federal appropriations, further study in agricultural research.

3. Find new uses for agricultural products.

4. Discover, if possible, use for those agricultural products which are now wasted.

5. Further study of concentrated fertilizers and their application.

6. Cure and prevention of diseases among livestock and plants.

7. Better quarantine service to prevent introduction from foreign countries of diseased plants and animals. Had our quarantine service been started earlier, many insects and diseases upon which we are now spending millions of dollars for control and eradication would not have been present, such as the Egyptian moth, European corn borer, and hundreds of other pests.

8. More attention to farm machinery.

9. The Federal Government should give all the help possible in solving the farmer's marketing problem, not with the idea of requiring the consumer to pay more for his food but rather in helping the farmer to get more of the consumer's dollar than he is now receiving.

10. Assist in teaching the farmer to produce not more food products but to produce more economically. The Government should preserve the American market for the American farmer. This can be done in only one way—that is, by a proper tariff.

11. An adjustment of taxes. The farmer is now paying more than his share of taxes, and this adjustment can only be made with the help of the urban citizens.

12. Marginal or submarginal land on which people may now be living, endeavoring to eke out an existence, might be purchased by the Federal Government and this land put into forests or used for grazing or left lying idle until such time as the population increases and additional land is needed to provide food to feed our people.

Before closing I want to say something about this immediate locality. If I am not misinformed your community and your State have in the past devoted a large portion of your acreage to the production of cotton. The boll weevil and the increased acreage have forced a lot of the farmers to do something else besides raise cotton. Back in 1921 we were raising 31,000,000 acres of cotton, while in 1926, almost 50,000,000 acres.

Now, I am not sure but that this has been a blessing rather than a detriment to your State. I believe as soon as your farmers begin to diversify and grow a variety of crops and begin to use more livestock they are going to be better off. I think you have a slogan in this community or in this part of the State which was started some time ago, "The sow, the hen, the cow." That is a fine combination. I can not for the life of me, and could not when I lived in the South, understand why the South continues to import so much of the dairy products that are consumed in the South. When I lived in Florida, I know there were thousands of pounds of butter sent into that State, and many, many thousands of gallons of milk each day went into that State. Why not produce your own dairy products? It is entirely possible for you to do so.

Your farmers are now diversifying quite a little. I notice that you are raising quite a little more tobacco than you did a few years ago. You are growing a good many vegetables now, and from the observations I have made since arriving in this community you have the soil and the climate here to grow as good vegetables as can be grown anywhere, and you have this advantage—which you, perhaps, have not overlooked—that you are near the market. This marketing problem is a very serious one to most farmers beyond the Mississippi River; but you are right at the market, and you can get your produce in the market almost overnight, if not overnight. Now, there is one thing that you folks will have to change your minds on a little, I believe, if you are going to grow vegetables. You will have to get a little different attitude on the tariff, and I believe you do have a different attitude than you used to have.

I was amused last year at having a delegation from Florida wait upon me and ask me if I would not intercede with the Tariff Commission to assist them in getting the tariff on tomatoes raised. I said, "I supposed you were free-traders and did not believe in the tariff." "Well," they said, "we will have to have tariff or we will have to quit raising tomatoes, because the Mexicans can send them in so much cheaper than we can raise them. They are driving us out of business."

You have a practice here in the South of burning off your flat woods which, I believe, is a great detriment to your country. The burning not only prevents reforestation but it also destroys those materials which make "humus," an ingredient which is so greatly needed in most of the southern soils. Furthermore, fire destroys bird and other animal life. Had this burning not been practiced during the past hundred years, I am sure you would find to-day that this soil would be well supplied with humus.

Additional forests are greatly needed. We are to-day consuming timber four times faster than we are producing it, and every acre we put back into forests we are sure, when we harvest the timber, it will command a good price. There is no danger of having a surplus of timber as there is of having a surplus of cotton and wheat.

I am particularly pleased to know that many city men are getting into the business of farming. These men are finding that farming is a business which requires as much business judgment and attention as any business in which they may have been previously engaged, whether it is the building of railroads, skyscrapers, running a bank, a store, or any other business. The more our city friends become interested in farming, the better it will be for agriculture. We must recognize that the farmer is to-day less than one-third of the total population, and that he is, because of his numbers, almost compelled to accept what the cities give.

You may conclude from my remarks that the outlook for the farmer of the future is rather dark. I do not want to leave this impression. On the other hand, I firmly believe that agricultural conditions are slowly improving and that farming again will be as good a business as it ever was. I expect to see the purchasing power of a farmer's dollar at par in the very near future. I am certain our Federal Government is going to do all it can to help the farmer. I said recently, and I repeat it to-day, that I believe now is the best time within the last 30 years to buy good land. I do not mean to say that land will not go lower in some instances. But certainly good land can now be bought for much less than it is worth. With the prices for farm products at a high level land is worth now as much as it was before the war. And yet it can be bought at a much lower figure.

I have already talked longer than I should. I told Colonel Huston that when I was through he should give me a signal. I have not heard the signal. Perhaps he is asleep. If so, he is not sleeping with his cut-out open. Before each and everybody else goes to sleep, I will stop. When we get to discussing our business and our hobbies we sometimes do not know when to stop. I think a little story along this line in conclusion would be appropriate. A little boy asked his daddy if Edison made the first talking machine. His father said, "No; God made the first talking machine, but Edison made the first one you could turn off."

GENERAL LEAVE TO PRINT ON MUSCLE SHOALS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to file remarks on the Muscle Shoals conference report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Colorado [Mr. WHITE] for 15 minutes.

Mr. WHITE of Colorado. Mr. Speaker and Members of the House, in consideration of the widespread controversy among our people as to the wisdom of the prohibition laws, and the integrity of their administration generally, and the comments recently made by Members of the Congress in relation to the vicious and unlawful assault by Federal prohibition officers to kill Jacob H. Hanson, the secretary of the Elks Lodge of Niagara Falls, N. Y., while he was lawfully driving his car along a public highway, I deem it my duty to bring before this House a like vicious and unlawful assault to kill a citizen of my own State by a Federal prohibition officer within 48 hours prior to the assault on Hanson.

Prompted by the great sacrifice of human life, by the widespread and continued disregard of the constitutional and inherent rights of our people, by the wholesale violation of the prohibition laws, by the making of criminals by the hundreds of thousands each year, and by the undermining of the character of our people and the foundation principles of our Government, all in the attempted administration of the prohibition laws, I am persuaded that nothing less than a broad and thorough investigation of the entire subject can satisfy the people or discover a remedy for the disorder.

Therefore to that end I introduced House Resolution 217, covering the subject, and under the consent granted me to revise and extend my remarks in the RECORD I here insert that resolution:

House Resolution 217, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

May 21, 1928.

Mr. WHITE of Colorado submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

Whereas on the night of May 4, 1928, and within 48 hours prior to the vicious and unlawful assault to kill Jacob D. Hanson, the secretary of the Elks Lodge of Niagara Falls, N. Y., in relation to which a resolution is now pending before this House, Henry Wiltfang, a young man under the age of 21 years, a resident of the county of Weld, in the State of Colorado, was unlawfully assaulted and three times fired upon by Joseph R. Calloway, a Federal prohibition agent, then accompanied by Cecil Roberts, a policeman of the city of Greeley, in the State of Colorado, while he, the said Henry Wiltfang, was peacefully and lawfully traveling alone in his automobile along the public street in said city of Greeley; and although the boy was not wounded one of the bullets discharged from the gun of said prohibition agent grazed his leg and another passed close to his head; and

Whereas said prohibition agent failed to make any report to any superior officer in relation to said shooting or at all; and

Whereas thereafter when the facts in relation to said shooting slowly became known in the community complaint was made to the Federal prohibition director for the district in which said shooting occurred, and while admitting that the Federal prohibition officer fired the shots at the boy as aforesaid, and that no report thereof had been made, said prohibition director declared that a report was unnecessary, "since no one was injured, no liquor was found, and no arrest was made," and that said shooting was not in violation of any order of the Bureau of Prohibition; and

Whereas since the records of the Prohibition Bureau disclose that since the Volstead Act became effective several hundred persons have been killed in alleged efforts to enforce the law, and from other sources it is learned that thousands of other persons have been fired upon and many wounded; and

Whereas Federal judges report that approximately 85 per cent of all cases filed in their courts grow out of alleged violations of the Volstead Act, and the records disclose that each year the United States courts alone are called upon to deal with approximately 60,000 criminal cases growing out of the alleged violation of said prohibition law, and each year impose from five to six thousand years' imprisonment for alleged violations thereof; and

Whereas the many courts in the several States of the Union and in the District of Columbia having jurisdiction of infractions of the same law are likewise crowded, and the number of cases filed and prosecuted therein and the years of imprisonment imposed for the violation of said law are augmented many times; and

Whereas the great sacrifice of human life, the widespread and continued violation of the constitutional and inherent rights of our citizens, the wholesale violation of the prohibition law, the making of criminals by the hundreds of thousands each year because of the violation of this one law is undermining the character of our people and the foundation principles of our Government, and a remedy for the disorder must be discovered and applied: Therefore be it

Resolved, That a committee of five members of the House be appointed by the Speaker thereof, and they are hereby empowered and directed to inquire into and report upon the matters and things hereinafter designated during the five-year period immediately preceding July 1, 1928, to wit:

(1) The cost in money directly or indirectly of the administration of the prohibition law, including appropriations directly and indirectly made therefor, court costs, officers, juries and witness fees in the United States and the District of Columbia and the several States of the Union, and all municipalities therein having a population of 2,000 or more.

(2) To ascertain the number of arrests that have been made during the aforesaid period by Federal, State, county, and municipal authorities for the alleged violation of the prohibition law and for drunkenness; the number of cases filed in the Federal and State courts during said period for the violation of said law, separately designating the criminal from the civil violations; the punishment imposed; the number of cases pending at the commencement of and filed during each year, and what disposition was made thereof; the name and residence of each Federal officer and other person killed or wounded in the alleged attempt to enforce the prohibition laws.

(3) To ascertain and report upon the general attitude and policy of Federal and State prohibition officers and others called to their assistance in the alleged enforcement of the prohibition law, and especially whether in doing so they themselves observe or violate the law or evade the constitutitonal and legal rights of the people to be secure in their person and property, and against unreasonable search and seizure, and to report especially upon the shooting of Jacob D. Hanson and the assault upon Henry Wiltfang, hereinbefore mentioned, and upon any and all acts, doings, matters and things which in the opinion of the committee may have a material bearing upon the administration of the prohibition law and its effect upon the people, and as to the feasibility of its successful enforcement, and as to the wisdom of repealing, modifying, or amending it.

(4) That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the House, on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee on Accounts.

The committee, or any subcommittee thereof, is authorized to sit during the sessions or the recesses of the House, and until otherwise ordered by the House.

I recognize that society has the right to be protected against the depredations of criminals, and I believe in the enforcement of the laws. I also recognize that in the enforcement of laws the procedure prescribed therefor must be observed if orderly government is to continue.

If in the ardent desire to enforce laws the fundamental principles and safeguards of liberty are disregarded, government itself becomes an outlaw and if the practice is long continued anarchy inevitably follows.

Our Constitution and laws enacted in pursuance thereof prescribe the procedure by which alone government may be lawfully administered. In other words, the law is made master of all, and public officials, whose duty it is to enforce the law, are only its servants and must obey its mandates or else themselves be classed as criminals.

Government may not lawfully invade the rights of anyone unless it is done in accordance with these laws.

However, it is a matter of common knowledge that in the efforts to enforce the prohibition laws other laws are disregarded with impunity and enforcing officials are frequently nothing more than petty tyrants whose actions are no less reprehensible than those from which our forefathers suffered and eventually freed themselves.

Just now word comes from my State of an incident of this character—and there are many of like nature—which should, and I believe will when fully known, shock the conscience of the Nation.

On the night of May 4 Henry Wiltfang, a boy of the age of 20 years, a resident of Weld County in the State of Colorado, was peacefully and lawfully driving along a street in the city of Greeley when Joseph R. Calloway, a Federal prohibition agent,

accompanied by Cecil Roberts, a Greeley policeman, fired three shots at him.

These officers say they were lying in wait for the purpose of capturing a supposed bootlegger, and seeing the boy approach drove along beside him within 2 feet of his car for a distance of about 200 feet and stated that they were officers and commanded him to stop, and that the boy's sole response was to accelerate the speed of his car, whereupon the shots were fired.

The boy claims that the officers did not disclose their identity until after the shots were fired. The prohibition officer claims that he shot into the street, between his own car and the one in which the boy was traveling. The boy denies this and says one of the bullets grazed his leg and another passed near his head. The bullet holes in the car show that one of the shots passed through the side of the car, another entered the hood of the car, and where the third shot lodged is unknown.

Fortunately the boy was not injured. He was, however, unquestionably, for an instant, in the very jaws of death. How would you feel toward your country had this boy been your son?

America may not disregard the laws herself through her officers and retain the respect and love of right-thinking people. That respect for law essential to government is turned to contempt when the Government becomes the lawbreaker.

Let us concede, but not admit, that the assaulting parties stated they were officers and called upon the boy to stop, and at the time believed him to be a bootlegger. This would in nowise justify their actions in the premises.

The boy believed the officers were holdups, and possessing that belief had the right to flee, and in doing so violated no law. The officers suspected him of being a bootlegger, but that falls far short of investing them with the lawful right to barrage him with leaden shot.

Is it possible that the American people and their Representatives in Congress will long permit or tolerate the killing of American citizens, or the shooting at them, because they are suspected of having or even have intoxicating liquors in their possession? Is this the value that this Christian Nation places upon human life? I can not believe so. On the contrary, I believe that the people, justice loving as they are, are awakening to the necessity of the enactment of reasonable and just laws that the people will respect and love to obey, and will place the enforcement of such laws in the hands of men and women possessed of character and common sense.

It may be wise and prudent, perhaps, for a citizen to stop when commanded to do so by one claiming to be an officer, but I submit that if he does not stop no officer has the right to kill him, or attempt to kill him, unless he knows that a felony has been committed and has reasonable grounds to and does believe that the party who fails to stop when so commanded is the perpetrator of the felony and that there is no reasonable way of apprehending him except by the use of such drastic means.

But even if the facts were different and this boy actually had intoxicating liquor in his car or in his possession, his attempted assassination can not be justified.

No pretense is made that either of these officers had a warrant for the arrest of the young man, and the offenses covered by the Volstead Act are not felonies within the meaning of that law but are misdemeanors.

Furthermore, the facts of this case disclose another evil far too common upon which the light of publicity must be thrown to effectuate a remedy. It is the failure to make reports to the Government of firings upon citizens, the stopping and searching of their cars, their places of business and homes by officers, except when some one is shot or injured, or arrests are made or liquor is found.

Thus in the instant case no report was made, and when the facts finally became known and inquiry was made of the officer that fired the shots as to why he had made no report of the incident, he merely said, "Well, no one was shot," and the Federal prohibition director of the State declared that no report of the shooting was necessary, "since no one was injured, no liquor was found, and no arrest was made."

The people of America want to be law-abiding—want laws that are sensible and reasonable—and believe in the enforcement of such laws; but they will ever demand that laws be enforced according to the course of procedure and not otherwise.

If in the enforcement of one law other laws are violated by enforcing officers, then what may we expect other than the conditions that exist to-day throughout the country—universal disregard for law. This is essentially true because officers who violate a law in attempting to enforce another law are themselves inciting others to violate the laws.

The foundation of free government is the inherent right of the people to life, liberty, and property, and the people of the United States have never invested either the Federal or State Governments with power to take away such rights except as provided by law.

The indignation of the Nation will be aroused, but it will be the indignation of virtuous, loyal, and affectionate people crying out against the tyranny which violates every provision of the Constitution made to secure and protect such rights in an effort to enforce one unreasonable, ridiculous, and absurd law.

I appeal to you to hearken unto this righteous indignation before it advances to that declaration expressed in Ex parte Milligan, Seventy-first United States 107, at page 126, by Mr. Justice Davis, of the United States Supreme Court, where he said that—

> A country preserved at the sacrifice of all the cardinal principles of liberty is not worth the cost of preservation.

However, the evils and wrongs involved will not be eliminated by the character of individuals intrusted with the enforcement of such laws or by the apparel in which they may be clothed. The evils and wrongs attending the enforcement of the prohibition laws flow naturally from such laws themselves. These laws are based upon a wrong conception of man's nature and can not be successfully enforced because of a fundamental defect in the law which I will bring to your attention presently.

There is a vast distinction, my countrymen, between such crimes as murder, rape, robbery, burglary, arson, theft, and like crimes, on the one hand, and the crimes created by the Volstead Act on the other, which has a tremendous effect upon the enforcement or nonenforcement of the two classes of laws.

In the former class there is an inherent immoral element in the crime facts. The doer of the criminal acts in such classes of crimes invades the natural and inherent rights of the one he attacks or acts against.

Everyone has the natural right to life, to property, and to security of person and home, but the killer, the robber, the rapist, the thief, and the perpetrator of like crimes invades that natural right and deprives the other of that which is his own.

This is not the case, however, under the Volstead Act. The facts constituting the crimes created thereby have no element of immorality in them. In other words, there is no inherent evil element in the crime facts, and in doing them there is no invasion of the natural or inherent rights of another.

The fundamental distinction between the character of crimes is that in those in which there is an element of immorality in the crime facts, the conscience of all, with few exceptions, automatically reacts against the doing of the things prohibited, while in those crimes wherein there is no element of immorality in the crime facts, the conscience of all, with few exceptions, fails to automatically react against the doing of the things prohibited.

The result is that laws covering the former class of crimes are usually observed and are enforceable, while those relating to the latter class are usually not observed and are nonenforceable. Thus it is that when people know or gain knowledge of the commission of a murder, a rape, a robbery, a burglary, or theft, or similar crimes, they quickly report the same, and even earnestly aid in the apprehension and punishment of the perpetrator of the crime.

This, however, is not the case when the acts constitute violations of the prohibition law, for the simple reason that the conscience of those that have knowledge of such violations of that law does not automatically react against the facts that constitute the crime. Their sense of justness and the fitness of things does not automatically tell them that an immoral thing has taken place, and in fact it has not. For while you may by legislation make innocent facts criminal, you can not by legislation make innocent facts immoral.

Neither the manufacture, sale, transportation, nor possession of intoxicating liquors embody elements of immorality within themselves. In other words, any of the facts may be done without the slightest injury to anyone. Therefore, any law which prohibits the doing of these things, not the regulation thereof, lacks the essential elements to make it effective.

I shall now proceed to a brief consideration of the workings of the prohibition law to further demonstrate its lack of wisdom and value as a legislative measure.

The annual report of the Commissioner of Prohibition for the fiscal year ended June 30, 1927, shows that Federal prohibition agents made 64,986 arrests, seized 7,137 automobiles and 353 boats; that 51,945 criminal prohibition cases against individuals were handled in the Federal courts; that 36,546 persons were convicted, upon whom 4,777 years of imprisonment were imposed and $5,575,225.48 in fines assessed.

The same report shows that Federal prohibition agents during the same fiscal year captured over 208,000 intoxicating-liquor manufacturing devices consisting of thousands of stills,

distilleries, still worms, and fermenters. The report also shows that during the same period the Federal prohibition agents seized 29,170,831.35 gallons of intoxicating liquors, consisting of approximately one and one-half million gallons of spirits, over 5,000,000 gallons of malt, and over 21,000,000 gallons of mash, and hundreds of thousands of gallons of wine, cider, and pomace.

The World's Almanac and Book of Facts for 1928 shows that during the calendar year of 1927 there were upon the dockets of the Federal courts over 61,000 criminal cases for the violation of the prohibition laws, in which those courts imposed 5,202 years of imprisonment and assessed fines in the sum of $5,646,709. It also shows that during the calendar year of 1926 there were upon the dockets of the Federal courts over 60,000 criminal cases for the violation of the prohibition laws, in which those courts imposed 5,666 years of imprisonment and assessed fines in the sum of $7,949,357, and that Federal prohibition agents captured 161,979 liquor-manufacturing devices.

I submit herewith a table showing some of the workings of the national prohibition act from its effective date to the end of the calendar year 1927:

Arrests for violation of the national prohibition act made by Federal prohibition officers since the effective date of that act

Jan. 17 to June 30, 1920	10,548
1921	34,175
1922	42,223
1923	66,936
1924	68,161
1925	62,747
1926	58,391
1927	64,986

The above summaries, it will be observed, do not include arrests and convictions by State authority for prohibition offenses.

Convictions under the national prohibition act in the Federal courts

1920	4,315
1921	17,962
1922	22,749
1923	34,069
1924	37,181
1925	38,498
1926	41,154
1927	36,546

The above summaries, it will be observed, do not include arrests and convictions by State authority for prohibition offenses.

Seizures of illicit distillers, stills, still worms, and fermenters

1920 (stills only)	14,337
1921	95,933
1922	111,155
1923	158,132
1924	159,176
1925	172,537
1926	161,979
1927	208,073

The above summaries do not include seizures of illicit distilleries and distilling apparatus by State authority.

Sentences imposed by Federal courts for violation of prohibition act

	Aggregate years
1920	[1]
1921	[1]
1922	1,552
1923	2,241
1924	3,187
1925	4,569
1926	5,666
1927	5,202

The above summaries do not include sentences imposed by State, county, and municipal courts.

The facts disclosed are startling, but should we add thereto the number of arrests made, the cases prosecuted, convictions had, the years of imprisonment imposed, the amount of fines assessed, the instruments of illicit manufacturing captured by State authorities each year for violation of the prohibition laws in every State of the Union, including the District of Columbia, the conditions would be appalling.

We have the word of Albert Levitt, a professed prohibitionist and formerly special assistant to the Attorney General of the United States, that—

> The situation in the several States was and is infinitely worse than the Federal situation. Local enforcement is with very rare exceptions very insincere. This is due to the fact that practically all the local enforcement officers are themselves wet. This is as true of the so-called dry States as of the wet ones. It is nothing unusual to find that the sheriff was himself a bootlegger or in quiet partnership with those who are. Chiefs of police and commissioners of public safety give "wet parties." Prosecuting attorneys are bravely vociferous against some petty offenders against the Volstead Act, and especially so if the latter are Italians, Poles, or Scandinavians. But the big offenders, the prosperous business men of the community, the fraternal clubs, and the political organizations are allowed to violate the law with impunity. Police officers are drunk on duty. Judges impose a light fine on some bootlegger brought before them for sentence and then retire to their "chambers" to drink the liquor which the same bootlegger has sold to them.

In the city of Detroit, where city, county, State, and Federal law-enforcement officers are charged with the task of preventing traffic in liquor, it is found as the result of a thorough investigation made by the Detroit News and reported May 1, 1928, that the business of selling intoxicating liquors has grown in that city until it is second in volume only to the automobile industry, and is estimated to employ 50,000 persons, with an output valued at $215,000,000. The Buffalo Courier, commenting upon this condition in Detroit, says:

> Doubtless comparable figures could be obtained in any city situate as Detroit is, in a border or coast district, where rum runners ply their trade.

In July, 1926, Gen. Lincoln C. Andrews, then in charge of prohibition enforcement, reported that 875 members of his force, being approximately 25 per cent of them, had been discharged for malfeasance in office, consisting of extortion, bribery, collusion, conspiracy, intoxication, perjury, illegal disposition of liquor, specific violations of the prohibition laws, and other reprehensible conduct.

Moreover, since this report there has been little, if any, cessation of misconduct on the part of either Federal or State officials in the attempted enforcement of this absurd law. The press is filled from day to day with acts of official misconduct upon the part of both State and Federal officials in their attempt to enforce this same law. This is equally true as to violations of this law by nonofficials and should be obvious to the least observing that prohibition is producing official and private hypocrisy and general disregard for all law and breaking down the character of the American people by its false pretenses.

The inequality of enforcement is another thing to which I object. Those of influence go free, while those of no influence are persecuted. The rich are free to get and drink as they please, while the poor walk the narrow entrance to the penitentiaries. If a shabby cottage is suspected of liquor, closed doors are no bar to the prohibition officer; he breaks down the doors. But if the home of wealth is suspected of the same thing, the bright lights reflected from within seem to blind the eyes of the officer so he can not even see the address.

It is the unthinkable hypocrisy in connection with this law and its enforcement and the intolerance of its sponsors that is eating out the heart of our civilization.

Much is said on the one hand relative to the enormous cost of prohibition and on the other as to the savings that are effected thereby, but should we concede the correctness of either or both of these contentions it can in no wise lessen the necessity for a modification of the Volstead Act.

The saving of men is of far greater value and importance than the saving of dollars and may not be measured by the money standard.

No civilization can long continue when through and by one law hundreds of thousands of its men and women are each year becoming inmates of penal institutions. Especially is this true when these persons are made criminals for the doing of things which only yesterday were unattended by any criminality.

The magnitude of such loss to our civilization may be partially appreciated when you consider that the Federal courts alone have been and are making criminals at the rate of 35,000 a year and that the average age of criminals is now only about 24 years. Add to this the great number of splendid young men and women who are daily being sent to penal institutions for the violation of this one law by the many State courts throughout our land and you realize that the loss to our civilization is appalling, for no people can long survive such a drain.

Moreover, the descendants of these criminals during the memory of man will be under the handicap placed upon their ancestors for the doing of things that were before the enactment of this law perfectly innocent and the doing of which was common among men.

The prohibitionists say we are merely trying to put an entering wedge into the law to bring back the saloons, when they know full well that we have no such purpose in view. On the contrary, our purpose is to amend our laws, so that we can have decent and respectable government instead of national hypocrisy, debauchery, and tyranny.

The Anti-Saloon League, however, and its associated organizations call us nullifiers of the Constitution because we seek to amend a statutory law in accordance with the provisions of the Constitution. The inherent and constitutional right was never

[1] No record.

surrendered and remains in the people to abolish, change, or modify any law or constitutional provision when they see fit so to do. To exercise this power is a patriotic duty if and when either laws or constitutional provisions are unwise and prove ineffective.

Our opponents contend that no valid amendment can be made to the Volstead Act because it would be in conflict with the Constitution. If this were true—and they honestly believe that it is true—why should they worry? The Supreme Court would declare it unconstitutional and our efforts in that behalf would then prove abortive.

Champions of prohibition remind us that the brewery interests once boasted that they ran the country from the White House down, while overlooking the fact that the Anti-Saloon League and its associated organizations are now trying to do the same thing. They point out that 40 years ago the liquor interests started putting their thumb mark on politicians, and forget that the witch burners of the prohibition forces are now even more zealously jabbing their awls into our present-day statesmen with the hope of finding "witch marks" that will justify their political execution in the fires of fanaticism. They charge that formerly the liquor interests sent their smartest men as delegates to all political conventions; that they wrote platforms and boasted of it in their trade papers; that they succeeded in penetrating the ranks of all parties in all States until finally the brewers could elect or defeat an entire administration and did; that they card-indexed every man in public life from alderman to governor and from governor to President; that they could and usually did defeat almost any man who harbored the slightest thought of curtailing the "personal right" of the saloon.

Granting that this be so, for the sake of argument, wherein, we ask, has prohibition improved these very conditions? We find that the Anti-Saloon League and its associates now send their smartest men to political conventions; nor are their "trade papers"—which are usually religious publications supposedly of a nonpolitical nature—silent of their conquests or modest in the face of victory, but boasting, vaunting, and threatening phrases pervade their columns. They have now succeeded in penetrating the ranks of all parties in all States, and finally can and do elect or defeat candidates and tickets in many States.

They have not only "card indexed" every man in public life but have sought to photograph and finger-print him as well. Regardless of what a man's qualifications for office, his ability, his reputation, or his integrity may or may not be, but let him utter the shibboleth, "I am for prohibition," and the hosts of the Anti-Saloon League rally to his standard like swarming bees to a new queen. On the other hand, should he evince any indications of questioning either the propriety, wisdom, or social value of any of the prohibition laws or the methods of enforcing them, these same hosts with even more vigor rise to smite him and efface his name from the memory of man. They consign him to the limbo of the socially undesirable; they classify him as a criminal and as a dangerous enemy of society; they resurrect that all but forgotten "bogey" of Civil War days, the word "nullification," and hurl it at his head with mingled imprecations and insults.

Prohibition and temperance can not exist in the same place at the same time. Where one is the other can not be.

I am for temperance.

I believe in the highest and widest liberty of the individual under the law.

I believe in the right of the people to amend any law which is oppressive or ineffective.

I believe in observance of law, but I believe in repealing bad laws and making good ones.

Specifically, I believe in the modification of the Volstead Act—

Because of the official failure to enforce its impossible provisions and because of the individual disregard of an oppressive enactment.

Because it has been and is the most demoralizing and corrupting force in American history.

Because it has produced official and private hypocrisy and general disregard for all law.

Because it does not prohibit.

Because it is making hypocrites of adults and secret drinkers of the youth of America.

Because it is breaking down the character of the American people by its false pretenses.

Because it has brought upon our people a horde of petty tyrants who, under authority of a bad law, are making outrageous invasions of the rights of citizens of this Republic.

We can not have temperance while the whole land is filled with illicitly manufactured and illicitly distributed intoxicating liquors.

We can not have respect for any law while the mass of the people are guilty of or accessory to the violation of one law.

The issue is not, then, one against a pretended prohibition but is one of honesty, public integrity, and personal morals against the hypocrisy and debauchery which threatens the oncoming generation with ruin.

I call upon all citizens who desire to maintain respect for law and who desire to cure the appalling conditions which have come upon all the communities of the United States because of the defiance of law to join in an effort for national decency. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Colorado has again expired. Under the previous order of the House, the gentleman from New York [Mr. O'CONNOR] is recognized for five minutes.

THE DALE RETIREMENT BILL

Mr. O'CONNOR of New York. Mr. Speaker, ladies and gentlemen of the House, in the Brooklyn Daily Eagle of yesterday, May 24, there appeared the following news article:

THANK LIVINGSTON

Jacob A. Livingston, Republican leader of Kings County, to-day received a telegram of thanks from Federal employees in the Customs Service, post office, and navy yard for his assistance in lining up Congressmen on the passage by the House yesterday of a rule that will permit their retirement bill to come before the lower branch in the present congressional session. The bill, which has passed the Senate, would change the retirement age from 70 to 60 years and increase pensions from $1,000 to $1,200.

This represents the proverbial limit in giving credit where no credit in the slightest degree is due. It must be subtle satire or unadulterated gall. Mr. Livingston had no more to do with obtaining a rule from the Rules Committee, of which I am a member, than the Shah of Persia. He was never heard of in connection with the legislation for which many of us have fought these long years.

Why, he has not got one Republican Congressman in his whole county to whom he could appeal. Whom has he been lining up? Democrats? There are not any others he knows. And his influence with Democratic Members is just about as strong as the President's strength with the farmers. Under his type of leadership as opposed to that of his able Democratic opponent, Mr. John H. McCooey, Kings County has become one of the greatest Democratic counties in the Empire State. It is therefore difficult to imagine how any Government employee could be deluded into believing for one moment that Mr. Livingston had the slightest connection with the progress of this legislation.

The representatives of the Government employees who have been active in behalf of this measure know who its friends have been. They know at whose doors they have knocked and received support. They also know who has been delaying this legislation for years.

It is not unknown to them on which side of the table in the Rules Committee their fight has been waged. The world knows the entire Democratic Delegation in Congress from New York has taken a leading part in that fight. As a member of that delegation, knowing what happened in the Rules Committee, although not permitted by certain rules of courtesy to disclose it, I can not let Mr. Livingston or any other Republican claim credit for the belated action on this measure. It should pass this House immediately so that our Federal employees may be able when they retire to at least live in some semblance of comfort. [Applause.]

BOULDER DAM

Mr. SMITH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5773, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose the gentleman from Utah [Mr. LEATHERWOOD] had the floor and yielded in order that the gentleman from Idaho might move that the committee rise. The gentleman from Utah is entitled to the floor and is recognized for five minutes.

Mr. LEATHERWOOD. Mr. Chairman and members of the committee: I can not refrain from adding a word of commendation to the paragraph now under consideration. I am quite sure the committee does not realize the great benefit that the

taxpayers of the country are going to receive through the improved navigation on the Colorado River. [Laughter].

In my minority report I have tried to point out some of the benefits to be derived, but yet I was somewhat hazy as to whether they were as great as I imagined. On Wednesday all doubt was dispelled when a gentleman of the committee portrayed to the House this wonderful reservoir that will be formed by the dam, which will be 76 miles long and navigable. It is a wonderful reservoir and before I describe it to you I want to say that some one has remarked recently that navigation on the Colorado River begins nowhere and ends nowhere. I think this is a mistake. I conceive that possibly some of the grapefruit produced on the beautiful Yuma Mesa under the administration of my good friend, Col. Benjamin Franklin Fly may be transported over the turbid waters of this great river. They may load a flatboat with them and with a powerful tug they may succeed in pushing them up to the location of this dam where they will meet the first great aid of navigation, namely a dam across the river 550 feet above water level. There with a great electric hoist they will lift up this cargo of grapefruit into the beautiful reservoir back of this dam, 76 miles long and on either side the walls rising to sheer heights of 5,000 feet or more.

After transporting them over this beautiful lake with perpendicular walls on either side, with the limitless desert extending on either side for more than 300 miles, inhabited only by Gila monsters and rattlesnakes, they will reach the upper end of the lake, where the Hopi Indians will perhaps suspend their snake dances. Then each Indian will be supplied with a rope 5,000 feet long and a basket which they will lower down to the scow, and there at the end of navigation they will unload the grapefruit and then pull them up to the rim of this great canyon.

Then me-thinks the Hopi Indian runners will take the baskets of grapefruit and cross the desert with the hope that they will find a wandering cattleman or a sheep wagon and be able to dispose of one or two of the grapefruit, after going two or three hundred miles from the rim of the canyon.

O Mr. Taxpayer, you do not realize what we are going to give you; we are going to give you the most wonderful river for navigation that the country has ever known. [Laughter and applause.]

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent to return to section 5 for the purpose of offering two amendments which I have sent to the desk.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to return to section 5. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: Page 8 of the bill, after the word "application," the last word in the committee amendment heretofore agreed to insert the following: "The rights covered by such purposes shall be taken by such State within six months after notice by the Secretary of the Interior and be paid for on the same terms and conditions as may be provided in other similar contracts made by said Secretary."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. ARENTZ: Section 5, paragraph (b), page 8, line 11, insert after the word "utilize" the following: "Such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. DAVENPORT. Mr. Chairman, there are several amendments at the Clerk's desk which I will offer.

The Clerk read as follows:

Page 9, section 6, line 21, strike out the words "or alternatively to enter into contracts of lease for the use of water for the generation of electrical energy."

Mr. DAVENPORT. Mr. Chairman and gentlemen of the House, you will observe that there are three alternatives in section 6. In the first place, the Government or Secretary of the Interior may construct the power plant and operate it; second, the Government may construct the power plant and the unit or units of the plant may be leased and privately operated. In the third place, the Secretary of the Interior or the Government may lease the water, in which case, under all the circumstances, a private corporation at Boulder Canyon would construct the power house.

This amendment does nothing at all except strike out the third alternative, so that the Government, which has constructed the dam, shall also construct the power house—not operate it—construct the power house which is contiguous to the dam, and which could be built at the same time as the dam, with the same organization, equipment, and overhead, and therefore more economically than if a private corporation stepped in and built the power house. Everyone agrees that several power stations can not be built in any feasible way in the canyon. It is a narrow canyon and high. The Government is to build the dam anyway. If a private corporation under the third alternative should come in and build a power house, you would have two organizations, two entire sets of equipment, with work going on at the same time, which is just as impracticable as it possibly can be, and I think nearly everyone agrees to that who has ever been in the canyon. In the second place, if it is true that it can be built more economically by one organization than by two, then it can also be built more economically, because the Government can get the money for building the power house more cheaply than a private corporation can, and the burden on the region will not be so great, so far as capitalization used to construct the power plant is concerned. In the third place, if the Government actually owns and constructs the power house, its arm can reach farther for the protection of the consumer. Again, it seems to me incredible that the House of Representatives should allow a private corporation to build the power house when there is no provision in the bill whatever for the recapture of the power house. So from every important standpoint it seems to me wise that the Government, which builds the dam, should also build the power house. This does not in any way contravene the view of the President of the United States or anybody else that the Government should not engage in business, because the second alternative still leaves it entirely possible for any private corporation or municipal corporation to enter into this power station, in a unit or in units of it, and operate the plant.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. NEWTON. If the Government constructs the power house, will the power house then be adapted to whoever might contract with the Government for the generation and distribution of power? Would they not be more apt to contract on advantageous terms if they constructed the power house?

Mr. DAVENPORT. Well, in the first place, everybody agrees that there should be one power house in there, and there is no reason to suppose that the engineers of the Government, who have had so much experience in building power houses, particularly the great power house at Muscle Shoals, would build it in such a way that it would not be practical for use by these private or municipal corporations. I think the same skill will be used by the Government engineers which they have used elsewhere.

Mr. LAGUARDIA. And of course there are not 57 varieties of power houses.

Mr. DAVENPORT. No. There is every reason to believe we should get a modern and high-grade power house built by our own Government engineers. I move the adoption of this amendment.

Mr. SWING. Mr. Chairman, I feel I ought to make a statement in connection with this amendment. I am in accord with much of the statement of the gentleman from New York [Mr. DAVENPORT]. In all probability, if the bill remains the way it is, the Government engineers will find it the economical and proper thing to do when they build the dam to build the power plant. However, this bill has been indorsed by the Secretary of the Interior. It has received the approval of the President in its present form and it has received the approval of the committee in its present form. I do not feel that the Government ought to have taken away from it the option of working out upon the ground what will prove to be the greatest undertaking any organization of our Government has been authorized to do. Therefore, I feel compelled to support the bill in the form in which it has been reported.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. This amendment is offered by a friend of the project and a student of the subject. My colleague from New York [Mr. DAVENPORT] has given the subject of hydroelectric power as much study as any Member of the House. When he offers an amendment, let me say to the gentleman from California [Mr. SWING], he offers it in good faith, and in the few remarks he made he pointed out so clearly that the very vital of this undertaking, one of the chief purposes of building this dam, is to construct a power plant by the Government to be used for the purpose of conserving and utilizing a tremendous water power for the best advantage of all concerned. Bear in

mind the vicious, the disgraceful, venal propaganda that has been carried on for the last few years by the Power Trust to keep the Government from developing this great project. With that in mind, looking at the provisions of this bill, for the Government to build this great project to correct the defects of nature, to utilize this great force and harness this power, will you permit the Power Trust to come in, build the plant, and get advantage of it all? We have had experience in New York City. Profit, if you please, by our sad experience. We built subways costing $400,000,000 more than is involved in this bill. We turned over that precious property to an operating company, and the people of New York have been suffering ever since. We are unable to recapture our own property and our own investment, and are being exploited with our own property. I appeal to the gentleman from California [Mr. SWING] not to oppose this amendment. Every opponent of this bill will vote against this amendment. If you are sincere in establishing a precedent in this bill, if you are sincere in utilizing this great force for the benefit of all the people in that region of the country, if you believe in what you say, for God's sake stand by this amendment. Otherwise your bill will not carry out the purposes desired. [Applause.]

Mr. BLACK of New York. Mr. Chairman, I rise in opposition to the pro forma amendment. I want to add to what the gentleman from New York [Mr. LAGUARDIA] has said, and pay my small tribute to the gentleman from New York [Mr. DAVENPORT] who has offered this amendment. I agree with the gentleman from New York [Mr. LAGUARDIA] that there is no one in this House who has given more time and conscientious thought to this hydroelectric problem than has the gentleman from New York [Mr. DAVENPORT].

I hope that my colleagues from New York will support the gentleman on this amendment. This amendment will make this bill ironclad and copper riveted in the public interest. We do not want to pass the bill and turn this project over to the very people that some people think this bill is aimed at, and I trust the friends of this bill will see fit to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONTAGUE. Mr. Chairman, I did not hear the amendment. Can we have it reported, if agreeable to the committee?

The CHAIRMAN. Without objection, the amendment will again be read.

There was no objection.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CROSSER. Mr. Chairman, I would like to be recognized if I can.

The CHAIRMAN. The House is dividing on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from New York [Mr. DAVENPORT].

The Clerk read as follows:

On page 9, line 24, after the word "compact," insert the words "on condition that if two or more such contracts be entered into provision shall be made for operation of the plant under a joint agreement upon terms approved by the Secretary of the Interior for the purpose of providing for the most economical utilization of the available energy."

Mr. DAVENPORT. Mr. Chairman, the gentleman in charge of the bill tells me he is willing to accept the amendment.

Mr. SWING. I am of the belief that the amendment follows logically the one just adopted.

Mr. NEWTON. Mr. Chairman, may we have an explanation in a word or two? This is a very important amendment.

Mr. DAVENPORT. Mr. Chairman, I did not give the explanation because the sponsor of the bill said he would accept the amendment and I did not want to take the time. I am glad, however, to explain.

You will notice that under the second alternative the Government will build the plant, but that unit or units of it may be leased. If the power plant is to be operated efficiently, it must be susceptible of being operated as a single unit. It must be possible for the generators to be operated in synchronism. Now, picture this plant leased to separate entities not sympathetic with each other. In order to get the best results it is necessary to operate with the generators of a great power plant as you would play upon the keys of a great organ.

Mr. LEATHERWOOD. In the event that unit or units are to be leased, do your amendments provide any priority as to preference rights of lease?

Mr. DAVENPORT. My amendment provides that if the leasing plan is followed, and there are two or more contracts, there shall be a joint agreement in connection with the contract under the control of the Secretary of the Interior, so that the whole battery of generators can be employed and developed to the fullest advantage for the development of power.

Mr. LEATHERWOOD. But have any municipalities the first right to lease?

Mr. DAVENPORT. What does the gentleman from Idaho—the chairman of the committee—have to say about that?

Mr. SMITH. Yes. The bill provides that.

Mr. DAVENPORT. Have I explained sufficiently for the gentleman from Minnesota [Mr. NEWTON]?

Mr. NEWTON. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 23, strike out the words "within a State which has approved the said Colorado River compact, in either of which events" and insert in lieu thereof the following: "in case of the execution of such contract."

Mr. DAVENPORT. This third amendment simply straightens out the English of the paragraph after these other amendments are put in.

Mr. LEATHERWOOD. We could not hear that. I would like to have the amendment again read.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Page 9, line 23, strike out the words "within a State which has approved the said Colorado River compact, in either of which events" and insert in lieu thereof "in case of the execution of such contract."

Mr. LEATHERWOOD. Will the proponent of the amendment yield for a question?

Mr. DAVENPORT. Yes.

Mr. LEATHERWOOD. What is the purpose of this?

Mr. DAVENPORT. The striking out of the words "within a State which has approved the said Colorado River compact" is at the suggestion of the sponsor of the bill. I yield to him.

Mr. SWING. Under the amendment to the bill just adopted the Government will build the plant. Whether it will operate it or not will be determined later. It is provided that in case the governmental authority builds the plant it will regulate the contract.

Mr. LEATHERWOOD. What is the purpose of providing that the States shall have approved the compact?

Mr. SWING. I have no objection to its going out. Does the gentleman want it in?

Mr. LEATHERWOOD. I can not speak for the States.

Mr. HOCH. As I read the amendment in the RECORD, it did not strike out the words referred to.

Mr. DAVENPORT. The only reason for striking them out now is that the preceding amendments have passed and now the words referred to are not necessary.

Mr. HOCH. I did not understand the purpose of striking out the words "within a State which has approved the said Colorado River compact." That has nothing to do with the amendment that has been agreed to.

Mr. ARENTZ. Mr. Chairman, I offer an amendment to strike out these words that do not occur in the amendment offered last night on adjournment. I propose to amend the amendment.

Mr. DAVENPORT. I have no objection at all. I put those words in at the suggestion of the sponsor of the bill.

Mr. ARENTZ. So as to satisfy everybody, why not take them out?

Mr. DAVENPORT. All right.

The CHAIRMAN. Without objection, the gentleman from New York modifies his amendment in the manner indicated.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Mr. DAVENPORT offers the following amendment: On page 9, line 24, strike out the words "in either of which events," and insert in lieu thereof "in case of the execution of such contracts."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DAVENPORT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVENPORT: On page 10, line 3, after the words "shall apply," insert new paragraphs as follows:

"As a condition to the lease of the said plant or any unit or units thereof, and as a condition to the sale of electrical energy therefrom, every lessee and every purchaser, if the United States operates the plant, shall agree that the property of such lessee or purchaser, used and useful in connection therewith, shall be valued, whether by the agencies of the States or of the United States, and whether for regulation of rates or for taxation or for State or municipal acquisition and use, at its fair value, not to exceed the net investment of the said lessee or purchaser, and said net investment shall be ascertained in accordance with the provisions of the Federal water power act and the regulations of the Federal Power Commission.

"Every lease and every contract for the sale of power shall provide that the resale price thereof, with the transformation, transmission, and distribution of such energy, extending to sale to the ultimate consumer, shall be subject to the regulation and control of said Federal Power Commission or of the appropriate authorities of any State or States in which such power is transmitted, distributed, sold, or used, according to the respective jurisdictions of the said Federal Power Commission or said State authority, as provided in sections 19 and/or 20 of the Federal water power act."

Mr. DAVENPORT. Is an explanation of this amendment requested?

Mr. LEATHERWOOD. I think an explanation should be made.

Mr. DAVENPORT. This amendment insures actual prudent investment as one of the contract terms with the lessee or the purchaser of power. We are having just at this time a great deal of trouble in this country in keeping well established the old American rule of actual prudent investment in public utility valuations. The State of Massachusetts, for example, is disturbed over the Worcester Electric Lighting case. The State of Massachusetts has always looked upon actual prudent investment as a sound rule of determining the rate base. It happens there are certain judicial decisions which have to do more with judicial economics than with constitutionality or legality, which have been interpreted to mean that another rule, reproduction new or going concern value, may be established for public utilities, and the State of Massachusetts in this Worcester Electric Lighting case finds that no longer can it assure itself of actual prudent investment as a valuation basis for rate making. The city of New York in the Interborough Rapid Transit case is similarly troubled. In the State of Massachusetts the tendency of public opinion is that in the case of a new public utility enterprise or the extension or expansion of an old enterprise, there shall be put into the license agreement a contract provision with respect to actual prudent investment, so that instead of simply invoking the police power of the Constitution there may be, for a new enterprise, where no vested rights are involved, a clear declaration of the ancient and sound rule of public utility economics with respect to actual prudent investment. Not only the police power but the contract power of the Constitution must in the future be employed in the interest of the consumer.

Mr. MOORE of Virginia. The gentleman, as I understand it, proposes by his amendment to divest the question as to what shall constitute the basis of the value of the doubts that he has referred to which have troubled the courts and also the Supreme Court.

Mr. DAVENPORT. That is the idea.

Mr. LAGUARDIA. And to establish a fair and equitable formula?

Mr. DAVENPORT. Exactly.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SWING. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. MACGREGOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MACGREGOR: Page 10, line 22, at the end of the paragraph, insert:

"No liability of any kind shall attach to or rest upon the United States resulting from the construction of said dam or reservoir."

Mr. MACGREGOR. Mr. Chairman, some time in 1950, or thereabouts, I expect to open the morning paper and receive the news that the Boulder Canyon Dam has busted; that a couple of thousand lives have been lost; that this immense wealth, hoped to be created by this dam, has been lost, involving a money loss of many millions of dollars.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. LEATHERWOOD. I think the gentleman may rest assured that the dam will not be completed by that time. [Laughter.]

Mr. SWING. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. SWING. As I understand the wording of the gentleman's amendment, it provides that no liability shall attach to the building of the dam, but the gentleman's debate is on what the result will be after the dam has broken.

May I ask you this question. Does not your amendment go so far that it would preclude the payment of any damages for flowage rights; would it not go so far as to prevent, under the amendment already adopted by the committee, paying any revenue to Arizona and Nevada?

Mr. MACGREGOR. I am offering this amendment for the purpose of calling attention to the danger. I am concerned about the claims that are going to come for the losses when the dam breaks.

This dam is four times as high as Niagara Falls from bed rock; 120 feet higher than the Washington Monument.

Mr. SMITH. It is unfortunate the gentleman is not more accurate in his statement. The Washington Monument is 555 feet.

Mr. MACGREGOR. And your dam is 675 feet from bedrock.

Mr. SMITH. The Washington Monument is 555 feet from the ground to the top, and this dam is 550 feet.

Mr. MACGREGOR. It is 675 feet from bedrock.

Mr. SWING. Will not the gentleman also start the Washington Monument at bedrock?

Mr. MACGREGOR. Anyway, the proposition involved here is that you have a dam which is at least 125 feet higher than any dam ever constructed in the history of the world.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. MACGREGOR. Certainly.

Mr. DOUGLAS of Arizona. It is 292 feet higher than any dam ever constructed in the history of the world.

Mr. MACGREGOR. Yes. This territory is subject to earthquakes.

Mr. SMITH. In the interest of accuracy——

Mr. MACGREGOR. Wait a minute. I am trying to have a little say here. [Laughter.] This territory is subject to earthquake.

Mr. EVANS of California. How does the gentleman know that?

Mr. MACGREGOR. By the statements of the facts here. You have it in the testimony here that there are earthquakes, and every time there is an earthquake in this section the rock goes into this Boulder Canyon by the ton.

Mr. SWING. In the interest of accuracy, will not the gentleman do me the honor, after he is through, to read my speech in which I quote Doctor Ransome, the eminent geologist of the United States Government, in which he states there has been no movement along the fault planes since the time civilized man came to the North American continent. [Laughter and applause.]

Mr. MACGREGOR. Then somebody must be prevaricating. [Laughter.]

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. MACGREGOR. Certainly.

Mr. DOUGLAS of Arizona. I think I can straighten this whole discussion out by simply explaining what an earthquake is. An earthquake need not necessarily result from movement along a fault plane. An earthquake is vibration as a result of movement either within a specific region or as a result of vibrations from movements elsewhere. The fact that there may not have been any movement on any of the fault planes which Doctor Ransome points out in his report is no evidence whatsoever that there has not been an earthquake at the Boulder Dam site.

Mr. MACGREGOR. Mr. W. G. Clark, a consulting engineer of New York City, said that there had been several earthquakes in this Boulder Dam region.

Mr. WILLIAM E. HULL. If the gentleman will permit, I have been at the Boulder Dam site and I would like to know if any earthquake ever affected the rocks there now. No earthquake could ever stir them up.

Mr. MACGREGOR. It is stated here that the earthquakes piled up tons of rock.

Mr. WILLIAM E. HULL. I do not see how it would be possible to blow them up.

Mr. MacGREGOR. Then the gentleman has not been there at the time they were torn up.

Mr. Chairman, I desire to state a few of the reasons why I am opposed to the Boulder Dam project.

I am opposed to the Government going into the power business.

I am opposed to any more reclamation propositions at the present time. The farmers are crying for relief from overproduction, but still we go on reclaiming more lands for agricultural production. The reclamation enterprises of the Government have not been eminently successful. Public moneys in many instances have been wasted.

I am opposed to constructing a dam that will constitute a menace. The proposed dam would be at least 675 feet high from the bedrock. That is four times as high as Niagara Falls. It is 120 feet taller than the Washington Monument.

The reservoir created by it would hold seven hundred times as much water as the St. Francis Dam in California that recently gave way, resulting in such a tremendous loss of life and property. It is appalling to think what destruction would follow in the wake of such a wall of water as would follow the breaking of the proposed dam. The territory is subject to earthquakes.

I am opposed to it because it is discriminatory legislation.

I look upon this matter purely as a local proposition and believe that the people of the locality should pay for it in any event. It is another instance of the Federal Government paying for everything and adding to the ever-increasing bureaucracy.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROSSER. Mr. Chairman and members of the committee, it is strange why men who have lived under popular government are opposed to the rightful and lawful demand that the public's property, the Nation's natural resources, including water power, shall be used for the benefit of the public, for the equal advantage of all the people, and not for the special benefit of any one or few. Certainly one can find amusement in the illogical arguments presented to justify giving to a few people a special privilege in what belongs to all of the people.

Surely, however, those who still believe in the Declaration of Independence must be surprised when they observe Members of Congress apologizing for voting to have the Government keep and use, for the equal benefit of all of the people, those resources which, according to both law and morals, belong to the public as a whole.

All of the clamor on the part of private persons for the privilege of controlling and exploiting, for their own benefit, the public's natural resources is evidence of selfish desire for the largest possible portion of what is jointly produced by the action of labor, capital, and the force of nature itself.

Rarely, if ever, do men dispute or quarrel about what is the best mechanical means or method of producing wealth. The controversy is always in regard to how much they should have as their share of what is produced.

Every true economist recognizes, therefore, that in the science of political economy the most important subject is the economics of distribution, sometimes vaguely referred to as the wage question.

The many measures presented to Congress for the increase in the pay of different classes of Federal employees show clearly that the problem of just distribution is a very important one. Indeed, ever since I became of voting age I have realized that not only the welfare of those who work but, in fact, the ultimate safety of the Nation as a whole depends upon the establishment of justice in the distribution of what is jointly produced by the action of labor, the resources of nature and of capital.

Let me say, before proceeding further, that while I have been a Member of Congress I have supported every measure for the increase of the wages of Government employees. I have done so gladly. I know, however, that such measures constitute no fundamental and final remedy for the injustice suffered by the class of people known as employees.

Many men in public life, however, easily acquire reputations as "friends of the people" by merely voting, now and then, for small increases in wages. All, however, might have voted for such increases without being in fact genuine supporters of justice to the producers of the Nation.

Many men have voted for wage increases, and yet at heart they feel that a few men were designed by the Creator to govern everybody else, and they think that all the rest of the people should be humbly thankful for whatever the few are willing to let them have. Nevertheless, many good people, sincerely desiring greater opportunities and justice for the employee class, are misled because defenders of special privilege and autocracy may at times have rightly voted for moderate increases in the wages of Federal employees and are therefore called "friends of labor."

Note, however, how eagerly these same men strive to give to private individuals that great and valuable natural resource known as Muscle Shoals. Observe the frantic efforts to prevent the passage of the bill now before the House providing for the building of Boulder Dam, which would safeguard 60,000 people against death by floods; provide water needed for household purposes by the 1,800,000 people of southern California, provide for watering 400,000 acres of arid land and which would make possible the development of water power to the extent of more than 1,000,000 horsepower by which electric current can be generated and sold very cheaply to the people of southern California and without loss to the Government.

By building a dam 550 feet high at Boulder Canyon, the width of which at the bottom would be only 300 feet and the width across the top of which would be only 1,300 feet, the Government can create a reservoir large enough to hold 40,000 square miles of water, a foot deep. If it were necessary and desirable, the reservoir would hold the whole Colorado River flow for one and a half years without letting a drop of water pass the dam. It seems almost unbelievable that men would interfere with the enjoyment of such blessings by the people in order to prevent the recognition and approval of the principle that to all the people, as a matter of right, belong the values and benefits produced, by the public's natural resources, in excess of what results from individual effort or assistance. Yet there are men, who because of their desire for possession and control of nature's bounties, are willing to have thousands of their fellow men suffer death by floods; willing to deny drinking water to other millions of their fellows; willing to have almost one-half a million acres of land lie parched, useless, and idle; and are not only willing but eager to deny millions of people the benefit of cheap power and light in order that they may have a monopoly of the water power, and therefore be able to compel the people to pay an exorbitant price for power and light.

Yes, my friends, we observe men support perhaps grudgingly, but, nevertheless, they occasionally support wage increases. These same men, however, eagerly strive to give to private persons the great resources of nature.

The monopoly, by private persons, of the natural resources and the concentration of the ownership of industrial land gives such private persons the power, to a great extent, to dictate, without regard to justice, the wages of employees and also to place unreasonable prices on many kinds of service and goods.

Consider, for example, the sale of electric current for power and light developed by the water power at Niagara Falls. On the American side of the falls the water power is under the control of private owners. On the Canadian side of the same falls the water power is controlled directly by the Government of Ontario. The consumer on the American side of the river, however, pays approximately three times as much as does the consumer on the Canadian side of the river. Why this very great difference in the price paid by the users of electricity developed by water power at the same falls and in power houses only a few hundred yards apart? Comparatively little labor of any kind is required in connection with the generation of electric current from water power and, therefore, the common excuse of higher labor cost can not be advanced to explain the very high price of electric current on the American side of the falls.

The true explanation is that, on the Canadian side of the Niagara, the people receive, in cheaper electric current, the benefit of what nature itself provides, whereas, on the American side of Niagara, private persons collect huge profits from the sale of electric current, produced at practically the same place by the same force of nature. It was necessary to build power houses on both sides of the falls. Private persons built the power plant on the American side and the public built the power plant on the Canadian side. The price charged for electric current should be and is enough to pay the interest on the cost of building the power plants, both in the case of the publicly owned and operated plant of Ontario and in the case of the privately owned plant on the American side of the river.

The private owners of the American plant, however, place a high money value on the privilege of controlling the power which nature produces by the waterfall at Niagara, and then they demand from the consumers of electric current a price high enough to pay a profit on the value which the private owners have put on the privilege of controlling the power which nature itself provides. Is it morally right that one or a few men should have, in what nature itself gives, a greater share than other members of the community?

Oh, but you say private owners would be willing to sell electric current at a price sufficient to pay a reasonable profit on the money; that is, capital necessary to build the power plant and buy equipment. In order to prove how much you are mistaken I suggest that you offer private operators that proposition and then note their protests. Political economists agree that the proper remuneration to capital is the market rate of interest. I know of no private operators of public utilities or natural resources who would be satisfied with interest on the capital necessary to furnish the improvements required to operate a public utility or natural resource.

The analysis which I have given as to the rightful distribution of the benefits furnished by the force of nature at Niagara Falls applies with equal force to the cases of Muscle Shoals, to Boulder Dam, and to water power wherever it may be. Not only does the principle which I have stated apply to all the water power of the Nation, but it is equally true as to every natural resource and as to every advantage which is due to the force of nature.

It is a well-recognized fact that no wealth can be produced except by using the earth or some of its resources. The fewer, therefore, the number who control the natural resources of the country the more surely can such few arbitrarily determine the price of what is produced and also the compensation to be paid to the labor required to utilize such resources for the production of goods or service for sale to the public.

The sure safeguard against unsound and dangerous schemes for regulating business is the insistence upon only what is sound and just by those speaking for the business world. When business men, craftsmen, professional men, or others demand what is not right and just, mankind finally becomes hostile to them and refuses them even what is clearly justice.

It is well, then, to consider what is properly the field of private business and what means of production should be owned and operated by the public.

Wherever competition is clearly possible in the production or distribution of goods or service, private business is the proper agency to be employed. Where, however, the agency required to serve the public must use public property and have the exclusive right to serve the public, or in other words, must have a monopoly of the particular business in question, then the public, acting through its officials, is the proper agency to be employed.

Where we have competition, one producer or dealer, because of his desire for business, makes a price which prevents the demand by others, in the same kind of business for an exorbitant price for what they sell. In the case of a public utility, however, in which a monopoly of the business is proper and necessary, private individuals actuated by the desire for profit can not justly or safely be given that exclusive right or monopoly of the business.

Return for a moment to consider the effect of the private ownership of natural resources and the concentration of the ownership of land desirable for industrial purposes. Is it not clear that, if we continue such a policy, men can grant to employees an increase in pay and then take it back from the public by increasing the price of what they sell? Do not forget that the employees referred to, constitute a part of the public and that all the different groups of employees constitute practically the whole public.

We should, therefore, assure the public ownership and operation of the natural resources and monopolies and thus in the case of water, for example, assure cheap power to manufacturers and cheap light to business houses and to domestic consumers.

Then, too, instead of increasing men's taxes because they build mills and factories and make other improvements, we should reduce their taxes. If we must add a penalty to taxes, it should be added to the taxes of men who fail or refuse to make use of land adapted to industry. We should not, by increasing his taxes, discourage the man who by using his land produces more goods and also creates a demand for labor. New demands for labor would lessen the competition for employment at other work places and would finally abolish unemployment, and therefore increase wages. If workmen were all employed and well paid, they could and would buy freely, and so create a good market for all kinds of goods and thus stimulate production, and therefore benefit both the employers and employees of the country. The increase in production would also lessen the price of merchandise to the public. Those only would receive less who had speculated on the rise in the value of their property because of other men's industry and enterprise in improving their neighboring property.

If we should adopt the policy I have briefly suggested, then we would before long have no unemployment problem and no wage problem. If Government employees were then not paid fair salaries, they could be sure of finding employment at better pay with private business. The Government then, in order to keep its trained employees, would raise their wages to a reasonable standard. Moreover, their increases in pay would not, as now, be continually taken from them by increases in prices for the necessaries of life.

The noblest service public men can render to the people is to help to establish justice. Surely we do not help to establish justice when we advocate giving to a few men a special interest in the people's valuable resources and thus enable them year after year to take tribute from the people for the use of their own property. I, too, favor economy, but I am for the true economy, which means the avoidance of waste. It is the worst kind of extravagance to give to a privileged few the people's treasure, which, if used for the benefit of all, would reduce the cost of living to all. It is false economy to hold down the wages of Government employees while we give away water power which, if used for the benefit of the people, would mean cheap light to millions, reduced factory costs for employers, and therefore lower-priced goods for the public.

My friends, let us keep the valuable resources that belong to the people of the Nation, and let us use for the benefit of the public what belongs to the public. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 7. That the Secretary of the Interior may, in his discretion, when repayments to the United States of all money advanced, with interest, shall have been made, transfer the title to said canal and appurtenant structures to the districts or other agencies of the United States having a beneficial interest therein in proportion to their respective capital investments under such form of organization as may be acceptable to him. The said districts or other agencies shall have the privilege at any time of utilizing by contract or otherwise such power possibilities as may exist upon said canal, in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located. The net proceeds from any power development on said canal shall be paid into the fund and credited to said districts or other agencies on their said contracts, in proportion to their rights to develop power, until the districts or other agencies using said canal shall have paid thereby and under any contract or otherwise an amount of money equivalent to the operation and maintenance expense and cost of construction thereof.

The following committee amendment was read:

Page 11, line 2, strike out the word "of" and insert the word "in."

The committee amendment was agreed to.

Mr. LANKFORD. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I am in favor of this bill. The bill at first appears to involve many difficult questions, but to my mind it finally has resolved itself into one question, and that is the question of who shall build a dam at Boulder Canyon on the Colorado River.

To my mind there is no doubt about the proposition that there will be built at or near Boulder on the Colorado River a great dam. That dam will either be built by the Government under the terms of this bill or it will be built by private capital.

All agree that it is necessary to build a dam on the Colorado River in order to control the flood menace of the Imperial Valley. The very people who oppose the building of the dam under the terms of this bill advocate and are willing for a dam to be built there to control the flood situation.

Those who oppose the construction of this dam admit that there should be such a dam built as may be necessary to assist and help in the irrigation of that fertile valley near the Colorado River. So it is settled that Boulder Dam will be built.

This case narrows itself down to a proposition of whether that dam shall be built under the terms of this bill or be built by private capital. If Mr. SWING was only seeking to pass a bill for flood control, there would be no real controversy about it. If he was seeking to build a dam for irrigation purposes, there would be no serious contention about the construction of the dam.

Then why does this controversy arise? What brings about the bitter contest? The suggestion that there be built by a governmental agency a dam which will produce power and which will pay for itself lashes the great power interests into a frenzy of apparent indignation.

Why not let the Government under the terms of this bill build the dam? I am convinced that that dam built in accordance

with the terms of this bill will be paid for by the people as set out in the bill. The Government will be fully protected and the people retain this great asset?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANKFORD. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANKFORD. If the dam is built under the terms of this bill and electrical energy is sold, the consumers will eventually pay for that great dam, and when they pay for it the dam will still belong to the American people.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. LANKFORD. I can not; I have only 10 minutes. If the gentleman has any questions and will submit them in writing I will answer them later when I have more time at my disposal. [Laughter.]

If the private interests build the dam they will charge such a rate for the electrical energy as to make the consuming public pay for the dam in a little while, and then the corporation which has built the dam will still own it. They will continue to charge that amount for the electrical energy and make the consuming public pay for it in full again and again and again every few years, as time rolls on.

All kinds of arguments are being made against the construction of the dam. One faulty argument is that if you build a dam under the terms of this bill it will bring about the production of a large amount of cotton in the Imperial Valley, thereby causing an overproduction and consequently low prices. The construction of a flood-control dam used for irrigation purposes will produce just as much cotton in the Imperial Valley as a dam built under this bill. The construction of a dam by private interests which they are willing to build will bring about the production of the same amount of cotton that the construction of the dam under the terms of this bill will bring about.

Mr. Chairman, my people are cotton growers, and having their welfare at heart and not wanting them to be misled, and not wanting southern Members of Congress misled on this proposition, I wish to discuss rather fully the cotton-production phase of this proposition.

From time to time we have heard suggestions from those who are opposing the Boulder Dam and the all-American canal that the construction of this great project would mean an increased production of cotton along the lower Colorado River, and particularly in Imperial Valley. We are told that our people of the South should oppose the measure on this ground: That if the Boulder Dam and the all-American canal should not be built, then the South is saved this competition. In 1927 the Alabama Press Association, after its members had been told that the Boulder Dam project would mean enormous competition in the production of cotton, passed a resolution opposing the project upon that ground. Let us see about the matter.

Along about 1910 cotton was introduced into Imperial Valley and was found to be quite successful. At the same time, it was introduced into the Imperial Valley on the Mexican side of the international line and was found to be equally successful, but with the decided advantage of unusually cheap labor, the labor consisting mostly of orientals and native Mexicans. The reports indicate that in the five-year period of 1922 to 1927 more than 4,400 Chinese laborers alone were imported into this section of Mexico.

During the stimulus of the war cotton planting increased on both sides of the line very materially until in 1920 there was slightly more than 100,000 acres in cotton in Imperial Valley, Calif., and almost 200,000 in Mexico.

After the war, however, cotton production on the American side, because of the cost of labor, cost of irrigation water, and other items, reduced the acreage materially from year to year, so that in 1924 the acreage in Imperial Valley, Calif., had dropped to 75,801; in 1925, to 47,253; in 1926, to 23,693; and the acreage in 1927 was only 20,300 out of some 400,000 acres in general crops.

On the Mexican side we find a slight reduction in 1924, or 170,126 acres in cotton; in 1925, 197,430 acres; in 1926, 145,348 acres; and in 1927, 112,015 acres.

During the year 1925 there was ginned in the Imperial Valley, Calif., 10,500 bales, as against 84,331 bales immediately across the line in Mexico. In 1926 there were ginned in Imperial Valley, Calif., 6,838 bales, as against 84,842 bales across the line in Mexico.

A report of December 31 last, as published in the Glexico Chronico, a newspaper published in Imperial Valley, indicates that for the present season up to that date there had been ginned in Mexico 25,206 bales, as against 2,733 bales for Imperial Valley, Calif.

In 1920 there were 22 cotton gins in operation in Imperial Valley, Calif., and in 1927 there were only 4.

These figures all indicate that cotton production in Mexico is somewhat of an established fact, but in Imperial Valley, Calif., it never has been a serious factor, and is very much on the decline. The reason for this is obvious. Imperial Valley has a 12 months' growing season; they irrigate their crops every month in the year; they have long, hot summers, and sunshine practically all of the time. This condition is ideal for the growing of fruits and winter vegetables and for growing two or more crops per year on the same parcel of ground. With these conditions, with the long summers and the abundant sunshine, catalyzed crops of high value can be as easily produced as crops of lower value.

The lands are reclaimed from the desert, which requires a considerable expenditure of money. Therefore land values are reasonably high; labor cost in that region is necessarily high; and since all moisture must be artificially applied, a great deal of money is necessarily expended for irrigation works and irrigation service, and yet the land will produce little, if any, more cotton per season than will a similar area of land in the Southern States, where the expense of production is only a fraction of the cost in Imperial Valley.

Mr. R. B. Vail, president of the Alabama Press Association, visited the Imperial Valley in November, 1927, for the express purpose of obtaining first-hand information on this subject, and the Los Angeles Examiner of November 26, 1927, contained a news story following an interview with Mr. Vail, wherein we take it Mr. Vail is correctly quoted.

Mr. Vail in his interview with the correspondent of the Examiner at the Rosslyn Hotel in Los Angeles, and on various occasions and to numerous persons since, has repeatedly called attention to the false propaganda circulated throughout the South that realization of the Boulder Dam project would mean southwestern cotton competition. He has invariably declared that there is no foundation for any fear of competition from cotton growers as a result of the Boulder Dam and that the deliberate purpose to deceive is the only reason for the circulation of such false propaganda.

Mr. Vail declares his purpose to prevent, so far as possible, these false reports and newspaper items doing a rank injustice to the cause of those seeking the passage of legislation to authorize the construction of Boulder Dam. He points out that there is no likelihood of any bulk production of cotton in the Southwest that might damage the cotton interest of the South.

Mr. Chairman, Mr. Vail and all the rest of us who have visited southern California found that the lands in Imperial Valley which would be irrigated as a result of this dam are entirely too valuable and too expensive to be used in the production of cotton with the expensive labor of southern California. This land is extremely fertile and is very valuable for the production, from January to January, of cantaloupes and all other forms of vegetables and fruits. The farmers of this valley can not pay for their lands, pay for their labor, and for all their water and produce cotton at a price below 40 or 50 cents a pound except on very small areas of land temporarily not used for fruits or vegetables.

Following his visit to California, Mr. Vail reported his findings to the association of which he was president, and in January, 1928, the Alabama Press Association, by resolution, again spoke upon this subject, rescinding their former resolution and stating that there appeared to be no reason for them to oppose the legislation because of danger to the cotton growers of the South.

In an article published in the Macon Telegraph on Sunday, January 1, 1928, and also in the Journal-Herald, of Waycross, Ga., Mr. Nelson M. Shipp told of his trip to the Imperial Valley and to that portion of Mexico watered now by the Colorado River. He gave it as his opinion, after a month of careful first-hand investigation, that this region is not now and never will become a cotton competitor of the South.

Mr. Chairman, I visited this section last summer and I fully agree with Mr. Shipp and all others who have given an impartial first-hand study of this problem that there is no chance of cotton competition by the West as against the South. Cotton is planted in the Imperial Valley as a side crop or to wash the alkali out of the soil through irrigation. Cotton is not the money crop of the West, and no amount of irrigation will make it such. Mr. Shipp pointed out that Georgia produces some wheat, but will never become a wheat competitor of the West, and while the West produces some cotton it will never be in sufficient quantities to injure the price of cotton grown in the South.

Mr. Chairman, while the building of the Boulder Dam in connection with the all-American canal will stabilize and make dependable the water supply for irrigation purposes in the Imperial Valley and will make possible the irrigation in time of some additional lands of the same general character, at the same time the construction of this project will make possible a definite limitation on expansion of uses of water in Mexico where cotton farming is now and has been for some time past the principal crop. The failure to construct these works means continued expansion of the Mexican production, as at the present time Imperial Valley is of necessity at the lower end of the canal, which first supplies Mexico with water. In order to take water through Mexico it was necessary to enter into a contract with that country whereby one-half of the water should be left there for use. Under this contract Mexico has the perfect right to double its present use, and she has the lands sufficient to increase her production four times.

It is an irony of circumstances that a small Orient is being built up in Mexico on our border supported by the great white staple of the South, which, in turn, is produced on a paternalistic basis with irrigation water transported for miles at a large cost by reluctant American farmers. Under an old concession from Diaz the American farmers of the Imperial Valley ran their main-line irrigation canal 60 miles through Mexico, with the agreement that lands in Mexico should be entitled to one-half of all the water flowing through the canal. For every acre irrigated in the United States the Mexicans were due water for an acre in Mexico. Years have passed, and the present finds some 200,000 acres in Mexico irrigated from this water supply as against some 400,000 acres in the United States. Applications from Mexico for irrigation, including the lands now being supplied, have grown to over 400,000 acres. The charge on the American side for the water has gradually increased, whereas the Mexican charge remains at a low arbitrary figure. Thus farming in Mexico is not based on natural and ordinary laws that should figure in competition, but Chinese coolies are growing cotton at the expense of American taxpayers in the West.

As a result of our studies we find that, instead of the Boulder Dam project increasing cotton production, it will limit the same, and such cotton as is produced will not be produced on unfair-competition grounds.

With the Imperial Valley producing, in 1926, 6,838 bales of cotton as against 17,750,000 produced in the United States, and with cotton production becoming less annually, it is only a fair conclusion that the cotton interests of the South can not be injured by the developments which will take place in that community under the Boulder Dam project and, indeed, their injury, if any, will be found in the failure to build rather than in the building of the same.

Mr. Chairman, the most criminally vicious propaganda ever conceived by the mind of man is that which, steeped in misrepresentation, leads the common people into warfare upon each other while the selfish, moneyed interests further their own designs of ensnaring, pilfering, robbing, and finally murdering both factions of the people whom they have plunged into the awful conflict. The Power Trust by its unscrupulous methods can make an argument, at least plausible on the surface, in behalf of any of its schemes to further ensnare the great consuming public. It can prove that a pig is a pig when it wants it to be a pig, or a puppy when it suits their purpose for it to be a puppy. "The devil can quote scripture for his purpose."

The power interests want to build and own Boulder Dam and do not want the improvements made under the provisions of the Swing-Johnson bill. In order to accomplish this purpose, by means of false propaganda, it is attempting to array the farmers of the South against the farmers of the West. It is succeeding temporarily, but the people will eventually know the truth, and the truth will make them free.

Mr. Chairman, it is the solemn sworn duty of Members of Congress to ascertain the truth about this matter and tell their folks of the fallacy of some of the alleged arguments that are going the rounds. I repeat, the power interests wish to plunge the farmers of the South into a bitter conflict with the people of the West and reap a rich harvest as a result of the conflict.

This selfish interest, which values the farmers of both the South and West only in terms of the money it can squeeze out of them, is telling the people of the South that the people of the West are getting the advantage, and the same group are telling the people of the West that the people of the South are about to overreach the West. An attempt is being made to deceive both groups and make them bitter enemies of each other. The people of the West are being warned that the South, by the proper solution of the Muscle Shoals problem, will be given an advantage to the detriment of the great western part of our country. The good people of the South are told that by the construction of Boulder Dam the people of the West will gain a great advantage and the people of the South will suffer as a result.

Mr. Chairman, I resent the efforts that are being made to mislead the people of the South and of the West. The peoples of these two great sections have a common cause in their efforts to save the two great power properties at Muscle Shoals and Boulder Canyon. To my mind, the time is at hand for the people of the West to join hands with the people of the South in a common fight for the rights of both sections.

With this belief firmly established in my mind, I have remained on the Committee on Irrigation and Reclamation of the House, not for the purpose of helping the West and only the West or the South and only the South, but for the purpose of endeavoring to legislate for our whole Nation. I would not have remained on the committee had I not found myself in full accord with my colleagues in their efforts in behalf of the West. I would not remain on this great committee as an obstructionist. Rather would I be a constructionist.

I realize that heretofore this committee has done much more for the West than for the South. All the while, though, I have hoped for a new day in the reclamation program of this country. There is much drainage and reclamation of waste lands awaiting governmental aid in the South, and I firmly believe that a great reclamation program is under way for that great section of our country. As a member of my committee I had the honor recently of reporting out the Crisp reclamation bill. This splendid bill by my colleague from Georgia goes much further than has ever been gone before in the matter of reclamation for the South. We have the support of governmental officials who have never before fought for such a program for the South. I believe that we will pass the Crisp reclamation bill in the near future and that it will prove to be the beginning of a program which will prove most beneficial to all the Southland. I am truly grateful to my colleagues on the committee and to other western Members for the splendid support they have given Congressman CRISP and myself in our fight for a reclamation program for the South. I now know that my efforts in behalf of the good people of the West have not been in vain, and I feel that they will continue to give to us their valuable support in our efforts for our people of the South. I am happy to have been permitted to serve on this splendid committee with the good people of the West and other sections and I am truly glad to see the first dawn of a most excellent reclamation program of the South. Our cause is just and I confidently believe that this first dawn will brighten and that it will soon be daylight everwhere.

Mr. Chairman, to my mind the Muscle Shoals and Boulder Canyon Dam propositions are identical in many respects. Both, if properly handled, means cheaper electrical energy for all the people. The Power Trusts are striving to grab both and use them to exploit the people rather than for their benefit. The cry against the Government in business is made as to both. I do not believe in our giving away the people's property in order to get the Government out of business.

The Government is already in business at Muscle Shoals. What shall we do? Shall we give away the plant, costing the taxpayers hundreds of millions of dollars, in order to get out of business? Shall we give away all Government property in order to get the Government out of business? Shall we give away the fabulously valuable oil properties, public lands, and timber properties of the Government in order to get the Government out of business? Shall we stop the United States mail system and deliver it to private interest in order that postal and parcel-post charges may be doubled several times in order to get the Government out of business? Shall we give away all Government-owned ships to get the Government out of business? Shall Congress cancel all foreign debts in order to get the Government out of business, and to enable the international bankers to collect greater interest on safer loans?

Shall we close down the rural-credit system and put an end to all Government aid to road improvements to get the Government out of business? In short, shall Congress tax the common people unto death to buy and improve great properties needed for governmental purposes, and then give these properties to the big rich in order to get the Government out of business? Shall we stop the regional-banking system to get the Government out of business?

Everyone will readily agree that the answer to these questions is "no"—a thousand times "no." Then, there is but one answer to the demand that the Government give away Muscle Shoals in order to get out of business or that we give to the power interests the great asset of Boulder Canyon, and that is an emphatic "no!"

We, as Members of Congress, are engaged in the greatest business on earth; that of governing the greatest people on

earth. The Government can not get out of business and continue to be a government. The Government is in business on every hand by day and by night for other folks; why not for the farmers and the consuming public? In effect, it is urged that it would be treasonous for the Government to engage in any business that would in the least lessen the profits of either those who sell to the masses or who buy their products at a sacrifice, but that it would be an act of the highest patriotism to perpetuate the Government in the business of helping others make additional profits out of the common people.

It is the same old story of attempting to help others on the theory that part of their profits may eventually ooze through their pockets and in some mysterious way help the farmers and the ultimate consumers. Plenty of people are willing to help the farmers and consumers if they, at the same time, help other people more. They are not willing to help the farmers and consumers if it interferes in the least with any other business.

Many, many there are who want to get the Government out of business and want to get themselves in business by grabbing our great national assets, such as our oil properties, timber and mining lands, power sites, improved and unimproved, such as Boulder Dam and Muscle Shoals, and in fact all properties of whatever nature. The Power Trust and the National Fertilizer Association would be delighted to get the Government out of business at Muscle Shoals by the Government practically giving this great God-given asset to the combined power and fertilizer interests.

These selfish interests either want Muscle Shoals and Boulder Canyon donated to them or operated for their special benefit. They would much prefer that this great plant at Muscle Shoals, paid for with the people's money and erected on a site specially prepared by the great I Am, be closed down and rot to the ground rather than for it to be operated in behalf of the farmers and ultimate consumers of electrical energy.

I am opposed to the Government's going into business as a general proposition. I believe in private initiative. The fullest protection should be given to any individual, firm, or corporation who initiates something worth while. The individual who produces something good where nothing existed before is a benefactor, and I for one will go the limit in his behalf. If the Power Trust ever prove to my satisfaction that they, the Power Trust, builded and created the rivers, the canyons, the mountains, and the waterfalls, and caused the clouds and the rainfall that makes the rivers flow with liquid power, then I will vote for them to have the earth and fullness thereof, but so long as I believe that God created these things for his children, and so long as I represent my people, I shall vote to render unto the great common people the things that are theirs and to the power interest the things that are theirs.

I do not believe in the Government's going into the business of manufacturing knives or cloth or building houses. Neither would I advocate the Government building factories and entering business in competition with other businesses where the people who builded the factory in the first instance created a factory, factory site, and everything connected therewith, if it was also necessary for the Government to go into the market and build everything from the ground. At Muscle Shoals the Government already has a most expensive plant and the Almighty gave us a most wonderful power site. At Boulder Canyon we have a power site unequaled in the world. The Government is not building power sites at either of these locations. God builded them for the people. Shall we give them to those who wish to exploit the people?

We have already used the people's money at Muscle Shoals to improve that great asset. Shall we now donate that property to the power interest or shall we retain it for all the people? The people of the great West say to us that they need so much the power and water that will be created and impounded by Boulder Dam, and the site is so valuable that if the Government will, in effect, loan them the money to build that great dam, they, the people of that country, will pay back within a reasonable time the loan, principal and interest in full, and be glad for the United States to still own the great property for the use of the whole people. The power interest say, "No; we are not willing for the Government to build that great dam; we will build it and make the people pay for it, and we will still keep the great property, and we will make the people pay for it again and again forever as we resell it every few years while we continue to own it."

Objections have been urged to the Government's constructing Boulder Dam. It is contended that this would be putting the Government in business and thus depriving the power interest of equal protection under the law. The Power Trust claims to be asking for equal rights and not for special privileges. There is only one canyon of the Colorado, and the syndicate or corporation that ever gets possession of that great asset will enjoy not only a special privilege, but the only privilege of possessing the greatest power site, with the greatest possibilities of all the earth. There is no other similar site for anyone else. The ownership of this great asset by any one group of persons will be most assuredly a special privilege. Equal rights to all in this instance can only be maintained by the ownership of all.

The Power Trust, by virtue of the ownership of Boulder Dam, would have not only the greatest power site on earth but also would have a strangle hold on the irrigation of the most fertile valley of all the earth and would hold the key to the floodgates of destruction and complete annihilation of the property and lives of all the people of Imperial Valley. It would hold in the hollow of its hands the domestic supply of water and thus the very lives and existence of the people of Los Angeles and a large part of southern California, and would be exercising the function of the President and the United States Senate in the handling of an international problem of tremendous importance.

In addition to all of these tremendous powers the Power Trust would have welded one more mighty link in the chain of Power Trust slavery by which it is seeking to bind all the people of this great Nation.

Ah, Mr. Chairman, let us retain Muscle Shoals and let us build Boulder Dam, and preserve all our great national assets for all our people. Muscle Shoals and Boulder Dam under Government operation mean cheaper power to the ultimate consumer, and cheaper and better fertilizer to the farmers. Shall we vote for the people, or shall we vote for the greatest trust of all time? Our action in these matters will show where we stand. The power interests do not desire Government operation of these two properties for two reasons. In the first place, the power people want the great profits which they can squeeze out of the people by their operation of these two properties.

Then, again, they know full well that Government operation of these sites in the manufacture of fertilizer and electrical energy means much cheaper power and fertilizers, not only for those who buy from these sites but for all the folks.

Unfortunately, Arizona and Utah are objecting to the construction of Boulder Dam. They seem to fear they will lose some of their rights if the dam is built under the terms of the Swing-Johnson bill. If the Power Trust gets this property it would not only rob the States of Arizona and Utah, but would further ensnare all the people of this great Republic.

The argument is made that the utilities commissions of the various States have ample power to control the great power interest. Unfortunately this is not true. There are many reasons why the State commissions are almost helpless. I can not argue this angle at this time. It would require hours to tell the real truth about the transfer of State rights and the loss of the people incident thereto. Anyone familiar with the Esch-Cummings Railway Act knows what I have in mind. I fought that bill, but the efforts of myself and others were of no effect.

We must begin to protect the people while we own these great assets. If we lease we must secure ironclad contracts of unimpeachable terms, or we will lose the great inheritance our people justly own. No public-utility concern should be permitted to demand from the people a return on any value except for actual prudent investments. We may not be able to achieve this great right as to properties already owned by power interests. We certainly owe it to our people to protect them as to future transactions. But in my limited time I can not further discuss this great problem of rates, and so forth.

Mr. Chairman, the Boulder Dam problem is one of the most interesting ever presented to the Congress. There is only one Boulder Canyon. There is only one Colorado River, and only one Grand Canyon of the Colorado. The whole picture is most interesting, and I wish I had for a few brief hours the gift to put in words what God hath wrought in His great masterpiece—the Colorado from the mountains through the canyon to the sea.

Oh, that it was given to man this side of heaven to picture its beauty, tell of its mission, grasp its power, and see as God sees its offerings to the ages. All humanity can not fathom it for a single second of time, neither can all wisdom tell the history of a single grain of its sands. It extends from eternity to eternity as God's own. I have stood for hours gazing into its mighty canyon, 12 to 14 miles wide and a mile deep, into which it seems that the Great Builder has grouped all the beauty of all the earth. I am sure I shall never see any other scene in this life half so impressive except the starry heavens, and that nothing beyond the grave will excell it but God's own glory and the splendor of life without end, eternal and in the heavens.

Mr. Chairman, I can never feel that this great handiwork should become the property right of the few rather than the birthright of all. But the greater the cause of conflict, the greater the battle. Those who desire this great asset for their own selfish interest are in the fight to the finish and care not for the wounded and dying, just so they are driving toward their objective. They are fighting to the finish and seeking to cause us to make war against each other.

The Power Trust by insidious, deceptive propaganda is attempting to prod the people of the South, of the West, and of the whole Nation into a mighty, riotous conflict, in the awful darkness of misguided prejudice, where the common people will face certain ignominious defeat, with friend defeating friend, farmer destroying farmer, and brother killing brother, while the archconspirators of the fratricidal conflict grabs the two greatest assets of the American people.

The all-wise Father of us all gave to the American people these two great assets—the great Colorado and the wonderful Tennessee Rivers. Shall we as Representatives of our great people donate these God-given properties to the power interest to become an all-powerful force for the enslaving of the people whom God intended them to serve, or shall they remain unto the people, now and forever, a covenant of deliverance?

Let us protect property rights by retaining for all the people the property which God gave to all.

This is not a nation of property but of people. As legislators let us battle for rights of property only as the agency by which and through which there is preserved and strengthened every God-given right of the whole people.

The CHAIRMAN. The time of the gentleman from Georgia has expired. The Clerk will read.

The Clerk read as follows:

SEC. 8. (a) All appropriations of water from the Colorado River, incident to or resulting from the construction, use, and operation of the works herein authorized, shall be made and perfected in and in conformity with the laws of those States which may or shall have approved the Colorado River compact ratified in section 12 of this act.

(b) The United States, its permittees, licensees, and contractees, and all users and appropriators of water stored, diverted, carried, and/or distributed by the reservoir, canals, and other works herein authorized, shall observe and be subject to and controlled by said Colorado River compact in the construction, management, and operation of said reservoir, canals, and other works and the storage, diversion, delivery, and use of water for the generation of power, irrigation, and other purposes, anything in this act to the contrary notwithstanding, and all permits, licensees, and contracts shall so provide.

(c) Also the United States, in constructing, managing, and operating the dam, reservoir, canals, and other works herein authorized, including the appropriation, delivery, and use of water for the generation of power, irrigation, or other uses, and all users of water thus delivered and all users and appropriators of waters stored by said reservoir and/or carried by said canal, including all permittees and licensees of the United States or any of its agencies, shall observe and be subject to and controlled, anything to the contrary herein notwithstanding, by the terms of such compact, if any, between the States of Arizona, California, and Nevada, for the equitable division of the benefits, including power, arising from the use of water accruing to said States, subsidiary to and consistent with said Colorado River compact, which may be negotiated and approved by said States and to which Congress shall give its consent and approval on or before June 1, 1928; and the terms of any such compact concluded between said States and approved and consented to by Congress after said date: *Provided,* That in the latter case such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 5 hereof prior to the date of such approval and consent by Congress.

(d) Nothing in this act shall be deemed to waive any of the rights or powers reserved or granted to the United States by paragraph 7 of section 20 of the act providing for the admission of Arizona, approved June 20, 1910, and by the tenth paragraph of Article XX of the constitution of Arizona, but the Secretary of the Interior is authorized on behalf of the United States to exercise such of said rights and powers as may be necessary or convenient for the construction and use of the works herein authorized and for carrying out the purposes of this act.

With the following committee amendment:

Page 12, line 23, after the word "Nevada," insert the words "or any two thereof."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 13, line 9, strike out the period, insert a colon, and the following: *"Provided further,* That in the event no such compact is entered into prior to June 1, 1928, then there shall be reserved for acquisition by the States of Arizona and Nevada, their respective agents, licensees, or assignees, at the switchboard, at the plant or plants operated through the use of water impounded by said dam for each, electrical energy equivalent to 15 per cent of the total electrical energy made available by the use of such impounded water, to be contracted for by said respective States, or their agents, licensees, or assignees, within six months after notice by the Secretary of the Interior, and to be paid for as and when said electrical energy is ready for delivery. If said plant or plants are operated by the Government, then said electrical energy shall be delivered on the terms and charges provided in the general regulations for delivery of electrical energy at the switchboard to municipal corporations and political subdivisions."

Mr. SWING. Mr. Chairman, the committee amendment just reported by the Clerk has been recalled by the committee, and we wish to have that amendment voted down.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. SWING. Mr. Chairman, on page 13, line 3, there is found the date June 1, 1928, the time limit to permit Arizona, Nevada, and California to reach a three-State compact. That time is too close. I move to amend by striking out that date and inserting "January 1, 1929." I hope we may reach an agreement by that time.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SWING: Page 13, line 3, strike out "June 1, 1928," and insert "January 1, 1929."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That all lands of the United States found by the Secretary of the Interior to be practicable of irrigation and reclamation by the irrigation works authorized herein shall be withdrawn from public entry. Thereafter, at the direction of the Secretary of the Interior, such lands shall be opened to entry, in tracts varying in size but not exceeding 160 acres, as may be determined by the Secretary of the Interior, in accordance with the provisions of the reclamation law, and any such entryman shall pay an equitable share in accordance with the benefits received, as determined by the said Secretary, of the construction cost of said canal and appurtenant structures; said payments to be made in such installments and at such times as may be specified by the Secretary of the Interior, in accordance with the provisions of the said reclamation law, and shall constitute revenue from said project and be covered into the fund herein provided for: *Provided,* That all persons who have served in the United States Army, Navy, or Marine Corps during the war with Germany, the war with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the Regular Army or Navy Reserve, shall have the exclusive preference right for a period of three months to enter said lands, subject, however, to the provisions of subsection c of section 4, act of December 5, 1924 (43 Stat. L. 702); and also, so far as practicable, preference shall be given to said persons in all construction work authorized by this act: *Provided further,* That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office, and after the expiration of said 60-day period such lands shall be open to entry, subject to the preference in this section provided.

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word. This section has to do with the withdrawal of lands from entry by the Secretary of the Interior, but following the provision for the withdrawal, it provides further that thereafter, at the direction of the Secretary of the Interior, such lands shall be open to entry in tracts varying in size, and so forth. I am interested in not seeing a large increase of agricultural lands put to use at a time when one of the difficulties with agriculture is the surplus of crops now being raised. Could the gentleman in charge of the bill tell me what is contemplated with reference to the time when the lands will be thrown open subject to entry under the reclamation act?

Mr. SWING. It would be impossible to reclaim a single acre of this land under 10 years from the time that this bill becomes a law, because it will take that long to construct the works herein authorized. Thereafter, in my opinion, there will be no land reclaimed until Congress sees fit to authorize a reclamation project and authorize appropriations for and the distribution of the systems which are included in this bill.

Mr. BURTNESS. That was the general understanding I had, but I am glad to get the assurance of the gentleman from

California with reference to it. Can it be safely said, in the gentleman's opinion, that in so far as the actual putting of more agricultural land into use is concerned, there is no chance of that being done in less than 10 years and possibly not for 15 or 20 years?

Mr. SWING. That is correct.

Mr. SMITH. Even then the Congress will have to authorize the works.

Mr. BURTNESS. That would be reclamation project?

Mr. SMITH. Yes.

Mr. BURTNESS. There is no limitation in the bill as to when the Secretary of the Interior could throw the lands open to entry.

Mr. SMITH. Under the present policy they do not open the land to entry until the water is upon the land.

Mr. ARENTZ. The land will not grow anything without water.

Mr. BURTNESS. But have we any assurance that as soon as the works now contemplated by the bill are available, every interest in that country will not come to Congress with a view of having reclamation projects done at the earliest possible date and start a tremendous propaganda for the development of this entire section, regardless of what the agricultural situation may be at the time?

Mr. ARENTZ. As long as we have the gentleman from Michigan [Mr. CRAMTON], the gentleman from New York [Mr. SNELL], and the gentleman from Connecticut [Mr. TILSON], who have made definite statements on the floor that reclamation must cease for the time being, we are not apt to have anything new in the way of reclamation for several years to come.

Mr. BURTNESS. I am glad to have that assurance. It would be a big mistake to make large agricultural development possible at this time. Your statements will make it much easier for me to vote for the bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Dakota has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. CRAMTON. Mr. Chairman, I offer an amendment on page 14, line 17, to strike out "160 acres" and insert in lieu thereof "80 acres."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, line 17, strike out "160" and insert in lieu thereof "80."

Mr. CRAMTON. Mr. Chairman, in connection with that, I wish to say that I offer the amendment in part in order to get the information I desire, and with satisfactory assurances I may not urge the amendment. But in that country, southern California and Arizona, 40 acres is oftentimes sufficient, and 80 acres almost always is all that one settler can take care of; and to permit 160 acres when 40 acres is sufficient is simply giving to the bill an element of land speculation and defeating the purpose of reclamation, that of getting actual settlers on the land.

Now, can the gentleman tell me something about what is meant by "tracts varying in size"? Will there be much of it in 160-acre tracts?

Mr. SWING. I will say to the gentleman that a soil survey has been made of the public lands which are withdrawn by section 9, and it is found that most of the land is intensely fertile. There is a limited area, however, which is spotted with alkali, and on that it would require more than on other land to support an average family.

The intention of the Secretary of the Interior is to have the land platted when occasion arises for it to be opened and the land divided into tracts of sufficient size to support an average family. The majority of the plats will be 40 acres, and some 80 acres, and others 160 acres.

Mr. CRAMTON. With that explanation, Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. CRAMTON. I have been absent from the Chamber in a conference committee, and while I am on my feet I may say that I have noted that section 7, the paragraph which permits such portions of the structures to be transferred to districts or other agencies in the United States having a beneficial interest therein, my understanding is that the gentleman's theory is that that means a governmental agency?

Mr. SWING. Yes; a governmental agency.

Mr. CRAMTON. Not a private agency?

Mr. SWING. No.

Mr. CRAMTON. There will be no opportunity for turning these works over to a private corporation?

Mr. SWING. None that I know of.

Mr. CRAMTON. The gentleman's understanding of the language is to that effect?

Mr. SWING. Yes.

Mr. CRAMTON. Mr. Chairman, I will ask unanimous consent to return to page 11 for the purpose of offering an amendment, to insert, after the word "other," in line 2, the words "governmental or public."

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to section 7 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 11, line 2, after the word "other," insert the words "governmental or public."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. This act shall be deemed a supplement to the reclamation law, which said reclamation law shall govern the construction, operation, and management of the works herein authorized, except as otherwise herein provided.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona: Page 19, after section 13, insert a new section as follows:

"SEC. 13. No construction shall be commenced until there shall have been negotiated with the Republic of Mexico a treaty relative to the allocation of the waters of the Colorado River to Mexico, and relative to a restriction of the amount of water to which Mexico shall acquire title, and until such treaty shall have been ratified and approved by the Senate of the United States and the proper ratifying authority of the Republic of Mexico."

Mr. LAGUARDIA. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The point of order is overruled. This is a limitation on the power of the Secretary.

Mr. LAGUARDIA. Mr. Chairman, this is an appropriation bill.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. DOUGLAS of Arizona. Mr. Chairman and gentlemen of the committee, this amendment is one of the most important ones that can be added to the bill, if the interests of the United States are to be protected.

There is now no treaty with the Republic of Mexico relative to the allocation of the waters of the Colorado River. All of the minimum flow of the Colorado River has been appropriated. Mexico can therefore apply to beneficial use and acquire title to no more of the waters of the Colorado River unless there be constructed a dam. Am I correct in this? I am sure I am. I shall quote Dr. Elwood Mead, who appeared before the Committee on Irrigation and Reclamation on May 16, 1928, in which the following colloquy occurred. I said:

Mr. DOUGLAS. Of course all of the minimum flow of the Colorado has been appropriated.

Doctor Mead replied:

Now you are coming into a thing.

I said:

That is a legal question. The courts will have to determine; but approximately that is true.

Doctor MEAD. Yes.

So that the first point in my argument is approximately true. Inasmuch as the minimum flow has been appropriated, title to additional waters can not now be acquired in Mexico.

What will be the situation if the dam be constructed? On page 23, of the ninth volume of the Weymouth report, upon which this bill is predicated, there is the statement that a minimum of 10,010,000 acre-feet of water must be discharged from Boulder Dam in order that there be developed the power upon which the financial set-up of the Director of the Bureau of Reclamation is predicated. Doctor Mead did not deny this. I refer you again to the hearings before the Committee on Irrigation and Reclamation of May 16, 1928. So it is estab-

lished that there must be withdrawn from the dam 10,010,000 acre-feet of water to develop power. If that amount of water be decreased then the whole financial program is upset and the project ceases to become, even admitting the dogmatic statements of the proponents, financially solvent.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. How much of the 10,000,000 acre-feet of water can be applied to beneficial use within the United States? Not more than 5,000,000 acre-feet under existing projects, and including the construction of the Boulder Dam. The proof of that is that in the Senate bill there is an amendment which limits California to 4,600,000 acre-feet of water.

The only other State that can use any water is Arizona. The amount of land under reclamation and irrigation in Arizona to-day through the use of waters from the Colorado is practically negligible. So the statement that not more than 5,000,000 acre-feet of water can be used in this country is accurate. That means that there are 5,000,000 surplus acre-feet of water which must be disposed of. That surplus may be disposed of in one of two places, either in the Salton Sea or Mexico. It can not be disposed of in the Salton Sea. I refer the committee to page 271 and page 272 of the hearings on H. R. 5773, in which the committee will find a contract between the Imperial irrigation district and the Southern Pacific Railroad, which limits the stage to which the Imperial irrigation district can permit the surface of the Salton Sea to rise. I refer the gentlemen of this committee to the report of the United States Geological Survey, made by Mr. George F. Holbrook, the assistant engineer of the United States Geological Survey, dated July 18, 1927, in which he says, and this is a quotation:

> The contract between the Southern Pacific Co. and the Imperial irrigation district, granting a flowage right of way to the district, will be an impediment that will have to be removed before the irrigation district can waste any more water into the Salton Sea at present.

Then he goes on to state what the evaporation is. This water can not be disposed of in the Salton Sea because to do so would result in a violation of that contract. In the second place, to do so would result in a gradual inundation of the Imperial Valley.

Dr. Elwood Mead, in his testimony before the committee on May 16, 1928, in reply to my question as to what was to be the disposition of the 10,010,000 acre-feet, replied:

> Well, the water goes to meet the needs of the land already irrigated and the lands proposed to be irrigated in Arizona and California, and the rest of it goes down to Mexico.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. In other words, Dr. Elwood Mead himself testified that the water had to go to Mexico.

Now, let us see what Mr. Herbert Hoover said on page 614 of the hearings, United States Senate, Colorado River Basin, 1925:

> I think if we stabilize the river at all it will be likely to increase the flow into Mexico during the low-water season.

Then he went on to say that water could be held back in a dam if there were storage capacity, but the minute the water is held back then power is not developed and the project ceases to become a financially solvent one.

Mr. WINTER. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WINTER. If the water does proceed down the river to Mexico it will improve navigation, will it not?

Mr. DOUGLAS of Arizona. I will come to that point, Judge, in just a second. I am glad the gentleman has asked the question.

The Federal Power Commission in its letter to the chairman of the committee, dated March 24, 1924—this is not the letter of the Secretary of the Interior dated March 17, 1924—stated very explicitly, "The regulation of the Colorado River to the extent proposed by the Boulder Canyon Dam will produce in the lower river a minimum discharge far in excess of present irrigation requirements in the United States. The surplus waters will pass into Mexico and will undoubtedly be put to use for irrigation there."

Mr. COHEN. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COHEN. May I ask, is that land in Mexico suitable for raising cotton?

Mr. DOUGLAS of Arizona. I am coming to that in a moment. So that it is established that the surplus waters, at least 5,000,000 acre-feet, must flow into Mexico.

Now, how is it to be applied to beneficial use there? Dr. Elwood Mead, before the Committee on Irrigation on May 16, 1928, admitted there were at least 600,000 acres of land owned by one company on the delta to which water could be very easily, very speedily, and cheaply and immediately applied. He said, "I think I can make a stronger statement for a treaty than you can."

In addition to this 600,000 acres there are approximately 500,000 acres not owned by this company and more on the east bank of the Colorado. Let me explain that the delta is broad and flat and that water can be applied to beneficial use very easily, very quickly, and very cheaply, and that Dr. Elwood Mead has admitted this to be the case.

There is one further statement I want to make about this phase of the matter. The 5,000,000 acre-feet of water that flows to Mexico is ample to irrigate a minimum of 1,000,000 acres of land. Bear this in mind.

Now, what is to be grown on the delta of the Colorado? I have heard the statement that the crops grown are not competitive, but I refer the members of the committee to a pamphlet written by the California Development Association in 1926, in which it is stated that cotton will be the chief crop on the delta. Now, you can call this Power Trust propaganda if you choose, but it is the truth. This pamphlet further stated that the yield per acre on the delta was one bale to the acre.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to proceed for an additional five minutes.

Mr. SWING. Mr. Chairman, I want to be fair with my opponent, and I think I have been fair. There are men here at great inconvenience to themselves who expect to take a train from town but are waiting to vote upon this measure, which is considered to be of national importance.

Mr. DOUGLAS of Arizona. Agreed; and if this question of Mexico is not one of national importance, I do not know what is.

Mr. SWING. I wonder if the gentleman can not close in two minutes?

Mr. DOUGLAS of Arizona. I shall close just as rapidly as I possibly can.

Mr. SWING. I would not object to the gentleman having two minutes, but I must object to five minutes.

The CHAIRMAN. Objection is heard. The Clerk will read.

Mr. DOUGLAS of Arizona. I beg the Chair's pardon.

The CHAIRMAN. There is an amendment pending.

Mr. FRENCH. Mr. Chairman, I want five minutes at some time on this proposition. I do not want to get ahead of the gentleman from Arizona [Mr. DOUGLAS], but at some time I would like about five minutes on the matter.

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to proceed for an additional two minutes.

The CHAIRMAN. Without objection, the gentleman is recognized for two additional minutes.

There was no objection.

Mr. DOUGLAS of Arizona. I have conclusive evidence that the yield per acre in the Salt River Valley and on the Yuma project in Arizona is four-tenths of a bale per acre.

This 5,000,000 acre-feet of water is going to be applied to beneficial use in Mexico. It is going to bring in at least 1,000,000 acres of land, and as a result of this, members of the committee, you are going to find approximately 800,000 bales of cotton, if not more, brought upon the market. I submit to the members of the committee and to the Members of the House if you pass the amendment you will be protecting not only the seven States of the Colorado River Basin against the day when they can use this water but you will also be protecting the cotton growers of the South who have been pleading for relief. You can not give them relief and at the same time reject this amendment and take away such relief.

Mr. SMITH. Mr. Chairman, may I ask the gentleman a question? Was the gentleman here when the gentleman from

Alabama [Mr. BANKHEAD] discussed the very proposition he has mentioned?

Mr. DOUGLAS of Arizona. I was, sir.

Mr. SMITH. Did the gentleman hear the report which he made after being out there personally, and also the report made by an expert who went out there?

Mr. DOUGLAS of Arizona. Not an expert, Mr. Chairman, and not Mr. BANKHEAD.

Mr. SWING. Mr. Chairman, we have had during the consideration of this bill repeated and various proposals made with reference to tying up this project to some immovable proposition. We have had it proposed to refer the matter to the Department of War, we have had it proposed to refer it to the Department of Justice, and now, and most extraordinary of all, it is proposed to leave the project in the hands of Mexico, so that Mexico could prevent the project from being begun until she sees fit to sign a treaty. Why should we leave this matter, which is so vital and so necessary to the lives and property of citizens of the United States to the decision of Mexico? Why should we leave the time when this work is to begin to be determined and fixed by a foreign country which is adversely interested in having the project constructed? [Applause.]

Mr. FRENCH. Mr. Chairman, it is a matter of the greatest concern whether or not in passing this bill we propose something that in another 15 or 25 years will be a source of possible international dispute between this country and Mexico.

If I understood the gentleman from Arizona [Mr. DOUGLAS], the power to be developed at Boulder Dam will require a flow of 10,000,000 acre-feet, and of this amount 5,000,000 acre-feet will not be used within the United States during the near future. Economic demand will not justify it.

This surplus water, I understand, will flow across the boundary line into Mexico. There, in all probability, it will be used for reclamation of arid lands that can produce citrus fruits, cotton, and a variety of other products. These lands will be settled with people. Improvements will be made. Homes will be established and wealth will be added from year to year.

But we are told that such development will be at the peril of the people of Mexico; that the water used will be water that we have stored and are letting run away pending the day we shall want to apply it to our own lands. We are told that when that day will arrive we may turn the water into our canals, irrigate lands within the United States, and in doing so withdraw, if necessary, all surplus water created by Boulder Dam and flowing into Mexico. We are told we may do this even though it mean the turning back into desert of the lands below the boundary line.

Gentlemen, if the condition shall come that I have outlined as to use of surplus water in the Republic of Mexico, I submit that after such use, citizens of the United States will not be able to refuse continuation of that supply of water by diverting it to lands north of the boundary line. Mexico will not concede that right, and in spite of fine theories upon the part of some who assert our right, my judgment is it will not be done.

If the right of the United States prevail it will be because the United States will be more powerful than Mexico. If we can avoid such a situation we want to do it. I would like to ask the gentleman from Arizona whether or not in another 15 or 25 years, in his judgment, the economic situation within Arizona and California and the area below where Boulder Dam will be built will be such as probably to justify the use of 5,000,000 acre-feet of water that he says can not now be used because of the economic conditions within the United States.

Mr. DOUGLAS of Arizona. I will be glad to answer the gentleman.

Mr. FRENCH. Can the gentleman answer briefly?

Mr. DOUGLAS of Arizona. Fifteen years from now the 5,000,000 acre-feet of water will be appropriated in Mexico and we will never be able to get it back unless we go to war. [Applause.]

Mr. FRENCH. Does the gentleman believe that after 15 or 25 years there are areas within the United States where the water could be used economically and would be used if we did not now develop Boulder Dam and turn the water into Mexico?

Mr. DOUGLAS of Arizona. If the water was available I will say that within 50 years or some time in the future that water would be of extreme value to the seven States.

Mr. FRENCH. Let me ask the gentleman from California [Mr. SWING] the same question. Does he think that within the next 15 or 50 years there will be a demand for the 5,000,000 acre-feet of surplus water within the United States?

Mr. SWING. There will be. There is no such thing as an international water right and every Secretary of State who has passed on it—and there have been three or four who have done so—have held that Mexico acquires no water rights by use of water in that country pending the time that we get ready to use it ourselves.

Mr. FRENCH. May I ask this question? Does the gentleman think that within about 15 years Mexico probably will be able to use the 5,000,000 acre-feet of surplus water if we do not use it within that time?

Mr. SWING. Mexico will try to use all she can, but she can not get it except through a diversion in the United States which the United States can always control. I have a statement by Senator HAYDEN, in which he brings out by the examination of Mr. Stabler, of the Geological Survey, that below the boundary line there is no place where a diversion dam could be put in—that there is no rock bank on either side to which a dam could be tied, and that diversion would be impossible, because if you put in a dam in Mexico the water would go around either end of it, and therefore the diversion must be in the United States, and the United States would control it.

Mr. DOUGLAS of Arizona. Then why did you go below the boundary line in 1905 and divert the water?

Mr. SWING. They did it with disastrous results, and they will never do it again. That was a warning that should and would prevent them from doing it again. [Applause.]

Mr. DOUGLAS of Arizona. It is now revetted with ample rock.

Mr. FRENCH. Does the gentleman recognize that the 5,000,000 feet of water that some times we hope to utilize in the United States will be appropriated by lands in Mexico; and if so, how will we recover the water when it is being utilized by Mexico for reclamation purposes?

Mr. SWING. Again, I say that there is no such thing as Mexico's appropriation of the waters of the Colorado River in the sense that we use the word "appropriation" in the United States; namely, the initiation of water rights. Judson Harmon, one of the great Attorney Generals, stated it to be fundamental that Mexico at no time had any legal claim to the water that arose in and flowed through the United States, no matter whether it had been put to a prior beneficial use in Mexico or not.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH. May I invite the gentleman's attention to the following words on the first page of the bill:

> Providing for storage and delivery of the waters thereof for reclamation of public lands and other beneficial uses within the United States.

Mr. DOUGLAS of Arizona. How can you hold water back; how can you legislate against the law of gravity? You may have it in the bill, but you can not enforce it.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. OLIVER of Alabama. The gentleman has raised a very interesting legal question. Yet I do not think anyone will dispute the soundness of this statement, that if the Government of the United States should build the dam as proposed, and by reason of the building of the dam the flow of the stream is greatly increased, as stated by the gentleman from Arizona, and such increased flow can be withheld or released and in such quantity and at such times as the Government may determine, then the increased flow would be artificial, and any use of such increased flow would be permissive and could and will not give to such user any right to the use of such increased flow which could not be withdrawn and disused by the Government without violating any right, legal or moral, of such permissive user.

The case is quite different when the normal flow of the stream has been appropriated from where it is sought to claim the benefit of an increased flow by reason of permission from the Government which in the exercise of a sovereign right has caused an increased flow, which it can control, regulate, and withdraw at pleasure.

Mr. FRENCH. Mr. Chairman, I shall decline to yield further until I may make a short statement. The very plan that is proposed and the order of development under this bill produce a situation of profound gravity. It does not seem to me that it has been met or answered by the proponents of the bill. I recognize the general theory that my colleague from Alabama [Mr. OLIVER] has advanced, a theory that is advanced also by the proponents of the bill upon this side of the House, but if we do not utilize the water within the United States that we may provide be developed and stored, and if we

permit a condition to go on for years until the surplus water will be utilized for the reclamation of a half million or a million acres of land in Mexico for a period of 10 or 15 or 20 years, then in the conscience of the forum of the world the right of the United States to recover those waters will be challenged.

The doctrine that right to water attaches by use will be urged, and, after so long a time, I doubt that the world would approve the United States' withdrawing water from areas in Mexico that at that time will be supplying life to lands where there will be homes and people, gardens and orchards, schools and churches. It seems to me that that problem ought to be met and met now. [Applause.]

Mr. SMITH. Mr. Chairman, will the gentleman yield. The problem referred to is met in the bill.

Mr. FRENCH. The gentleman interrupts to say that the problem is met in the bill. I do not believe it is. I do not believe anyone in defense of the bill has met that question directly and has shown how we can recover the water other than upon the general theory laid down by my friend from Alabama [Mr. OLIVER], and which I say after a lapse of years of use will not stand before the conscience of the world.

Mr. SMITH. Mr. Chairman, the situation which the gentleman portrays is all an argument in favor of the early consideration of this bill for the reason that the people who own the land in Mexico along the border, and most of it is owned by American citizens, are placing that land under cultivation just as rapidly as possible, at the rate, it is stated, of nearly 30,000 acres a year. They already have over 200,000 acres under cultivation there, and there are 600,000 acres more susceptible of irrigation. They are eager to get this additional land under cultivation so that they can assert their claim to the water, because they have used it. The owners of this land want action on the bill delayed.

Mr. FRENCH. Oh, my colleague is referring to the normal flow, and already the surplus water has been taken very largely in Mexico. I am now concerned with the artificial flow that this project will create, over and above any present use. A surplus flow that ought to be used within the United States.

The CHAIRMAN. The time of the gentleman from Idaho has expired. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were—ayes 53, noes 62.

Mr. DOUGLAS of Arizona. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. DOUGLAS of Arizona and Mr. SMITH to act as tellers.

The committee again divided; and the tellers reported—ayes 62, noes 106.

So the amendment was rejected.

The Clerk read as follows:

SEC. 14. The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects for irrigation, generation of electric power, and other purposes in the States of Arizona, Colorado, New Mexico, Utah, and Wyoming for the purpose of making such information available to said States and to the Congress, and of formulating a comprehensive scheme of headwater control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of $250,000 is hereby authorized to be appropriated from said Colorado River Dam fund, created by section 2 of this act, for such purposes.

Mr. MOORE of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 19, line 14, after the section add a new section, as follows:

"The Secretary of the Interior shall annually submit to Congress a report of the transactions had in and pertaining to the administration of this act."

Mr. SWING. Mr. Chairman, I am very glad to accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to return to section 5 for the purpose of offering a brief amendment.

The CHAIRMAN. Is there objection?

Mr. LEATHERWOOD. Mr. Chairman, reserving the right to object, on what subject?

Mr. TAYLOR of Colorado. It is a clarifying amendment.

Mr. DOUGLAS of Arizona. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 6, line 22, after the word "service" strike out the period and insert: "and shall conform to paragraph (a) of section 4 of this act."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH. Mr. Chairman, I offer the following committee amendment as a new section.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the amendment of the gentleman from Virginia [Mr. MOORE], just adopted, insert a new section as follows——

Mr. DOUGLAS of Arizona (interrupting the reading). Mr. Chairman, is this amendment to section 15?

The CHAIRMAN. It is proposed as a new section.

Mr. DOUGLAS of Arizona. I have an amendment which I desire to offer to section 15.

The CHAIRMAN. To the section 15 that is made up of the Moore amendment, or to section 15 providing for the title of the act?

Mr. DOUGLAS of Arizona. I understood from the Chair that this was to be section 16.

The CHAIRMAN. Yes; inasmuch as a new section 15 has just been adopted. The Clerk will report the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment offered by Mr. SMITH: After the amendment just adopted, offered by Mr. MOORE of Virginia, insert a new section to be known as section 16, to read as follows: "Nothing in this act shall be construed as a denial or recognition of any right in the Republic of Mexico to use the waters of the Colorado River system."

Mr. LEATHERWOOD. Is that the exact language?

Mr. SMITH. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to return to page 2 for the purpose of perfecting the text.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to section 1 for the purpose of offering a perfecting amendment. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington:

Page 2, line 11, after the word "*Provided*," insert the word "*further*," so that it will read "*Provided further*."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I rise simply to say this, that I believe this bill is unsound in every way; it is rotten to the core. I am going to offer a motion to recommit the bill to the Committee on Irrigation and Reclamation.

Mr. SMITH. Mr. Chairman, I move that the committee rise and report the bill to the House.

The CHAIRMAN. Without objection, before the committee rises, the Clerk will be authorized to make such changes in the numbering of the sections as are made necessary by the amendments that have been agreed to.

There was no objection.

The CHAIRMAN. Under the rule the committee will now rise and the bill will be reported by the committee to the House.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. DOUGLAS of Arizona. Mr. Speaker, I move to recommit the bill H. R. 5773 to the Committee on Irrigation and Reclamation, and on that I move the previous question.

The SPEAKER. The Clerk will report the motion submitted by the gentleman from Arizona.

The Clerk read as follows:

Mr. DOUGLAS of Arizona moves to recommit the bill H. R. 5773 to the Committee on Irrigation and Reclamation.

The SPEAKER. On that the gentleman from Arizona moves the previous question.

The previous question was ordered.

The SPEAKER. The question is: "Shall the bill be recommitted"?

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. DOUGLAS of Arizona. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. As many as are in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Sixty-five Members have arisen; a sufficient number.

The yeas and nays were ordered.

The SPEAKER. As many as favor the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 137, nays 219, answered "present," 2, not voting 73, as follows:

[Roll No. 88]

YEAS—137

Ackerman	Dominick	Kiess	Rogers
Aldrich	Douglas, Ariz.	Kurtz	Rowbottom
Andrew	Doyle	Lanham	Sanders, N. Y.
Aswell	Eslick	Larsen	Seger
Ayres	Faust	Leatherwood	Speaks
Bacharach	Fenn	Leech	Sproul, Kans.
Bachmann	Foss	Lehlbach	Stalker
Bacon	Freeman	Linthicum	Steele
Beck, Pa.	French	Luce	Stevenson
Beers	Fulmer	McFadden	Stobbs
Black, Tex.	Garber	McLaughlin	Strong, Kans.
Bland	Gasque	McMillan	Strong, Pa.
Bohn	Glynn	McReynolds	Sumners, Tex.
Bowles	Goldsborough	MacGregor	Swick
Box	Goodwin	Maas	Taber
Brand, Ga.	Graham	Magrady	Tarver
Brand, Ohio	Griest	Major, Ill.	Tatenhorst
Briggs	Hale	Martin, Mass.	Thurston
Brigham	Hall, Ind.	Merritt	Tinkham
Browning	Hancock	Milligan	Treadway
Buchanan	Hoffman	Monast	Tucker
Busby	Hogg	Montague	Underhill
Bushong	Hooper	Moore, Ohio	Wason
Byrns	Houston, Del.	Nelson, Me.	Watson
Chase	Huddleston	Newton	Welsh, Pa.
Clarke	Hudson	Palmisano	White, Me.
Cohen	Hull, Morton D.	Parker	Whittington
Cole, Iowa	Hull, Tenn.	Pou	Williams, Ill.
Cole, Md.	Igoe	Pratt	Williams, Mo.
Colton	Irwin	Rankin	Wolverton
Connolly, Pa.	Jenkins	Ransley	Woodrum
Crowther	Johnson, Tex.	Rayburn	Wright
Darrow	Kearns	Reece	
Dempsey	Kent	Reed, N. Y.	
Denison	Ketcham	Robinson, Iowa	

NAYS—219

Abernethy	Casey	Doughton	Gregory
Adkins	Celler	Douglass, Mass.	Green
Allen	Chalmers	Dowell	Greenwood
Allgood	Chapman	Drewry	Griffin
Almon	Chindblom	Driver	Hadley
Andresen	Christopherson	Dyer	Hall, Ill.
Arentz	Clague	Edwards	Hall, N. Dak.
Arnold	Cochran, Mo.	Elliott	Hardy
Auf der Heide	Cochran, Pa.	Englebright	Harrison
Barbour	Collier	Evans, Calif.	Hastings
Beedy	Collins	Evans, Mont.	Haugen
Bell	Combs	Fish	Hawley
Berger	Cooper, Ohio	Fitzgerald, Roy G.	Hersey
Black, N. Y.	Cooper, Wis.	Fitzpatrick	Hickey
Boylan	Cox	Fletcher	Hill, Ala.
Britten	Crail	Fort	Hill, Wash.
Browne	Cramton	Frear	Hoch
Buckbee	Crisp	Free	Holaday
Burtness	Crosser	Fulbright	Hope
Burton	Cullen	Furlow	Howard, Nebr.
Campbell	Curry	Gambrill	Howard, Okla.
Canfield	Dallinger	Gardner, Ind.	Hull, Wm. E.
Cannon	Davenport	Garner, Tex.	Jacobstein
Carew	Davey	Garrett, Tex.	Jeffers
Carss	Davis	Gibson	Johnson, Ill.
Carter	Dickinson, Iowa	Gifford	Johnson, S. Dak.
Cartwright	Dickinson, Mo.	Gilbert	Johnson, Wash.
Kading	Mansfield	Porter	Summers, Wash.
Kahn	Mapes	Prall	Swank
Kelly	Martin, La.	Quin	Swing
Kemp	Mead	Ragon	Taylor, Colo.
Kincheloe	Michaelson	Rainey	Taylor, Tenn.
Kindred	Michener	Ramseyer	Thatcher
King	Miller	Rathbone	Thompson
Kopp	Mooney	Reed, Ark.	Tilson
Korell	Moore, Ky.	Romjue	Timberlake
Kvale	Moore, N. J.	Rubey	Vestal
LaGuardia	Moore, Va.	Rutherford	Vinson, Ga.
Lampert	Moorman	Sanders, Tex.	Vinson, Ky.
Langley	Morehead	Sandlin	Wainwright
Lankford	Morgan	Schafer	Ware
Lea	Morin	Schneider	Warren
Leavitt	Morrow	Sears, Nebr.	Watres
Letts	Murphy	Selvig	Weaver
Lindsay	Nelson, Mo.	Shallenberger	Welch, Calif.
Lowrey	Nelson, Wis.	Shreve	Weller
Lozier	Niedringhaus	Simmons	White, Colo.
Lyon	Norton, Nebr.	Sinclair	Williams, Tex.
McClintic	O'Brien	Sinnott	Williamson
McDuffie	O'Connor, La.	Sirovich	Wilson, La.
McKeown	O'Connor, N. Y.	Smith	Wingo
McLeod	Oliver, Ala.	Somers, N. Y.	Winter
McSwain	Oliver, N. Y.	Sproul, Ill.	Wood
Major, Mo.	Parks	Steagall	Woodruff
Manlove	Perkins	Stedman	

ANSWERED "PRESENT"—2

Frothingham	Snell

NOT VOTING—73

Anthony	Dickstein	Kendall	Strother
Bankhead	Doutrich	Kerr	Sullivan
Beck, Wis.	Drane	Knutson	Temple
Begg	Eaton	Kuntz	Tillman
Blanton	England	McSweeney	Underwood
Bloom	Estep	Menges	Updike
Boies	Fisher	Norton, N. J.	Vincent, Mich.
Bowling	Fitzgerald, W. T.	O'Connell	White, Kans.
Bowman	Garrett, Tenn.	Oldfield	Whitehead
Bulwinkle	Golder	Palmer	Wilson, Miss.
Burdick	Guyer	Peavey	Wurzbach
Butler	Hammer	Peery	Wyant
Carley	Hare	Purnell	Yates
Clancy	Hudspeth	Quayle	Yon
Connally, Tex.	Hughes	Reid, Ill.	Zihlman
Connery	James	Robsion, Ky.	
Corning	Johnson, Ind.	Sabath	
Deal	Johnson, Okla.	Sears, Fla.	
De Rouen	Jones	Spearing	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. England (for) with Mr. Spearing (against).
Mr. W. T. Fitzgerald (for) with Mr. Reid of Illinois (against).
Mr. Eaton (for) with Mr. Clancy (against).
Mr. Snell (for) with Mr. Bankhead (against).
Mr. Temple (for) with Mr. Wurzbach (against).
Mr. Frothingham (for) with Mr. James (against).
Mr. Whitehead (for) with Mr. O'Connell (against).
Mr. Corning (for) with Mr. Robsion of Kentucky (against).
Mr. Hare (for) with Mr. De Rouen (against).

Until further notice:

Mr. Begg (for) with Mr. Oldfield (against).
Mr. Butler (for) with Mr. Hudspeth (against).
Mr. Yates (for) with Mr. Sullivan (against).
Mr. Golder (for) with Mr. Drane (against).
Mr. Knutson (for) with Mr. Garrett of Tennessee (against).
Mr. Purnell (for) with Mr. Kunz (against).
Mr. Wyant (for) with Mr. Peery (against).
Mr. Anthony (for) with Mr. Sears of Florida (against).
Mr. Estep (for) with Mr. Carley (against).
Mr. Zihlman (for) with Mr. Deal (against).
Mr. Vincent of Michigan (for) with Mr. Connery (against).
Mr. Bowman (for) with Mr. Hammer (against).
Mr. Guyer (for) with Mr. Jones (against).
Mr. Kendall (for) with Mrs. Norton (against).
Mr. Peavey (for) with Mr. Quayle (against).
Mr. Updike (for) with Mr. Johnson of Oklahoma (against).
Mr. White of Kansas (for) with Mr. Underwood (against).
Mr. Strother (for) with Mr. Yon (against).
Mr. Menges (for) with Mr. Fisher (against).
Mr. Palmer (for) with Mr. Bulwinkle (against).
Mr. Johnson of Indiana (for) with Mr. Connally of Texas (against).
Mr. Hughes (for) with Mr. Blanton (against).
Mr. Doutrich (for) with Mr. Dickstein (against).
Mr. Burdick (for) with Mr. Kerr (against).
Mr. Boies (for) with Mr. Sabath (against).
Mr. Beck of Wisconsin (for) with Mr. McSweeney (against).

Mr. FROTHINGHAM. Mr. Speaker, on this matter I am paired with the gentleman from Michigan, Mr. JAMES, so I withdraw my vote. If he were here, he would vote "nay" and I would vote "aye."

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague Mr. CONNERY, of Massachusetts, is absent on account of illness in his family. If he were present, he would vote "nay."

Mr. SNELL. Mr. Speaker, I voted "aye," but I have a pair with the gentleman from Alabama, Mr. BANKHEAD. I desire to withdraw my vote and answer "present."

Mr. KNUTSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. KNUTSON. I was not in the Hall when my name was called.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. LEATHERWOOD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Utah demands the yeas and nays. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] Four Members have risen, not a sufficient number.

So the yeas and nays were refused.

The question was taken, and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CONFERENCE REPORT—THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, I present a conference report on H. R. 1, an act to reduce and equalize taxation, provide revenue, and for other purposes, for printing under the rule.

CONFERENCE REPORT—POSTAL RATES

Mr. GRIEST. Mr. Speaker, I present a conference report on House bill 12030, to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, for printing under the rule.

BOULDER DAM

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Boulder Dam bill.

The SPEAKER. Without objection, it is so ordered.

Mr. TUCKER. Mr. Speaker, the building of the Boulder Dam at Boulder Canyon is one of the most stupendous projects contemplated by man that has ever been undertaken in the world. It stirs the imagination and stimulates the pride of every American who loves his country and who is a believer in the genius of the American people. A dam whose object is to impound 26,000,000 acre-feet of water, 550 feet high, and carrying with it the hope of great benefits to thousands must appeal to every patriotic citizen of America. It is said to be a national project by some because of the height of the dam, the amount of water impounded, and the variety of its utilities; but it can not be a national project, however great or expensive the project, unless its purposes naturally flow from some specific or implied grant of power to the Congress of the United States in the Constitution. Its size can not make it national. The Constitution alone can. Believing as I do that its objects can find shelter under no grant of power to Congress I can not support the bill; but believe it should be relegated to the seven great States whose progressive people have developed and presented this plan and who alone will benefit from it. Read the objects of the bill as set forth in the first few lines:

Be it enacted, etc., That for the purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and delivery of the waters thereof for reclamation of public lands and other beneficial uses within the United States, and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, the Secretary of the Interior * * * is hereby authorized to construct, operate, and maintain a dam—

And so forth.

Here are six proposed objects: (1) Controlling the floods; (2) improving navigation; (3) regulating the flow of the lower Colorado River; (4) providing for storage and delivery of the waters thereof for reclamation of public lands; (5) and other beneficial uses within the United States; (6) the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking.

Let us examine each of these proposed objects and see if they are included in any grant of power to Congress in the Constitution, or whether any one of them may be regarded as an implied power bona fide appropriate to the end—that is, to an object granted in an express power.

First. For the purpose of controlling the floods: This means, of course, the floods in the Colorado River. The only power in the Constitution from which the control of floods would naturally come is the power to regulate commerce, and it would seem properly to rest there because the Supreme Court has recognized from its earliest decisions that the power to regulate commerce includes the right to improve navigation; for the regulation and improvement of navigation have been declared to be naturally and properly parts of the power to regulate commerce. So that the control of floods in the Colorado River, if sought for the purpose of regulating or improving navigation, is a natural and proper implication of power growing out of the commerce power. But Congress has no power to control floods except where such floods may impede or destroy navigation.

Now, the second object, "improving navigation of the Colorado River," and the third object for "regulating the flow of the lower Colorado River"—for navigation purposes—would show these first three objects of the bill to rest safely under the commerce clause of the Constitution if there was nothing else in the bill to contradict the foregoing propositions.

These objects of the bill, as stated in the above three propositions, are found to have no right to claim to be constitutional under the commerce power of the Constitution. The Colorado River compact made between the seven States—California, Nevada, Arizona, Colorado, Utah, New Mexico, and Wyoming—ratified between these States on the 24th day of November, 1922, is made a part of this bill. Article IV of that compact contains the following:

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, waters of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

It is seen by this article that "the Colorado River has ceased to be navigable for commerce"; and therefore the proponents of the bill in these words, having thus admitted that the river is not navigable, can not invoke the protecting power of the commerce clause, under which the regulation and improvement of navigation would be permitted; and they are estopped, under the well-known equitable principle, by this statement from claiming the commerce clause as their ground for invoking the power of Congress in this matter.

In the recent great struggle in this House for the control of the floods in the Mississippi River the sole ground relied upon by the advocates of the bill was the power of the Federal Government under the commerce clause to regulate, improve, and maintain navigation. Not a dollar of money was carried in that bill except for such purpose. No money was carried to reinstate those brave but unfortunate people for their losses by the flood, for the bill was alone intended to restore and keep open the navigation not only of the Mississippi River but of those great tributaries that were also navigable. Nor can the fact that such work by Congress in keeping open and improving navigation may serve to save individual landowners from the effect of the overflow militate against the right of Congress to exercise such power, for improvement of navigation is the end, while the latter is an incident of the end or object of the power. So that the first three objects above set forth can not claim the sheltering arms of the commerce power, for that power, which by implication carries the controlling of floods and regulating the flow of the Colorado River for navigation purposes, is swept away by the clear and final statement in the same bill that "the Colorado River has ceased to be navigable for commerce."

Under these circumstances the claim of jurisdiction of Congress to pass this bill is, in legal parlance, a fraud upon the Constitution, and before the courts it would share the fate of the child-labor tax law, where it was held that Congress could not use the taxing power by indirection to accomplish another object (regulation of child labor) which was denied to Congress.

Fourth. Providing "for storage and delivery of the waters thereof for reclamation of public lands": Congress has power under Article IV, section 3, of the Constitution—

to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Congress has power under this provision to build a dam for power purposes or to do anything that is needful for the protection and improvement of such lands. It therefore has the power to build a dam to create power to reclaim such lands; but has it the power to build a dam and create an enterprise costing $125,000,000 (far more than these lands could ever be worth) when it is shown that a dam costing $15,000,000 would accomplish the purpose desired? If a $15,000,000 dam will accomplish the desired end, surely a $125,000,000 dam for the same purpose, and no other, would be held unconstitutional as exceeding the powers of Congress to lay taxes and appropriate money. It may be argued that for the accomplishment of other objects of the bill this dam should be built. My analysis of these objects is to show that of the six set forth in this bill

No. 4 is the only one that can claim to have constitutional sanction to justify it. It may be that it would require $125,000,000 outlay to accomplish all the objects in the bill, but my position is that no object stated in the bill has a constitutional standing or the backing of any power in the Constitution except this one, No. 4.

Fifth. And "other beneficial uses within the United States": No gentleman has attempted to show in this discussion under what power of the Constitution beneficial uses within the United States can claim to rest. What sort of beneficial uses? Personal? Public? Private? State? Or national? A veritable Brunswick stew composed of indefinite and unknown ingredients! A Christmas tree of Uncle Sam's for his children, loaded with candied toys of "beneficial uses"! Judge Marshall has well said that any man, in asking at the hands of Congress for relief, must show under what power of the Constitution that relief is asked for. If he can show no such power, his bill must fail.

Sixth. "For the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking": We have admitted that as to the reclamation of public lands an incidental power permits the creation of electrical power by the United States Government for that purpose. The use of such power is a means to the end; and, as Judge Marshall well says—

> Let the end be legitimate, let it be within the scope of the Constitution (as the public lands are) and all means which are appropriate, which are clearly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Now, test No. 6 by Judge Marshall's definition. What is the end aimed at by No. 6? For Judge Marshall says—

> the end must be legitimate and within the scope of the Constitution.

The end here is to make a "self-supporting and financially solvent undertaking." What is this undertaking? It is that described in the above six objects as set out in this bill, not one of which except that for reclaiming public lands is "legitimate or within the scope of the Constitution." While a dam for reclaiming these public lands could be built for $15,000,000, the size of the dam and its cost at $125,000,000, instead of $15,000,000, shows its object. As a matter of fact, the building of this great dam for the generation of electrical energy is the main object of this bill. The other objects are but dim satellites around this brilliant star. If the Government of the United States can boldly claim the power as in this bill to build throughout its domain great electrical powers for unconstitutional objects, or for the purpose of making money, or for any other purpose, the Government is indeed a different one from that which its real friends have regarded it. The creation of this power plant for power purposes is the primary purpose and object of this bill, as indicated by Secretaries Work, Weeks, and Wallace, and this has been claimed by some of the advocates of this bill on the floor of the House.

Another view, however, must be suggested here as to these proposed objects growing out of article 4 of the Colorado River compact, which is a part of this bill and which reads:

> (a) Inasmuch as * * * the reservation of its waters (Colorado River) for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes.

This shows that after declaring that the Colorado River has ceased to be navigable, even the little quantity of water left in it shall not have the first call, as to its consumption for navigation, until domestic, agricultural, and power purposes have been exhausted. Domestic and agricultural purposes were not among the objects heretofore considered. Under this view, we are compelled to make another allocation of objects for this bill, namely: First, domestic; second, agricultural; third, power purposes, to which navigation shall be subservient; and then (b) article 4, the generation of electrical power is made subservient to agricultural and domestic purposes, and they are proclaimed the dominant purposes under the Colorado River compact. Therefore, which of these two enumerated lists of objects or purposes of the bill is correct—the six objects which I have heretofore discussed or these last two as found in (b), article 4, of the Colorado River compact? To one looking for constitutional authority for the bill it makes no difference which are regarded as the real objects of the bill, for both are unconstitutional; for if we take "agricultural" and "domestic" objects, as set forth in article 4 of the compact above, as the real objects of the bill, and reject the six hereinbefore considered, where do we find constitutional warrant for the Government of the United States to build a dam for "agricultural" purposes (except so far as it may affect the Government's own property), or for "domestic purposes"? We will search in vain the Constitution to find warrant to legislate for agriculture.

Not only is the word "agriculture" not found in the Constitution of the United States, but on the 18th of August, 1787, the Federal convention having voted upon, and ratified on the 6th of August, that part of the Pinckney plan which embraced the powers of Congress as they now practically exist in the Constitution, had presented to it 20 additional propositions to be added to those already adopted. Among them was one affecting agriculture. Of the 20, a number of them were finally incorporated into the Constitution, but "agriculture" was brought to their special attention in the following resolution which was offered for the consideration of the committee: "To establish public institutions, rewards, and immunities for the promotion of agriculture," and so forth; but this was never heard of afterwards. It was thus specially brought to their attention and rejected; and "domestic purposes" are emphatically reserved to the States by the tenth amendment. So that if as stated in article 4 (b) of the Colorado River compact "agricultural" and "domestic" purposes are declared to be the dominant purposes of this compact, which is a part of this bill, neither one of those purposes can claim the protecting care of any express or implied power of Congress, for these objects of the bill are not, by the Constitution, specifically or impliedly included in any grant to Congress. This enterprise is indeed a great one; but it should be sent back to the States whose people have projected it, and should be built and operated by the seven States whose genius conceived it and whose money should pay for it.

INDEBTEDNESS OF THE UNITED STATES TO THE STATE OF NORTH CAROLINA

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the indebtedness of the Government to the State of North Carolina.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ABERNETHY. Mr. Speaker, it is a duty and a privilege to submit some brief remarks in behalf of the pending bill for the relief of the State of North Carolina (S. 3097).

The bill provides that the Government of the United States shall pay to the State of North Carolina the balance due said State, amounting to the sum of $118,035.69. The bill represents an effort to settle two claims due by the United States to North Carolina and one claim due by North Carolina to the United States, and the amount named in the bill represents the net balance due the State. There can be no controversy as to either of the mutual claims involved, but it may be well to summarize them briefly.

I will first consider the two claims due by the United States.

The first claim arises out of advances made by the State of North Carolina to the Federal Government in aid of the prosecution of the War of 1812. Substantially all of the States at that time comprising the Union made similar advances but differing as to amounts. Final settlements have been made with every State so making advances except the States of North Carolina, New York, and Connecticut. Part of the amount due North Carolina has heretofore been paid and similar partial payments were made to the other States until final settlement was completed, and, as stated, only three States have outstanding balances due them. This class of claims has been thoroughly considered in the past both by House and Senate committees, and by the Treasury Department. Many years ago Congress made settlement with the State of Maryland and directed that the interest be calculated in a certain way which has come to be known as the Maryland rule. It is substantially the same method of calculating partial payments and interest as taught in the schools. The Comptroller General has calculated the amount due the State of North Carolina and found the same to be $167,339.88, as of February 29, 1928. This amount is justly due the State.

The other claim against the United States arises out of the seizure of cotton belonging to the State of North Carolina in 1865 and 1866. This particular claim has been considered by committees of Congress and by the Treasury Department and has always been approved as correct and just. The most complete report on this special claim was submitted to the House by Mr. Bright from the Committee on Claims to the Forty-fourth Congress. It was a wrongful taking by one sovereign of the property of another sovereign and converting the same to its own use, and it is now proposed that the United States shall effect a just settlement. The Comptroller General finds that there is due upon this claim for cotton seized the sum of $96,835.81.

It will be found that the total of these two sums owed by the United States to North Carolina amount to $264,175.69.

Reference will now be made to the claim of the United States against the State of North Carolina.

This claim arises out of certain bonds issued by the State and held by the Federal Government. These bonds originally were held in the Indian trust fund and later became the property of the United States under the provisions of an act of Congress of 1894. The State proposes to pay the principal of these bonds, together with all unpaid interest coupons. As a matter of information it may be stated that these bonds were issued by the State prior to the Civil War. Payments of interest were suspended during the Civil War and at the end of that war the State made an effort to adjust all its outstanding indebtedness and by act of the legislature of the State in 1876 an offer of settlement of these particular bonds was made on the basis of 40 per cent of the principal. All of the outstanding bonds of this series were adjusted on that basis except these bonds held by the Government. It will be noted that the State offers in this settlement to pay the entire principal of the bonds, with interest. The State is so desirous of adjusting these mutual claims that it is willing to pay the face value of these bonds with interest. These bonds with interest amount to the sum of $146,140, and a calculation will show that after deducting this amount from the total of the two claims due by the United States to the State, it leaves a balance due the State as of February 29, 1928, in the sum of $118,035.69, which is the amount provided for in the pending bill.

All of the above facts appear in the hearing which was held before the Judiciary Committee of this body on April 6, 1928, in which report is also included various other items of fact and law, all tending to demonstrate the justness and correctness of this claim. I am advised that the payment of the balance due the State of North Carolina, and represented in the pending bill, covers all mutual claims between the State and the United States. Certainly this is a consummation to be wished by each government.

In conclusion I might make a suggestion fortifying the merits of this bill. Two sovereigns are indebted each to the other. The justness of these mutual items of indebtedness is recognized. Every reason, both of duty and comity, should move each sovereign to effect a friendly and satisfactory adjustment. The Treasury Department, through its accredited official, the Comptroller General, has audited and vouched for the correctness of the respective items of indebtedness. Each sovereign is and should be jealous of its credit and should desire to maintain the most amicable relations in its financial dealings.

This bill has passed the scrutiny of the Senate Committee on Claims and has passed the Senate. A full hearing and consideration has been given by the Judiciary Committee of the House, which has also favorably reported the bill. Every precaution has been taken to insure the correctness of the mutual adjustment of these claims. I hope the bill will have the approval of the House.

RURAL POST ROADS

The SPEAKER. The Chair lays before the House a resolution of the Senate accompanying a veto message from the President, which the Clerk will report.

Mr. PARKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PARKS. I would like to know if, under the Constitution, we may vote on these vetoes en gross without having to take one at a time?

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 3 (calendar day of May 24), 1928.

The President of the United States having returned to the Senate, in which it originated, the bill (S. 3674) entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," with his objections thereto, the Senate proceeded, in pursuance to the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The Clerk read the message of the President.

(For President's message, see proceedings of the Senate.)

The SPEAKER. The objections of the President will be spread at large upon the Journal and the bill and the message printed as a public document. The question is, Shall the House, on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. COLTON. Mr. Speaker and Members of the House, I feel so deeply that this veto is based upon a misunderstanding of the facts and circumstances surrounding this legislation that I am going to ask your indulgence for just a few minutes while I explain its provisions. The veto is based mainly upon two propositions. First, that there is already an appropriation to take care of the forest roads. Out of the $7,500,000 that is being carried in the general road authorization bill there is used annually nearly $3,000,000 for fire protection and for the development of the forests, so we do not have nearly all of the amount appropriated for the forest roads. At the present rate of road building with forest funds for main roads in the forests it will take the Federal Government 45 years to complete these roads through Arizona; 95 years in California; 90 years in Colorado; 24 years in Idaho; 33 years in Montana; 55 years in Nevada; 30 years in New Mexico; 30 years in Oregon; 28 years in Utah; 8 years in Washington; and 31 years in Wyoming. So that even the appropriations for main roads through the forests are woefully deficient. We are therefore from 8 to 90 years behind the regular Federal-aid building program in our forests and on our Indian lands. This bill is only for the purpose of speeding up the building program on these public lands during the next three years. The lands are owned exclusively by the United States and in the main these roads will be used as connecting links in the Federal road system.

Mr. ABERNETHY and Mr. CRAMTON rose.

Mr. COLTON. I will yield first to the gentleman from Michigan.

Mr. CRAMTON. As I understand the situation the appropriation for forest roads to which the gentleman has referred is available only in national forests. There is no fund available for construction of roads across Indian reservations and public lands and, in many cases, vast areas are in such reservations exclusively owned by the United States, exempt from taxation, and the only way that roads can be built to connect up important highways through these Federal-owned reservations is through the passage of such a bill as is now before us.

Mr. COLTON. Absolutely; and I may say in addition to what the gentleman has said, there are many individual bills that have been introduced that are pending before the Committee on Roads dealing with many situations which can not be remedied unless the Federal Government does help. This is a general bill to take care of these situations.

And now, just a word on the second point. The President refers in his veto to the fact that the States have the gasoline tax upon which to rely.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COLTON. In just a moment.

The fact of the matter is that only from 23 to 57 per cent of the money which the States are putting on the roads now is derived from this tax. We are putting on our roads more money from other sources than we raise by the gasoline tax. Moreover, under the act of June 11, 1916, the States are compelled to do all the maintenance work and therefore we have no fund whatever to take up many of these meritorious propositions in many of the States.

Gentlemen, just one other thought. Our public lands furnish the greatest example of absentee landlordism in the world. In Nevada, for instance, the Government owns 87½ per cent of the land. In my State it owns about 74 per cent of the land, and in some of the States 50 per cent; and we have not the means by which we can speed up this program.

I now yield to the gentleman from North Carolina.

Mr. ABERNETHY. I simply wanted to know whether this is to connect up through highways?

Mr. COLTON. That is largely the purpose of building the roads—we are asking for this money to connect existing Federal-aid systems. We need this extra help and need it badly. I am sure the President has been somewhere badly advised. There are men, particularly in the Bureau of the Budget, whose western horizon is bounded by the Mississippi River. It would do them a world of good to see some of the West. It can not be seen from a Pullman car. Roads are needed to protect our forests. Often connecting links which at the present rate will not be built for years will, when built, be the means of protecting great forests. We have no means now to build across many of the Indian reservations. Moreover, there are needed connecting links on the public domain where the population is so sparse and the taxable property so small, it will be years before main roads can be built.

Roads through unappropriated public lands and Indian lands are just as essential for the traveling public as those through the forests and parks, and the States should not be expected to bear this responsibility. It is a Federal responsibility. It is not State property.

The Budget proposes in this veto that these States do this work because their resources derived from the gasoline tax enables them to contribute toward these roads. Outside of

California, which has resources far more extensive than any of the other public-land States, this statement is not borne out by the facts, as the following table for 1927 shows:

State	Gas receipts	Total State expenditures for roads	Per cent gas receipts of total expenditures
Arizona	$1,388,830	$2,900,000	47
Colorado	3,139,594	5,464,915	57
Idaho	1,571,749	4,248,213	36
Montana	1,436,398	1,358,775	----------
Nevada	471,624	1,981,328	23
New Mexico	1,415,690	5,088,902	27
Oregon	3,643,191	10,273,440	35
Utah	1,461,261	3,748,099	38
Washington	3,821,438	7,699,127	49
Wyoming	756,049	2,982,529	25

Montana had a deferred road program last year, or this State would be in a like position.

Here we see that the gasoline income met the State program in varying degrees of 23 to 57 per cent. How can they be expected to assume this added burden of building through Government and Indian lands when this source of income pays but one-fourth to one-half their present obligations?

It should be remembered that the Federal Government is not spending one cent on the maintenance of Federal-aid roads, and that makes the expenditures on the part of the States for this purpose constantly increase.

It was said at one time, "Millions for defense, but not one cent for tribute." Uncle Sam says, "Millions for construction, but not one cent for maintenance." The Federal Government has not been overburdened in the work of building interstate roads, and this bill, passed without opposition in both Houses of the Congress, is a righteous claim.

Mr. Speaker, unless there are others who desire to speak, I move the previous question.

The previous question was ordered.

The question was taken; and there were—yeas 161, nays 182, not voting 87, as follows:

[Roll No. 89]

YEAS—161

Abernethy	Driver	LaGuardia	Romjue
Adkins	Englebright	Lampert	Rubey
Almon	Evans, Mont.	Lanham	Sanders, Tex.
Arentz	Fitzgerald, Roy G.	Lea	Sandlin
Auf der Heide	Fitzpatrick	Leatherwood	Schafer
Barbour	Fletcher	Leavitt	Schneider
Berger	Frear	Lindsay	Sears, Nebr.
Bland	Free	Linthicum	Shallenberger
Bohn	French	Lozier	Shreve
Boylan	Fulbright	Lyon	Simmons
Brand, Ohio	Fulmer	McKeown	Sinclair
Briggs	Gambrill	Major, Mo.	Sinnott
Britten	Garber	Manlove	Sirovich
Browne	Gardner, Ind.	Mansfield	Smith
Burtness	Gasque	Martin, La.	Somers, N. Y.
Cannon	Goldsborough	Mead	Speaks
Carew	Gregory	Miller	Sproul, Ill.
Carter	Green	Milligan	Stedman
Cartwright	Griffin	Mooney	Stevenson
Celler	Hadley	Moore, Ky.	Strong, Pa.
Chapman	Hall, N. Dak.	Moore, Va.	Summers, Wash.
Christopherson	Hardy	Moorman	Sumners, Tex.
Cochran, Mo.	Harrison	Morehead	Swank
Cohen	Hastings	Morin	Swing
Cole, Md.	Hawley	Morrow	Taylor, Colo.
Collier	Hill, Wash.	Murphy	Taylor, Tenn.
Collins	Holaday	Nelson, Mo.	Timberlake
Colton	Houston, Del.	Norton, Nebr.	Vinson, Ky.
Combs	Howard, Nebr.	O'Connor, La.	Ware
Cooper, Wis.	Jacobstein	O'Connor, N. Y.	Warren
Cramton	Johnson, S. Dak.	Palmisano	Weaver
Crosser	Johnson, Tex.	Parks	Welch, Calif.
Cullen	Johnson, Wash.	Peery	White, Colo.
Davey	Kading	Pou	Williams, Mo.
Dickinson, Iowa	Kelly	Prall	Williamson
Dickinson, Mo.	Kemp	Quin	Wilson, La.
Doughton	Kent	Ragon	Winter
Douglas, Ariz.	Kindred	Rainey	Woodruff
Douglass, Mass.	King	Rathbone	
Dowell	Knutson	Rayburn	
Drewry	Korell	Reed, Ark.	

NAYS—182

Ackerman	Beers	Byrns	Crail
Aldrich	Bell	Campbell	Crisp
Allen	Black, N. Y.	Canfield	Crowther
Allgood	Bowles	Carss	Curry
Andresen	Box	Chalmers	Dallinger
Andrew	Brand, Ga.	Chase	Darrow
Arnold	Brigham	Chindblom	Davenport
Aswell	Browning	Clague	Davis
Ayres	Buckbee	Clarke	Dempsey
Bacharach	Burdick	Cochran, Pa.	Denison
Bachmann	Burton	Cole, Iowa	Dominick
Bacon	Busby	Cooper, Ohio	Dyer
Beedy	Bushong	Cox	Edwards
Elliott	Hudson	Magrady	Stalker
Eslick	Hull, Morton D.	Major, Ill.	Steagall
Evans, Calif.	Hull, Tenn.	Mapes	Steele
Faust	Irwin	Martin, Mass.	Stobbs
Fenn	Jeffers	Merritt	Strong, Kans.
Fish	Jenkins	Michaelson	Swick
Fort	Johnson, Ill.	Michener	Taber
Foss	Johnson, Ind.	Monast	Tarver
Freeman	Kahn	Montague	Tatgenhorst
Frothingham	Kearns	Moore, Ohio	Thatcher
Furlow	Ketcham	Morgan	Thompson
Gibson	Kiess	Nelson, Me.	Thurston
Gifford	Kincheloe	Newton	Tilson
Gilbert	Kopp	Niedringhaus	Tinkham
Glynn	Kurtz	O'Brien	Treadway
Goodwin	Kvale	Oliver, Ala.	Tucker
Graham	Langley	Parker	Underhill
Griest	Lankford	Perkins	Updike
Guyer	Larsen	Porter	Vestal
Hale	Leech	Pratt	Vinson, Ga.
Hall, Ill.	Lehlbach	Ramseyer	Wainwright
Hall, Ind.	Letts	Rankin	Wason
Hancock	Lowrey	Ransley	Watres
Haugen	Luce	Reece	Watson
Hersey	McDuffie	Reed, N. Y.	White, Me.
Hickey	McFadden	Robinson, Iowa.	Whittington
Hill, Ala.	McLaughlin	Rogers	Williams, Ill.
Hoch	McLeod	Rowbottom	Wolverton
Hoffman	McMillan	Rutherford	Wood
Hogg	McReynolds	Sanders, N. Y.	Woodrum
Hooper	McSwain	Seger	Wright
Hope	MacGregor	Selvig	
Huddleston	Maas	Sproul, Kans.	

NOT VOTING—87

Anthony	De Rouen	James	Sears, Fla.
Bankhead	Dickstein	Johnson, Okla.	Snell
Beck, Pa.	Doutrich	Jones	Spearing
Beck, Wis.	Doyle	Kendall	Strother
Begg	Drane	Kerr	Sullivan
Black, Tex.	Eaton	Kunz	Temple
Blanton	England	McClintic	Tillman
Bloom	Estep	McSweeney	Underwood
Boies	Fisher	Menges	Vincent, Mich.
Bowling	Fitzgerald, W. T.	Moore, N. J.	Weller
Bowman	Garner, Tex.	Nelson, Wis.	Welsh, Pa.
Buchanan	Garrett, Tenn.	Norton, N. J.	White, Kans.
Bulwinkle	Garrett, Tex.	O'Connell	Whitehead
Butler	Golder	Oldfield	Williams, Tex.
Carley	Greenwood	Oliver, N. Y.	Wilson, Miss.
Casey	Hammer	Palmer	Wingo
Clancy	Hare	Peavey	Wurzbach
Connally, Tex.	Howard, Okla.	Purnell	Wyant
Connery	Hudspeth	Quayle	Yates
Connolly, Pa.	Hughes	Reid, Ill.	Yon
Corning	Hull, Wm. E.	Robsion, Ky.	Zihlman
Deal	Igoe	Sabath	

So (two-thirds not having voted in favor thereof) the objections of the President were sustained, and the bill failed to pass.

The following pairs were announced:

Mr. Spearing and Mr. O'Connell (for) with Mr. Buchanan (against).
Mr. Corning and Mr. Peavey (for) with Mr. Connolly of Pennsylvania (against).
Mr. Clancy and Mr. Quayle (for) with Mr. Purnell (against).
Mr. Dickstein and Mr. Bloom (for) with Mr. W. T. Fitzgerald (against).
Mr. Carley and Mr. Sullivan (for) with Mr. Golder (against).
Mr. Moore of New Jersey and Mrs. Norton of New Jersey (for) with Mr. Wyant (against).
Mr. Weller and Mr. Oliver of New York (for) with Mr. Reid of Illinois (against).

Additional general pairs:

Mr. Begg with Mr. Oldfield
Mr. Butler with Mr. Garrett of Tennessee.
Mr. Gates with Mr. Doyle.
Mr. Beck of Pennsylvania with Mr. Howard of Oklahoma.
Mr. Zihlman with Mr. Wingo.
Mr. Eaton with Mr. McClintic.
Mr. Anthony with Mr. Garner of Texas.
Mr. Welch of Pennsylvania with Mr. Williams of Texas.
Mr. Hughes with Mr. Igoe.
Mr. Kendall with Mr. Casey.
Mr. Robsion of Kentucky with Mr. Garrett of Texas.
Mr. Nelson of Wisconsin with Mr. Black of Texas.
Mr. Estep with Mr. Greenwood.
Mr. William E. Hull with Mr. Connally of Texas.
Mr. Wurzbach with Mr. Deal.
Mr. England with Mr. Hammer.
Mr. Beck of Wisconsin with Mr. De Rouen.
Mr. Temple with Mr. Hudspeth.
Mr. Boise with Mr. Bulwinkle.
Mr. Vincent of Michigan with Mr. Johnson of Oklahoma.
Mr. Strother with Mr. McSweeney.
Mr. Bowman with Mr. Blanton.
Mr. Doutrich with Mr. Connery.
Mr. White of Kansas with Mr. Fisher.
Mr. James with Mr. Drane.
Mr. Menges with Mr. Hare.
Mr. Snell with Mr. Bankhead.
Mr. Palmer with Mr. Jones.
Mr. Kerr with Mr. Sabath.
Mr. Kunz with Mr. Sears of Florida.

Mr. WYANT. Mr. Speaker, I want to vote "no."

The SPEAKER pro tempore (Mr. ALDRICH). Was the gentleman in the room and listening when his name should have been called?

Mr. WYANT. I was not.

The SPEAKER pro tempore. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The President's message was referred to the Committee on Roads.

AMENDING SALARY RATES IN THE COMPENSATION SCHEDULE OF THE ACT OF MARCH 4, 1923

Mr. LEHLBACH. Mr. Speaker, I call up the conference report on the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from New Jersey calls up the conference report on the bill H. R. 6518 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 35, 36, and 37.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,600 and $3,700"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,040 and $2,100"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,700 and $2,800"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,700 and $2,800"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,300 and $3,400"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,600 and $3,700"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,900 and $4,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,400 and $2,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$2,700 and $2,800"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "$3,000 and $3,100"; and the Senate agree to the same.

FREDERICK R. LEHLBACH,
ERNEST W. GIBSON,
JOE J. MANLOVE,
EMANUEL CELLER,
Managers on the part of the House.

PORTER H. DALE,
SMITH W. BROOKHART,
JOHN J. BLAINE,
KENNETH MCKELLAR,
WALTER F. GEORGE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendments numbered 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 35, 36, 37:

Eliminate an additional salary rate in the respective grades added by the Senate to the salary rates for such grades carried in the House bill.

On amendments numbered 1, 2, 3, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 32, 33, 34:

Eliminate the last of two salary rates added by the Senate to the salary rates for various grades carried in the House bill and retain the first of such additional rates.

FREDERICK R. LEHLBACH,
ERNEST W. GIBSON,
JOE J. MANLOVE,
EMANUEL CELLER,
Managers on the part of the House.

Mr. LEHLBACH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker and gentlemen, I shall not take the three minutes. I wanted an opportunity to explain my position in signing the conference report, together with the Senate managers and the two colleagues of the House. I did so reluctantly because the bill does not go far enough, but feeling that the legislation might be wrecked unless the majority signed the report on the part of the House I signed it in the interest of getting half a loaf.

You will note, for example, that realizing the strictest kind of economy we have refused to give even the charwomen in the Government employ an increase of 10 cents an hour, and only gave them 5 cents an hour. The total increase would have been negligible, yet those who have the ear of the White House said "nay." That is the kind of parsimony that seems to animate the sponsors of this bill. However, in justice to the vast army of civil employees who will get some increase, I signed the report, but I give notice that never again will I consent to sign a conference report unless absolute justice and equality is meted out to all employees.

Mr. LEHLBACH. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, the Senate very materially improved the Welch bill. If you will recall under the terms of the Welch bill as passed by the House, at the top of each grade, under the new grades provided in the Welch bill, the maximum salary rates were identical with the old grades under existing law. Therefore, while there could be an increase of wages in the minimum it could not be moved up to the top, so the increases of salary could not go all the way through the grades. To remedy that the Senate added additional salary steps so there could be the same number of salary steps in the grades in the new bill as in existing law and therefore ample increase all along the line. To that extent it insured the increase in salary of all the employees. But it developed that there was a difference of two or three millions in cost, and they went to conference. We were told because they were afraid that the President would veto it, because of these two or three million dollars in cost, the Senate amendments, or part of them, were eliminated.

Now, this House has shown a disposition to deal liberally with the employees of the Government. A few days ago in the matter of salary increase for the postal employees for night work which embodied a difference of several million dollars in the pay roll the House did not hesitate to pass the bill over the President's veto.

It is very well, gentlemen of the House, for the country and the employees to know that when this bill is passed, it is not because the House would not have passed it with the Senate amendments if it had been given an opportunity to do so.

Now, what happened here? In the House bill we gave the charwomen—the poor old decrepit women, gray haired many of them, who get up at 6 o'clock in the morning, before daylight, when you are sleeping peacefully in bed in the wintertime, go out and get down on their knees and scrub the floors. The House gave them an increase of 5 cents an hour and the Senate, out of the liberality of their hearts, increased that to 10 cents an hour. The conferees, the watchdogs of the Treasury, could not stand for such an extravagant waste of public funds, and the conferees would not agree to give the poor old charwomen their 10 cents an hour. They struck 5 cents an hour off it. They work only three hours a day, and it meant only 15 cents a day each to these poor old creatures, and yet they struck it off; but I take the liberty of reminding you that those gentlemen in the salary grades who are getting an increase of $1,500 a year did not have any lopped off their salaries by the conferees. You do not suppose for a moment that the great President of the United States would have vetoed the salary bill because it increased the wages of the charwomen 10 cents an hour, nor do I.

My great objection to the whole proceeding is this: In the five years I have been in the House I think we have had 12 or 15 bills in the House to increase the salaries of different groups of Federal employees. We go ahead and act on them without information or without any idea of what the salary grades are in the other branches.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. LEHLBACH. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. JOHNSON of Washington. Is it not a fact that there is to be undertaken this summer a nation-wide classification, using the Welch bill as a basis, and is it not agreed that certain classifications in that bill are too low, but are proposed to be corrected as a result of this survey?

Mr. WOODRUM. It is so stated; but, take my word for it, you pass this Welch bill and you will not hear anything more of these salaries. This will be the end of it. This Government ought to start a comprehensive survey of its whole pay roll. This provides for only 135,000 out of the 550,000 employees. We ought to have a comprehensive survey of the whole system, and where we should increase salaries we ought to increase them, and where the salaries are large enough we ought to let them stay there. We ought to approach the situation in a businesslike, orderly fashion. You have stenographers in the Veterans' Bureau getting one rate of wages and you have them across the street in the Department of Justice getting an entirely different wage scale, and all the time we do not know what relation that wage scale bears to the wage scale in private industry. My plea is to have a comprehensive survey of the whole Federal pay roll, and then we will know how to deal with the salary question in an orderly and intelligent fashion.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry. Do we understand that the vote was unanimous in favor of the conference report?

Mr. WOODRUM. No; there was one vote against it.

Mr. SCHAFER. I did not hear the gentleman vote against it.

Mr. WOODRUM. I did. The gentleman's hearing is bad.

VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2372) to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of the Senate bill, of which the Clerk will report the title.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, may we be told what the bill is?

Mr. JOHNSON of South Dakota. We amended the Senate bill by striking out everything after the enacting clause and inserting word for word the bill, H. R. 13039, which passed the House without a dissenting vote about a month ago.

Mr. SNELL. What does this do?

Mr. JOHNSON of South Dakota. It is a general legislative bill, including all amendments to the veterans' act of 1924 which have been reported from the committee and passed by the House at this session of Congress, such as extending the time for the filing of compensation claims and the presentation of evidence, raising the allowance for the insane from $20 to $30 a month, providing for a little further education for minors who are dependent on the Veterans' Bureau, extending the time for insurance conversion, and some administrative changes.

Mr. SNELL. Do I understand that it is purely an administrative bill?

Mr. JOHNSON of South Dakota. No; not entirely. It is the same bill that I discussed for an hour on the floor of the House about a month ago.

Mr. SNELL. How much money does it involve?

Mr. JOHNSON of South Dakota. About $5,500,000.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. RAMSEYER. Is this a Senate bill?

Mr. JOHNSON of South Dakota. Yes. I have offered as the House amendment the bill that passed the House 30 days ago. We struck out all after the enacting clause of the Senate bill and inserted the provisions of the bill that the House passed a month ago.

Mr. RAMSEYER. You substitute the bill as it passed the House?

Mr. JOHNSON of South Dakota. Yes; word for word. Now it goes to conference.

Mr. GARNER of Texas. May I ask what the conferees will do?

Mr. JOHNSON of South Dakota. That, of course, is a matter to be decided upon by them.

Mr. RAMSEYER. What does the Senate bill do?

Mr. JOHNSON of South Dakota. It provides for a change in the act with reference to the burial expenses of war veterans.

Mr. BROWNING. The Senate bill is just one section out of the bill that we passed heretofore.

Mr. JOHNSON of South Dakota. Exactly.

Mr. JOHNSON of Texas. Is this the bill that extends the time in which applications can be filed for insurance by the veterans who have been in the service?

Mr. JOHNSON of South Dakota. No; not the Senate bill. That bill is included in the committee amendments.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. COCHRAN of Missouri. This is due to the fact that the Senate Committee on Finance has been so engaged on the tax bill that they have never been able to reach this bill?

Mr. JOHNSON of South Dakota. Yes. That is the reason why I am urging the passage of this bill. It will expedite the passage of the legislation.

The SPEAKER. The Chair will state that the amendments to the Senate bill are in exactly the same language as the bill that unanimously passed the House. Without objection, the bill will be printed in the RECORD.

There was no objection.

The bill is as follows:

An act (S. 2372) to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended

Be it enacted, etc., That section 201, subdivision (1), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), is hereby amended to read as follows:

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director, in his discretion and with due regard to the circumstances of each case, shall pay for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $107 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided,* That when such person dies while receiving from the bureau compensation or vocational training the above benefits shall be payable in all cases: *Provided further,* That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases, and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further,* That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *Provided further,* That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *Provided further,* That section 5, title 41, of the United States Code, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder, and all suspensions of payment heretofore made in connection with such contracts are hereby removed, and any and all payments which are now or may hereafter become due on such contracts are hereby expressly authorized: *And provided further,* That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial."

SEC. 2. That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, of the United States Code), be amended by adding the following:

"No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made, or within one year from the date of the approval of this amendatory act, whichever is the later date: *Provided,* That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further,* That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section."

SEC. 3. That section 21, subdivision (2), of the World War veterans' act, 1924, as amended (sec. 450, title 38, of the United States Code), be hereby amended to read as follows:

"(2) Whenever it appears that any guardian, curator, conservator, or other person is not, in the opinion of the director, properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided,* That the director, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

"Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiduciaries, when such payment is authorized by the director."

SEC. 4. That section 28 of the World War veterans' act, as amended (sec. 453, title 38, of the U. S. C.), is hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person, who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life-insurance fund is waived, the United States Government life-insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance."

SEC. 5. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 34 and to read as follows:

"SEC. 34. The director is hereby authorized to contract for the services of translators without regard to the provisions of the act of August 5, 1882 (secs. 39, 45, 46, 50, title 5, U. S. C.), and the classification act of 1923 (secs. 43, 45, 46, title 5, U. S. C.). This section shall be deemed to be in effect as of June 7, 1924."

SEC. 6. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 35 and to read as follows:

"SEC. 35. The director is hereby authorized to purchase transcripts of the record, including all evidence, of trial of litigated cases. This section shall be deemed to be in effect as of June 7, 1924."

SEC. 7. That section 201, subdivision (3), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(3) The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity: *Provided,* That the payment of compensation shall be further continued after the age of 18 years and until completion of education or training, to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the director, which shall have agreed to report to the director the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn: *And provided further,* That no compensation shall be paid to or for any child who reaches the age of 21 years."

SEC. 8. That the first paragraph of section 202, subdivision (7), of the World War veterans' act, 1924, as amended (sec. 480, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $30 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however,* That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subdivision."

SEC. 9. That section 202, subdivision 12, of the World War veterans' act, 1924, as amended (sec. 486, title 38, U. S. C.), be hereby amended to read as follows:

"(12) Where the disabled person is a patient in a hospital, or where for any other reason the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation may be apportioned as may be prescribed by regulations."

SEC. 10. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), is hereby repealed.

SEC. 11. That section 209 of the World War veterans' act, as amended (sec. 498, title 38, U. S. C.), is hereby repealed.

SEC. 12. That section 212 of the World War veterans' act, 1924, as amended (sec. 422, title 38, U. S. C.), be amended by adding thereto the following proviso:

"*Provided further,* That where the widow, child, or children, of a deceased veteran are entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, the rates of com-

pensation shall be the same as those provided by section 201 of this act."

SEC. 13. That section 300 of the World War veterans' act, 1924, as amended (sec. 511, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 300. In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000 upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within 120 days after enlistment or after entrance into or employment in the active service and before discharge or resignation: *Provided,* That any member of the reserve forces whose application was accepted at a time when he was in attendance at a military or naval training camp or station, and from whom premiums were collected, and who becomes or has become totally and permanently disabled, or dies or has died, shall be deemed to have made valid application therefor. This proviso shall not authorize the granting of more than $10,000 insurance to any one person: *Provided further,* That each officer and enlisted man of the Coast Guard who is serving on active duty at the time of the passage of this amendatory act, or who subsequent thereto enters the Coast Guard Service, shall be granted insurance in accordance with the terms of this section upon application within 120 days of the passage of this amendatory act, or date of enlistment or entry into the Coast Guard, whichever is the later date, and before retirement, discharge, or resignation.

"Yearly renewable term insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

"Where the beneficiary for yearly renewable term insurance at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

"The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rate shall be the net rate based upon the American Experience Table of Mortality and interest at 3½ per cent per annum. This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 14. That section 301 of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 301. Except as provided in the second paragraph of this section, not later than July 2, 1927, all term yearly renewable insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate or, upon proof of good health satisfactory to the director, to a lower premium rate, in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election: *Provided,* That no reconversion shall be made to the five-year level premium form of policy.

"All yearly renewable term insurance shall cease on July 2, 1927, except when death or total permanent disability shall have occurred before July 2, 1927: *Provided, however,* That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1927, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"If no beneficiary be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided,* That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 15. That a new section be added to the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 310 and to read as follows:

"SEC. 310. Notwithstanding the provisions of sections 300 and 301 of the World War veterans' act, 1924, as amended (secs. 511 and 512, title 38, U. S. C.), the United States, upon application to the bureau, shall grant United States Government life (converted) insurance against death or permanent total disability in any multiple of $500 and not less than $1,000 or more than $10,000 to any person who has heretofore applied or been eligible to apply for yearly renewable term insurance or United States Government life (converted) insurance: *Provided,* That such person is in good health and furnishes evidence satisfactory to the director to this effect: *Provided further,* That no person may carry more than $10,000 of United States Government life insurance at one time."

SEC. 16. That a new section be added to the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 311 and to read as follows:

"SEC. 311. Wherever an insured under a yearly renewable term insurance contract or a United States Government life (converted) insurance policy is totally disabled for a period of 12 consecutive months he shall be entitled to receive total permanent disability benefits under his contract as though he were totally and permanently disabled, such payments to be effective as of the date such total disability began and to be made monthly in accordance with the terms of the contract during the continuance of such total disability. During the period of payments under this section premiums on such insurance shall be waived: *Provided, however,* That no retroactive payments shall be made under this section except where there is a period of total disability followed by permanent total disability, in which event payments shall be made effective not more than one year prior to the passage of this amendatory act: *Provided further,* That no application, conversion, or reinstatement shall be invalidated by reason of the provisions of this section. Provision shall be made by regulation for the reexamination of an insured under this section from time to time as the director may deem necessary, and in the event it is found that an insured is no

longer totally disabled payment of benefits shall cease and the provisions of the yearly renewable term insurance contract or the United States Government life-insurance policy, with reference to recovery from permanent total disability, shall apply: *Provided*, That the benefits of this section shall not prejudice any other cause of permanent total disability."

The SPEAKER. The question is on agreeing to the House amendments.

The amendments were agreed to.

SECOND DEFICIENCY BILL, 1928

Mr. WOOD. Mr. Speaker, I present a conference report on the second deficiency bill (H. R. 13873), making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, and ask unanimous consent that the same be acted upon immediately.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the conference report. Is there objection?

Mr. GARNER of Texas. May I ask the gentleman whether he has consulted the gentleman from Tennessee [Mr. BYRNS], the ranking Member of the subcommittee in charge of that bill?

Mr. WOOD. Yes; I have consulted with the gentleman from Tennessee. We are in entire agreement with the Senate. I ask unanimous consent, Mr. Speaker, that the report be read instead of the statement.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the report be read instead of the statement. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 30, 36, 51, 52, 62, 68, 69, 72, 85, 86, 88, 93, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 26, 28, 29, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 87, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 116, 117, 119, 120, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$12,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following as a new paragraph:

"The sum of $60,000 of the foregoing sums under Employees' Compensation Commission, applicable to the enforcement of the act entitled 'An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes,' approved May 17, 1928, shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"GENERAL ACCOUNTING OFFICE

"To enable the General Accounting Office to report to Congress the amount of the funds of the several Indian tribes, the investment thereof, the rate of interest thereon, and such additional information pertinent to the funds of such tribes as may be essential, including the employment in the District of Columbia and elsewhere of the necessary personal services without regard to civil service laws and regulations, fiscal years 1928 and 1929, $20,000."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"AIRCRAFT IN COMMERCE

"Aircraft in commerce: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $72,500, to remain available until June 30, 1929, of which amount not to exceed $35,000 may be expended for personal services in the District of Columbia.

"Air navigation facilities: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $1,000,000, to remain available until June 30, 1929, of which amount not to exceed $15,360 may be expended for personal services in the District of Columbia."

And the Senate agree to the same.

Amendment No. 70: That the House recede from its disagreement to the amendment of the Senate No. 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and/or"; and the Senate agree to the same.

Amendment No. 82: That the House recede from its disagreement to the amendment of the Senate No. 82, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$35,000"; and the Senate agree to the same.

Amendment No. 89: That the House recede from its disagreement to the amendment of the Senate No. 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"INCREASE OF THE NAVY

"Construction and machinery: Toward the preparation of plans and estimates of cost of hulls and outfits of vessels and machinery of vessels authorized in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, fiscal year 1929, $200,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$7,000,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lines 5 and 6 of the matter inserted by said amendment strike out "(H. R. 11134, Seventieth Congress)"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lines 4 and 5 of the matter inserted by said amendment strike out the words "fiscal year 1928" and insert in lieu thereof "fiscal years 1928 and 1929"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: After the sum "$193,500" insert the following: "to be subject to the terms and conditions as set forth in such act"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123,

and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, as to each of such amendments, namely:

On amendments Nos. 1 to 20, inclusive: Appropriates for the salaries and expenses of the Senate in the manner and in the amount specifically provided for in each of the Senate amendments.

On amendment No. 21: Appropriates $12,000 for the Biographical Directory of Congress instead of $20,000 as proposed by the Senate.

On amendments Nos. 22 and 23: Provides $633.29 as proposed by the House instead of $1,440.37 as proposed by the Senate for the payment of certain outstanding bills under the office of the Architect of the Capitol, and strikes out the appropriation of $500 inserted by the Senate for the payment of extra compensation to an employee of the Architect's Office.

On amendment No. 24: Makes available as proposed by the Senate the sum of $1,092.33 for the payment of actuarial services under the Bureau of Efficiency.

On amendment No. 25: Relating to the Employees' Compensation Commission: Appropriates $80,010, as proposed by the Senate, modified so as to require that such portion of that sum as may be due to the administration of the act of May 17, 1928, relating to compensation and injuries of employees of the District of Columbia shall be payable from the joint funds of the United States and the District of Columbia.

On amendment No. 26: Inserts the language proposed by the Senate relative to stenographic reporting services rendered the Federal Radio Commission during the fiscal years 1927 and 1928.

On amendment No. 27: Appropriates $20,000 instead of $45,000, as proposed by the Senate, to enable the General Accounting Office to make a report to the Congress on the funds of the several Indian tribes.

On amendment No. 28: Appropriates $200,000, as proposed by the Senate, for the George Rogers Clark Sesquicentennial Commission.

On amendment No. 29: Reappropriates certain unexpended balances, as proposed by the Senate, for the use of the George Washington Bicentennial Commission.

On amendment No. 30: Strikes out the appropriation of $75,000, inserted by the Senate, for the Mount Rushmore National Memorial Commission.

On amendment No. 31: Appropriates $75,000, as proposed by the Senate, for field investigations to be made by the Personnel Classification Board.

On amendment No. 32: Appropriates $68,000, as proposed by the Senate, for the Office of Public Buildings and Public Parks, and provides for maintenance and operation of Federal buildings.

On amendment No. 33: Inserts the contract authorization of $150,000,000, to enable the Shipping Board to carry out the loan provisions of sections 301 and 302 of the merchant marine act of 1928.

On amendment No. 34: Appropriates $7,000,000, as proposed by the Senate, for additional hospital facilities for the United States Veterans' Bureau.

On amendments Nos. 35 to 48, inclusive: Relating to the District of Columbia: Appropriates $15,000 as proposed by the Senate for office equipment and other expenses of the assessor's office; appropriates $45,000 as proposed by the House instead of $100,000 as proposed by the Senate for the athletic field at Western High School; appropriates as proposed by the Senate for payment to the Children's Hospital, Providence Hospital, Garfield Hospital, Georgetown University Hospital, and the Washington Home for Incurables, the amounts stated as due for the fiscal years 1926 and 1927 for the care of indigent patients; appropriates $800 as proposed by the Senate for the Temporary Home for Former Soldiers and Sailors; appropriates $20,000 as proposed by the Senate for completing the construction of two bathing pools; and appropriates $516.66 for the payment of a judgment certified to Congress after the bill had passed the House.

On amendments Nos. 49 to 56, inclusive: Relating to the Department of Agriculture: Appropriates $980,000 as proposed by the Senate for agricultural-extension work under the provisions of the act of May 22, 1928; strikes out the appropriation of $35,000 inserted by the Senate for the control of the European larch canker; appropriates $30,000 as proposed by the Senate for renewal of the water system at the agricultural station at Fort Keogh, Mont.; strikes out the appropriation of $35,000 for a horticultural station for the Southern Great Plains area; appropriates $2,500,000 as proposed by the Senate for the Mount Vernon memorial highway; appropriates $7,500 as proposed by the Senate for administration of the act to fix standards for hampers and baskets; makes available not to exceed $50,000 for carrying into effect the provisions of the act of May 17, 1928, relative to investigations in connection with wool standards, etc.; and appropriates $5,000,000, as proposed by the Senate, for carrying out the joint resolution to provide for the eradication of the pink bollworm.

On amendments Nos. 57 to 64, inclusive: Relating to the Department of Commerce: Appropriates $140,000 as proposed by the Senate for the enforcement of wireless communication laws; appropriates $72,500 instead of $197,500 as proposed by the Senate for expenses in connection with aircraft in commerce modified so as to eliminate the provision for the purchase of not to exceed 11 airplanes; appropriates $1,000,000 as proposed by the Senate for the construction and maintenance of air navigation facilities; appropriates $10,520 and $47,955 for the fiscal years 1928 and 1929, respectively, for the pay of commissioned officers of the Coast and Geodetic Survey; appropriates $25,000 as proposed by the Senate for investigations in connection with the loss of fish in irrigation ditches, etc.; strikes out the language proposed by the Senate increasing from $5,000 to $9,000 the amount which may be expended for the purchase of land for a fish hatchery in Oklahoma; and appropriates $25,000 as proposed by the Senate for mineral mining investigations in connection with manganese ore.

On amendments Nos. 65 to 82 inclusive: Relating to the Department of the Interior: Appropriates $2,500 as proposed by the Senate for lands and improvements at the Indian colony, Winnemucca, Nev.; appropriates $50,000 as proposed by the Senate for the survey and classification of lands on the Shoshone and Wind River Reservation in Wyoming; appropriates $15,000 as proposed by the Senate for the construction of a fence along the east boundary of the Papago Indian Reservation in Arizona; restores to the bill the language stricken out by the Senate fixing a limit of cost of $1,200,000 on the purchase of lands for the Navajo Indians; strikes out the language inserted by the Senate requiring lands purchased for the Navajo Tribe in Arizona to be subject to the payment of State or county taxes; appropriates $1,200 for maintenance of the Hogback irrigation project in New Mexico; strikes out the limitation inserted by the Senate prohibiting the expenditure from the $100,000 for the Middle Rio Grande conservancy district until such time as construction work is begun on and in behalf of Indian lands; appropriates $26,000 as proposed by the Senate for repairs and improvements at the Haskell Indian School, Kansas; appropriates $50,000 out of tribal funds for a hospital and physician's quarters on the Menominee Reservation, Wis.; appropriates $35,000 for a bridge and a road on the Hoopa Valley Reservation, Calif.; appropriates $8,000 for a road on the Zuni Reservation, N. Mex.; appropriates $2,500 for a tablet or marker at Medicine Lodge, Kans., under the act of May 27, 1928; makes available $1,000 from tribal funds for the maintenance of the Puyallup Indian Cemetery, Tacoma, Wash.; appropriates $70,000 as proposed by the Senate for the payment of claims for flood damages to the owners of certain lands at Hatch and Santa Teresa, N. Mex.; and provides $35,000 instead of $65,000 as proposed by the Senate for a topographic survey of the boundaries of the proposed Shenandoah National Park.

On amendments Nos. 83 and 84, relating to the Department of Justice: Appropriates $40,300 for salaries in the office of the Attorney General and $4,700 for contingent and miscellaneous expenses as proposed by the Senate.

On amendment No. 85: Strikes out the appropriation of $20,000 proposed by the Senate for the United States Employment Service.

Amendments Nos. 86 to 89, inclusive, relating to the Navy Department: Strikes out the authority inserted by the Senate for the use of $20,000 in connection with the research and investigation of safety devices and appliances for submarines; strikes out the appropriation of $5,000 proposed by the Senate for an investigation relative to the establishment of a central eastern ammunition depot; and inserts the appropriation of $200,000 proposed by the Senate for "Increase of the Navy," modified so as to limit the use of such appropriation to the preparation of plans and estimates of costs.

On amendment No. 90: Appropriates $7,500,000 as proposed by the Senate for foreign-mail contracts under the provisions of the merchant marine act of 1928.

On amendments Nos. 91 to 98, inclusive, relating to the Department of State: Appropriates $77 for the payment of a damage claim settled by the Secretary of State under the provisions of law; appropriates $200 for the refund of passport fees as authorized by law; strikes out the appropriation of $31,870 proposed by the Senate for traveling expenses of diplomatic, consular, and Foreign Service officers in connection with leaves of absence; appropriates $100,000 as proposed by the Senate for the International Exposition at Seville, Spain; appropriates $17,395.59 as proposed by the Senate for payment on account of damages sustained by the French ship *Madeleine;* appropriates $4,000 as proposed by the Senate for the American International Institute for the protection of Childhood; appropriates $5,000, as proposed by the Senate, for the contribution of the United States toward the Twenty-third International Congress of Americanists; and appropriates $9,819.93 for the relief of certain officers of the Foreign Service as authorized by law.

On amendments Nos. 99 to 104, inclusive: Relating to the Treasury Department; appropriates $842.07 additional as proposed by the Senate for the settlement of claims for damages determined and certified to Congress in accordance with existing law; appropriates $210,000 as proposed by the Senate for the preparation of preliminary plans and drawings for buildings in the general group projected for the triangle area in Washington; fixes a limit of cost of the extension of the public building at Salt Lake City, Utah, at $1,115,000, instead of $910,000; appropriates $7,000,000, instead of $5,000,000 as proposed by the House and $9,750,000 as proposed by the Senate, for the acquisition of property in the triangle area in Washington, and appropriates $40,000 as proposed by the Senate for paving International Street, Nogales, Ariz.

On amendments Nos. 105 to 123, inclusive, relating to the War Department: Appropriates $160,000 as proposed by the Senate for expenses of the Judge Advocate General's Office in connection with administration of the settlement of war claims, act of 1928; appropriates $14.50 additional for payment of damage claims; appropriates $375,000 as proposed by the Senate for construction at Fort Benjamin Harrison, Ind.; appropriates $300,000 as proposed by the Senate for construction at Walter Reed General Hospital; appropriates $50,000 and $1,750, respectively, for the completion of a hospital and the acquisition of additional land at Selfridge Field, Mich.; appropriates $34,700 as proposed by the Senate for the purchase of additional land in Hawaii for military purposes; authorizes the use of $29,200 additional from existing funds for the employment of personal services in the office of the Chief of Engineers for use in connection with flood control and river and harbor work; appropriates $24,215 as proposed by the Senate for the Zachary Taylor National Cemetery; appropriates $193,500 as proposed by the Senate for the paving of La Fayette Road, Ga.; appropriates $117,000 as proposed by the Senate for the improvement of the Ringgold Road, Ga., as proposed by the Senate; appropriates $14,000,000 and $1,000,000, respectively, as proposed by the Senate for carrying out the provisions of the flood control act; strikes out the appropriation of $6,500 proposed by the Senate for the preparation of plans and estimates for the improvement of the birthplace of George Washington at Wakefield, Va.; appropriates $10,000 instead of $25,000 as proposed by the Senate for a revision and codification of the laws of the Canal Zone.

On amendments Nos. 124 to 128, inclusive: Appropriates for the payment of judgments of United States courts certified to Congress after the bill had passed the House.

On amendments Nos. 129 to 134, inclusive: Appropriates for the payment of judgments of the Court of Claims certified to Congress after the bill had passed the House.

On amendment No. 135: Appropriates $108,982.03 for the payment of audited claims allowed by the General Accounting Office and certified to Congress after the bill had passed the House.

On amendments Nos. 136 and 137: Corrects section numbers in the bill to adjust to Senate amendments previously adopted.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman from Indiana yield for a question?

Mr. WOOD. I yield.

Mr. WHITE of Maine. There were two amendments in the Senate bill designed to meet the needs of the merchant marine bill of 1928. Have those amendments been agreed to?

Mr. WOOD. They have.

Mr. NEWTON. There was some discussion over there about putting on an amendment providing for another survey for a canal on the Nicaragua route. As I understand, that went out in the Senate. Is that correct?

Mr. WOOD. It went out on a point of order, as I remember.

Mr. NEWTON. It is not in the conference report at all?

Mr. WOOD. No.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RENEWAL OF BONDS OF GOVERNMENT EMPLOYEES

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to proceed for three minutes out of order.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for three minutes out of order. Is there objection?

Mr. CHINDBLOM. The gentleman from Pennsylvania had better make it two minutes. We have only five minutes left under the order.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. I will try to make my statement in two minutes.

Mr. Speaker, I wish to call the attention of the House to a matter which to the Committee on the Judiciary seems to require immediate action. A letter was sent by the Secretary of the Treasury to the Speaker of the House and referred to the gentleman from New York [Mr. SNELL], and he introduced the bill that had been previously drawn by the Treasury Department to cover a condition which is now confronting that department.

The act of 1895 requires the renewal of all bonds every four years. The time for renewal is coming about again on July 1. The language of the act of 1895 is mandatory, using the word "shall." The new bill makes it "may" instead of "shall."

At that time nearly all bonds were individual bonds. To-day over 95 per cent of the bonds are corporate bonds, and judging from the corporate reports made by the sureties, they being under the control of the Treasury, there is not the same necessity for this renewal as formerly existed in regard to them. This act simply provides that the Treasury Department shall be relieved from the obligatory clause of the act of 1895, and that it be left to the Treasury Department to attend to the renewals under the word "may" instead of "shall."

Mr. GARNER of Texas. Mr. Speaker, we have gotten along under this law, as I understand it, from the year 1895 down to the present time. How is it that this emergency comes about? It is claimed by the gentleman from Pennsylvania [Mr. GRAHAM] that it is now desired to leave it to the discretion of the Secretary of the Treasury as to whether a new bond is required or not. I think it requires a little more consideration than the mere statement of the gentleman from Pennsylvania, and I shall object. I think this matter is entitled to a little more consideration than the mere statement of the gentleman from Pennsylvania, and if it is to come up under unanimous consent I am going to object.

Mr. GRAHAM. Well, that ends it. The bill will not be passed, then; that is all.

Mr. GARNER of Texas. I can not understand how it is so very important at this late date when we have gone along for some 30 years.

Mr. GRAHAM. It is because the conditions have changed from what they were then.

Mr. GARNER of Texas. The condition changed five years ago the same as it has changed now. It is no different.

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night, it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock. Is there objection?

Mr. UNDERHILL. Mr. Speaker, that does not interfere with the recess?

Mr. TILSON. Not at all.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I am going to move in a minute that we take a recess until 8 o'clock in accordance with the previous order of the House.

The SPEAKER. Under the order the gentleman must make that motion at 6 o'clock.

VETERANS' BUREAU HOSPITAL FOR KENTUCKY

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THATCHER. Mr. Speaker, I am very much gratified at the action of Congress in passing H. R. 12821, entitled "A bill to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes." I am equally gratified because of the President's action in approving the measure.

The bill authorizes the appropriation of the sum of $15,000,000, to become immediately available and to remain available until expended, for the purpose of constructing new hospitals and further hospital and other facilities—to quote the language of section 1—

to care for the increasing load of mentally afflicted World War veterans and to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions.

In brief, the bill authorizes the indicated sum for the purpose of constructing new Veterans' Bureau hospitals and additions to existing Veterans' Bureau hospitals to care for neuropsychiatric—that is to say, nervous and mental—cases and to care also for World War veterans' cases now being cared for under contract in hospitals of the country which are not Veterans' Bureau institutions.

ENDS SEVERAL YEARS OF EFFORT

The enactment of this legislation ends the efforts which have been waged for several years by its proponents. At the last session a similar bill, carrying a total authorization of $11,000,000, passed the House, but failed of passage in the Senate because of the filibuster there on other matters at the session's close.

The urgent need for the adoption of this hospital construction program is clearly shown in the hearings had on the subject in the two sessions of the Sixty-ninth Congress and in this, the first session of the Seventieth Congress. Because of my first-hand knowledge of the need for such a hospital in Kentucky, I have made every effort to secure the legislative authorization therefor. While this bill simply authorizes the appropriation of $15,000,000 for the purposes already named, the report of the committee—the House Committee on World War Veterans' Legislation—sets forth the various new hospitals and additional hospital facilities considered by the committee in arriving at the total figure of $15,000,000 carried in the bill, and the proposed new hospital for Kentucky is specifically named in the report, and the Director of the Veterans' Bureau will be governed accordingly. Permit me to quote from that report the following:

NEUROPSYCHIATRIC HOSPITAL FOR KENTUCKY

This authorization bill (H. R. 12821) carries as a part of the total of fifteen millions the sum of $1,000,000 for a neuropsychiatric hospital in Kentucky. Because of my first-hand knowledge of the need for such a hospital in Kentucky, I have made every effort to secure the legislative authorization therefor. While this bill simply authorizes the appropriation of $15,000,000 for the purposes already named, the report of the committee—the House Committee on World War Veterans' Legislation—sets forth the various new hospitals and additional hospital facilities considered by the committee in arriving at the total figure of $15,000,000 carried in the bill, and the proposed new hospital for Kentucky is specifically named in the report, and the Director of the Veterans' Bureau will be governed accordingly. Permit me to quote from that report the following:

Particular attention is also invited to the addition of $1,000,000 for a neuropsychiatric hospital in the Kentucky area. A similar provision was included in the bill reported last year. It was stated then by the chairman of the hospital committee who reported the bill that—

"Representations as to the need of a new neuropsychiatric hospital in the area of which the center would be found to be in Kentucky led the committee last year to recommend appropriation for it in a bill that is now on the calendar, contemplating the erection of a 250-bed hospital. Adding this estimate of $1,000,000 for Kentucky to the bureau's program, together with the 150 additional beds at Oteen, as well as provision for the construction of a nurses' convalescent home in Washington which the committee recommends, and subtracting the savings probable at Atlanta, gives a total estimated cost of very close to $11,000,000, and accordingly your committee recommends the passage of H. R. 17157 authorizing appropriation of that amount."

Evidence was presented at the committee hearings showing an even greater need at this time in the Kentucky area, and your committee therefore included this item in the bill.

PREVIOUS BILLS

The committee's quotation from the committee's report on the omnibus hospital bill of the last session of the Sixty-ninth Congress, already mentioned, referred to the committee's favorable action taken at the first session of the Sixty-ninth Congress on H. R. 10398, a separate bill introduced by me at that session, authorizing the appropriation of $1,125,000 for the construction in Kentucky of a 250-bed neuropsychiatric hospital. On that bill, at my request, hearings were held by the committee, at which I appeared, together with others familiar with the needs involved, with the result that on May 28, 1926, the committee, through one of its members, Representative IRWIN, of Illinois, favorably reported the measure. This report was made near the close of the session and there was no opportunity for the bill to be placed on its passage before the session closed. Then, at the second session of the Sixty-ninth Congress, the $11,000,000 omnibus hospital bill, as I have already stated, passed the House but died in the Senate filibuster.

On that bill, however, ample hearings were held; and as the committee indicated its desire to deal with the entire subject of new hospital construction in a single authorization, or omnibus measure, I asked for and secured at the hands of the committee a new hearing touching the need for the proposed hospital for the Kentucky region, and, at the committee's suggestion, did not press for a separate action on H. R. 10398. The matter was presented in the same manner as in the first session of the Sixty-ninth Congress on H. R. 10398, with the result, as already shown, that the committee approved the item for $1,000,000 for a neuropsychiatric hospital in the Kentucky region, further studies and hearings having convinced the committee that this sum would construct the 250-bed hospital asked for.

Again, on H. R. 12821, at the present session the committee, in the course of its hearings thereon, heard anew and with data brought down to date, the proposal for a neuropsychiatric hospital in Kentucky, and again—and for the third time—approved the proposal and, as already indicated, included in the bill the sum of $1,000,000 therefor.

LEGION INDORSEMENT—ACKNOWLEDGMENT OF APPRECIATION

The Director of the Veterans' Bureau did not include the Kentucky hospital project in his recommendations for new hospitals, but it was indorsed by the American Legion. In fact, the American Legion has long recognized the need for this hospital, and in its national conventions or meetings for the past several years has gone on record as favoring the project.

Touching my efforts in behalf of the Kentucky hospital, I wish to acknowledge with appreciation the effective aid and cooperation of the National and Kentucky Legion organizations, and particularly the effective assistance rendered by legionnaires of both these organizations of the Legion, including Capt. Watson B. Miller, chairman national rehabilitation committee, and John Thomas Taylor, vice president of the legislative committee of the national organization, and the following members of the Kentucky organization: Col. James D. Sory, State service officer of the American Legion, Department of Kentucky; Capt. Allen E. Denton, past commander of the American Legion of Kentucky; and Gen. Ellerbe W. Carter, of Louisville, Ky., who appeared with me in behalf of the project at one or more of the hearings on the Kentucky proposal.

I also desire to express appreciation for the cooperation rendered by Kentucky Senators and Representatives. In addition an acknowledgment of gratitude is due the House committee for its fine action in granting the various hearings on the bills involved and in cooperating to secure the enactment of this legislation, and particularly the committee members—Mrs. ROGERS, Representative from Massachusetts, who filed the favorable committee report on H. R. 12821; Representative GORDON BROWNING, of Tennessee; Mrs. NORTON, Representative from New Jersey; Representative RANKIN, of Mississippi; Representative FITZGERALD, of Ohio; and Representative IRWIN, of Illinois, who, as heretofore stated, filed the favorable committee report in May, 1926, on the first measure introduced in behalf of the Kentucky hospital. Out of the 21 members constituting the committee only 2 joined in an adverse report on the

Kentucky proposal—Representative JOHNSON, of South Dakota, chairman of the committee, and Representative LUCE, of Massachusetts, chairman of the subcommittee conducting the hearings. These gentlemen were evidently largely influenced in their action by the attitude of the Veterans' Bureau in failing to recommend a Kentucky hospital, although the bureau recommended all the other projects covered by H. R. 12821, except the southern New England project, which the majority of the committee also included in the favorable report, and provision therefor was made in the bill. However, no fight was made by these dissenting committee members on the Kentucky or southern New England proposal when the bill came before the House for consideration and passage, and the measure, I am glad to say, passed both Houses without any adverse votes thereon.

ACTION BY DIRECTOR OF VETERANS' BUREAU—APPROPRIATIONS

Since the passage of the bill the Director of the Veterans' Bureau has accepted in good faith the action of Congress in the passage of the bill and has given assurance that the recommendations of the committee as embodied in its report would be by him fully accepted and followed. Accordingly, he has recommended, and there has been appropriated, as I have already pointed out, an adequate appropriation—$7,000,000—for the first year's building program under the bill; and thus the Kentucky hospital project will be taken care of, as will the other projects authorized by this legislation. The director estimated that the indicated sum will be sufficient for the first year's purposes, and during the second ensuing fiscal year he will ask for the additional appropriation needed under the authorization for the completion of the building program.

INDORSEMENTS OF BILL

It is to be noted that H. R. 12821 has been indorsed not only by the American Legion, but also by the disabled American veterans, the Veterans of Foreign Wars, and the Spanish War veterans.

The Director of the Veterans' Bureau will now make or have made a survey of the entire field, and with the aid of the Federal Board of Hospitalization, of which he is chairman, he will make recommendations as to sites for these various projects, including, of course, that for the Kentucky region, and thereupon, when these recommendations are approved by the President, it is expected that sites will be acquired and the hospital construction authorized by the bill will be started.

In this general connection we may rest assured that General Hines, the director, will exercise every care to the end that the best interests of the needs of the ex-service men may be adequately met. He is charged with grave responsibilities in the discharge of his duties, and I am sure that he desires to receive the fullest measure of aid and cooperation of Congress in the performance of those duties, and on this aid and cooperation, I am sure, he may fully count.

DIFFICULTIES INVOLVED

The effort to secure the legislation authorizing the new hospital for the Kentucky region was made difficult by the fact that the Director of the Veterans' Bureau did not see his way clear to recommend it. The contention of the proponents of the measure was that the records of the Veterans' Bureau at Washington did not truly reflect the actual conditions in Kentucky as to the number of neuropsychiatric cases, service connected, requiring hospitalization. At present Kentucky is woefully deficient in hospital facilities of this character. Only the veterans' bureau at Chillicothe and the soldiers' home at Marion, in northern Indiana, are available for Kentucky neuropsychiatric cases, and they are always filled. The result has been and is that Kentucky ex-service men needing neuropsychiatric hospitalization have found it practically impossible to secure hospitalization, and have long ceased to make application therefor. Hence the Veterans' Bureau records fail to give the true picture involved, and this failure rendered the problem of securing favorable action on the Kentucky hospital project difficult. All these facts were convincingly brought out at the committee hearings.

The testimony introduced at these hearings was that in Kentucky alone there were hundreds of service-connected neuropsychiatric cases needing hospitalization that were altogether unable to secure it because of the absolute lack of hospital facilities therefor. The suggestion of the director had been that the addition of 130 beds at Chillicothe—and provided for in H. R. 12821—might meet the Kentucky situation; but these additional beds will doubtless be absorbed in Ohio alone. Meanwhile the whole neuropsychiatric load is constantly increasing, and the peak load will not be reached for several years to come. This is true not only of Kentucky but of the entire country.

GENERAL HOSPITAL PROGRAM INVOLVED

In this connection it may be of interest to state the fact that at the close of February, 1928, the United States Veterans' Bureau was operating 50 hospitals and using a part of the facilities of 48 other Government hospitals and 168 civilian hospitals. The total patient load on that date was about 27,143, divided into three general classes, as follows: Tuberculosis, 7,301; general medical and surgical, 6,985; and neuropsychiatric, 12,857.

Under the authorization of the omnibus bill which has just become a law, in addition to a new hospital for Kentucky and a new hospital for southern New England, new hospital facilities will be provided at Bedford, Mass., neuropsychiatric, 130 beds; Oteen, N. C., tuberculosis, 200 beds; North Chicago, Ill., neuropsychiatric, 300 beds; St. Cloud, Minn., neuropsychiatric, 100 beds; American Lake, Wash., neuropsychiatric, 100 beds; Philadelphia, Pa., neuropsychiatric, 800 beds; Atlanta, Ga., general, 200 beds; Chillicothe, Ohio, neuropsychiatric, 130 beds; Maywood, Ill., neuropsychiatric, 250 beds, tuberculosis, 180 beds; Walla Walla, Wash., tuberculosis, 100 beds; North Little Rock, Ark., neuropsychiatric, 130 beds; Tuskegee, Ala., neuropsychiatric, 100 beds; Kansas City, Mo., general, 300 beds; Excelsior Springs, Mo., neuropsychiatric, 300 beds; Walter Reed Hospital, neuropsychiatric, 100 beds; and a special fund of $500,000—

to revamp existing facilities to meet changes in load, such as at Outwood, Ky., and at Fort Lyons, Colo., if needed.

GREAT SOUTHERN AREA WITHOUT NEUROPSYCHIATRIC FACILITIES

Another reason—and a very strong one—for the construction and maintenance of a neuropsychiatric hospital in the Kentucky region is the fact that at present the great area, bounded by a line extending from Perryville, Md., through Chillicothe, Ohio, Marion, Ind., to Chicago, Ill.; thence to Little Rock, Ark.; thence to Gulfport, Miss.; thence to Augusta, Ga., and including therein Kentucky, Tennessee, and several other of our most important States and sections, is without any neuropsychiatric hospital facilities whatsoever. The greatest need for these facilities appears to be in Kentucky, and the forthcoming hospital will therefore be located in the Kentucky region at such place as the director, with the approval of the President, may select. This is in accordance with the provisions of the bill. Kentucky will thus be directly served, and the other sections of the indicated area will also have the benefit of the hospital facilities thus to be provided.

If this new hospital—to be of not less than 250-bed capacity—should prove insufficient, then, under the authority of the bill and as indicated in the report, a revamping of the Veterans' Bureau tuberculosis hospital at Outwood, Dawson Springs, Ky., may be made, whereby an increase of neuropsychiatric facilities may be provided. However, it is not believed that the policy of mingling these two classes of patients is desirable and this feature should only be utilized as a last resort, and after the other facilities authorized by this legislation shall prove inadequate.

Mr. Speaker, I am very glad to repeat that the director, General Hines, has accepted the action of Congress in the matter of the proposed new hospital for Kentucky in the utmost good faith, and he has given assurance that in his action under the authorization bill he will treat it just as he will treat the other projects included in the bill which made up his hospital building program as recommended by him to Congress, and which was by Congress approved by its inclusion in the committee report and in the lump-sum authorization carried in the bill.

A PERSONAL NOTE

Because of my identification with the Kentucky project from the outset and my efforts therefor, I trust that it may not be inappropriate to quote the following excerpts from letters recently received by me, one from Mrs. ROGERS, Representative from Massachusetts, who filed for the House committee favorable report on H. R. 12821, and the other from Representative IRWIN, of Illinois, who in May, 1926, filed for the committee favorable report on the original Kentucky hospital bill, which I had the honor to introduce. For these very kind expressions I am deeply grateful and I should like to include within them all those who have aided in bringing about the enactment of this legislation.

The following is from the letter from Mrs. ROGERS:

I must not fail to extend to you my heartiest congratulations on your splendidly effective fight for the proposed new neuropsychiatric hospital in Kentucky. I am in the best of position to know of your work in regard to this matter, for I have been a member of the House Committee on World War Veterans' Legislation since its creation, and during the recent session of Congress I had the honor to prepare and file for the committee the favorable report on H. R. 12821, the bill authorizing a $15,000,000 Veterans' Bureau hospital construction program, in which there is included $1,000,000 for the indicated hospital for Kentucky.

* * * * * * *

Your persistent and effective work in the indicated behalf is entitled to the highest praise. Not only did you thus urge and labor for the new Kentucky hospital, but you have also urged and labored in behalf of the entire program for nation-wide hospital construction. Your successful efforts in behalf of the Kentucky project are especially notable because that project did not have the backing or approval of the Veterans' Bureau officials, while practically all the other projects thus authorized had received it. However, your presentation of the need for a new hospital for the Kentucky region convinced the committee of the need and determined the committee's action in the matter. The Veterans' Bureau has accepted in the utmost good faith the judgment of our committee and of Congress touching all the projects authorized. General Hines, the Director of the Veterans' Bureau, promptly recommended the appropriation of $7,000,000 for the first year's work under this construction program, which includes the Kentucky hospital, and Congress at once made the appropriation.

Knowing the character and extent of your efforts in behalf of this hospital construction program, as a member of the House committee, I desire to thank you therefor; and I feel that our veterans of the World War generally and those of the Kentucky region especially owe you a great debt of gratitude for the splendid and effective service you have thus rendered in their behalf.

The following is from the letter of Congressman IRWIN:

I wish to congratulate you on your success in having passed the bill appropriating $1,000,000 for the erection of a neuropsychiatric hospital in the State of Kentucky for the use of veterans of the World War.

I was very much interested in the passage of this bill, as you will recall that I was chairman of the subcommittee on hospitals in the Sixty-ninth Congress. At that time the bill was reported favorably by the full committee on recommendation of the subcommittee.

I wish to say, further, that the disabled World War veterans of Kentucky are fortunate in securing this hospital, and they certainly owe you a debt of gratitude for the splendid fight you made before the subcommittee and also on the floor of the House, which resulted in the passage of the bill.

Also, in this connection it might be noted that Maj. John Thomas Taylor, vice chairman of the national legislative committee of the American Legion, to whom reference has already been made, in a recent letter to a prominent legionnaire of Kentucky, responsive to inquiry concerning my record in Congress touching American Legion legislative matters, was kind enough to state:

I am very happy to be able to say to you that he [Representative THATCHER] has not only been with us at all times so far as voting was concerned, but has personally devoted a great deal of time and attention to defending phases of legislation of interest to World War veterans. I think we can say without question that it was through his untiring efforts that the 250-bed hospital is being provided for Kentucky. For several years he worked to this end in Congress with the Legion, and finally succeeded in the present session of Congress.

I consider him a very sincere friend of the veterans.

CONCLUSION

Of course, the hospitalization of the saviors and defenders of the Republic needing or requiring such care is a matter of paramount importance. No duty of the Republic is of a more sacred character. The American people demand and expect that all needed legislation and required appropriations shall be promptly made for this purpose. The growing load of nervous and mental cases in the ranks of our World War veterans is an added evidence of the frightfulness of war; and the tender heart of a mighty nation is consecrated to the proud task of doing everything possible to alleviate the afflictions sustained by the flower of the country's youth during the greatest conflict of history.

EDITORIALS ON RETIREMENT FROM CONGRESS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some editorials on my retirement from Congress.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SINNOTT. I am deeply appreciative to the press of my State for these very generous editorial comments. I hope I have merited a small part of the kind things they say.

I doubt if my friends in the House will recognize me in my editorial dress.

If I have accomplished anything in Congress, it is due to the loyal support I have always received from the press of my district and State.

The editorials referred to are as follows:

[From The Dalles Chronicle]

NICK SINNOTT

Oregon will be losing one of the most able Representatives it has ever had in Congress when NICHOLAS J. SINNOTT resigns, as it is anticipated that he will, to accept a justiceship in the United States Court of Claims at Washington, D. C.

"NICK," as everyone in The Dalles knows him, is deserving of the political reward President Coolidge has proffered. For 15 years he has represented eastern Oregon in Congress, and during this time he has worked his way to the highest rankings the Republican Party can give in the way of committee chairmanships.

This prominence at Washington has been a big advantage to this district and to Oregon, when problems have arisen at the Capital that have required expert political maneuvering. SINNOTT was in a position to demand and receive favors from his colleagues that meant much when the final votes were tabulated.

Just as an example, when Oregon and California cherry growers were threatened with ruinous competition from Europe in the marketing of cherries imported in brine for maraschino purposes, it was SINNOTT who took the leading part in having the duty raised again. It was SINNOTT who had the old duty retained while the Government sent agents into the field to investigate cherry-production costs, and it was largely due to SINNOTT'S efforts that the Tariff Commission finally recommended a 50 per cent duty increase, which was carried out by the President.

This is merely an isolated example, out of hundreds that might be used to illustrate the splendid service NICK SINNOTT has given his constituents. That residents of eastern Oregon realize his worth is attested by the regularity with which they have sent him back every two years despite really warm opposition at times. This year so certain were potential candidates that they would not have a chance against SINNOTT, that not a one of them thought it worth while to file for the nomination.

It is a signal honor for The Dalles that one of its citizens, already distinguished, should be elevated still further by appointment to one of the high judicial positions of the Government.

For NICK is a native son of The Dalles. He was born here December 6, 1870, when his father, N. B. Sinnott, was operating the now historic Umatilla House, then regarded as one of the finest hostelries in the State.

He was graduated from the old Wasco Independent Academy in one of the last graduating classes put out by that school, and then went East to Notre Dame, where he completed his education. At Notre Dame SINNOTT was one of the greatest all-around athletes the school had ever produced.

Following his graduation SINNOTT returned to The Dalles and engaged in the practice of law, being associated with the late Judge A. S. Bennett. In 1913, when the new second congressional district was formed in eastern Oregon, SINNOTT was elected for the first time to the National House of Representatives, a position which he has since filled to the complete satisfaction of his constituents.

For NICK SINNOTT'S sake the Chronicle is sincerely glad that his abilities have received further national recognition. He is amply qualified to handle the judicial duties his new position will involve, and he will be relieved from the always uncertain status of a politician, dependent on the whims of the voters.

The loss to Oregon and the Northwest will be great, however, for no matter how able is the man who succeeds N. J. SINNOTT at Washington, he will suffer by comparison in the years it takes to gain party favor and national prestige.

[From the Portland Oregonian]

LOSING A VALUED SERVANT

There are not many Oregonians by whom the news that the President has nominated Representative SINNOTT, of the second Oregon district, for a seat on the Court of Claims bench will not be read with mingled emotions of gratification and regret. It is pleasing, on the one hand, to know that a distinguished and deserving native son has been so signally honored and on the other it is not a matter for self-congratulation that the State is to be deprived of his further service in Congress.

Mr. SINNOTT is now serving his eighth consecutive term, and though nominally the Representative for the second district he has on every occasion given heed to the interests of all Oregon. His conception of the duties of a Congressman was broad and statesmanlike. An experience of some 15 years in the National Legislature, united with a natural talent for public affairs, had peculiarly qualified him for the discharge of his duties. As chairman of the Committee on the Public Lands and as a member of the Committee on Irrigation and Reclamation, he frequently gave evidence of his grasp of the problems they implied, and placed not only his district but the entire West in his debt.

It is an unavoidable misfortune that a district which had loyally adhered to the rule of giving recognition to merit should at length lose that which is a manifest advantage. It is not, however, a reason for withholding a deserved encomium.

[From the Portland Journal]

HIS PROMOTION

The citizens of the second congressional district of Oregon will find it extremely difficult to replace Congressman SINNOTT, who has been

appointed to the Claims Court by the President. The voters of that district will find it no easy task to send another man to Washington who has the ability, the energy, the honesty, and the high purpose of Mr. SINNOTT.

He has represented his district for years. In that time he has risen to high place in Washington. He has an excellent record of accomplishment for his district and State. He was always to be found in support of those measures which were good for the State and Nation.

Mr. SINNOTT earned a promotion, but it will require a man of very high purpose and unusual ability to fill the place left vacant in the Oregon delegation at Washington.

[From the Portland Telegram]

N. J. SINNOTT

Appointment of N. J. SINNOTT as justice of the United States Court of Claims is a deserved recognition of faithful public service. For 15 years Mr. SINNOTT has represented in Congress not only the second district but all of Oregon.

His position as chairman of the Committee on the Public Lands and as a member of the Committee on Irrigation and Reclamation has given him a favorable opportunity to serve a State vitally concerned in these questions.

Our congratulations go rather to Mr. SINNOTT than to Oregon, which in this instance accepts the honor gained through its distinguished son with something of reluctance and regret.

[From the Klamath Falls Herald]

OUR LOSS

When we record the appointment of Congressman N. J. SINNOTT to the Court of Claims we very properly feel that it is our loss. While we all rejoice with NICK in his promotion, for the position is for life, we do hold a deep regret that he is to leave the second Oregon district, which he has served so long and so well in Congress.

We have had with NICK SINNOTT in Congress dignified and effective representation, for Mr. SINNOTT has steadily gained in standing until his committee appointments show conclusively that he is one of the leaders in the lower House.

His resignation will open the second district congressional contest to a number of eligibles, and we look for an interesting campaign among the boys who would wear the SINNOTT toga.

[From the La Grande Observer]

It is entirely too customary when a man in public life dies or retires or otherwise vacates a job to express regret that his services are lost. In the case of NICK SINNOTT, Representative in Congress from this district, the appointment to the Court of Claims is, however, a matter of deep regret for all of Oregon. Mr. SINNOTT has won wide approval. It can be sincerely said that his service has been extremely fruitful. He has worked for the interests of his State and the entire West with fine vision and notable intelligence. He was highly respected at Washington, conducted himself in a way that was always creditable to this State and this district. This appointment is a step upward well earned, and the people of the State will wish him well while they deeply regret the necessity for a change.

[From the Pendleton East Oregonian]

NOT SO GOOD

The President has offered Congressman SINNOTT a lifetime appointment on the Court of Claims at a salary of $12,500 a year, and the eastern Oregon Congressman can not be blamed for accepting it. It is known that he desired a judicial position, and he is to be congratulated upon achieving that ambition.

It is not good news for Oregon, however, and the loss of Mr. SINNOTT may hamper the progress of the Umatilla rapids project through Congress. He was largely responsible for securing the Federal survey of the project and he is one of the authors of the measure calling for its construction. As a member of the Irrigation Committee, and as Member of the House steering committee, he was in a position to do effective work. Incidentally he has been doing such work and he is now engaged in preparing a favorable report by the House committee.

Along with the story of Mr. SINNOTT'S appointment to the Court of Claims, comes another Washington report saying that ADDISON SMITH, Idaho Cogressman and present chairman of the House Committee on Irrigation and Reclamation, will presumably be promoted to chairmanship of the Committee on Public Lands, a post now held by Mr. SINNOTT, and that Congressman LEATHERWOOD, of Utah, will then become chairman of the House Committee on Irrigation and Reclamation. LEATHERWOOD is classed as opposed to the Boulder Canyon project, and most of those opposing that project, though not all of them, also oppose the Oregon project. If we secure a House chairman who does not favor Government-power projects it will not help the cause. The Senate committee chairman, Senator PHIPPS, of Colorado, is an anti, though that fact did not prevent a favorable report by the Senate committee.

* * * When the important Federal water power act was passed by Congress during the Wilson administration Mr. SINNOTT had a part in writing that measure, and what he did was conducive to the public good, but was not agreeable to the power interests. It may therefore be surmised that those people will be pleased with Mr. SINNOTT'S promotion.

If we are to have Federal power development on the Columbia River, we need a good man to succeed NICK SINNOTT, and it will be well to look closely into the ability, character, and sincerity of the men who seek this position. May the good Lord help us.

[From the Enterprise Chieftain]

NICK SINNOTT MADE UNITED STATES JUDGE

With mingled feelings of pleasure and regret residents of the valley learned last night that Representative N. J. SINNOTT had been appointed by President Coolidge to be a judge on the United States Court of Claims. This is a life appointment and the position is one of high responsibility and honor. It will mean that the eastern Oregon district will lose a Representative who has served eight terms, or 16 years, and has so won the confidence of the people that usually he has had no opposition at the polls.

The choice of a successor to Mr. SINNOTT is a matter of much concern to the district and interest to the many aspirants to his seat. It is not known whether he will resign at once. If he does, a successor will have to be named at once, or the State will be without one Representative in the remaining weeks of the present Congress.

Mr. SINNOTT has filed for nomination for reelection, but his present term includes the short term of Congress which opens next December. His successor presumably must be chosen before that.

In every county of the eastern Oregon district are men who aspire to the office and there will be keen competition for it. If the field were open for the primary, a dozen candidates would have their names on the ballot.

[From the Albany Democrat]

Oregon will lose a faithful, loyal, and energetic champion when Congressman NICK SINNOTT, of the second district, completes his term of office and climbs onto the Court of Claims bench. SINNOTT has been at Washington for many years and he has attained a position of influence which his successor can attain only by long service and intrinsic merit.

[From the Baker Herald]

SINNOTT'S GAIN EASTERN OREGON'S LOSS

Representative SINNOTT'S host of friends in eastern Oregon are pleased to see him receive an appointment to the Federal bench from President Coolidge, for it is a deserved recognition of a loyal public servant. Nor can one blame Mr. SINNOTT for aspiring to a well-paid Federal judgeship for life, with no campaigns to go through and none of the unpleasantness of congressional politics. Eastern Oregon has lost an excellent Congressman, though it has been honored by having one of its citizens elevated to so high a place in the National Government.

[From the Hood River News]

SINNOTT APPOINTED TO CLAIMS COURT

With the appointment by President Coolidge of Congressman SINNOTT to be justice of the Federal Court of Claims the Representative of this district will assume a post that will pay him $12,500 a year for life. The entire mid-Columbia will congratulate NICK SINNOTT on his good fortune and the President on his good judgment. But at the same time there will be many regrets that so capable a Congressman as NICK SINNOTT has proved to be will no longer look after the interests at Washington of eastern Oregon.

There is every indication that the nomination of a successor to Representative SINNOTT will require the writing into the ballots of the name of one or more candidates, for nobody has filed to contest Mr. SINNOTT'S post as Congressman.

Mr. SINNOTT, as befits a man of his caliber, has held and still holds many important posts in various congressional committees, and has been chairman of the Public Lands Committee for the past nine years. It is conceded that during his term of office he has been more active than any other Member of Congress.

The appointment was urged by Senator MCNARY, and it is significant that, while the President has vetoed the McNary-Haugen bill, he has maintained good relations with the Oregon Senator.

[From the Baker Democrat]

AN APPOINTMENT FOR LIFE

While congratulating him on his good fortune in receiving the appointment at the hands of the President as a member of the United States Court of Claims, it is to be regretted on the part of the people of eastern Oregon that Congressman SINNOTT should be taken from the position he has so ably filled since 1913 and in which there was no likelihood of his being unseated.

The appointment of Congressman SINNOTT will leave the second district open for the voters to select his successor, and, no doubt, there well be many aspirants for the place.

Congressman SINNOTT throughout his long service was a faithful and able Representative of the people of Oregon, and at the National Capital he ranked among the most brilliant of lawmakers and a man of sturdy honor and integrity.

[From the Astoria Budget]

OREGON LOSES

In the retirement of NICK SINNOTT from Congress, through his appointment to the bench of the United States Court of Claims, Oregon is losing one of the most valuable servants she has ever had at Washington.

As Representative of the eastern Oregon district for the past 16 years, he has proved a most efficient worker for the interests of that district, and his efforts have not been confined to the service of his own particular section. He has been active and effective in behalf of the whole State. As chairman of the Public Lands Committee he had a post of much importance to Oregon, and his retirement is a heavy loss.

While no one will begrudge him the good fortune which has befallen him and which he deserves, there will be general regret that his State must be deprived of the service of such an able and experienced Congressman.

[From the Oregon City Enterprise]

AN ABLE MAN

Appointment by the President of Congressman SINNOTT, of Oregon, to a place on the Federal Court of Claims is fitting recognition of a man who has served his State faithfully and capably for a long period. Mr. SINNOTT'S oratorical ability won for him recognition in his own State, where he was a successful lawyer, and his knowledge of the important affairs of his own district brought him the ultimate chairmanship of the House Committee on the Public Lands. Until very recently he was the only Oregon Representative at the National Capital to head a committee. His grasp of irrigation and land problems is unusual, his explanations in committee tended to clarify the subjects that he discussed, and his presentations on the floor were admirable. While we congratulate Mr. SINNOTT upon attaining an ambition, we regret that the second district will lose an able and useful Congressman.

The retirement of Congressman SINNOTT will leave only one Oregon veteran in the House of Representatives. When Clifton McArthur was a Member of Congress, this State had an exceptionally strong triumvirate. SINNOTT and HAWLEY remained to carry the prestige of the delegation, and now the first district Member is left alone with two inexperienced colleagues, one from Multnomah and the other to be chosen as Mr. SINNOTT'S successor east of the Cascades. There are, in eastern and central Oregon, a number of good men who could possibly qualify, but whoever is selected will not be able to reach the high mark of service set by SINNOTT until after several sessions at Washington. Green Congressmen, as a general rule, do not impress that unwieldy body of legislators and obtain little recognition at the start. Important committee assignments are eagerly sought, as most of the work of the House is done within committees before measures reach the floor. Otherwise very little legislative business would be accomplished.

Oregon has not made the mistake of swapping horses but has retained in the first and second districts its veterans who long ago weathered the storm that runs along with the period of absorption. During the Ku-Klux Klan fever, bitter and well-organized attacked were made upon Mr. SINNOTT, but he was too well intrenched in public favor and held his place by general acknowledgment of sheer merit. He pursued the even tenor of his way, giving fair treatment to friends and foes alike and obtaining the approval of a decisive majority of his constituents who were sold on his familiarity with the problems of his district and the issues affecting the entire group of Western States. Religious intolerance drove many a qualified statesman to an early political grave, but NICK SINNOTT'S position was impregnable.

[From the Bend Bulletin]

A SPLENDID RECORD

The announcement received last week of the appointment of N. J. SINNOTT removing him from the seat in Congress which has been his for so many years has produced, as its first effect, a free-for-all entry of candidates and an attendant guessing contest as to who will be his successor. It is a tribute to the general regard in which Mr. SINNOTT is held, as a man and a legislator, to note that until the appointment was made known none of these candidacies had a place in the political program of eastern Oregon.

But while interest now centers to a large extent on the question of who will be the next Congressman from the second district, this is tempered to a considerable extent by a feeling of real loss. Mr. SINNOTT'S friends—and their name is legion—will congratulate him on his deserved promotion, but at the same time they will realize that the district has lost greatly by the change. As time goes by the extent of this loss will become more and more apparent.

It is unnecessary to comment on Mr. SINNOTT'S ability. It might be pertinent, however, to mention that his effective ability has been increased from year to year as he became a veteran among the Nation's lawmakers and as he labored conscientiously and unceasingly to represent the people of eastern Oregon.

Congressman SINNOTT has been a champion of irrigation. His work in behalf of the Deschutes project is well known, and much of the progress made in the movement for reclamation in central Oregon should be credited to him. His leadership and knowledge was recognized when he was made chairman of the Public Lands Committee, and his position in his party was given splendid acknowledgment when he was made chairman of the steering committee.

It will require a man of unusual ability adequately to replace Congressman SINNOTT, and it will take years of experience at Washington before his successor will have acquired the standing and influence in both Houses, so greatly to the benefit of Oregon, which Congressman SINNOTT has earned.

[From the Lakeview Examiner]

Oregon's loss in the appointment of NICK SINNOTT to the claims bench is the Nation's gain. Let us therefore rejoice with NICK and be grateful for the years of faithful service he has given us.

[From the Hood River News]

OUR LOSS IS GREAT

NICK SINNOTT has come to the end of his years of stewardship for the people of eastern Oregon and will shortly take up his new duties in the Court of Claims. While everyone in the Columbia River region will regret that he will no longer be the guardian of the interests of eastern Oregon in Congress, all will be glad to learn that his new post will lessen his burden of work and at the same time will enhance his financial status. For it is no secret that NICK SINNOTT is a poor man financially, though rich in the esteem in which he is held by people of the Columbia River region. There are few men in public life who, if called upon to give an accounting of their stewardship, could make a better showing than Mr. SINNOTT, and his constituents will wish him every success in his new line of endeavor.

[From the La Grande News]

Congressman SINNOTT'S appointment to the Federal Court of Claims has injected some real pep into the coming election campaign. So long as NICK was in the field there seemed to be no inspiration for congressionally inclined statesmen to respond to their country's call and enter the lists against him, but now that he has been promoted there are many who expose a desire to go to Washington and take up the burden of government. NICK made a good Congressman and his appointment to a life position on the Federal bench is a just and fitting reward for service well rendered.

[From the Hood River Glacier]

N. J. SINNOTT

The friends and constituents of Hon. N. J. SINNOTT in Hood River County are pleased to learn of his advancement to the Federal Court of Claims. They know that he will make a capable member of that court. But the folk of eastern Oregon are exceedingly sorry to give up Mr. SINNOTT as their Representative in Congress.

Mr. SINNOTT has represented the eastern Oregon congressional district—which, by the way, is the largest in area in the United States—for 16 years. No district has had better representation. Mr. SINNOTT has not participated in any grandstanding or sensational outbursts, but he has been at work constantly for his constituency and for the Government at large. He has attracted nation-wide attention because of his application to the task and the sane way in which he has gone about the problems that confront Congressmen. Mr. SINNOTT has been on the job all of the time while in Washington. We learn that none of his fellow-Representatives get to their offices earlier than he. And when he is back in his home country he spends most of the time traveling over the district studying the problems of the citizens.

NICK SINNOTT, because of his native ability and his diligence in gaining an understanding of the great volume of problems that are presented to a national legislator, has arisen to a front rank in Congress. He has been recognized as a leader, one who was outstanding, and his committee appointments meant much to his State.

If we can secure the election of a man who can take up the work he will lay down at the National Capital, we will be fortunate, indeed.

[From the Madras Pioneer]

N. J. SINNOTT RESIGNS

The resignation of NICHOLAS J. SINNOTT as United States Representative from the second congressional district, has been received by his

friends, countless in number, with both regret and pleasure—regret at the loss of one whose ability and keen knowledge of affairs has made him a real power as champion for this remote section in the legislative halls of the Nation, and pleasure that this very ability, which has made Mr. SINNOTT one to be reckoned with among his peers, has been given recognition in the high position to which he has been recently raised.

The political situation created by the resignation of the veteran lawmaker on the very eve of the primary election forces an interesting and complicated political situation. There are several political aspirants willing to serve in the capacity of United States Representative from the second district of Oregon. That any one of these men, however capable, can fill this position as did Mr. SINNOTT, is impossible. Whoever is the successor of the Representative from eastern Oregon must acquire years of experience and as well posssess a rare character and inborn power to hope to fill in any wise the vacancy created.

Congressman SINNOTT has been a sturdy champion for reclamation of our arid lands and has always backed up the cause of irrigation for this section. The choice of the man to succeed to the position of United States Representative should be carefully made.

[From the Ontario Argus]

"WE ARE GLAD FOR NICK"

No part of eastern Oregon appreciates to a greater degree than does Malheur County the work of N. J. SINNOTT during his long tenure as Representative from the second district. Here in this county is to be built the greatest monument to his service and that of Senator CHARLES L. MCNARY.

That it was the persistent and effective advocacy of irrigation in this section which these two men carried on which brought to a realization the dreams of the people of this section is beyond dispute.

There was one way in which that appreciation could have found tangible expression. That was in voting to return them to office. For Mr. SINNOTT that method has been taken from us with his elevation to the Court of Claims. But there remains another way, that of rejoicing with him that his worth has found a wider recognition; that his ambition has been realized. It would be selfish not to accord him our wholehearted congratulations and to wish for him long years of usefulness in his new sphere. While there have been many expressions of regret at the passing of Mr. SINNOTT from the legislative halls, these very expressions are a tribute to him, and the full measure of friendship he enjoys in this section has been shown by the oft-repeated statement, "but I am glad for NICK," accompanying the regret at his loss to the district. That is just how the Argus feels about it. "We are glad for NICK.'

[From the Woodburn Independent]

NICK SINNOTT has made a good Congressman. His political enemies can say so now, as he will not again be a candidate, having been appointed judge of the United States Court of Claims. About a hundred Republicans would like to succeed him as a Member of the House.

[From the Dufur Despatch]

N. J. SINNOTT RECEIVES APPOINTMENT TO UNITED STATES JUDGESHIP

Republicans and Democrats of Dufur look alike with mingled pride and regret on the appointment of Hon. N. J. SINNOTT to a lifetime job as justice of the United States Court of Claims. Practically unopposed in his district for the last decade, Mr. SINNOTT has served the State of Oregon in a manner that eliminated partisan lines and met with unquestionable approval, as evidenced by the support accorded him at the polls term after term. He had risen to be a power in the National Capital, and while his constituents share with him the honor and good fortune which goes with his recent appointment, they can not help but feel a personal loss as he relinquishes his place to some unproven and as yet unchosen successor.

With NICK SINNOTT a candidate for Congressman from the second district, balloting for this particular office was a mere formality. His support was equally strong from Republicans and Democrats. But with Mr. SINNOTT out of the running a vastly different situation exists. At least half a dozen Republican favorite sons aspire to the vacancy, and the Democrats have no intentions to let the office go without a contest.

Unfortunately—for the embryo candidates—announcement of Mr. SINNOTT'S appointment came before the date of the primaries, thereby necessitating the writing in of contesting candidates instead of selection by the congressional committee. It has been said that Mr. SINNOTT was asked to withhold his withdrawal from the filings until after the primaries in order to avoid the Republicans the embarrassment of a primary contest, but to his credit he refused to do so. * * *

[From the Blue Mountain Eagle]

There should have been a referendum invoked against Congressman SINNOTT when he resigned and accepted a high judicial place in Washington as a reward of merit from President Coolidge. NICK SINNOTT should have been sentenced to life in Congress for the simple reason that everyone in his vast district knew him, liked him, respected him, and worked him. Private business never lets that kind of a man go, for they double his salary or let him make his own terms. Too bad public affairs can not be handled in some similar way. NICK knew his district, his people, their desires and their needs, and he knew Washington and Congress, and they knew him and recognized him as one of the leaders of the House. And in the common phrase of the street, "How did he get that way." He got that way by hard work, honest dealing, good solid judgment, and a sympathetic feeling and consideration for all. The people of Grant County know that they lost a real friend in Congress when President Coolidge took him away from us and elevated him to the Court of Claims.

[From the Hillsboro Independent]

No greater compliment could have been paid ex-Congressman SINNOTT of the second district than the multitude of candidates to succeed him who have appeared since his resignation, not one of whom but would have faced certain defeat by opposing him.

[From the Hood River News]

If somebody had only known that NICK SINNOTT was going to the Court of Claims there would have been a snap at the primaries. But opposition to NICK has reached the vanishing point.

[From the Arlington Bulletin]

NICK SINNOTT'S PROMOTION

NICK SINNOTT, who has intelligently and faithfully represented this State in Congress for a number of years, recently was offered a lifetime appointment by the President on the Court of Claims at a salary of $12,500, and the eastern Oregon Congressman can not be blamed for accepting it. We say this not for the reason that NICK need not have any fear of losing the job that he now holds, for he will be a Member of Congress from this State just so long as he desires to have his name placed on the ballot, but it is generally known that he has desired a judicial position, and now that he has a chance to achieve that ambition he is to be congratulated.

Taking into consideration the welfare of eastern Oregon it is not good news. Mr. SINNOTT has accomplished a good deal for the district he represents, and in our opinion it will be hard to find a man to take his place who will be able to duplicate his achievements. NICK was always on the job, and no matter what happened you could depend on him to go to the bat and fight to the last ditch for those things which he believed would help and promote the progress of eastern Oregon. Sometimes the things Congressman SINNOTT was asked to give his attention to seemed of no great importance, and if the relief prayed for was granted would only benefit some individual who was justly entitled to the things that he requested, but all looked alike to NICK and his difficulty was given the same consideration and personal attention as if it had been a matter in which a number of voters had been concerned. Let it be truthfully said of him that he never sacrificed his duty for personal gain.

Yes; the State of Oregon will sustain a great loss in the retirement of NICK, but all of his constituents are glad to know that he has a chance to realize an ambition he has fostered for years.

[From the Nyssa Journal]

GOOD AND BAD

The President has offered Congressman SINNOTT a lifetime appointment on the Court of Claims at a salary of $12,500 a year, and the eastern Oregon Congressman can not be blamed for accepting it. It is known that he desired a judicial position and he is to be congratulated upon achieving that ambition.

It is not good news for Oregon, however. As a member of the Irrigation Committee and as a member of the House steering committee, he has been in a position to do effective work and has accomplished a great deal for Oregon.

The people of Malheur County give him a large share of the credit for finally securing development of the great Vale and Owyhee projects that are now under construction to bring development and wealth to a vast area in our vicinity.

It will be a hard task for Oregon to find a man with the ability, character, and sincerity of NICK SINNOTT.

[From the Klamath News]

"JUDGE" SINNOTT

NICK SINNOTT has been appointed to a judgeship on the Court of Claims by President Coolidge.

We congratulate Congressman SINNOTT on this signal honor which has been bestowed upon him, and in the same breath we express deep regret that he will be compelled to vacate the seat in Congress he has so long and ably held.

For many years NICK SINNOTT has represented the great eastern Oregon district in Congress—the second district. He has been an

able Congressman, a splendid worker, and a staunch friend of the West. His chairmanship of the Public Lands Committee shows how highly he was thought of in Washington, and at home NICK SINNOTT is much beloved.

Now, that he has gone on the bench leaving his old congressional post it is interesting to recall NICK'S first campaign in this district. He was running against Congressman Ellis for the Republican nomination. In those days transportation was slow and when NICK muddled through much of the interior country he had plenty of time to think things over. He was young and the man he opposed was well entrenched. When he got down to Klamath Falls he was much disheartened, for he could not see how he could win. In those days Klamath was isolated and few candidates for State and district offices got into this section. Congressman Ellis was unknown here and in Lake County, so NICK came in to shake hands with the boys. To his surprise the Klamath County Republicans held a big dinner for him and sent him on his way with a determination to win. He has often said that the dinner given him is what put the fight back into him and caused him to work harder and finally win the primary nomination. Since that visit he has been a loyal friend of Klamath and Lake Counties.

[From the Weston Leader]

NICK SINNOTT

When Congress adjourns at the end of this week Representative N. J. SINNOTT will resign in order to assume his new position as judge of the United States Court of Claims. It is inadequate to say that Oregon—and especially the second district—will have lost a very able, willing, intelligent, faithful, conscientious, and industrious servant. These are mere words and do scant justice to NICK'S real worth to the Commonwealth and the Nation during his 15 years of service in Congress and 9 years as chairman of the Public Lands Committee. But it is the only tribute we know how to pay, and NICK will know that it is sincere. Moreover, he not only ranks high in the qualities that make for true statesmanship but is a kindly, urbane, and accomodating man. Hundreds of his individual constituents are in a position to testify as to the trouble he has taken in their behalf when some matter requiring attention came up at Washington. He could never have been beaten by Democrat or Republican. Only death, voluntary retirement, or the important appointment he has deservedly received from President Coolidge could have kept NICK SINNOTT out of Congress. And now he will wear the ermine worthily. We congratulate him, but not without regret that he is lost to Oregon from the halls of the solons.

[From the Baker Herald]

It didn't take the Senate long to ratify the nomination of NICK SINNOTT as Federal judge. The speed with which confirmation was secured is a nice tribute to the esteem in which the Oregon man is held by his colleagues at Washington.

[From the Bend Bulletin]

No one has yet said anything, we think, about a man who is probably as much concerned as anyone else in the elevation of NICK SINNOTT from the House of Representatives to a judicial position in Washington. This man is Ned Baldwin, NICK'S secretary for years. Ned first went to Washington as secretary to Congressman Ellis in 1907, and except, as we remember, for only one short interval he has as secretary to the Congressman from this district been giving to the people of the district a real and important service.

The results achieved by a Congressman in Washington are not altogether his own. Intelligent and efficient aid on the part of a faithful secretary goes far toward the sum total of results achieved. Ned Baldwin has been that kind of secretary for NICK SINNOTT. If the district loses his services along with NICK'S, it will be very unfortunate.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1547. An act for the relief of Johns-Manville Corporation; to the Committee on Claims.

S. 1794. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada; to the Committee on Public Lands.

S. 1831. An act to authorize the President to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes; to the Committee on Military Affairs.

S. 1958. An act for the relief of William J. Cocke; to the Committee on Claims.

S. 2360. An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stats. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; to the Committee on Indian Affairs.

S. 2462. An act for the relief of John F. Walker; to the Committee on Military Affairs.

S. 2505. An act granting increase of pensions under the general law to soldiers and sailors of the Regular Army and Navy and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty; to the Committee on Pensions.

S. 2989. An act for the relief of John B. Moss; to the Committee on Claims.

S. 3136. An act creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes; to the Committee on Public Lands.

S. 3258. An act to amend section 300 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

S. 3484. An act for the conservation of rainfall in the United States; to the Committee on Agriculture.

S. 3569. An act to equalize the pay of certain classes of officers of the Regular Army; to the Committee on Military Affairs.

S. 3637. An act to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes; to the Committee on Rivers and Harbors.

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; to the Committee on Military Affairs.

S. 4222. An act to authorize the creation of Indian trust estates, and for other purposes; to the Committee on Indian Affairs.

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes; to the Committee on Public Lands.

S. J. Res. 80. Joint resolution authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara, in the State of Nebraska; to the Committee on Flood Control.

S. J. Res. 91. Joint resolution authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at or near the town of Yankton in the State of South Dakota; to the Committee on Flood Control.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes;

S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Montana;

S. 3620. An act granting certain land to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La.;

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.;

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida;

S. 4457. An act authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Innerarity Point, in Escambia County, Fla., to the mainland of Baldwin County, Ala.;

S. 4474. An act authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; and

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 1931. An act for the relief of Daniel Mangan;

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 2272. An act for the relief of William Morin;

H. R. 2472. An act for the relief of Emile Genireux;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*

H. R. 4652. An act for the relief of Charlie R. Pate;

H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 5897. An act for the relief of Mary McCormick.

H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service;

H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street;

H. R. 9380. An act for the relief of Frank E. Shults;

H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;

H. R. 10702. An act for the relief of Elbert L. Cox;

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near a point 2 miles south of the town of Tornillo, Tex.;

H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for the construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La.;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13143. An act to adjust the compensation of certain employees in the Customs Service.

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.

H. J. Res. 47. A resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps.

H. J. Res. 77. A resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio;

H. J. Res. 292. A resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928;

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House take a recess until 8 o'clock to-night, in accordance with the previous order of the House.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, the House met at 8 o'clock p. m.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. SNELL). The Clerk will call the bills on the Private Calendar, beginning at the double star.

NEAR EAST RELIEF (INC.)

Mr. FISH. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. FISH. Mr. Speaker, I rise to ask unanimous consent to turn back to the bill (S. 1287), Calendar No. 322, an act for the relief of the Near East Relief (Inc.), which was objected to before by three objectors. Two of them have withdrawn their objections, one of them is here, and I think we may reach an understanding immediately, if there is no objection to returning to the bill on the part of the House.

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I have been here quite a number of years and this is the first bill against which I have ever filed any objection. I think I have killed this bill six or seven times. Mr. Speaker, I will not object to the bill if I can get the gentleman from New York to make a positive statement to me in the name of the officers of this corporation, namely, that they will never go out among the charitable people of the United States and collect any more funds for this corporation.

Mr. FISH. Mr. Speaker, I have asked the head of the organization, and he has informed me they propose to wind up all the affairs of the Near East Relief (Inc.), and not to solicit any more charity. This is the statement made to me. I am not a member of the organization. I have no constituents interested in it. I am here because I think this old debt ought to be settled during this Congress. It has been pending here a great many years. All I can say to the gentleman is that this is the statement made to me—that they are winding up all their affairs, and they are not going to solicit any money.

Mr. HOWARD of Nebraska. And after to-night there will be no more Near East drives in the United States?

Mr. FISH. That is what I understand.

Mr. HOWARD of Nebraska. Upon the statement of the gentleman from New York, Mr. Speaker, I will not object, but I want it to be distinctly understood that I am taking the gentleman's word for it as coming directly from the officers of this corporation.

Mr TILSON. Have the other two gentlemen withdrawn their objections?

Mr. FISH. They have withdrawn their objections.

Mr. CLARKE. Mr. Speaker, reserving the right to object, I would like a little further explanation of the proposition than the gentleman has given.

Mr. FISH. I did not want to take too much of the time of the House.

Mr. CLARKE. I wanted to see how well the gentleman is posted on the proposition.

Mr. FISH. My colleague from New York probably knows as much about this matter as I do. The bill involves some $360,000 which the Near East took in the way of clothes and shoes to use in an emergency in the Near East to aid the Christian people getting out of there when they were being driven all over Asia Minor by the Turks.

Mr. CLARKE. Under my reservation of objection, Mr. Speaker, I want to interject this statement, if I may. The reason I appear on the scene is this. I have a case where Armenian citizens of the city of Binghampton had a boy and girl taken under the Near East and one of them admitted into an institution and the other one was disguised under another name. We have had the greatest difficulty in the world in getting the case reopened because of the inaccuracy of the records. We have had to appeal to the Secretary of State and the Assistant Secretary of State, who have been extremely kind about the matter; but here is a rank injustice to a father and mother who are being denied the right of having their own children simply because of the inaccurate records of the Near East. I think if we are going along on this proposition, the Near East at least ought to show a willingness to cooperate in correcting their records.

Mr. FISH. I will be glad to cooperate with the gentleman in having that done.

Mr. CLARKE. I withdraw my objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cancel and abandon the claim in the sum of $632,669 with interest for United States property sold in 1919 to the Near East Relief (Inc.), for use in relieving and supplying the pressing needs of the peoples of the countries involved in the late war.

With the following committee amendment:

On line 8, after the word "war" insert a colon and the following proviso: "*Provided*, That the Near East Relief (Inc.) shall first cancel all claims of whatever kind and description the said Near East Relief (Inc.) now holds against the United States Government."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. WARREN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WARREN. Under the agreement we are beginning to-night at the double star and I would like to know if one objection is sufficient between the double star and the single star.

The SPEAKER pro tempore. We are proceeding by unanimous consent, and one objection is good against any of them.

Mr. WARREN. I just wished to have that understood. Heretofore it has taken three objections.

Mr. TILSON. It is by a special agreement when it takes three objections, and there is no such agreement at this time.

The SPEAKER pro tempore. If the Chair may be allowed to make a suggestion, we have a good many bills on the calendar, but if the House remains good natured and there are not too many reserving the right to object I think perhaps we can conclude the calling of the calendar before the evening is over.

JOHN GOLOMBIEWSKI

The next business on the Private Calendar was the bill (H. R. 7079) for the relief of John Golombiewski.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to John Golombiewski, to compensate him for expenses incurred in the election contest, John W. Rainey against John Golombiewski, Sixty-seventh Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WIDOW OF ALBERT F. SMITH

The next business on the Private Calendar was the bill (H. R. 9213) granting a relief to the widow of Albert F. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROWBOTTOM. I object.

GEORGE PETTIT

The next business on the Private Calendar was the bill (H. R. 9827) for the relief of George Pettit.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Pettit, who was a member of Company C, Fourth Regiment United States Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 30th day of June, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES SCOTT

The next business on the Private Calendar was the bill (H. R. 11216) for the relief of James Scott.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Scott, who was a member of Company G, Twelfth Regiment United States Infantry, and Company G, Ninth Invalid Corps, shall

hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 10th day of July, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

LUCIUS K. OSTERHOUT

The next business on the Private Calendar was the bill (H. R. 9995) a bill for the relief of Lucius K. Osterhout.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Lucius K. Osterhout, who served in Company A, First Regiment Michigan Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

Line 9, after the word "organization," insert the words "on June 24, 1865."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MICHAEL MARLEY

The next business on the Private Calendar was the bill (H. R. 5223) for the relief of Michael Marley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights and privileges upon honorably discharged soldiers, the widows and dependent relatives, Michael Marley, late of Company D, Fifth Regiment United States Infantry, war with Spain, shall be held and considered to have been honorably discharged from the military service of the United States as a member of the above organization on the 13th day of November, 1902: *Provided*, That no pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

With the following committee amendment:

Line 10, after the colon, strike out all of the proviso down to and including line 12 and insert in lieu thereof the following: "*Provided*, That no pension, back pay, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIE G. CHAPMAN

The next business on the Private Calendar was the bill (H. R. 9721) for the relief of Willie G. Chapman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

P. L. ANDREWS CORPORATION

The next business on the Private Calendar was the bill (S. 2644) to carry out the findings of the Court of Claims in the case of P. L. Andrews Corporation.

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that this bill go over until later in the evening.

The SPEAKER pro tempore. Is there objection?

There was no objection.

KIRBY HOON

The next business on the Private Calendar was the bill (H. R. 11508) for the relief of Kirby Hoon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Kirby Hoon, postmaster at Helena, Mont., in the sum of $218.40, on account of a shortage of stamped envelopes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK TOPPING AND OTHERS

The next business on the Private Calendar was the bill (S. 19) for the relief of Frank Topping and others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as follows, to wit: To Frank Topping, the sum of $372; to J. A. Garrett, the sum of $127.90; to Charles H. Lemon, the sum of $1,006.50; to Elmer B. Irvan, the sum of $121; to G. C. Rothwell, the sum of $1,240; to E. L. Brown, the sum of $492.60; to Robert White, the sum of $228; to Charles L. Shirar, the sum of $332.50; to A. E. Welsh, the sum of $421.80; said sum representing losses and damages sustained by above-named individuals as a result of the flood gates in Haskell Institute's drainage ditch not being closed during the high water in the Wakarusa River during the years 1921 and 1922.

Mr. WARREN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Insert a semicolon at the end of section 1 on page 2, and add the following: *Provided*, That the amount herein authorized shall constitute full settlement of said claims against the Government.

The amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STEAM TUG "W. S. HOLBROOK"

The next business on the Private Calendar was the bill (S. 2516) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owners of the American steam tug *W. S. Holbrook*, and/or the receiver of said property, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Navy steam tug *Pentucket* on or about the 1st day of November, 1917, at the navy yard, Brooklyn, N. Y., may be sued for by the said owners and/or receiver in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steam tug *W. S. Holbrook* and/or receiver aforesaid, or against the owners of said American steam tug *W. S. Holbrook* and/or receiver of said vessel in favor of the United States, upon the same principles and same measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COAST TRANSIT DIVISION BARGE "NO. 4"

The next business on the Private Calendar was the bill (S. 2586) for the relief of the owner of the Coast Transit Division barge *No. 4*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owner of the Coast Transit Division barge *No. 4* against the United States of America for damages and loss alleged to have been caused by collision between said barge and the U. S. S. *Bali* on or about the 17th day of April, 1919, near Pennsylvania Railroad Pier F, Jersey City, N. J., may be sued for by the said owner in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court; and the said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said Coast Transit Division barge *No. 4* or against the owner of the said Coast Transit Division barge *No. 4* in favor of the United States, upon the same principles and same measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MICHAEL J. BAUMAN

The next business on the Private Calendar was the bill (H. R. 2817) for the relief of Michael J. Bauman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,935.99 to Michael J. Bauman for extra work and material furnished in connection with contracts for repairs and alterations in U. S. S. *Sturgeon Bay* at Buffalo, N. Y.

With the following committee amendment:

Line 5, after the word "appropriated" insert "and in full settlement against the Government."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROSS F. COLLINS

The next business on the Private Calendar was the bill (H. R. 3221) for the relief of Ross F. Collins.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, Ross F. Collins, now a lieutenant, United States Naval Reserve, a lieutenant commander, United States Naval Reserve, to rank next after Julian L. Woodruff, United States Naval Reserve, and to make an extra number in that grade.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE JOSEPH BOYDELL

The next business of the Private Calendar was the bill (H. R. 5948) for the relief of George Joseph Boydell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors, George Joseph Boydell, who served as an enlisted man in the United States Navy, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as an enlisted man in the United States Navy.

With the following committee amendment:

Page 1, line 9, after the word "Navy" insert: *"Provided*, That no back pay, allowances, or emoluments of any kind shall accrue because of the passage of this act."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

P. L. ANDREWS CORPORATION

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent to return to Calendar No. 403.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the title of the bill as follows:

An act (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $9,672.39 to the P. L. Andrews Corporation, being the damage and loss incurred and suffered by said corporation in complying with United States Navy commandeer order No. N–3255, dated June 18, 1918, as found by the Court of Claims and reported in Senate Document No. 38, Seventieth Congress, first session.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMANDER CHESTER G. MAYO

The next business on the Private Calendar was the bill (H. R. 12764) for the relief of Commander Chester G. Mayo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow the sum of $115 in settlement of the accounts of Commander Chester G. Mayo, Supply Corps, United States Navy, this sum being the amount paid by the said Commander Mayo on account of floral wreaths purchased in connection with the funerals of the late Congressmen Lemuel P. Padgett, Daniel J. Riordan, and James R. Mann, and disallowed by the General Accounting Office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

JOHN M. REBER

The next business on the Private Calendar was the bill (H. R. 12844) to amend the naval record of John M. Reber.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon persons honorably discharged from the Navy of the United States, John M. Reber, second lieutenant in the United States Marine Corps in the Civil War, shall be held to be honorably discharged as second lieutenant of such corps on June 20, 1863.

SEC. 2. This act shall not be held to make available any rights, privileges, or benefits in respect to any pension, pay, or bounty, or other emolument for any period prior to the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BOARD OF MANAGERS, NATIONAL HOME, DISABLED VOLUNTEER SOLDIERS

The next business on the Private Calendar was the resolution (H. J. Res. 129) for the appointment of a member of the Board

of Managers of the National Home for Disabled Volunteer Soldiers.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HOLADAY. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. WARREN. I do.

Mr. HOLADAY. Mr. Speaker, Major Bott is an American Legion man. He takes the place of Colonel Catherwood, of Illinois, a man now quite old. Colonel Catherwood does not care for a reappointment.

Major Bott has the indorsement of the American Legion and the Disabled Veterans and the unanimous support and indorsement of all the down-State Illinois members, irrespective of political affiliations.

Mr. WARREN. I do not think these vacancies or appointments should be made by piecemeal. I notice on the calendar under two stars that the gentleman from Maine [Mr. BEEDY] introduced a similar bill, which I did not object to, but to which the gentlemen on that side did object. I see that bill is still on the calendar. I do not think we ought to go about filling these vacancies piecemeal as in this case. The report cites the fact that this man was indorsed by 14 members of the Illinois delegation.

Mr. HOLADAY. Yes; irrespective of party.

Mr. WARREN. I assure the gentleman that party has nothing to do with it.

Mr. HOLADAY. This is the first member that the American Legion has on the board.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. SCHAFER. Is it not a fact that each of the national homes has a member on the Board of Managers, and the policy has been to have a member from each home?

Mr. HOLADAY. Yes.

Mr. SCHAFER. And that is why the Illinois delegation indorsed the appointment?

Mr. HOLADAY. I think that is the fact. Danville, Ill., has a soldiers' home.

Mr. WARREN. I do not think we ought to go about it this way, but I shall not object to the bill. I hope the gentleman will move to go back to the bill introduced by the gentleman from Maine [Mr. BEEDY]. I shall not object to that.

Mr. HOLADAY. I do not object to that.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Joint resolution (H. J. Res. 129) for the appointment of a member of the board of managers of the National Home for Disabled Volunteer Soldiers

Resolved, etc., That Frank F. Bott, of Illinois, be, and is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed James S. Catherwood, of Illinois, whose term of office expired February 25, 1925.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the last vote was laid on the table.

JOHN W. BATES

The next business on the Private Calendar was the bill (H. R. 8986) for the relief of John W. Bates.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Bates, who was a private in Company A, First Battalion Sixteenth Regiment Kentucky Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and battalion on the 8th of June, 1864: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ED BURLESON

The next business on the Private Calendar was the bill (H. R. 9071) for the relief of Ed Burleson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and their dependents, Ed Burleson, who was a member of Company L, Three hundred and twenty-first Regiment United States Infantry, from May 25, 1918, to October 15, 1918, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 15th day of October, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ROY L. MARSTON

Mr. SCHAFER. I ask unanimous consent to return to Calendar No. 338.

Mr. JOHNSON of South Dakota. Is that the bill the gentleman from North Carolina referred to?

Mr. SCHAFER. Yes.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

ROBERT Y. GARRISON

The next business on the Private Calendar was the bill (H. R. 9751) for the relief of Robert Y. Garrison.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, benefits, and privileges upon honorably discharged soldiers, Robert Y. Garrison, who was a second lieutenant in Company D, Three hundred and twentieth Infantry, Eightieth Division, France, during the World War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of said company and division: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TRACY LEE PHILLIPS

The next business on the Private Calendar was the bill (H. R. 9453) for the relief of Tracy Lee Phillips.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors, Tracy Lee Phillips shall hereafter be held and considered to have been honorably discharged from the naval service of the United States during the World War: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

W. H. ANTHONY, JR.

The next business on the Private Calendar was the bill (H. R. 10751) authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, I desire to call the Chair's attention to the fact that a similar bill, S. 3427, has been passed by the Senate.

The SPEAKER pro tempore. Without objection the Senate bill will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to examine into the service performed by Gunner W. H. Anthony, jr., United States Navy (retired), and to pay him such amount as would be due him on January 14, 1920, for any active service performed while on the retired list.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

ROY L. MARSTON

Mr. BEEDY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 338, House Joint Resolution 193, for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That Roy L. Marston, of Maine, be, and is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed himself.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

MATTIE HOLCOMB

The next business on the Private Calendar was the bill (S. 1434) for the relief of Mattie Holcomb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Mattie Halcomb, mother of Henry Grady Halcomb, late ship's cook, second class, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Henry Grady Halcomb was receiving at the date of his death: *Provided*, That the said Mattie Halcomb establishes to the satisfaction of the Secretary of the Navy the fact that she was actually dependent upon her son, the late Henry Grady Halcomb, at the time of his death.

SEC. 2. That the payment of the amount of money allowed and authorized to be paid to the said Mattie Halcomb is authorized to be made from the appropriation "Pay, subsistence, and transportation of naval personnel."

With the following committee amendments:

Page 1, line 3, strike out "Halcomb" and insert "Holcomb."

Page 1, line 4, strike out "Halcomb" and insert "Holcomb, alias Henry Grady Halcomb."

Page 1, line 7, strike out "Halcomb" and insert "Holcomb."

Page 1, line 8, strike out "Halcomb" and insert "Holcomb."

Page 1, line 10, strike out the word "actually."

Page 1, line 11, strike out "Halcomb" and insert "Holcomb."

Page 2, line 2, strike out "Halcomb" and insert "Holcomb."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

WILLIAM E. THACKREY

The next business on the Private Calendar was the bill (S. 2306) for the relief of William E. Thackrey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That $1,688 be appropriated for repayment to William E. Thackrey of moneys deposited by him in the Treasury of the United States to satisfy disallowances to his accounts as superintendent and special disbursing agent of the Indian school at Mohave City, Ariz., because of additional compensation paid, in violation of section 1765, Revised Statutes, to Indian policemen for the collection of school pupils: *Provided*, That of this sum $1,148 shall be repaid from appropriations made for Indian school transportation for the fiscal years 1926 and 1927, and $540 from similar appropriations for the fiscal years 1924 and 1925, said latter sum being hereby reappropriated for that purpose.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAH FRANK

The next business on the Private Calendar was House Joint Resolution 76, for the relief of Leah Frank, Creek Indian, new born, roll No. 294.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution as follows:

Resolved, etc., That there is authorized to be appropriated the sum of $5,000, out of the unpaid Creek equalization funds in full satisfaction of her rights to an allotment of Creek tribal lands.

With the following committee amendment: Page 1, in line 4, strike out "$5,000" and insert "$860," and after the word "the" strike out the words "unpaid Creek equalization funds," and insert "tribal funds of the Creek Nation."

In line 6, after the word "lands" insert a colon and add the following proviso: "*Provided*, That from the said amount there shall be deducted any equalization payment that may have heretofore been made to Leah Frank."

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

LESTER L. LAMPERT

The next business on the Private Calendar was the bill (H. R. 1390) for the relief of Maj. Lester L. Lampert.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Lester L. Lampert, United States Army, the sum of $438.75, as reimbursement of personal effects owned by him and lost in the storm at Texas City, Tex., during the hurricane of August 15 and 16, 1915, while serving as second lieutenant with Company B, One hundred and twenty-seventh Infantry.

With the following committee amendment:

In line 6, strike out the sign and figures "$438.75" and insert in lieu thereof the sign and figures "$314.94."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM F. GOODE

The next business on the Private Calendar was the bill (H. R. 3537) for the relief of William F. Goode.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William F. Goode, former second lieutenant, Eight hundred and ninth Regiment Pioneer Infantry, the sum of $208 as reimbursement for medical and hospital expenses incurred by him while in military service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RAY ERNEST SMITH

The next business on the Private Calendar was the bill (H. R. 9509) for the relief of Ray Ernest Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ray Ernest Smith, of the county of Rutland and the State of Vermont, the sum of $160, in full compensation for the loss of a horse in the military service at Fort Ethan Allen, Vt., during the World War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

T. D. RANDALL & CO.

The next business on the Private Calendar was the bill (H. R. 9546) for the relief of T. D. Randall & Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That T. D. Randall & Co. are hereby authorized to bring suit against the United States under purchase orders Nos. 1904 and 1914 to 1919, both inclusive, for furnishing hay to the Army during the late war, to recover whatever losses or damages they may have suffered by reason of car shortage or other war conditions. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action and to enter decree or judgment against the United States for the amount of any loss or damages as may be found to have been suffered by the said T. D. Randall & Co. under the said purchase orders, if any: *Provided*, That such action shall be brought and commenced within four months from the date that this act becomes effective.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TALBIRD & JENKINS

The next business on the Private Calendar was the bill (H. R. 10913) to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary be, and he is hereby, authorized and directed to pay Thomas Talbird and Heyward Jenkins, attorneys, doing business under the firm name of Talbird & Jenkins, Beaufort, S. C., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,000 in full payment for the balance due on account of professional services rendered by the said Talbird & Jenkins under contracts with the Navy Department dated March 20, 1919, and October 9, 1919.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed

A motion to reconsider was laid on the table.

DR. ANDREW J. BAKER

The next business on the Private Calendar was the bill (H. R. 11385) for the relief of Dr. Andrew J. Baker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Compensation Commission be, and it is hereby, directed to extend to Dr. Andrew J. Baker, disabled in the line of his employment as physician at the Pacific Branch of the National Home for Disabled Volunteer Soldiers at Sawtelle, Calif., the benefit of the act of September 7, 1916 (39 Stat. L. 742), as amended, without regard to the time of the filing of his claim for such benefits.

With the following committee amendments:

Page 1, line 4, strike out the words "extend to" and insert in lieu thereof the words "hear and determine the claim of"; page 1, line 5, after the word "Baker," insert the words "who claims to have been."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LULU CHAPLIN

The next business on the Private Calendar was the bill (S. 374) for the relief of Lulu Chaplin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500 to Lulu Chaplin, in full for all claims she may have against the Government on account of the death of William S. Chaplin, deceased, son of said Lulu Chaplin, who was wrongfully shot and killed by a soldier of the United States Army, on the 19th day of January, 1920, in Richland County, S. C., the said soldier of the United States Army being then and there engaged in the performance of his official duties, and the said William S. Chaplin not being then and there resisting the enforcement of any law, nor engaged in the perpetration of any unlawful act, nor violating any rules or regulations or orders or discipline of any military authority, he being a civilian and in the peaceful pursuit of his personal affairs when killed.

With the following committee amendment:

Page 1, line 6, strike out "$7,500" and insert in lieu thereof "$5,000."

Mr. DOMINICK. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from South Carolina rise?

Mr. DOMINICK. Mr. Speaker, I rise to move that the committee amendment be laid upon the table.

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. UNDERHILL. Mr. Speaker, I did not get the request of the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman objected to the committee amendment and wants a vote on it.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that the motion of the gentleman is improper.

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. STRONG of Kansas. If that is done we will have to object to consideration of the bill.

The SPEAKER pro tempore. The objection period has gone by.

Mr. DOMINICK. Mr. Speaker, I withdraw the request.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARTHA HENSON

The next business on the Private Calendar was the bill (S. 1637) for the relief of Martha Henson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States be, and he is hereby, authorized to pay to Martha Henson, of Baltimore City, Md., out of any money not otherwise appropriated, the sum of $2,500 as compensation for injuries received by her on November 25, 1918, when a street car of the United Railways & Electric Co., of Baltimore, Md., on which the said Martha Henson was a passenger, was struck at or near the corner of Patterson Park Avenue and Fleet Streets, Baltimore, Md., by a motor vehicle belonging to and owned by the United States and operated by a soldier of the United States Army.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ORLA W. ROBINSON

The next business on the Private Calendar was the bill (H. R. 7324) for the relief of Orla W. Robinson.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Orla W. Robinson, who was a member of Company L, Third Regiment United States Artillery, which later became the Thirty-third Company, Coast Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal of that organization on the 9th day of May, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

ALEXANDER C. DOYLE

The next business on the Private Calendar was the bill (H. R. 10034) for the relief of Capt. Alexander C. Doyle.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. Alexander C. Doyle, Quartermaster Corps, United States Army, in the sum of $1,655 on account of stoppage of pay as the result of alleged neglect of duty while stationed at Schofield Barracks, Territory of Hawaii, during the year 1922, of which charge he was declared not guilty by court-martial decision, and to certify same to Congress for an appropriation.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT W. MILLER

The next business on the Private Calendar was the bill (H. R. 8751) for the relief of Robert W. Miller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to substitute (S. 2519), an identical bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Robert W. Miller, late first lieutenant of Cavalry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into and determine all the facts touching on the nature of his disabilities and his separation from the service, and to find and report the disabilities which in its judgment have produced his disability, if any, and whether such disability, if it exists, is an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Robert W. Miller a first lieutenant of Cavalry and either to place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army, or to retain him on the active list of the Army in his original place immediately following Bryan L. Davis, Field Artillery, on the promoton list: *Provided*, That the said Robert W. Miller shall not be entitled to any back pay or allowances by the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BASIL N. HENRY

The next business on the Private Calendar was the bill (H. R. 6127) for the relief of Basil N. Henry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged members of the military and naval forces of the United States and their dependents, Basil N. Henry, late of Company A, Three hundred and forty-eighth Machine Gun Battalion, American Expeditionary Forces, World War, shall hereafter be held and considered to have been honorably discharged on the 17th day of February, 1919: *Provided*, That no pension, pay, or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAUL JELNA

The next business on the Private Calendar was the bill (H. R. 3462) for the relief of Paul Jelna.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the committee amendment to the bill, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows or dependent relatives, Paul Jelna, who was a private of Company A, Twenty-ninth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on November 30, 1902: *Provided*, That no back pay, pension, or other emolument shall accrue prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEWIS W. CRAIN

The next business on the Private Calendar was the bill (H. R. 6549) for the relief of Lewis W. Crain.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Lewis W. Crain, late of Company L, Second Regiment Kentucky Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 12th day of February, 1865.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK D. PECK

The next business on the Private Calendar was the bill (H. R. 9412) for the relief of Frank D. Peck.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. KNUTSON. Mr. Speaker, all of these private bills from the Military Affairs Committee involve pensions, and I am going to insist on explanations of every one from now on.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, the committee report fully explains the bill.

Mr. KNUTSON. But I want an explanation from the author of the bill.

Mr. MAPES. Mr. Speaker, the soldier in this case served four enlistments, and during one enlistment he was absent without leave for 24 hours, was court-martialed, and dishonorably discharged. He afterwards reenlisted three different times, and, as the report of the committee shows, he was found to be honest and faithful and his character excellent in each enlistment. Col. Frederick R. Day states in a letter to him, "When you were convicted of desertion, if the facts had been laid before the court, it would have been a simple absent without leave."

The officer who made the charge against him was at the time his lieutenant, and is now Col. Russell C. Langdon. Colonel Langdon, as set forth in the report of the committee, says that he was absent from his post only 24 hours, and because of his creditable record before his alleged desertion and during his three enlistments afterwards he recommends that steps be taken to remove the charge of desertion against Peck.

Mr. KNUTSON. Has he had any service in any war?

Mr. MAPES. I do not know whether he was in the World War or not.

Mr. KNUTSON. The gentleman's explanation is satisfactory.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Frank D. Peck shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Company M, Third Regiment United States Infantry, on November 22, 1900: *Provided,* That no back pension, back pay, or back allowance shall accrue by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD KNIGHT

The next business on the Private Calendar was the bill (H. R. 11754) for the relief of Edward Knight.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Knight, who was a member of Company E, Ninth Infantry, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 14th day of February, 1908: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

MORRIS FOX CHERRY

The next business on the Private Calendar was the bill (H. R. 12538) for the benefit of Morris Fox Cherry.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Morris Fox Cherry, who was a member of Battery A, One hundred and thirty-second Field Artillery, Thirty-sixth Division, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 16th day of April, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. JOSEPH W. LOEF

The next business on the Private Calendar was the bill (S. 1594) for the relief of Capt. Joseph W. Loef.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That, in order to rectify an error of the War Department in the computation of commissioned service, the President be, and hereby is, authorized to commission Capt. Joseph W. Loef, Field Artillery, as an additional number as of July 1, 1920, with the pay and allowance of a captain from that date, the total number of captains not to be increased by the change in the date of this commission, and that Capt. Joseph W. Loef be placed in his proper place on both the promotion and relative rank lists according to the date of his commission as captain.

The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

W. S. ALBRIGHT

The next business on the Private Calendar was House Joint Resolution 168, for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.
The Clerk read the title of the joint resolution.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the joint resolution, as follows:

House Joint Resolution 168

Resolved, etc., That W. S. Albright, of Kansas, be, and he is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed W. S. Albright, whose term expires January 6, 1929.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK L. MERRIFIELD

The next business on the Private Calendar was the bill (H. R. 4215) for the relief of Frank L. Merrifield.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Frank L. Merrifield shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Group B, repair unit No. 306, Motor Transport Corps, on the 4th day of September, 1921: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued priod to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

MARTHA ANDREW VIRGINIA JOHNSON

The next business on the Private Calendar was the bill (H. R. 4380) for the relief of Martha Andrew Virginia Johnson.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Quartermaster General of the Army shall cause to be paid to Martha Andrew Virginia Johnson, mother of Albert L. Johnson, late of Medical Department, United States Army, who died of septicemia at the station hospital, Fort Benning, Ga., April 8, 1925, an amount equal to six months' pay at the rate the said Albert L. Johnson was receiving at the date of his death. Said amount will be paid from funds appropriated for pay of the Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES J. DOWER

The next business on the Private Calendar was the bill (H. R. 8598) for the relief of James J. Dower.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and their dependents, James J. Dower, who was a member of Battery C, Second United States Artillery, Fourteenth Company Coast Artillery, Ninety-sixth Company Coast Artillery, Twentieth Company Coast Artillery Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of August, 1907: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

ALBERT I. RILEY

The next business on the Private Calendar was the bill (H. R. 12012) for the relief of Albert I. Riley.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
There was no objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert I. Riley, who was a member of Company K, Thirty-seventh Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service

of the United States as a private of that organization on the 12th day of April, 1866: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDINGS

The next business on the Private Calendar was the bill (H. R. 12952) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the act of March 6, 1920.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KNUTSON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

MORRIS DIETRICH

The next business on the Private Calendar was the bill (H. R. 2427) for the relief of Morris Dietrich.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morris Dietrich, who was permanently disabled while engaged in the employment of the United States Government at Frankfort Arsenal, in the State of Pennsylvania, on or about July 25, 1913, the sum of $1,500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

C. TISDALL CO. ET AL.

The next business on the Private Calendar was the bill (H. R. 3955) for the relief of C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the C. Tisdall Co., of Newport, R. I., the sum of $1,037.65; Herbert W. Smith, of Newport, R. I., the sum of $146.15; Newman Bros., of Bristol, R. I., the sum of $114.25; Thomas J. Murphy Co., formerly Edward A. Brown Co., of Newport, R. I., the sum of $211.85; and Giles P. Dunn, jr., of Block Island, R. I., the sum of $619.54, all of said sums being due said individuals and companies for merchandise furnished crews of certain naval vessels of the United States during the late war.

With a committee amendment as follows:

Page 1, line 10, strike out "$211.85" and insert "$151.85."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

HALLER NUTT

The next business on the Private Calendar was the bill (H. R. 7149) for the relief of the legal representative of the estate of Haller Nutt, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, as I understand it, there has been another settlement made on this same claim. I understand the gentleman from Michigan [Mr. HOOPER] wants to make an explanation.

Mr. HOOPER. Yes. I hope the House will bear with me for just a moment. I am not in the habit of speaking here very much, but I am so deeply interested in the justice of this bill, even though there is a desire to hasten over the calendar, that I wish now to say a few words. This report represents the feeling of myself and other members of the Committee on War Claims who have given it very serious attention.

In the first place, a great injustice, extending over many years on the part of the Federal Government, has been done; and in the second place, a good deal worse than that, the lack of action on this claim represents virtual ruin for three or four human lives.

Back in the year 1863 a man by the name of Haller Nutt had two or three large plantations—two in Mississippi and one in Louisiana. He was loyal to the Federal Government. The reason I mention that is that the test of loyalty has always been required in the past on these Civil War claims, and the War Claims Committee always requires convincing proof on that subject. General Grant certified to the loyalty of Haller Nutt, the owner of this plantation.

I doubt if on either side of the aisle a higher authority than that of General Grant could be asked. Union soldiers occupied this plantation. In 1863 General Grant moved over the river to attack Vicksburg in the rear, and quartered his soldiers on this plantation. Through one cause or another this property was burned. It was a large property, and the destruction was great. A part of this money was paid, it is true. But——

Mr. ROWBOTTOM. When that payment was made was it not held to be a settlement in full?

Mr. HOOPER. No. It was not considered as a settlement in full. If the gentleman will consult the findings of the Court of Claims he will find that the settlement did not take into account the loss of the cotton gin and 700 bales of cotton. This family, just like the family of Jarndyce against Jarndyce, in Dickens' Bleak House, have been waiting for years on the verge of starvation; waiting for an act of sheer justice on the part of the Federal Government. They, and their father, have waited in vain for 65 years for restitution for a loss for which they were not responsible in any degree. The door of the War Claims Committee was closed to them for years, until at last we decided this year to consider certain claims arising out of the Civil War.

When we examined this claim it appealed strongly to the entire committee, and as a result we made a minute and laborious study of its facts.

The Court of Claims has ascertained the amount that is due these people. The Senate has allowed their claim in twice the amount that we have granted here, but our committee is a very conservative committee—an extremely conservative one.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. LINTHICUM. Does the gentleman think this claim is any more just than the claim of Baltimore City, to which claim the gentleman made an objection?

Mr. HOOPER. I do. I do not think the city of Baltimore has an equitable claim against the Government cognizable by us.

Mr. LINTHICUM. I was just thinking that the case was on all fours with the claim of the city of Baltimore.

Mr. HOOPER. I do not think so. We considered that your claim was paid and that there was accord and satisfaction between the city of Baltimore and the Government, but there has not been any accord and satisfaction between the Government of the United States and these poor descendants of Haller Nutt. I want to be brief and I want to make just one other statement.

Mr. BEEDY. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. BEEDY. The gentleman will recall that when I had charge of the Private Calendar I thought this was an unjust claim because of the amount involved, but upon subsequent study of the case I convinced myself I was wrong. I want to ask the gentleman if the Court of Claims did not find, as a matter of fact, the actual loss here and the actual amount here demanded, but failed to pay it because at that time, by the wording of the statute under which it operated, it did not have jurisdiction over the items in question?

Mr. HOOPER. The gentleman is absolutely correct. I want to say this in closing: The Senate allowed this claim, and the Senate has allowed it before, as I remember, in the sum of $131,000, or thereabouts. I do not think our committee really should have cut it in half, but we did so on the theory that when we came in here there would be less likelihood of an objection to the bill and there would be less of heartbreak and distress upon the part of these poor people back there in Mississippi by having some sort of rough justice voted to them.

Mr. GREEN. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. GREEN. Are these descendants mostly in Mississippi?

Mr. HOOPER. Three of them are old ladies who, I have been told and believe, are eating corn bread and molasses as their principal diet. They are living in Mississippi, and their brother, the mere shadow of a man, has haunted the Capitol and the halls of the House Office Building literally for years, until at last we unbarred the gates and let this claim be considered.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. SCHAFER. This claim, if allowed, will be in final settlement, will it not?

Mr. HOOPER. This claim, if allowed, will be in final settlement.

Mr. SCHAFER. Is any attorney interested in the case to any great extent so that we ought to amend the bill providing a limit on the fee to be paid to him?

Mr. HOOPER. There was an attorney who appeared before the committee at one time, I think.

Mr. SCHAFER. Does not the gentleman think there ought to be an amendment in the bill limiting his fee.

Mr. HOOPER. I am perfectly willing that such an amendment be placed in the bill, if the House see fit to allow it.

Mr. QUIN. Who was the attorney?

Mr. HOOPER. I can not remember the name of the attorney.

Mr. QUIN. I think the gentleman is mistaken. Mr. Nutt is the only one.

Mr. HOOPER. The gentleman is correct. I had another matter in mind. The gentleman himself is a lawyer, I believe.

Mr. QUIN. He is a lawyer, but not a practicing lawyer.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw my objection and ask for the regular order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to substitute the Senate bill (S. 1769).

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sargeant Prentiss Knut, administrator de bonis non cum testamento annexo of the estate of Haller Nutt, deceased, late of Natchez, Miss., out of any money in the Treasury not otherwise appropriated, the sum of $131,328, due the estate of the said Haller Nutt for one mill and 700 bales of cotton taken for use by the United States military authorities, in compliance with the findings of the Court of Claims reported to Congress February 18, 1915.

Mr. HOOPER. Mr. Speaker, I offer an amendment, on line 10, strike out "$131,328" and insert in lieu thereof "$65,664."

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amentment offered by Mr. HOOPER: In line 8 of the Senate bill strike out "$131,328" and insert in lieu thereof "$65,664."

The amendment was agreed to.

Mr. STRONG of Kansas. Mr. Speaker, there is a further committee amendment, in line 7, insert the words "in full settlement of any and all claims against the Government of any nature whatsoever on the part of the said estate."

The SPEAKER pro tempore. The gentleman from Kansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STRONG of Kansas: In line 6 of the Senate bill, after the word "Mississippi," insert the words "in full settlement of any and all claims against the Government of any nature whatsoever on the part of said estate."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

AMENDMENT OF ACT FOR RELIEF OF CONTRACTORS

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to return to Calendar No. 508, the bill H. R. 12952.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the title of the bill, as follows:

A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920, be, and the same is hereby, amended so that said act shall include J. H. B. Wilder, of Macon, Ga., the contractor for the United States post-office building erected at Forsyth, Ga.; and as to said J. H. B. Wilder, contractor, claims for reimbursement as provided by said act of August 25, 1919, as amended by act of March 6, 1920, may be filed within three months after the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD I. GALLAGHER, ADMINISTRATOR

The next business on the Private Calendar was the bill (H. R. 8463) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the bill (S. 456), which is number 664 on the calendar, be substituted in place of this bill.

Mr. KNUTSON. Reserving the right to object, Mr. Speaker, is the amount carried in the Senate bill the same as in the House bill?

Mr. O'CONNOR of New York. It is an identical bill which has been passed by the Senate.

Mr. KNUTSON. Is it the same in amount?

Mr. O'CONNOR of New York. The amount is the same; yes.

Mr. SCHAFER. Is there a provision in the bill that this is in full settlement?

Mr. O'CONNOR of New York. It is in final and full settlement. It was expected to be settled years ago, but now he takes this in full settlement.

Mr. SCHAFER. But that is not in the bill. Generally, these bills that come out of the Claims Committee provide that the appropriation therein is in full settlement of the claim.

Mr. KNUTSON. This is all that he has asked for.

Mr. O'CONNOR of New York. This is all he can think up now, and I doubt if he can ever think up any more.

Mr. SCHAFER. I withdraw my objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of $23,387.03, being the amount found due by the Court of Claims for loss and destruction of his schooner *Nimrod* and cargo, during the Civil War, while he was under military orders, within military lines, and executing military commands, as reported to Congress in Senate Document No. 56, Fifty-eighth Congress, third session, Congressional Report No. 10303, filed in the Senate December 5, 1904.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CHARLES THOMAS WOOTEN

The next business on the Private Calendar was the bill S. 1955, an act for the relief of Lieut. Charles Thomas Wooten, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized to settle the claim of Lieut. Charles Thomas Wooten, United States Navy, in the sum of $518.25 for medical, hospital, and other expenses incident to an emergency operation upon the said Lieutenant Wooten on May 23, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARY MARTIN HARRISON

The next business on the Private Calendar was the bill (H. R. 7244) for the relief of Mary Martin Harrison.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Martin Harrison, mother of the late Henry Hartwell Harrison, ensign, United States Navy, Aviation Service, the sum of $1,125 on account of the death of her son, who was killed in line of duty, the said sum being the amount of six months' pay at the rate said Ensign Henry Hartwell Harrison was receiving at the date of his death, November 1, 1926, at Pensacola, Fla., when he crashed into the sea with a plane in which he was riding.

With the following committee amendment:

Line 13, strike out the period, insert a colon, and add the following proviso: "*Provided*, That the said Mary Martin Harrison establishes that she was dependent upon her son, Henry Hartwell Harrison, at the time of the latter's death."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

T. P. BYRAM

The next business on the Private Calendar was the bill (H. R. 10508) for the relief of T. P. Byram.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the General Accounting Office be authorized and directed to pay to T. P. Byram, lieutenant (retired), Supply Corps, United States Navy, the sum of $199.57, pay and allowances due him for active duty performed by him during the period from August 6 to August 26, 1921, inclusive, prior to the approval of his bond by the Secretary of the Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ST. FRANCIS DE SALES CHURCH

The next business on the Private Calendar was the bill (H. R. 12738), to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask to substitute the Senate bill.

The SPEAKER pro tempore. Without objection the Clerk will read the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That Michael J. Curley, Roman Catholic Archbishop of Baltimore, a corporation sole under the laws of the State of Maryland, be, and he is hereby, authorized and empowered, under such regulations as the Commissioners of the District of Columbia may prescribe, to transfer the bodies interred in the grounds of the St. Francis de Sales Church in the District of Columbia, known as parcel 155/1, to some other suitable cemetery, or cemeteries, within the District of Columbia. Further interments in such grounds shall be prohibited from and after the passage of this act; and the proprietors thereof are authorized to use the same for any legal purposes they may deem proper, subject to such proceedings in eminent domain as may have been or shall hereafter be taken.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

J. W. ANDERSON

The next business on the Private Calendar was the bill (S. 1387) for the relief of J. W. Anderson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. I object.

WILLIAM R. BOYCE & SON

The next business on the Private Calendar was the bill (S. 379) for the relief of William R. Boyce & Son.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,208.25 to William R. Boyce & Son for storage earned on certain 75 drums of imported alcohol stored by order of the collector of customs, port of New York, for the account of the United States Government, in bonded warehouse of which they are the proprietors, and subsequently destroyed by order of the United States Treasury Department.

The bill was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

J. F. NICHOLS

The next business on the Private Calendar was the bill (S. 764) for the relief of J. F. Nichols.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. F. Nichols, out of any money in the Treasury not otherwise appropriated, the sum of $200 for the purpose of refunding to J. F. Nichols the said sum paid in excess as a fine to the clerk of the United States district court at Tulsa, Okla., in the case of the United States *v.* John Nichols, No. 463.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM A. LIGHT

The next business on the Private Calendar was the bill (S. 1691) for the relief of William A. Light.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,524.89 to William A. Light, of Valentine, Ariz., as compensation for injuries sustained on September 26, 1916, in the discharge of his official duties as superintendent of the United States Indian-school agency at Mescalero, N. Mex.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

F. L. CAMPBELL

The next business on the Private Calendar was the bill (S. 2227) for the relief of F. L. Campbell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. L. Campbell, clerk of the United States District Court for the District of Kansas, the sum of $500, being the amount erroneously deposited by him to the credit of the Treasurer of the United States and since covered into the Treasury, as proceeds of a forfeited bond, such sum in fact representing a cash bond given by George Orr for his appearance before the district court, and subsequently refunded to the bondsman by said F. L. Campbell under order of the court.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HATTIE M. M'MAHON

The next business on the Private Calendar was the bill (S. 2697) for the relief of Hattie M. McMahon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Hattie M. McMahon, United States Treasury note, series B-1925, issued June 15, 1922, matured December 15, 1925, serially numbered 57896, for $1,000, with interest at the rate of 4¾ per cent per annum from December 15, 1924, to December 15, 1925, without presentation of the said note

or the coupons representing interest thereon from December 15, 1924, to December 15, 1925, the note having been lost, stolen, or destroyed: *Provided,* That the said note shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further,* That the said Hattie M. McMahon shall first file in the Treasury Department a bond in the penal sum of double the amount of the note and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed Treasury note herein described or the coupons belonging thereto.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAWYER MOTOR CO.

The next business on the Private Calendar was the bill (H. R. 9943) for the relief of Sawyer Motor Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I notice that there was only one bid made for this truck. Why were not competitive bids made for the truck?

Mr. WEAVER. Mr. Speaker, this bill should pass. The Forest Service purchased this truck from the Sawyer Motor Co. at Asheville, N. C. They thought they had authority to purchase the truck. The comptroller afterwards decided that they did not have that authority, but they had used the truck for about six months, and this amount of this bill was agreed upon as a settlement for the truck.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Sawyer Motor Co. (Inc.), of Asheville, N. C., the sum of $510, in full payment for the use by the Forest Service of the Department of Agriculture of a motor truck, the property of said company, during the period July 2, 1926, to January 25, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RUSSELL & TUCKER

The next bill on the Private Calendar was the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. I object.

BERTINA SAND

The next business of the Private Calendar was the bill (H. R. 7552) for the relief of Bertina Sand.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Bertina Sand, of Minneapolis, Minn., as reimbursement for loss of earning power and for expenses actually incurred by her as the direct result of personal injuries received by her on the 7th day of April, 1927, at Minneapolis, Minn., when she was struck by a Government motor vehicle then and there negligently operated by the Post Office Department of the United States Government, and as full compensation for said injuries, the pain and suffering from the same, and the damages resulting therefrom.

With the following committee amendment:

Line 5, strike out "$5,000" and insert "$4,560.25."

The committee amendment was agreed to.

Mr. IRWIN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. IRWIN: At the end of the bill insert: "*Provided,* That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 5 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $1,000 or more than $2,000."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ST. VINCENT'S ORPHAN ASYLUM

The next business on the Private Calendar was the bill (S. 2511) to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress amending the act incorporating St. Vincent's Orphan Asylum, approved on the 22d day of June, 1910, be, and it hereby is, amended as follows:

"The name of said corporation shall be St. Vincent's Home and School.

"SEC. 2. The purpose of said corporation shall be to care for and educate orphan, indigent, and other female children under 18 years of age under such rules and regulations as it may adopt.

"SEC. 3. All property now vested in St. Vincent's Orphan Asylum as incorporated as aforesaid is hereby vested in and confirmed to St. Vincent's Home and School as reincorporated by this act. Said corporation shall have power to acquire, hold, and convey such real estate as it may deem proper for its said purposes and to hold such personal property as it may use, or use the income from, for said purposes, and to take and hold real estate and personal property by grant, devise, or bequest: *Provided,* That any real estate granted or devised to it and not used for its corporate purposes shall be sold and conveyed away within five years after the date of such devise.

"SEC. 4. Cornelius F. Thomas, Michael J. Riordan, Samuel Joseph Henry, Paul E. Johnson, O. H. Perry Johnson, Peter A. Drury, Michael F. Calnan, William P. Normoyle, E. Francis Riggs, Joseph E. Ransdell, B. Francis Saul, James F. Shea, and William H. De Lacy are hereby constituted and confirmed as the said corporation and as trustees to manage the said corporation. When a vacancy occurs in their number they may fill such vacancy, and they may increase or diminish their number from time to time as they may deem expedient. They shall elect a president, a secretary, and a treasurer from their number, adopt a corporate seal, and make all needful by-laws and rules and regulations for the institution to be conducted by said corporation.

"SEC. 5. That the proviso in section 1 of said act of Congress approved on the 22d day of June, 1910, and all parts of said act inconsistent with this act are hereby repealed.

"SEC. 6. The right is reserved to alter, amend, or repeal this act."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PETIT JEAN MOUNTAIN

The next business on the Private Calendar was the bill (S. 3338) authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the following-described lands to the State executive committee of the Young Men's Christian Association of Arkansas for use by the said association for a camp: The south half of the northeast quarter, southeast quarter of the northwest quarter and lot 4, section 31, in township 6 north, range 17 west, county of Conway, State of Arkansas, containing 168.97 acres: *Provided,* That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior shall prescribe.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TITLE TO CERTAIN LANDS IN FAULKNER COUNTY, ARK.

The next business on the Private Calendar was the bill (S. 3602) to quiet title and possession with respect to certain lands in Faulkner County, Ark.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore (Mr. TILSON). The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all right, title, and interest of the United States in and to the lands situated in Faulkner County, Ark., described as follows: The south half southwest quarter section 36, township 7 north, range 13 west, fifth principal meridian, Arkansas, according to the official plat thereof dated April, 1819, be, and the same are hereby, granted, released, and relinquished by the United States in fee simple to the respective owner or owners of the equitable title and to their heirs and assigns forever, as freely and completely in every respect whatever as could be done by patents issued therefor according to law.

SEC. 2. Nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this act being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands, in favor of all persons, estates, firms, or corporations, who would be the true and lawful owners of the same under the laws of the State of Arkansas, including the laws of prescription, in the absence of the said interest and estate of the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

E. M. GILLETT AND J. H. SWENARTON

The next business on the Private Calendar was the bill (H. R. 7330) for the relief of E. M. Gillett and J. H. Swenarton.

The title of the bill was read.

The SPEAKER pro tempore Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to adjust and settle the claim of E. M. Gillett in the sum of $631.82, and the claim of J. H. Swenarton in the sum of $631.82, in connection with the inspection of tea for the Navy during the fiscal year 1926, and to pay the amounts allowed from the appropriation "Provisions, Navy, Bureau of Supplies and Accounts, 1926."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FRANS JAN WOUTERS, OF ANTWERP, BELGIUM

The next business on the Private Calendar was the bill (H. R. 11260) for the relief of Frans Jan Wouters, of Antwerp, Belgium.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an appropriation in the sum of $1,648 be, and the same is hereby, authorized to compensate Frans Jan Wouters for the death of his father, Jan Van Wouters, a Belgian national, as a result of being struck by a United States Navy automobile in the city of Antwerp, Belgium, on August 12, 1919.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COMMANDER ALBERT CUSHING READ

The next business on the Private Calendar was the resolution (H. J. Res. 51) tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 51) tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy

Resolved, etc., That the thanks of Congress are hereby tendered to Commander Albert Cushing Read, United States Navy, for his success in accomplishing the first trans-Atlantic airplane flight.

SEC. 2. The President is hereby authorized to advance Commander Albert Cushing Read, United States Navy, 10 numbers on the list of commanders of the Navy, to rank next after Commander Aubrey Wray Fitch. Said Albert Cushing Read shall be an additional number in the grade of commander, and in any grade to which he may hereafter be promoted.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FRANK MURRAY

The next business on the Private Calendar was the bill (H. R. 3559) for the relief of Frank Murray.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment instead of the original bill.

There was no objection.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior is hereby directed to investigate the removal of Frank Murray, a member of the Bad River Band of Chippewa Indians, and an allottee upon the Bad River Reservation in Wisconsin, from said reservation; and if he shall find that such removal by officers and agents of the Government was illegal, the Attorney General concurring, he shall so certify to the Secretary of the Treasury.

"Upon such certification being made to the Secretary of the Treasury, he is hereby authorized and directed to pay to said Frank Murray the sum of $3,000 to compensate him for injuries to his business and property by reason of such illegal removal."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TOWN SITE OF ALVA, OKLA.

The next business on the Private Calendar was the bill (H. R. 10550) to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10550) to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva., Okla., of lot 19, block 41, the original town site of Alva, Okla.

Whereas lot 19, block 41, of Alva, Okla., patented to Company I, First Regiment Oklahoma National Guard, pursuant to the provisions of the act of June 18, 1912 (37 Stat. 136), is not being used for the purpose for which granted: Therefore

Be it enacted, etc., That lot 19, block 41, of the original town site of Alva, Okla., be, and it is hereby, forfeited to the United States, and the United States hereby resumes the title thereto.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to issue to Meyer Shield Post, No. 92, American Legion, Alva, Okla., for the tract of land described as lot No. 19, block No. 41, according to the original plat of such city.

With committee amendments as follows:

Page 2, line 5, after the word "to," insert "Dr. O. E. Templin, V. G. Gardner, and Merritt C. Mason as trustees of." On page 2, line 7, after the word "Oklahoma," insert "and to their successors." After line 9, insert a colon and add the following proviso: "*Provided, however,* That said patent shall be issued upon the express condition that Meyer Shield Post No. 92, American Legion, Alva, Okla., shall erect a post building upon said lot within five years after the approval of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PORTER BROS. & BIFFLE ET AL.

The next business on the Private Calendar was the bill (H. R. 4083) authorizing Porter Bros. & Biffle and others, to bring suit against the United States of America for loss and damages sustained through erroneous certification by the Bureau of Animal Industry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

JOSEPH N. MARIN

The next business on the Private Calendar was the bill (H. R. 9300) for the relief of Joseph N. Marin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Joseph N. Marin, late of the United States ship *Solace,* shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a third-class apprentice of said ship.

With a committee amendment as follows:

Page 1, line 7, after the word "ship," insert "*Provided,* That no back pay or allowances shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FRED ELIAS HORTON

The next business on the Private Calendar was the bill (H. R. 9597) for the relief of Fred Elias Horton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to order Fred Elias Horton, formerly commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war: *Provided,* That if said naval retiring board finds that the said Fred Elias Horton is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all duties of the grade of commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to appoint Fred Elias Horton a commander, United States Naval Reserve Force, and to place him upon the retired list of the Navy with the retired pay and emoluments of that grade: *Provided further,* That no back pay, allowances, or emoluments shall become due because of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA PERCY

The next business on the Private Calendar was the bill (H. R. 11045) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I object.

SALLIE STAPLEFORD AND OTHERS

The next business on the Private Calendar was the bill (S. 343) for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HICKEY. Mr. Speaker, I object.

Mr. KNUTSON. Is it the gentleman's intention to object to everything from now on?

Mr. HICKEY. Everything that the gentleman from Massachusetts has on the calendar.

Mr. KNUTSON. Every bill from the Committee on Claims?

Mr. HICKEY. Yes.

Mr. UNDERHILL. May I say to the gentleman that I have no personal interest in these claims, not one of them. Senate claims are usually reported by the chairman of the committee.

Mr. HICKEY. I have no particular interest in the claim you objected to. It has passed the Senate unanimously, and is now on this calendar. It passed this House unanimously at the last session of Congress, and I see no reason why the gentleman should object.

Mr. UNDERHILL. It establishes a precedent which Congress never has established. It refers to the Court of Claims a death claim, which has never been done. It is an absolute departure from the rule laid down by this House for the adjudication of these claims. If the House wants to suspend operations on this calendar now I am perfectly willing, but the case is too serious, it is too important, it is too far-reaching, and it is too great a departure from a policy followed by Congress since our Government was established for us to pass to-night by unanimous consent.

Mr. HICKEY. The claim which the gentleman objected to is as meritorious a claim as ever went on this calendar. It simply confers jurisdiction upon the Court of Claims to hear and determine a claim for damages against the United States Government growing out of an accident that occurred in the Panama Canal Zone. It is a valid, meritorious claim, and if this bill becomes law it will simply give to the Court of Claims jurisdiction to hear and determine this claim under the rules of the common law, which are very difficult to meet in a damage suit.

Mr. UNDERHILL. Mr. Speaker, I will simply say in defense of the position I have taken that I will refer to the recollection of the oldest Member or the Member who has had the longest service here if the House has ever referred a death claim to the Court of Claims. It never has been done.

Mr. HICKEY. It was passed by unanimous consent in the last Congress, this same bill. It went over to the Senate but it was lost during the closing days of the session.

Mr. FULMER. If the gentleman will permit, I would like to state that I think it was in the last session that I passed a bill which permitted the Court of Claims to pass upon a claim of my constituent and get judgment for about $40,000, a similar case to this one.

Mr. UNDERHILL. The record will show that the gentleman is mistaken.

Mr. DOWELL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection to the consideration of the bill?

Mr. HICKEY. I object.

LLOYD LAFOT

The next business on the Private Calendar was the bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That Ensign Lloyd Lafot, United States Navy, retired, shall have the rank and receive the pay and allowances of a lieutenant (junior grade) on the retired list of the United States Navy. Such rank shall take effect on March 5, 1924, but no back pay or allowances shall accrue to said officer by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FLORIDA EAST COAST CAR FERRY CO.

The next business on the Private Calendar was the bill (S. 445) for the relief of the Florida East Coast Car Ferry Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HICKEY. I object, Mr. Speaker.

ALBERT WOOD

The next business on the Private Calendar was the bill (S. 1217) for the relief of Albert Wood.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Albert Wood, of Vernonia, Columbia County, Oreg., the sum of $750 in full compensation for losses suffered by him through and in connection with the cancellation by the Post Office Department in October, 1915, of a contract held by him for carrying the mails on star route No. 73195, in the State of Oregon, from July 1, 1914, to June 30, 1918.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OMER D. LEWIS

The next business on the Private Calendar was the bill (S. 1448) for the relief of Omer D. Lewis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,573.25 to Omer D. Lewis for the purpose of reimbursing him for expenses incurred for hospital and doctor's fees paid and serious personal injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians, the same to be immediately available.

With the following committee amendment:

Page 1, line 5, strike out "$2,573.25" and insert "$1,573.21."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES M. E. BROWN

The next business on the Private Calendar was the bill (S. 1646) for the relief of James M. E. Brown.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, we can only size up these bills by what the reports contain.

This bill seeks to compensate an apparently honorable and law-abiding man and his wife for the outrageous and shocking assault made on them five years ago in the District of Columbia by revenue officers. A claim of this kind is certainly very disheartening to those who would like to see the enforcement of prohibition a success.

I ask unanimous consent, Mr. Speaker, that the report, which is short, be printed immediately following the passage of this bill so that the House may see just what they have voted upon.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by inserting the report made in connection with this bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James M. E. Brown and Lena Belle Brown, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, in full and final settlement of all claims against the Government for damages resulting from a raid made on December 20, 1923, by internal-revenue agents upon the premises of the said James M. E. Brown and Lena Belle Brown at 1954 Columbia Road NW., Washington, D. C.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The matter referred to by Mr. WARREN is as follows:

[H. Rept. No. 1411, 70th Cong., 1st sess.]

JAMES M. E. BROWN

Mr. UNDERHILL, from the Committee on Claims, submitted the following report (to accompany S. 1646):

The Committee on Claims, to whom was referred the bill (S. 1646) for the relief of James M. E. Brown, having considered the same, report thereon with a recommendation that it do pass.

[S. Rept. No. 730, 70th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (S. 1646) for the relief of James M. E. Brown, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$2,500."

The bill provides for the payment of $2,500 in full and final settlement of all claims against the Government for damages resulting from a raid on December 20, 1923, by internal-revenue agents upon the premises of James M. E. Brown and Lena Belle Brown at 1954 Columbia Road NW., Washington, D. C.

Under date of February 24, 1927, the Secretary of the Treasury stated that—

"The Treasury will interpose no objection to the passage of this bill, and, moreover, after a careful review of the files and thorough consideration of other circumstances connected with this case, I believe that favorable consideration should be given to the claim."

The facts are fully set forth in the following correspondence from the Treasury Department and in a memorandum submitted to the committee, which are appended hereto and made a part of this report.

TREASURY DEPARTMENT,
Washington, February 24, 1927.

Hon. RICE W. MEANS,
United States Senate.

MY DEAR SENATOR: I am in receipt of your letter of February 22, 1927, transmitting a copy of a bill for the relief of James M. E. Brown and Lena Belle Brown in the sum of $5,000.

The Treasury will interpose no objection to the passage of this bill, and, moreover, after a careful review of the files and thorough consideration of other circumstances connected with this case, I believe that favorable consideration should be given to the claim.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

* * * * * * *

TREASURY DEPARTMENT,
Washington, July 3, 1924.

Mrs. J. M. E. BROWN,
1954 Columbia Road, Washington, D. C.

MY DEAR MADAM: I am in receipt of your letter of June 19, with further reference to the raid which was conducted at 1954 Columbia Road on December 20, 1923.

As stated in previous communications addressed to you on this subject, the raid in question was conducted as the result of a search warrant issued upon the advice of one of the assistant United States attorneys for the District of Columbia, to whom the facts indicating the character of business which was being conducted there were presented.

It is regretted that you and your family suffered illness and expense as the result of the occurrence, but under the circumstances there does not seem to be anything the department can do in the matter.

Yours very truly,

GARRARD B. WINSTON,
Acting Secretary of the Treasury.

* * * * * * *

MEMORANDUM IN RE RAID ON PREMISES 1954 COLUMBIA ROAD NW. ON DECEMBER 20, 1923, BY POLICE AND INTERNAL REVENUE AGENTS

Mr. and Mrs. James M. E. Brown reside at the above premises, which is a three story and basement dwelling house. They also, at the time, owned and operated a laundry at No. 1509 Connecticut Avenue NW. They have two children, Edmonds and Carolyn, aged 9 and 7 years, respectively.

In order to help support themselves they rent out the second and third floors as apartments. Doctor Sokolowski, secretary of the Polish Legation, occupied the third floor, and Mr. Hertelendy, secretary of the Hungarian Legation, lived on the second floor. Further, both these gentlemen had been given permission to store any of their effects, including liquor, in the basement.

At 10.30 on the morning of December 20, 1923, a number of police and revenue officers broke into the said premises under authority of a

search warrant issued by the Internal Revenue Bureau. No attempt at peaceable entry was made, but entrance was effected through breaking in the rear basement door.

At the time of breaking into the house the young colored maid, by name Cloan Shawn, was the only person in the house, the children being at school and the parents, Mr. and Mrs. Brown, being at their laundry.

These officers, after breaking down the door to the garage and the outer basement door, entered and broke open other doors in the basement, tore open bureau and dresser drawers, opened sealed mail and letters, responded to at least one telephone call to one of the diplomatic tenants insulting the person calling by insinuating that their "stuff" was all ready, etc. Further, they tracked coal dust and dirt over the whole house, and examined through all closets and furniture in the home throughout the whole building.

The maid was placed under arrest and insulting proposals as well as threats were made to her. The officer who did this especial act of lawless brigandage was a Sergeant McQuade, of the police force.

Permission to telephone either Mr. or Mrs. Brown was denied the said maid, and as it neared the hour of noon when it was her duty to go to the school for the children to conduct them home for their lunch, she told the said officers that she "had to go for the children, as the little boy (Edmonds) had convulsions and she always had to go for them—that they were not allowed on the streets alone." This permission was denied her, and then she began begging and crying, exclaiming that the little boy might have a convulsion at any time; that he might die, especially if he became frightened.

Finally, at 12.45 p. m., the said maid was granted permission to telephone to Mrs. Brown at the laundry, but was allowed to say only, "I can not go for the children. I am busy." After saying that the telephone was taken from her and hung up by one of the officers.

This unusual procedure on the part of the maid badly frightened Mrs. Brown, who immediately made all possible haste to her home. Arriving there, she found the house filled with officers, who placed her under arrest immediately. In the meantime, before entering her home, she had sent her laundry delivery boy after the children.

When the children arrived and saw a great many policemen in charge of their home the little boy went into a convulsion and the little girl was badly frightened and cried most pitiably. Neither Mrs. Brown nor the maid was allowed to give the little girl her luncheon, but a police officer performed that service, being afraid, possibly, that this 7-year-old girl would make away with or otherwise dispose of and secrete the liquor.

About 1.10 p. m. the Polish secretary and a clerk of the Polish Legation came in and stated to the officers that the liquor found in that house belonged to him. An argument ensued; the Polish secretary even went to the extent of telephoning the State Department, but not until one of the internal revenue agents, a Mr. Cox, had called his chief, and were ordered to do so, did the officers leave.

It is submitted that Mr. and Mrs. Brown had an undisputed right to rent rooms or apartments to diplomatic officials or anyone else they may choose, and that these diplomatic officials had, under our laws and regulations, the right to own and store liquors at their homes, which in this instance was the home of Mr. and Mrs. Brown.

It is further submitted that it was the duty of the police and internal revenue officials to investigate before issuing a warrant or before breaking into a private home, and that had they followed out their plain duty in this instance they could not but have learned that Mr. and Mrs. Brown bore a fair and unblemished character throughout the neighborhood, and that diplomats lived in their home as tenants. As officers charged with the duty of enforcing the laws, they can not but have been aware of the immunity granted diplomatic officials in this and all civilized governments of the world, and that no right existed within the scope of their duty and powers to issue this warrant on the one hand or to serve it on the other hand.

Mr. and Mrs. Brown have both suffered severely because of this brutal and stupid act on the part of said officials. They both became ill and finally had to abandon their laundry in which they had invested $10,000. The son became much worse and his convulsions have increased in intensity and frequency. Mr. Brown became ill with pneumonia as a direct result of this act of brigandage, and for weeks lay at death's door. The expenses of this illness were considerable. Mrs. Brown has been under the care of physicians continually, and is to-day almost a nervous wreck.

Added to their physical suffering is the reputation they have had thrust upon them. They are called "bootleggers," even the children and servants of neighbors frequently taunting and speaking of them and their children as "bootleggers."

Mr. and Mrs. Brown feel that this outrage and insult has damaged their health and fair name, as well as that of their children, and that they are entitled to a published apology from both the Internal Revenue Bureau or the Secretary of the Treasury and the Commissioners of the District of Columbia, as well as damages in money from the United States for the wrong and injury done them, their children, and their property.

Respectfully submitted in behalf of Mr. and Mrs. J. M. E. Brown.

JOHN STUART HUNT.

FLORIDA EAST COAST CAR FERRY CO.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 543 (S. 445) for the relief of the Florida East Coast Car Ferry Co.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to return to the bill (S. 445), Calendar No. 543. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Florida East Coast Car Ferry Co., a corporation, out of any money in the Treasury not otherwise appropriated, the sum of $6,971.45 covering entrance and clearance fees and tonnage tax erroneously collected by the customs authorities at Key West, Fla., during the period from September 24, 1922, to May 28, 1924, and in violation of section 2792, Revised Statutes, as amended by the act approved May 28, 1908 (35 Stat. 424), and section 441 of the tariff act of 1922.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN LEWIS BURNS

The next business on the Private Calendar was the bill (S. 1852) to correct the naval record of John Lewis Burns.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the naval record of the late John Lewis Burns, gunner, United States Navy, to show that his death on August 6, 1918, while attached to the U. S. S. *North Carolina,* was incurred in line of duty and was not due to his own misconduct.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

M. LEVIN & SONS

The next business on the Private Calendar was the bill (S. 2438) for the relief of the firm of M. Levin & Sons.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection.

Mr. HICKEY. I object.

CHARLIE M'DONALD

The next business on the Private Calendar was the bill (S. 2788) for the relief of Charlie McDonald.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HICKEY. I object.

ROBERT C. OSBORNE

The next business on the Private Calendar was the bill (S. 3722) for the relief of Robert C. Osborne.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, to Robert C. Osborne the sum of $5,000 in full compensation for his services rendered to the United States Government by the arrest in 1918 of Victorio Cabellero, who murdered the postmaster and robbed the United States post office at Tecate, Calif., on March 14, 1914, and for which crimes he was convicted of murder in the first degree and is now serving a life sentence.

With the following committee amendment:

Page 1, line 6, strike out "$5,000" and insert "$2,000."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BIRTHPLACE OF ANDREW JACKSON

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on certain rights of South Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection

Mr. STEVENSON. Mr. Speaker, having obtained leave to extend my remarks on certain rights of South Carolina, I hereby do extend them on the right of South Carolina at least to argue that Andrew Jackson was born in South Carolina, the romantic and free-hand historian, John Trotwood Moore, to the contrary notwithstanding. I am indebted to Mr. A. S. Salley, jr., secretary to the Historical Commission of South Carolina, for the collection and arrangement of the facts herein recited, which certainly demonstrate that Mr. Moore was either woefully ignorant of many facts or exceedingly careless in his statement.

The effusion of Mr. John Trotwood Moore respecting the birthplace of Andrew Jackson, which the gentleman from North Carolina [Mr. HAMMER] had printed in the CONGRESSIONAL RECORD of May 24 contains nothing not heretofore in evidence in the discussion, and shows a decided dependence on the imagination for both facts and explanations thereof.

The explanation of the boundary-line matter given by Mr. Moore is entirely at variance with the records in the case. The dispute resulting in a survey, which he says "was ratified by the general assemblies of both States on November 2, 1815," had nothing to do with that portion of the line which passed through the Waxhaws, and in no way affected the question of the boundary line in its relation to the birthplace of Jackson. In 1772 the boundary line from a point on the Charles Town and Salisbury road 1 mile southeast of its crossing of Waxhaw Creek to the northern extremity of the Cherokee boundary line on Tryon Mountain was agreed upon by commissioners on the part of the two Provinces, was approved of by the general assemblies of the two Provinces, and approved by the Government of Great Britain, and has been the occasion of no dispute between the Carolinas since.

During the Revolution the Cherokee Nation was twice invaded by South Carolina forces, and after the last invasion, in 1783, the Cherokees were entirely driven out of the State and all of their lands confiscated and opened up to settlers. Georgia claimed that portion of their former territory lying between the Toogaloo and Keowee Rivers and south of the thirty-fifth parallel of latitude but by a conventional agreement with South Carolina, in 1787, relinquished that claim. The settlements along the mountain ridge west of the terminus of the line of 1772 were so sparse that it was not until 1808 that the States of North and South Carolina undertook the work of extending the line of 1772 to the Chattooga River, which, above its junction with the Toogaloo, was the boundary between South Carolina and Georgia.

In July, 1808, commissioners on the part of the two States met in Columbia and adjourned from time to time until July 20, 1813, when they met at the terminus of the line of 1772, and, after working on the line "to the western extremity of the State of South Carolina" until September 4, 1813, reached an agreement at McKinney's, on the Toxaway River, and signed it up and reported to the general assemblies of their respective States. On the 21st of December following, the General Assembly of South Carolina ratified the agreement. North Carolina was not satisfied with the line agreed upon and called for further parley. Commissioners on the part of the two States were appointed and met on North Pacolet River September 11, 1815, and worked over the matter until November 2, 1815, when they reached an agreement. South Carolina's General Assembly ratified the agreement December 15, 1815. This line was 24 miles and 189 poles in length. The agreements respecting this piece of line are to be found in the first volume of Statutes at Large of South Carolina, pages 416–421, and will be found to differ from the representations of Mr. Moore in more particulars than have been here pointed out.

Mr. Moore says that—

at the time of his birth, March 15, 1767, there was grave doubt about the line, and when it is remembered that it was admitted on both sides that the line run in 1737, 30 years before Jackson was born, was 11 miles short of reaching the thirty-fifth degree of north latitude, to which the surveyor had been instructed to run, thus producing a triangle with an hypotenuse following 11 miles from the true point of a straight line north and south within the true line as established November 2, 1815, and the false hypotenuse as run in 1737 was an area 5 or 6 miles in extent, in which on one side or the other of the line close to it were located the homes of the five Hutchison women.

That is a labored and confused display of the utmost ignorance of the whole boundary feature of the case. The agreement entered into by commissioners on the part of the two Provinces in 1735 was that the line should—

begin at the sea, 30 miles distance from the west side of the mouth of Cape Fear River—

That—

from thence a line be run on a northwest course to the latitude of 35° N. and from thence due west to the South Seas—

That—

if the said line shall take in any part of the nation of Indians called the Cherokees or Catawbas, then such line shall be set off so as to include said Indians within the government of South Carolina until such line shall again come to the latitude of 35°, and from thence a due west course as before.

In the same year the commissioners ran the line "in a northwestwardly direction" for about two-thirds of the distance to the thirty-fifth parallel. In 1737 a surveyor was employed to continue it in the same direction to the thirty-fifth parallel. He reported that he had completed the work and had erected a stake in a meadow at the terminus of the line. The governors of both Provinces believed that that stake was on the thirty-fifth parallel and governed themselves accordingly. For some years after that point on the boundary had been fixed very few settlers secured grants in that vicinity and most of such grants were issued by the Governor of North Carolina, who, believing that stake to be on the thirty-fifth parallel, guessed that lands which he granted out were situated north of a direct line west from that point. In many instances his guesses were wrong and the lands which he granted were subsequently found to lie south of such a line.

He also granted out thousands of acres of land lying between that supposed location of the thirty-fifth parallel and the parallel itself.

In the autumn of 1763 a conventional agreement was arranged at Augusta, Ga., between the several governors of the four southern Provinces, and John Stuart, His Majesty's superintendant of Indian affairs for the southern Provinces of North America, and the several nations of Indians of the said Provinces, and under the terms of that agreement the Catawba Indians were allotted a reservation 15 miles square extending to both sides of the Catawba River below the junction of its two forks. This tract was surveyed out early in 1764 by Samuel Wyly. The proceedings at Augusta have been published and Wyly's survey is in the office of the Historical Commission of South Carolina.

By 1764 settlers had begun to take up lands in the upper parts of the present counties of Marlboro, Chesterfield, Lancaster, and Chester, in South Carolina, and it became desirable to have the line established westward from the terminus of the line of 1737 along the supposed thirty-fifth parallel. The two Provinces agreed upon surveyors and the line was taken up at the stake of 1737 and run due west 64 miles. When the surveyors reached the Charles Town-Salisbury public road it was discovered that the line just run did not coincide with the thirty-fifth parallel but was over 11 miles south thereof. It was then late in the spring and the surveyors objected to running a new line in summer and reported the matter to the Governor of South Carolina, who passed the matter on to the Board of Trade in London.

In April, 1771, the Board of Trade petitioned the Crown for permission to instruct the Governors of North and South Carolina to appoint commissioners to continue the line along the Charles Town-Salisbury road to where it entered the Catawba Nation; thence along the southern, eastern, and northern boundaries of said reservation to the intersection of the northern line with the Catawba; thence up the center of the river to the confluence of the two branches thereof; thence due west to the Cherokee boundary line, and to make such line and the line run in 1764 the final boundary line. His Majesty approved of the suggestion, and in May, 1771, issued orders to the governors of the two Provinces to appoint commissioners to carry the proposal into effect. The governor of each of the Provinces appointed two commissioners and two surveyors, and the survey was taken up at the confluence of the two forks of the Catawba River in latitude 35 degrees 8 minutes north, and was run due west on that parallel until it reached the Cherokee line on Tryon Mountain, a distance of 65 miles. As the public road from the western terminus of the line of 1764 to the point where the road crossed the southern boundary line of the Catawba Reservation was the only part of the boundary thus established which did not require staking and blazing, the commissioners merely defined that road as the line.

The survey was approved in England. By that arrangement the strip of land lying within the line of 1764, the thirty-fifth parallel, the Charles Town-Salisbury road and a part of the Catawba boundary and the extension of the line of 1737 was traded to North Carolina for a like strip lying within the thirty-fifth parallel, the Catawba River, the line of 1772, and the Cherokee line. It embraced a small corner of the present county of Mecklenburg, a near parallelogram of the present county of Union, a parallelogram of the present county of Anson, and a triangle of the present county of Richmond, in North Carolina. The latter triangle is the only one involved in the error of the surveyor in 1737, and the only hy-

potenuse involved is that which is made by the northwest line, which the said surveyor should have carried on to the thirty-fifth parallel. In that little strip, about 64 miles long and over 11 wide, lay the land once owned by George McKemey, whereon Mr. Moore says Jackson was born. McKemey had bought it from Repentence Townsend, whose deed thereof was dated January 13, 1766. It had been granted to John McCane January 13, 1761, by the Governor of North Carolina under the belief that it lay north of the thirty-fifth parallel. As a matter of fact it became North Carolina territory only after the trade in 1772, which was five years after the birth of Jackson. McCane had sold it to Townsend April 10, 1761. The grant is recorded in Raleigh, the deeds in Charlotte.

But Jackson said in 1824:

I was born in South Carolina, as I have been told, at the plantation whereon James Crawford lived, about 1 mile from the Carolina road crossing of the Waxhaw Creek; left that State in 1784; was born on the 15th of March in the year 1767.

He showed the accuracy of the experienced lawyer in making his statement. He likewise showed accurate knowledge of location. James Crawford did not own the place at the time of Jackson's birth, as shown by the following certificate attached to a plat of the "plantation," which is recorded in Raleigh:

Surveyed for James Crawford 110 acres of land in Mecklenburg County, on the north side of the Waxhaw Creek,, joining Archibald Crocket's land, including the improvement he now lives on; beginning at a hickory joining Robert Crawford's land, and runs north 20° W., 130 pole, to a white oak said Crocket's corner; thence north 45° W., 30 pole, to a hickory, Linn corner; thence with his line south 67° W., 154 pole, to a black oak joining McCulloch's land; thence south 67° E., 85 pole, to a white oak; thence south 35° E., 126 pole, to a black oak by a branch; thence to the beginning. September 12, 1768.

PETER JOHNSTON.

It will be observed that although this was a year and a half after the birth of Jackson, Crawford and the public officials of North Carolina believed this tract of land to be in North Carolina, and they did not learn that it was in South Carolina until 1772, when the public road from the western terminus of the line of 1764 to the Catawba line was agreed upon as the boundary line.

This tract lay on the west side of the road and south of the thirty-fifth parallel, and therefore was never legally in North Carolina. On November 22, 1784, Thomas Crawford conveyed this tract of land to William Wren, reciting that it was—

a tract of land originally granted to Joseph Crawford, joining Archibald Crocket's land, including an improvement.

This tract had been, with other lands, conveyed to Thomas Crawford June 1, 1774, by—

James Crawford and Jennet, his wife, for and in consideration of the sum of 2 shillings sterling to him in hand, paid by said Thomas Crawford, his son, at and before the sealing—

And so forth. The deed from James Crawford to his son, Thomas, and that from Thomas to Wren, were both executed after the land trade of 1772, and so were recorded in South Carolina. Adjoining this tract to the south was a larger tract of 551 acres which the Governor of North Carolina had granted to Andrew Pickens, April 13, 1752, under the impression that it was north of the thirty-fifth parallel and in North Carolina. By his will, made November 4, 1756, Pickens bequeathed it to his sons Andrew and Joseph, who, by deed dated March 4, 1763, conveyed the same to Robert and Joseph Crawford, reciting that they were—

in the county of Mecklenburg and Province of North Carolina—

And that—

Robert and Joseph Craford—

Were also—

in the county and Province aforesaid.

The grant and will are on record at Raleigh, the deed at Charlotte. By some agreement between Robert and Joseph Crawford not yet revealed by the records Robert acquired the interests of Joseph upon his death, shortly after this purchase, and in 1775 Robert, having found that his plantation was in South Carolina and had never been in North Carolina, took out a grant for it in South Carolina, and upon the resurvey it was found to contain 620 acres. The little tract of 110 acres adjoining, which Joseph had evidently contemplated taking out a grant for, was evidently passed on by Robert to his brother James, who had been living on it, and he secured the grant heretofore recited. These records not only show that Mr. Moore's investigations among the hills and dales and traditions of the Waxhaws were worthless, but that the witnesses who stated that they had heard old people say that Jackson was born at the McKemey house in North Carolina and that later his mother moved across the line to the Crawford house in South Carolina were putting words into the mouths of those old people that they had never uttered. Not one of those old people had the faintest idea but that both houses were in North Carolina. As a matter of fact, both houses were in South Carolina at the time of Jackson's birth and McKemey's was thrown into North Carolina by the trade of 1772.

If these hearsay witnesses as to what the old people said had heard aright what was said on the subject, they would not have made so many errors that do not harmonize with numerous available records. The boundary-line muddle would have confused them beyond their abilities to invent explanations if they had ever known the slightest thing about that. No confusion about the boundary line has brought about a difference of opinion about Jackson's birthplace. That was brought about because after his great victory at New Orleans in 1815 tongues began to wag as to the spot where he was born. All of the members of his family who were alive at the time of his birth were dead in 1815, and there were very few people alive who had lived in the Waxhaws in 1767. Among those the belief existed on common repute that Jackson was born in South Carolina on the Crawford place. Among these was Gen. William Richardson Davie, who was nine years older than Jackson, and who had been raised up in the Waxhaws, where his uncle, Rev. William Richardson, for whom he was named, was the minister of the Waxhaws "meeting." He was living in North Carolina and had been governor of that State.

Some one evidently advanced the claim in 1815 that Jackson was born in North Carolina—place not specified—and a former resident of the Waxhaws appealed to General Davie to sustain his claim that Jackson was born in South Carolina, and General Davie assured him that Jackson was born in South Carolina, and General Davie's statement was published in the City Gazette and Commercial Daily Advertiser of Charleston for March 27, 1815.

In 1820 James Thonaldson, of Philadelphia, presented a bust of Jackson to the legislative library of South Carolina, and a committee, composed of one member of the senate and two members of the house, was appointed to draft suitable resolutions of thanks therefor. One member of the committee was R. M. Crocket, of the Waxhaws, where his family had resided since before the birth of Jackson. In the resolutions the committee felicitated the general assembly upon the fact that there were so many causes of gratification to South Carolinians in the life of Jackson, especially that—

he, whose nativity has been the cause of rivalry for contending States, is acknowledged as our own.

In 1820 John Boykin, a surveyor, who was a native of that section of South Carolina and had spent much of his life surveying the lands of that section, made a thorough survey of Lancaster district under contract with the State and under the supervision of Robert Mills, one of the most famous architects and engineers of the United States. Mills had served on Jackson's staff at New Orleans and, having had it from Jackson's own lips that he was born in South Carolina, had Boykin to locate the exact spot, which was the James Crawford house—

about 1 mile from the Carolina road crossing of the Waxhaw Creek.

The map was published in Mills's Atlas of South Carolina, which is a standard work, and the location of Jackson's birthplace thereon was done officially by a person who was guided by his surveyor's instruments and his scientific knowledge of the country about, and who knew what the substantial people of the Waxhaws settlement had had to say about the matter for the preceding five years. Mills submitted the map to Jackson and he stated in writing to Mills that the location was correct, all of which showed it is not true that Boykin—

arbitrarily placed a cross at a certain place on a supposed road and called it Gen. Andrew Jackson's birthplace—

as Mr. Moore states. He placed it on a map which has always been found singularly correct by surveyors, and which Jackson so pronounced, and exactly marked the house on the James Crawford plantation, which the official records of North and South Carolina have fully and accurately located, and on a road which had been established by legislative act, and had been in existence for some years before Jackson's birth, and was the post route from Charles Town to Salisbury. This road was there when the line of 1764 was run, and is given on Mouzon's map, published in 1775. Mouzon had made a survey and map of the Province of South Carolina under contract with the general assembly.

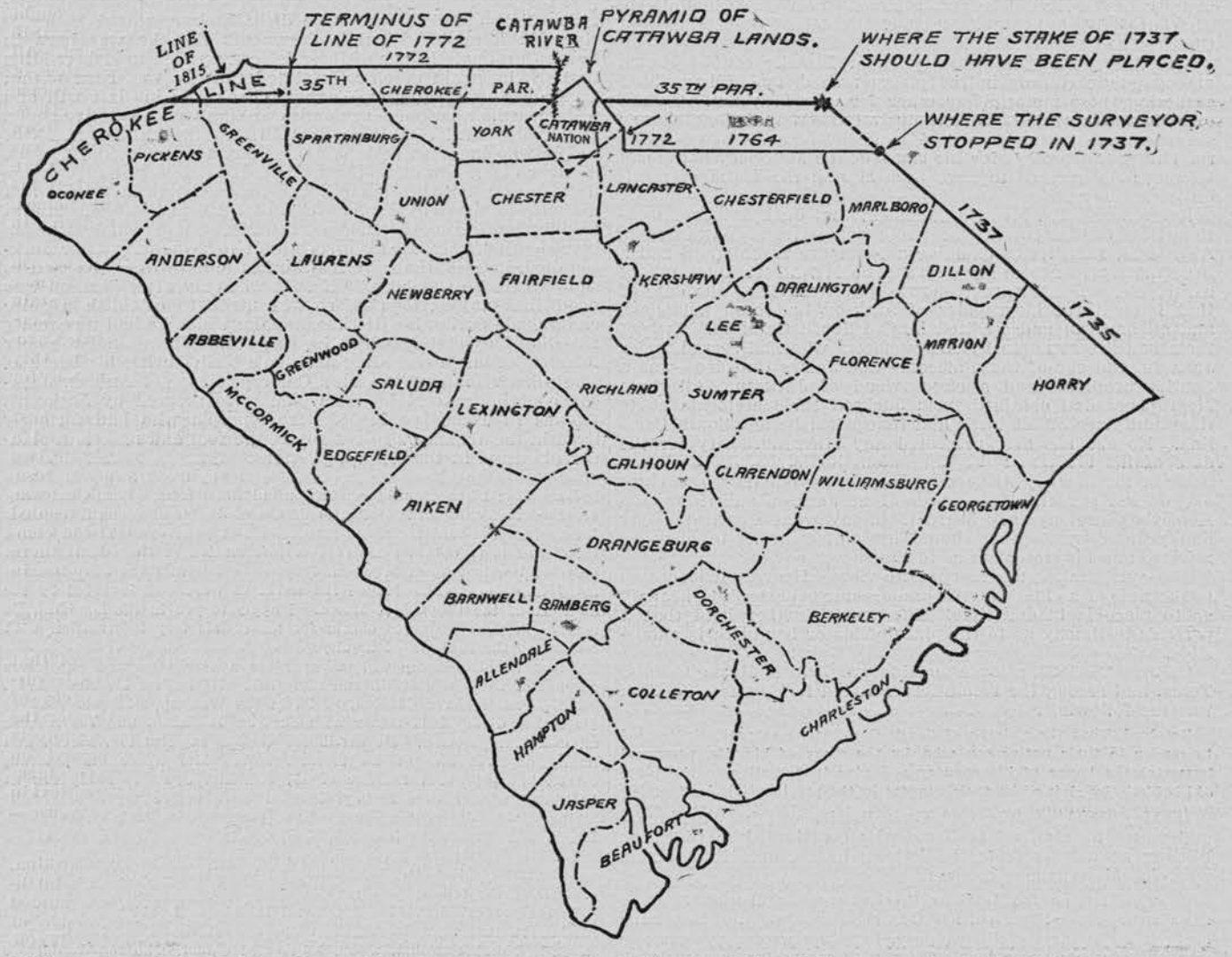
The Crawford lands lay to the west of that road, and the road was the eastern boundary of the greater part of them. Moreover, there was a conventional agreement between North

An inspection of Jackson's reply, which has already been published in the CONGRESSIONAL RECORD and has been recently published in the third volume of Doctor Bassett's Correspondence of Andrew Jackson, will show that it was much more than a polite answer to a gentleman's letter, as Mr. Moore would have his readers believe. He wrote that he felt "a lively interest in your prosperity and that of your family." He wrote affectionately of "my native State," and regretted that he had not been able to revisit—

the friends of my juvenile days who may still be living—

and expressed pleasure at hearing from Witherspoon, because his wife was a—

descendant of a distant relation by marriage, for whom I had a sincere regard, being raised together.



Witherspoon, of Lancaster, whose wife was a granddaughter of Robert Crawford, and who was cognizant of the family tradition that her kinsman had been born on the Crawford place, wrote to Jackson and specifically asked for a statement as to his birthplace.

That letter and several others in existence prove the falsity of Mr. Moore's statements that—

Jackson cared little about his birthplace and never mentioned it until 1824, when he became a candidate for President, and in politeness answered the letter of Joseph [sic] H. Witherspoon as to where he was born—

And that the—

question of his birthplace was never a happy theme to Jackson.

In December, 1815, the General Assembly of South Carolina, during its first session after the Battle of New Orleans, adopted resolutions of appreciation of Jackson's services. These resolutions were forwarded to Jackson by Governor Williams, and in his reply, dated at "Headquarters, Division of the South, Nashville, February 9, 1816," Jackson wrote:

The approbation of his country is certainly the richest reward for the exertions, toils, and privations of a soldier and a patriot. This approbation, so kindly expressed by the unanimous voice of the representation of that State which gave me birth, and to which you, as the chief magistrate, are pleased to add yours, heightens my gratification on the present occasion toward a grateful country.

In 1819 a biography of Jackson by S. Putnam Waldo was published, and therein the statement was made that Jackson was born in South Carolina. Seeing that statement, Thomas Watson, of Baltimore, wrote to Jackson and asked him if that statement was true. Jackson's reply bears the postmark of Nashville, and is dated at the Hermitage, March 4, 1820, and is as follows:

Your letter of the 12th February has been received, in answer to which I do myself the pleasure to inform you that I was born (as stated by the author of the work you have mentioned) in the State of South Carolina on the 15th of March, 1767.

That letter was published in the New York Times of November 4, 1927, and on November 7 the Times said editorially:

Old Hickory stated that in South Carolina he was born, and unless some modern can be found who knows more about it than the general did, a South Carolinian he definitely is.

Of course, Mr. Moore is the modern who knows more about it than the general did. He went to a picnic gathering in the Waxhams and met—

a large delegation composed of citizens of both States—

Who knew nothing about any phase of the matter, and from—

personal investigation and first-hand information—

Out there in the highways and byways learned it all. He spent—

portions of two days and nights in that vicinity.

How many official records did he examine out there? How many hours' work did he put in among the records in Raleigh, Charlotte, Wadesboro, Lancaster, Camden, Columbia, and Charleston?

Material substantiating every claim I make can be shown among public records in the places named, and I have been gathering those materials together for over 25 years. On the other hand, those materials conclusively show that almost every statement alleged to have been made by hearsay witnesses in the hands of attorneys for the cause of the McKemey house can be shown by records to have been beyond the realm of possibility.

Reverting to Mr. Moore's statement that Jackson never mentioned his birthplace until he wrote that letter to Witherspoon, August 11, 1824, let us examine a few more records and add a little more evidence to show how little Mr. Moore knows about a subject he affects expert knowledge of. Prior to the date of that letter three biographies of Jackson had been published, and all of them had credited him to South Carolina. Two of them had been written by Army officers who had served under Jackson, and one of those officers—Col. James Gadsden—was a South Carolinian and a close friend of Jackson. All three biographers had obtained from Jackson the statements as to time and place of his birth and time when he left South Carolina. No one has ever presented any other authority for the date of his birth and the date when he left South Carolina. None of the hearsay witnesses who alleged that they heard two old women say they were present at Jackson's birth in McKemey's house say they heard them say what month and day and year it was. Why should his statement as to place be rejected and his statement as to time accepted?

The courts take just the opposite view. Hearsay evidence as to the time of a child's birth is admissible evidence, but hearsay as to place is inadmissible. The courts further hold that a person's testimony as to the place of his or her birth is admissible.

On July 28, 1823, a large meeting was held in Roane County, Tenn., and among the resolutions adopted in behalf of Jackson was the following:

Resolved, That the citizens of South Carolina be respectfully invited to render to their native son who, by the glory of his life, preserved immortal the honor of his country and give immortality to the place of his birth, by giving him their support in the presidential election.

In May, 1824, a citizen of York district was in Washington and wrote to a friend at home who contributed to the York Pioneer an extract from the letter which concerned Jackson, wherein this language occurs:

He was born on the Waxhaw Creek, Lancaster district, S. C., 4 miles up from the river, and left that place in 1784. He made many inquiries respecting the citizens there, but there were only three persons out of the number inquired for with whom I was acquainted, viz, Mrs. Massey, Mr. Foster, and Mr. White.

Those are familiar names in the contemporaneous records of the Waxhaws.

We have all of these references by Jackson, his friends, his biographers, and the public officials to Jackson's birth in South Carolina, all made prior to the letter to Witherspoon, but we can find no publicly made claim prior to the date of that letter that he was born in North Carolina.

We find several instances where public refutations of such a claim were made, but no specific claim that would have called for explanation or denial by Jackson or surviving elders. The Charleston Courier of November 10, 1824, republished the following communication on the subject from the Columbia Telescope, which, so far as the writer has been able to discover, is the earliest presentation of the claim for the McKemey house:

MESSRS. EDITORS: There has been much uncertainty in regard to General Jackson's birthplace; some asserting that he was born in North Carolina, others—amongst whom is his biographer, Reid—that he was born in South Carolina, and others that he is a native of Ireland. I am glad that I have it in my power to settle this question. General Jackson was a posthumous child. After the death of his father, his mother, who was poor, went to reside with her brother-in-law, a Mr. McAmey, who lived on the right-hand side of the road leading from Lancaster to Charlotte, which at that place is the boundary between the two States. General Jackson was born at the house of Mr. McAmey, and therefore in the State of North Carolina. When he was about 6 weeks old his mother removed with him to the house of Mr. James Crawford, another brother-in-law, on the South Carolina side of the road. K.

Here was a man who contended that there was "much uncertainty," despite Jackson's positive statement, as to the place, and who professed the ability to settle the question, but proceeded to "settle" it merely by making a statement uncorroborated by any person who was present at his birth or by any contemporaneous records. That is the germ from which has grown the positive proof that Mr. Moore alleges he has discovered. Between 1824 and 1845, when he died, Jackson stated 15 or 20 times in letters and public documents that he was born in South Carolina. In one of these letters, written to Robert Mills in 1827, he again specifically stated that he was born within 1 mile of the crossing of Waxhaw Creek. In his last will and testament he asserted that South Carolina was his native State. It was not until after he was dead that the hallucinations of people who knew so little of the family history of the persons discussed as not to know the spelling of McKemey's name or his first name bobbed up again. The tombstone to McKemey and his wife in the Waxhaw churchyard furnished one substantial exhibit for anyone capable of intelligent and comprehensible investigation. Mr. Moore asserts that it "was only after Jackson died, in 1845, that any real authentic data were collected to show where he was born." No. It was only after Jackson was dead that any serious effort was made to establish a false claim made during his lifetime, a claim which he had repeatedly repudiated by stating where he was born. It was not the only false claim made regarding Jackson's birth during his lifetime. The third volume of Bassett's Correspondence of Andrew Jackson contains several letters which were secured by Jackson's friends in Tennessee in 1828 from people who had formerly lived in the Waxhaws to controvert the foul and malicious slander discussed in the following letters:

CINCINNATI, *July 7, 1828.*

DEAR SIR: I know you by reputation only, and from a recent notoriety attached to me, as an investigator of the character of General Jackson, I may presume that my name may have met your eye. The object of this letter is to obtain some further information of that distinguished individual with respect to whom I begin to believe there have been as many impostures palmed upon the world as were ever invented by the disciples of the Prophet of Mecca. I apply to you in the hope that it may be in your power to obtain for me satisfactory information with respect to the subjects of inquiry.

Eaton in his biographical eulogy gives a very lame and suspicious account of the hero's origin and early life. He locates his birth, 1767, some 40 miles above Camden, S. C., in the Waxhaw settlement, where his father died. This father he makes an Irishman, and the mother an exemplary woman. He attributes various exploits to Andrew, and finally deprives him of his mother, makes him waste his paternal estate, and, at about the age of 17, sets him down to study law at Salisbury with Spruce McCay, Esq. I have before me a statement giving a very different account of the parentage of Jackson, of which I wish to ascertain the truth.

William Rogers, an aged and, as I am informed, a respectable man, a resident of this State, has made and submitted a written statement comprising the following facts:

In the year 1759 or 1760 a General Daubbs or Dobbs was sent from England with a detachment of troops and stationed on the Catawba River in North Carolina, where he erected a fort, who remained some time. This detachment was accompanied by two women of the camp—Fanny Jenings and Isabel Moore—who, when the troops removed, remained in the neighborhood, where they lived and died. After the departure of the troops Fanny had a mulatto child, a boy, which she sold to Moses Purviance. Subsequently she had a second child, a boy also, who was reputed to be the son of a mulatto quadroon slave to James Grenaway, of Burke County. At the September term 1767, at the court of Burke County, the child being a pauper, unprovided for, was taken from the mother, named Andrew Jackson by the court, and bound to a lawyer named Avery or Emory, who was afterwards a colonel, and who was then a resident of Pleasant Garden in Burke County, and in order to have the child baptized a Doctor Bushall became his godfather. He was named Jack's son by the court because his supposed father was named Jack. In support of the account Rogers refers to the names of Gen. C. McDowell, Arch Sloan, George Lackey, and David Smith. He states further that Fanny Jenings, the mother, was at times a spinster in his father's house; that Jackson went to school to a John Mongomery. That when a boy he knew him personally; that he has seen him since at Jonesborough in Tennessee sitting as a judge, and was recognized as an acquaintance of his juvenile years by Jackson.

Perhaps you may think at first sight that it is entirely immaterial who were Jackson's parents and what the condition of his birth. This would be so had the truth always been told about it. But so much of imposition has been attempted and so much affected with respect to this man that I deem it important to detect and expose it wherever it can be done. Besides this, if the account here given of his origin be the true one, it is important it should be known, not only to do away with the pretense of his suffering and service in the Revolutionary War but also to explain the coarse brutality of his nature, which might very naturally be expected from such parentage and nurture.

If for any reasons you decline making the inquiries here suggested, I will thank you to inform me of it, and I would be glad could you suggest me a channel through which they can be made.

I send this under cover to Mr. Watkins, not having your address, with a request that he will address it to you.

Respectfully yours,

C. HAMMOND.

CINCINNATI, *July 7, 1828.*

DEAR SIR: The inclosed letter, addressed to Mr. Gaston, will explain itself. I wish you to peruse it, and if you know of any facilities for obtaining the information sought lend your assistance. Please put it in an envelope and address it to Mr. Gaston.

We retain our spirits here on the subject of the great contest. The canvass in Kentucky is very active and our friends full of confidence. Barry made a speech on Friday opposite to us, but with very little effect. It was but a vapid reiteration of the old lies so often refuted.

There are some apprehensions for Indiana. There is a want of concert, and have been some bad movements in that State. Tart and not Smith should have declined. Moore ought to have opposed Ray for governor. There is not a Jackson candidate in the field.

Yours sincerely,

C. HAMMOND.

T. WATKINS, Esq.
(On reverse side:)
Private. Tobias Watkins, Esq., Fourth Auditor, Washington City.
C. W. HAMMOND.
Received and answered July 14, 1828.

That is a fair illustration of how history can be made by the vagaries of the ignorant, the depraved, and the vicious. There was not the same viciousness in the attempt to prove Jackson a son of North Carolina as that to prove him the son of a "nigger," but there was equally as much ignorance and stupidity in it. Every side light turned upon the claim by its promoters reveals their ignorance of the history of the Waxhaws, of the political subdivisions affecting that section, of the conditions under which settlers secured lands, of the time and manner in which the settlers came in, of the personnel of the settlement, and of the family history of the chief characters in this episode in our history.

To illustrate: Mr. Moore, speaking of Jackson's father's land on Twelve Mile Creek, says—

he was only able to pay $70 on this land, not enough to take it out of the entry office.

If he found any such record in North Carolina he has found something unique. The usual procedure for a new settler to procure lands was to petition His Majesty's Council for North Carolina for an allotment in compliance with the bounty land law of that Province. If entitled to the land, the council would direct the surveyor general to have it surveyed out to him. A plat and grant, with a certificate similar to that quoted in James Crawford's case, was issued and the settler became the owner of the land. The charge therefor, if any, was but a shilling or so for the recording official. The consideration of $70 in 1765, when pounds, shillings, and pence, either in sterling or currency of the Province, was the common money of the Province, would have been most remarkable.

General Walkup whose work on this subject is regarded by Mr. Moore and others as most convincing states that he was unable to find any record in either the courthouse at Charlotte or that at Wadesboro—seat of Anson County—that the elder Jackson ever owned any land, and opined that he was a squatter. In view of what the writer hereof has found in the courthouse in Charlotte, he can not regard the investigations of either Mr. Moore or General Walkup as worthy of much respect. There is recorded in deed book 20, pages 21–22, in the office of register of deeds, an indenture "made the 17th day of December," 1770, between Thomas Ewing and Sarah, his wife, of Berkeley County—

and Province of South Carolina, of the one part, and Hugh Robert and Andrew Jackson, of the county of Mecklenburg and Province of North Carolina, of the other part, witnesseth that the said Thomas Yewing and Sarah, his wife, for and in consideration of the sum of 14 pounds current money of North Carolina, to them in hand paid by the said Hugh Robert and Andrew Jackson, the receipt whereof the said Thomas Yewing, and Sarah, his wife, doth hereby acknowledge and themselves fully satisfied, contented, and paid, and for other good causes and consideration of them thereunto moving, he, the said Thomas Yewing, hath granted, bargained * * * unto the said Robert Hugh and Andrew Jackson a tract of land containing 200 acres, being in the county and Province aforesaid, on the waters of Twelve Mile Creek, on Leggits Branch, beginning at a white oak, south side of the creek, by a small branch, and runs thence north 106° 180 poles to a red oak by a small branch, thence north 80 west 180 poles to a red oak, thence south 10 west 180 poles to a red oak, thence to the beginning, by virtue of a patent bearing date the 21st day of September, 1766.

That deed is indexed under Andrew Jackson. It was—

proved in open court by the oath of James Crafford, a subscribing witness, at the April assizes—

in 1775, and the court ordered that it be registered as shown by the minutes of the court for Friday, April—after third Tuesday—1775, page 46. General Jackson sold this tract of land many years later, when a citizen of Tennessee.

Mr. Moore states that Jackson's mother was one of six Hutchinson sisters—

who had married, the most of them in north Ireland, and emigrated to America; and all settled in the Waxhaw settlement * * *. As stated, all of these built cabin homes within 4 or 5 miles of each other at the farthest, nearly all on lands touching Waxhaw Creek, except one, Andrew Jackson, sr., the last to come from north Ireland with his wife, Elizabeth Hutchinson, and their two little boys, Hugh and Robert.

Mr. Moore is evidently unaware of the fact that the records of North and South Carolina sustains him only as to the places of residence of James Crawford and George McKemey. By those records we are able to show every tract of land granted out in that settlement prior to Jackson's birth, and who owned them at that time. These records eliminate James Crow and John and Samuel Lessley—their own spelling—as landholders within 2 or 3 miles of McKemey in 1767. The Council of South Carolina considered a petition from James Crow for a warrant of survey for 350 acres of land in the Waxhaw settlement August 4, 1767, after Jackson's birth, it will be observed. The survey was certified December 7, 1768, and a grant thereto issued November 27, 1770. This tract lay on Muddy Run, and was not "within 4 or 5 miles" of McKemey and Crawford. Had it been, the grant would have been made by North Carolina.

The Council of South Carolina issued a precept October 7, 1766, to William Glascock to lay out for "John Lesslie," 150 acres—

on Molly Moor's branch of Camp Creek, in the Waxhaws settlement.

The survey was certified October 16, 1766, ordered continued February 3, 1768, and granted October 22, 1768. That was more than 5 miles from James Crawford's, and his place was over 2 miles nearer thereto than McKemey's place. No record has yet been found in either of the Carolinas to show Samuel Lessley as a landowner in that section prior to the Revolution. John served in the militia of South Carolina during the Revolution, and his signature to his receipts for pay is John Lessley, and he dates an order "Waxhaws, January 20."

If Samuel Lessley lived in the Waxhaws prior to the Revolution he owned no land. If he lived there during the Revolution his place of residence was evidently on the North Carolina side of the line. There is no record of pay issued to him as is the case with John Lessley and all other landholders in the South Carolina section of the Waxhaws.

Mr. Moore says it—

was finally decided among the sisters that their sister, Jane Crawford, being childless and a semi-invalid, that Betty and her two little boys should be taken there.

It has already been shown that James and Jennet Crawford deeded their first tract of 110 acres, with the improvement thereon—the house in which Jackson was born, as he himself stated—to their son Thomas in 1774. By deed dated March 1, 1780—

James Crawford, sr., of St. Marks Parish, Craven County—

Conveyed to—

James Crawford, jr., his son, of the parish, county, and State aforesaid—

one hundred and fifty acres from a tract of 300 acres which he had bought of James Gamble December 12, 1772. This is recited in a deed from the younger James and Christiana, his wife, October 14, 1796, which is on record at Lancaster in book B, 329–330. The will of "James Crafford of the Waxhaws, S. C.," made September 25, 1776, is on record in the probate court in Charleston. He mentions sons George,

James, and Alexander, and daughters Margaret, Mary, Jean, and Martha. He also mentions sons John Martin, Isaac Smith, William Henderson, and Thomas Patton, who were doubtless sons-in-law. The daughter Margaret was unmarried. Alexander states in his application for pension in 1832 that he was born in Pennsylvania September 28, 1750. Mr. Moore says that Robert and James Crawford—

moved to America 16 years before Andrew Jackson and Betty had come.

Will he now bring forward a few more tradition-bearing witnesses to dispute Alexander? He further says that Robert and James—

were men of the first importance and standing, leaders in militia service and affairs of the county of Lancaster, S. C., where their plantations lay just 2 miles, or a little more, over the line, according to the survey of 1815.

It has already been shown that when Jackson was born Robert Crawford owned 620 acres in what was supposed to be North Carolina territory and had an equity in 110 acres more that his deceased brother Joseph had planned to have granted to himself; that James was living on this latter tract and later secured a grant for it from North Carolina.

Lancaster County, S. C., did not come into existence until 1785. There was no organized militia in that section then, and not until after 1772. Robert became a major of militia during the Revolution. There were no political subdivisions of any kind in South Carolina in 1767, save the parishes in the low country. There had been four land subdivisions called counties that had been handed down from the provincial nobility arrangement of the erstwhile lords proprietors, which were still used only to describe the location of land. They had no political significance after the passage of the church act in 1706. The eastern part of the province was unofficially still called Craven County to aid in locating lands. To allow the people living east of the Congaree and Broad Rivers to vote in elections for members of the commons house of assembly that section was considered as an unofficial annex to St. Mark's Parish, although the northern boundary of that parish, as established by law, was about 100 miles south of the Waxhaws, and to vote the Waxhaws settlers had to go to the parish church about that distance away.

James Crawford, through grants and purchases, acquired five or six hundred acres of land on both sides of the line between the Carolinas prior to his death, but at the time of Jackson's birth he did not own a foot thereof. Nor is Mr. Moore correct in saying the Crawford plantations—

lay just 2 miles, or a little more, over the line.

As heretofore shown, when Jackson was born the thirty-fifth parallel of latitude was the official boundary line, and that was about 9 miles north of James Crawford's place. When by the arrangement of 1772 the public road through the Waxhaws was made the line, the Crawford lands were right on the boundary line, and when the line from the western terminus of the line of 1764 to the southeastern corner of the Catawba lands was agreed upon in 1808, the Crawford lands were not over a half mile from the line at the most western turn of the road.

Almost every statement of General Walkup's hearsay witnesses can be shown by official records to be contrary to fact. Mr. Moore has merely elaborated upon the Walkup gatherings, and almost every statement he has made has served to mire him deeper into the bog of error.

The writer has no hope that those people who can not be convinced against their wills will ever accept the only admissible evidence ever offered in this discussion, but that evidence, sustained by hundreds of official records relating to the setting of Jackson's birthplace, has been sufficient to convince almost every writer on Andrew Jackson in the last 25 years. Cyrus Townsend Brady, A. S. Colyar, John Spencer Bassett, Thomas E. Watson, Frederick Austin Ogg are all biographers of Jackson who say the evidence favors South Carolina. The New International Encyclopedia (1918) contains a revised sketch of Jackson by Prof. William P. Trent, of Columbia University, and Dr. Newton D. Mereness, in which they say that the evidence favors South Carolina. The latest edition of the Encyclopedia Americana (1919) contains a revised sketch of Jackson by Prof. Marcus W. Jernegan, of the University of Chicago, in which he says the preponderance of evidence is in favor of South Carolina. Judge Samuel M. Wilson, of Lexington, Ky., who delivered the centenhial oration at New Orleans, January 8, 1915, took the same view. In a letter to Representative STEVENSON, dated March 30, 1922, the late Judge H. G. Connor, one of the greatest judges North Carolina has produced, wrote:

MY DEAR MR. STEVENSON: A few days ago in running over the CONGRESSIONAL RECORD to see what our Representatives are doing for us I became interested in your demonstration that Andrew Jackson was born in South Carolina, and read it with interest. I have no doubt that you are correct.

Are they all wrong and Gerald Johnson and John Trotwood Moore alone right? If so, then the Cathey evidence, by which it is in the same manner proven that Abraham Lincoln was born in North Carolina, is correct and the marker on his birthplace in the Occonolufta country is not misplaced. Who believes that?

EDNA E. SNABLY

The next business on the Private Calendar was the bill (H. R. 8859) for the relief of Edna E. Snably.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Edna E. Snably, postmaster at Hollsopple, Pa., in the sum of $1,000, being an amount charged in the postal account due to the cashing of war savings stamps in year 1924, which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account; for which amount the postmaster was in no way responsible, the loss having occurred without fault or negligence on her part.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

F. R. BARTHOLD

The next business on the Private Calendar was the bill (H. R. 9659) for the relief of F. R. Barthold.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,016.91 to F. R. Barthold, as compensation for the total destruction of a building and other property during a fire accidentally set by a Government employee while in the discharge of his official duties.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN MEMBERS OF THE FOREST SERVICE

The next business on the Private Calendar was the bill (H. R. 12711) for the relief of certain members of a trail crew employed by the Forest Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HICKEY. I object.

MAJ. CHARLES F. EDDY

The next business on the Private Calendar was the bill (H. R. 12871) for the relief of Maj. Charles F. Eddy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HICKEY. Mr. Speaker, I object.

PIERCE DALE JACKSON

The next business on the Private Calendar was the bill (H. R. 12867) granting an honorable discharge to Pierce Dale Jackson.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, the bill that has just been passed over under objection is for a war officer who served with great distinction in the World War.

Mr. KNUTSON. Mr. Speaker, I demand the regular order.

Mr. UNDERHILL. He was to be married, and I think is now on his wedding trip.

Mr. KNUTSON. Mr. Speaker, I demand the regular order.

Mr. CLARKE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARKE. I would like to know whether it would be according to parliamentary procedure to call the attention of gentlemen to the Scriptural adage, "Possess thy soul in patience"?

The SPEAKER pro tempore. That is not a parliamentary inquiry. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Pierce Dale Jackson, who was a member of the One hundred and forty-

first Ambulance Company, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 21st day of March, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAJ. WALTER REED AND OTHERS

The next business on the Private Calendar was the bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. KNUTSON. Mr. Speaker, I reserve the right to object.

Mr. MAPES. Mr. Speaker, I reserve the right to object.

Mr. KNUTSON. I note that this bill carries a pension of $3,000 a year to sundry widows and survivors of widows. This bill carries a pension of $3,000 a year, does it not, for Mrs. Walter Reed and for Mrs. Carroll and Mrs. Lazear? Why should we differentiate between the widows of the men who participated in the experiments to determine the cause of yellow fever and the widows of men who lost their lives on the field of action?

Mr. WAINWRIGHT. Mr. Speaker, will the House indulge me for just a moment? This bill is a bill of some little consequence, and I am sure that every Member of the House would sympathize with the purpose of the bill, which is to give tardy recognition to those heroic men who subjected themselves at the risk of their lives in the experiment at Habana in 1900 to determine the cause of yellow fever.

Mr. GREEN. Mr. Speaker, this bill is meritorious——

Mr. KNUTSON. Mr. Speaker, I have not yielded to the gentleman from Florida. I yielded to the gentleman from New York.

Mr. WAINWRIGHT. Mr. Speaker, I trust the membership of the House will consider this bill and treat it seriously, because it is a serious proposition. We all know the result of that experiment—its great benefit to humanity. It showed the way to remove the scourge of yellow fever and made possible the building of the Panama Canal. All there is to the proposition is this:

There were 21 people who took part in that experiment. Five of them were the officers who organized it, Maj. Walter Reed and the other officers composing the board. The others were those who subjected themselves to be bitten by mosquitoes that had already bitten people suffering from yellow fever, and others who had come in contact with the polluted clothing of yellow-fever patients. I have discussed this bill with the gentleman from Minnesota [Mr. KNUTSON], the chairman of the Committee on Pensions, and the only question is the amount of the pension. Three of the widows of the officers are receiving pensions of $125 a month.

Mr. KNUTSON. Is the gentleman from New York aware of the fact that the Pension Committee considered all of these individual claims about three or four years ago, and that we granted them a pension of $125 a month? Here you have the case of Mrs. General McAndrews, whose husband was Chief of Staff in France. She is getting only $125 a month. This bill seeks to grant these widows $3,000 a year. I don't want to object, because I think the gentleman from New York and I can fix this matter up.

Mr. DOWELL. Mr. Speaker, if these gentlemen are intending to fix this up, I think we had better proceed with the other business.

The SPEAKER pro tempore. Is there objection?

Mr. DOWELL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. MAPES. Mr. Speaker, I reserve the right to object.

Mr. WAINWRIGHT. Mr. Speaker, the only question is as to the amount of the pensions.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the bill be passed over temporarily without prejudice.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the bill be passed over temporarily without prejudice. Is there objection?

Mr. WAINWRIGHT. With the understanding that we come back to it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

NEW ORLEANS QUARTERMASTER INTERMEDIATE DEPOT UNIT NO. 2

The next business on the Private Calendar was the resolution (H. J. Res. 258) authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. O'CONNOR of Louisiana. Mr. Speaker, I move to substitute a similar Senate resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate resolution.

Mr. O'CONNOR of Louisiana. It is Senate Joint Resolution 120.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is authorized to lease for a period of three years, to run from September 16, 1927, without consideration or on such terms or conditions as he deems it advisable, to the New Orleans Association of Commerce (a nonprofit corporation organized under the laws of Louisiana), its successors and assigns, the New Orleans Quartermaster Intermediate Depot Unit No. 2 for general exhibition purposes in respect of fabricated and raw products of the United States and similar products of foreign countries; but if such corporation, its successors or assigns, shall cease to use and occupy the depot for such purposes the lease shall become null and void: *Provided*, That the United States may void the lease any time within the lease period by giving 30 days' notice to lessees.

SEC. 2. That the New Orleans Association of Commerce, under regulations prescribed by the Secretary of War, may, without expense to the United States, make such alterations in respect to such depot as may be necessary for the purposes for which the building is leased and in so far as may be compatible with the public interest.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House resolution was laid on the table.

MAJ. WALTER REED AND OTHERS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent that we may return to Calendar No. 557, to the bill H. R. 13060.

The SPEAKER pro tempore. Is there objection to the return?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

H. R. 13060

A bill to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever

Be it enacted, etc., That in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba, the Secretary of War be, and he is hereby, authorized and directed to publish annually in the Army Register a roll of honor on which shall be carried the following names: Walter Reed, James Carroll, Jesse W. Lazear, Aristides Agramonte, John H. Andrus, John R. Bullard, A. W. Covington, William H. Deans, Wallace Forbes, Levi E. Folk, P. Hamann, James F. Hanberry, Warren G. Jernegan, John R. Kissinger, John J. Moran, William Olson, Charles G. Sonntag, Clyde L. West, R. P. Cooke, Thomas H. England, James Hildebrand, and Edward Weatherwalks, and to define in appropriate language the part which each of these persons played in the experimentations during the yellow-fever investigations in Cuba; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay to the following-named persons during the remainder of their natural lives the sum of $250 per month, and such amount shall be in lieu of any and all pensions authorized by law for the following-named persons:

Mrs. Walter Reed; Mrs. James Carroll; Mrs. Jesse W. Lazear; Dr. Aristides Agramonte; Pvt. John H. Andrus, Hospital Corps; Mr. John R. Bullard; Pvt. A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Pvt. William H. Deans, Troop B, Seventh Cavalry; Pvt. Wallace Forbes, Hospital Corps; Pvt. Levi E. Folk, Hospital Corps; Pvt. P. Hamann, Twenty-third Battery, Coast Artillery Corps; Pvt. James F. Hanberry, Hospital Corps; Mrs. Warren G. Jernegan; Pvt. John R. Kissinger; Mr. John J. Moran; Pvt. William Olson, Hospital Corps; Pvt. Charles G. Sonntag, Hospital Corps; Pvt. Clyde L. West, Hospital Corps; Dr. R. P. Cooke; Pvt. Thomas H. England, Hospital Corps; Pvt. James Hildebrand, Hospital Corps; and Pvt. Edward Weatherwalks, Hospital Corps.

Mr. MAPES. Mr. Speaker, has consent been given to the consideration of the bill?

The SPEAKER pro tempore. No. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I think the House is entitled to know what the bill is before objection is made.

Mr. MAPES. One of the gentlemen named in the bill, Pvt. William H. Deans, of Troop B, Seventh Cavalry, lived in my city. He was a plasterer. Since the bill was reported he has died. His mother is living, and I desire to offer an amendment to pay her the monthly allowance instead of the soldier.

Mr. SCHAFER. Mr. Speaker, I will withdraw my reservation.

Mr. MAPES. I am told by the author of the bill that he is willing to accept the amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McKEOWN. Reserving the right to object, Mr. Speaker, I want to know exactly what these people are to get under this bill. How much are they paid now?

Mr. KNUTSON. They are paid now $125 a month, as fixed by the Pension Committee three years ago.

Mr. McKEOWN. If this bill is passed, what is it proposed to give them?

Mr. KNUTSON. One hundred and fifty dollars per month.

Mr. WAINWRIGHT. There are 21 of these people. Only five of them get any pension at all. The highest pension is $125. This bill will take care of all the other 16 in the group. I have offered an amendment, with the concurrence of the Committee on Pensions, fixing the amount at $150 per month for each of them.

Mr. KNUTSON. Before we proceed any further I want the gentleman from New York to insure us that the Military Committee hereafter will not attempt to encroach upon the jurisdiction of the Pension Committee. I want that understanding.

Mr. WAINWRIGHT. I can only give the gentleman from Minnesota my own impression.

Mr. DOWELL. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. SNELL. Mr. Speaker, we ought to know exactly what the bill does before we pass it.

Mr. KNUTSON. A number of these people are getting $125 a month for participating in the experiments to determine the cause of yellow fever. Some of them have died, and their widows are receiving $125, including the widow of Walter Reed.

Mr. McKEOWN. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WAINWRIGHT. The pension of certain ones is $125.

Mr. McKEOWN. If the bill is good, nothing will be gained by Members getting impatient.

Mr. WAINWRIGHT. It is a meritorious bill.

Mr. SIMMONS. Mr. Speaker, in view of the fact that there is another session of Congress coming, I think we ought to have this bill understood by somebody, and therefore I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BLACK of New York. Mr. Speaker, a point of order. We have passed the objection stage on this bill. I think it is a shame that Congress should handle the situation in this way.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

PAUL D. CARLISLE

The next business on the Private Calendar was the bill (S. 3201) for the relief of Paul D. Carlisle.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the stoppage placed against the pay of Paul D. Carlisle, a major on the retired list of the United States Army, in the sum of $341.28, by reason of the absence with leave not in a full pay status, be, and the same hereby is, removed, and in case the sum, or any part thereof, has been already deducted from his pay the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Paul D. Carlisle the sum of $341.28, or such lesser sum, equal in amount to the sum so deducted.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER REED

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 557. I do not think there is any objection to the bill.

The SPEAKER pro tempore. The Chair objects. The Chair has the same right to object as anyone else. The House has wasted considerable time over this bill, and as a Member of the House I object to returning to it again.

WADE ALLEN AND ED JOHNSON

The next business on the Private Calendar was the bill (H. R. 7378), for the relief of Wade Allen and Ed Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $300 to Wade Allen and Ed Johnson, of Fannin County, Ga., which sum represents the loss sustained by said Wade Allen and Ed Johnson on the bail bond of Homer Nelson, who was afterwards captured and returned to the United States officers by the said Wade Allen and Ed Johnson; the record of said estreatment of bond and the payment of said sum of money on May 26, 1925, are shown in report of the clerk of the United States Court for the Northern District of Georgia.

With the following committee amendments:

Page 1, line 5, insert the words "in full settlement against the Government."

Line 6, strike out "$300" and insert "$204.59."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LARRY CARDWELL

The next business on the Private Calendar was the bill (H. R. 6263) to provide for the reinstatement of Larry Cardwell in the United States Naval Academy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to reinstate Larry Cardwell in the United States Naval Academy, of which he was a midshipman at the time of his discharge on November 19, 1926; the said Larry Cardwell to become a member of the class of 1930 on the date of reinstatement, and to be accorded all rights, privileges, and benefits to which he would have been entitled had he not been so discharged.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS JAMES CLEARY

The next business on the Private Calendar was the bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter Commander Francis James Cleary, United States Navy, an additional number in grade and designated to perform engineering duty only, shall be regarded as having been promoted to the rank of captain in the United States Navy on the 13th day of January, 1926, as an additional number in grade to perform engineering duty only, with rank as such immediately after Capt. Earl Peck Finney, United States Navy: *Provided*, That nothing herein shall be construed to entitle Commander Francis James Cleary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED O. HUESTIS

The next business on the Private Calendar was the bill (H. R. 3443) for the relief of Alfred O. Huestis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Alfred O. Huestis, who was a member of Battery I, Sixth United States Artillery, and later transferred to the Hospital Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 24th day of October, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH LEE

The next business on the Private Calendar was the bill (H. R. 4244) for the relief of Joseph Lee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joseph Lee, Serial No. 1425235, who was a member of Company , Headquarters Troop, Seventh Army Corps, transferred to Casual Company No. 5246, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 11th day of October, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR A. PADMORE

The next business on the Private Calendar was the bill (H. R. 4626) for the relief of Maj. Arthur A. Padmore.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. Arthur A. Padmore, United States Army, retired, out of any money in the Treasury not otherwise appropriated, the sum of $645.33, being the difference in pay and allowance from March 4, 1921, to November 21, 1921, which would have been due and payable to him had it been possible to promote him to the grade to which his seniority entitled him before his retirement by operation of law on November 21, 1921.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KATHERINA KAUTZ AND FRED G. KAUTZ

The next business on the Private Calendar was the bill (H. R. 11289) for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HICKEY. Mr. Speaker, I object.

ARMSTRONG HUNTER

The next business on the Private Calendar was the bill (H. R. 6112) for the relief of Armstrong Hunter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Armstrong Hunter, late of Companies B and A, Fourteenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said companies and regiment: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 4, strike out "Companies B and" and insert "Company."

In line 6, after the word "discharged," insert "on June 19, 1865."

In line 8, strike out the word "Companies" and insert the word "Company."

In line 9, after the word "*Provided*," strike out the words "that no pay, bounty, or pension shall be held to have accrued prior to the passage of this act," and insert the words "that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE A. COLE

The next business on the Private Calendar was the bill (H. R. 12641), to correct the military record of George A. Cole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George A. Cole, who was a member of Troop F, First Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

THOMAS W. MOORE

The next business on the Private Calendar was the bill (H. R. 13097) for the relief of Thomas W. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas W. Moore, who was a member of Company K, Sixteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH CUNNINGHAM

The next business on the Private Calendar was the bill (S. 2733) for the relief of Joseph Cunningham.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Joseph Cunningham shall be held and considered to have been honorably discharged as a private, Company F, Forty-third Ohio Infantry, on April 12, 1865; but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE A. ROBERTSON

The next business on the private calendar was the bill (S. 1541) for the relief of George A. Robertson.

The clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park in the year 1913, and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,250 to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park, 1913."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. H. KAUFMAN

The next business on the Private Calendar was the bill (S. 2061) for the relief of W. H. Kaufman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HICKEY. Mr. Speaker, I object.

NELLE M'CONNELL

The next business on the Private Calendar was the bill (S. 2764) for the relief of Nelle McConnell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of Nelle McConnell, widow of Wilbur Ross McConnell, late a scientific assistant in the Bureau of Entomology of the United States Department of Agriculture.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DOUGLAS B. ESPY

The next business on the Private Calendar was the bill (H. R. 3168) for the relief of Douglas B. Espy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Douglas B. Espy, chief machinist mate United States Navy, the sum of $1,033, out of any money in the Treasury not otherwise appropriated, for the loss of uniforms, clothing, and other personal property belonging to him and his wife, as a result of a fire in the quarters at the naval radio station, Cavite, P. I., on the 15th day of March, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HEIRS OF EDGAR C. BRYON

The next business on the Private Calendar was the bill (H. R. 3967) for the relief of the next of kin of Edgar C. Bryon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 to the legal representatives of Edgar C. Bryon for his next of kin in full compensation for any claims arising out of the death of such Edgar C. Bryon, who was struck and killed by an automobile truck in the service of the United States Post Office Department on October 2, 1919, in Brooklyn, N. Y., as a result of gross negligence on the part of the driver thereof and through no fault of his own, such driver having since been indicted for manslaughter in the second degree for such negligence.

With the following committee amendments:

Page 1, line 5, after the word "appropriated" insert "and in full settlement against the Government"; and in line 6, strike out "$50,000" and insert in lieu thereof "$5,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANDREW JACKSON SEWARD, JR.

The next business on the Private Calendar was the bill (H. R. 2486) for the relief of Andrew Jackson Seward, jr., deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, or marines, Andrew Jackson Seward, jr., deceased, who was seaman on the U. S. S. *Nevada* shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as seaman on or about the 19th day of June, 1919: *Provided*, That no back pay or allowances shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the figures "1919," insert "*Provided*, That no back pay or allowances shall accrue prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

T. GAINES ROBERTS

The next business on the Private Calendar was the bill (H. R. 5019) for the relief of T. G. Roberts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in recognition of the services of Commander T. G. Roberts, Construction Corps, United States Navy, retired, as superintending constructor for the Navy of 136 naval war vessels in whole or in part, of all kinds and sizes, which is probably the highest record ever made, and of 261 merchant ships converted to war purposes, during a period of about 14 years, principally at the four greatest private shipyards in the United States, and having held the temporary rank of captain for four years and four months during and after the war, the President is hereby authorized and directed to place him upon the retired list with the rank of captain upon the retired list of the Construction Corps of the Navy: *Provided*, That no increase nor back pay or allowances of any kind shall accrue as a result of the passage of this act.

With the following committee amendments:

Page 1, line 7, after the word "sizes" strike out the balance of line 7 and all of lines 8, 9, 10, 11, 12; and on page 2, after the word "authorized" strike out the words "and directed."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES E. TRUSSELL

The next business on the Private Calendar was the bill (S. 2673) for the relief of James E. Trussell.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. WARREN. I object.

OLIVER C. SELL

The next business on the Private Calendar was the bill S. 2966, an act for the relief of Oliver C. Sell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Oliver C. Sell, recruiting officer, and in Company B, First Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been enrolled in the military service of the United States on July 24, 1898, instead of August 1, 1898, as shown on the official records of the War Department.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

L. PICKERT FISH CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 10908) for the relief of L. Pickert Fish Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of L. Pickert Fish Co., a corporation created by and existing under the laws of the State of Maine, the legal owner of a wharf and factory thereon, at Provincetown, Mass., which was damaged and practically destroyed on or about November 15, 1926, through collision therewith by the U. S. Coast Guard cutter *Morrill*, for damages caused by said collision may be sued for in the District Court of Massachusetts, and that said court shall have jurisdiction to hear and determine such suit according to the principles of law and rules of practice obtaining in like cases between private parties at common law and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said L. Pickert Fish Co. upon the same principles and measures of liability and damage as in like cases between private parties and with the same rights of appeal, and that any final judgment rendered in such suit shall, upon due presentation of an authenticated copy thereof, be paid by the proper accounting officer of the United States out of any appropriation or other funds available therefor, and otherwise there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay any such judgment as may be rendered: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in said district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within six months of the date of the passage of this act.

SEC. 2. There is authorized to be appropriated such sums as may be necessary to pay the amount of any judgment rendered by the court.

With the following committee amendments:

Page 2, line 9, after the word "appeal," strike out the semicolon and insert a colon; and strike out the language that follows down to the word "Provided" in line 16.

Add a new section to the bill, as follows:

"SEC. 2. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered by the court."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROCKY FORD NATIONAL BANK

The next business on the Private Calendar was the bill (H. R. 12714) for the relief of Rocky Ford National Bank, Rocky Ford, Colo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Rocky Ford National Bank, of Rocky Ford, Colo., United States registered note No. K-1111428 in the denomination of $100 of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922-23, inscribed "James O. Bartholemew," with interest from December 15, 1922, to May 20, 1923, without presentation of said note, the said note having been lost or destroyed after having been assigned in blank by the registered payee and being the property of the Rocky Ford National Bank; and the Secretary of the Treasury in hereby authorized and directed to also redeem in favor of the Rocky Ford National Bank, Rocky Ford, Colo., United States coupon notes No. F-6055335, G-7693827, and L-12363810, each of the $50 denomination, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922-23, with interest from June 15, 1922, to December 15, 1922, in the case of the first note above described, and with interest from June 15, 1922, to May 20, 1923, in the case of the last two notes above described, without presentation of said notes, said notes having been lost or destroyed, and being the property of the Rocky Ford National Bank: *Provided*, That the said notes shall not have been previously presented to the Treasury Department under such circumstances as would necessitate their redemption in favor of the person, firm, or corporation presenting them: *And provided further*, That the Rocky Ford National Bank shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the principal became due and payable, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the notes hereinbefore described.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RICHARD A. CHAVIS

The next business on the Private Calendar was the bill (H. R. 3278) for the relief of Richard A. Chavis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard A. Chavis, who served as a member of Company L, Second South Carolina Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from said service on the 19th day of April, 1899: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK W. SIMPSON

The next business on the Private Calendar was the bill (H. R. 4811) to reinstate Frank W. Simpson, formerly lieutenant, Coast Artillery, United States Army, as first lieutenant in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Frank W. Simpson, formerly a lieutenant in the Coast Artillery, United States Army, an officer of the Army, in the grade and in the position on the promotion list provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said Frank W. Simpson shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in the act shall operate to increase the number of officers in the Regular Army now authorized by law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARIA HENSLEY CLAY

The next business on the Private Calendar was the bill (H. R. 10194) for the relief of Maria Hensley Clay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Maria Hensley Clay, mother of Charles D. Clay, jr., who served as a first lieutenant in Company B, Third Regiment United States Infantry, and who was killed at Fort Snelling, Minn., November 27, 1922, in the line of duty, shall be considered as the duly designated beneficiary of the late Charles D. Clay, jr., under the act approved May 11, 1908, as amended by the act approved March 3, 1909 (35 Stat. L. 108 and 735).

With the following committee amendments:

Line 7, after the word "beneficiary," insert the words "and dependent."

Line 8, strike out the word "May." Strike out all of line 9 and all of line 10. Insert after the word "approved," in line 8, the following: "December 17, 1919 (41 Stat. L. 367), and the Secretary of War be, and he is hereby, authorized and directed to cause payment of the gratuity of six months' pay to be made to Mrs. Martha Hensley Clay from current appropriation."

Mr. ROWBOTTOM. Mr. Speaker, I move to amend the committee amendment by striking out the word "Martha" and inserting the word "Maria."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EFFA COWE

The next business on the Private Calendar was the joint resolution (H. J. Res. 261) for the relief of Effa Cowe, Creek Indian, new born, roll No. 78.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there is authorized to be appropriated the sum of $5,125, out of the unpaid Creek equalization funds, in full satisfaction of her rights to an allotment of Creek tribal lands.

With the following committee amendments:

Line 4, strike out "$5,125" and insert in lieu thereof "$1,101."

Line 4, after "the," strike out "unpaid Creek equalization funds" and insert in lieu the words "tribal funds of the Creek Nation."

The committee amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS G. WRIGHT

The next business on the Private Calendar was the bill (H. R. 3937) for the relief of the heirs of Thomas G. Wright.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Thomas G. Wright the sum of $2,800, the same being for the use of property by the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COBB BLASDELL & CO.

The next business on the Private Calendar was the bill (H. R. 4781) for the relief of the legal representatives of Cobb Blasdell & Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the legal representatives of Cobb Blasdell & Co., for oats purchased by them for the United States Government, in pursuance of written and oral contracts made by them with United States officers, be, and the same is hereby, referred to the Court of Claims of the United States with jurisdiction to hear and determine the same at the fair and reasonable value of the oats purchased as aforesaid, after deducting all proper credits, and report to Congress: *Provided*, That it be shown to the satisfaction of the court that said firm did not give any aid or comfort to the late Civil War, but was throughout the war loyal to the Government of the United States. The statutes of limitations and section 179, Judicial Code, to the contrary notwithstanding.

Mr. HOOPER. Mr. Speaker, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HOOPER: In the title insert a comma after the word "Cobb," and in line 3 of the bill insert a comma after the word "Cobb."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. GEORGE H. HAUGE, UNITED STATES ARMY

The next business on the Private Calendar was the bill (H. R. 9210) for the relief of Lieut. George H. Hauge, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Lieut. George H. Hauge the sum of $357.35, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for all losses of personal property incurred by him while at Camp Pike, Ark.: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EUGENIA EDWARDS

The next business on the Private Calendar was the bill (H. R. 9396) to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Eugenia Edwards, of Saluda, S. C., the sum of $164, in full compensation for allowances due her by reason of an allotment made by her son, Joseph Kirksey Edwards, while a soldier in the United States Army during the World War from April 2, 1918, to February 28, 1919, inclusive.

With the following committee amendment:

Line 7, strike out "$164" and insert "$110."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. W. B. FINNEY

The next business on the Private Calendar was the bill (H. R. 9516) for the relief of Capt. W. B. Finney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Capt. W. B. Finney, of 920 Grand Avenue, Kansas City, Mo., the sum of $479.14, out of any money in the Treasury not otherwise appropriated, to reimburse him for money paid out by him in line of his duties as captain Company A, Seventieth Regiment United States Infantry, Camp Funston, Kans.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY M. KING

The next business on the Private Calendar was the bill (H. R. 10236) for the relief of Harry M. King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Without objection, a similar Senate bill, S. 4376, will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, directed to hear and determine the claim of Harry M. King, who claims to have suffered physical injuries received by him in line of duty while working for the Government at Muscle Shoals, Ala., during the year 1918.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE B. BOOKER CO.

The next business on the Private Calendar was the bill (S. 342) for the relief of George B. Booker Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Booker Co., of Wilmington, Del., out of any money in the Treasury not otherwise

appropriated, the sum of $102.69, said sum being due George B. Booker Co. for merchandise furnished to the Reedy Island Naval Station mess during the year 1918.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. CLARENCE BARNARD

The next business on the Private Calendar was the bill (S. 605) for the relief of Capt. Clarence Barnard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Clarence Barnard, Ordnance Department, the sum of $1,374.21, because of losses sustained by him while in the service.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN W. STOCKETT

The next business on the Private Calendar was the bill (S. 2319) for the relief of John W. Stockett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I understand that amendments are going to be offered to reduce the amount and provide for a limitation of attorneys' fees.

Mr. JENKINS. I have such an amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John W. Stockett, draftsman in the War Department, the sum of $142,500 in full compensation for royalty on the use by the United States Army of the Stockett breech mechanism upon guns, which device was duly covered by letters patent issued to the said John W. Stockett by the United States, to wit, Nos. 601176, 601177, 620259, 699256, and 705157.

Mr. JENKINS. Mr. Speaker, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Page 1, line 7, strike out "$142,500" and insert in lieu thereof "$50,000," and add the following at the end of the bill:

"*Provided*, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $100 or more than $2,000."

The committee amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILL J. ALLEN

The next business on the Private Calendar was the bill (S. 2473) for the relief of Will J. Allen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Chief Yeoman Will J. Allen, United States Coast Guard, out of any money in the Treasury not otherwise appropriated, the sum of $80 in settlement of a supplemental claim for differences in pay and allowances due him because of his services in the World War, this sum having been erroneously omitted from the statement submitted to the Court of Claims.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN L. ALCOCK

The next business on the Private Calendar was the bill (S. 3308) to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of John L. Alcock, of Baltimore, Md., and to award him compensation for losses or damages, if any, which he may have suffered through action by governmental agencies in commandeering, requisitioning, controlling by compulsion or otherwise, allocating or directing the contracting for, or delivery of, spruce and fir lumber which he owned or had sold under firm and binding contracts to others than allied Governments; and to enter decree or judgment against the United States for such compensation, with interest thereon, notwithstanding the fact that there was no taking by the United States of any of said spruce or fir lumber for the direct use of the United States, and notwithstanding the contracts made by claimant with representatives of the Governments allied with the United States, and notwithstanding the fact that the United States, or any officer, agent, or employee acting in its behalf, controlled, allocated, or directed the delivery of said spruce and fir lumber, or directed or required contracts to be made therefor under color of authority, or committed a tort in doing so.

SEC. 2. The Court of Claims in the adjudication of such claim is authorized, in its discretion, to use, in addition to any evidence which may be offered in any suit brought under this act, the pleadings and evidence in the case of John L. Alcock & Co. *v.* United States (61 C. Cls. Repts. 312).

SEC. 3. Such claim may be instituted at any time within four months from the approval of this act, notwithstanding lapse of time or any statute of limitations. Proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to print a statement of the facts in connection with this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, Mr. John L. Alcock, of Baltimore, Md., has for many years been engaged in the hardwood lumber business in the city of Baltimore, trading under the firm name of John L. Alcock & Co. Prior to the entry of the United States into the World War he had purchased in this country and sold to various parties in Great Britain large quantities of spruce and fir lumber suitable for airplane construction.

On or about February 5, 1918, Mr. Alcock had purchased and resold to purchasers in Great Britain, under valid and binding contracts, 301 cars of spruce and fir lumber, which at that time were loaded on board railroad cars, and either moving toward the coast or had arrived at the ports of Baltimore or Galveston. The bills of lading, insurance certificates, invoices, and drafts covering a substantial number of these cars were at that time deposited with the banking house of Alexander Brown & Sons, of Baltimore, and drafts drawn against them and payment in part received.

The purchasers under the contracts for the entire 301 cars of lumber, so Mr. Alcock claims, had agreed to "arrange ocean space and to pay invoice valuation after deducting all charges when cars" were "loaded in the interior." Under these contracts, Mr. Alcock's duty and responsibility had been finally completed, and there was nothing left for him to do except to collect the balance of the money due.

About February 5, 1918, Maj. F. W. Leadbetter, who was then in charge of the production department of the Signal Corps, and acting for the War Department of the United States and for the common interests of the United States and its allies, requested Mr. Alcock, so Mr. Alcock claims, to submit to him a list of all spruce and fir lumber which he had sold under contracts to British purchasers. This request was complied with by Mr. Alcock in writing, and shortly thereafter Major Leadbetter requested Mr. Alcock to come to Washington for a conference.

During this conference on February 11, 1918, at which Capt. D. Thomson, representing the British, was present a part of the time, Major Leadbetter discussed the situation with respect to the control of spruce and fir lumber, and told Mr. Alcock, so Mr. Alcock claims, that he would have to deliver his spruce and

fir lumber according to his instructions; that he would not be permitted to ship the lumber which he had already sold to British purchasers; and that, unless he followed Major Leadbetter's instructions, this lumber would be commandeered and requisitioned by the United States. Mr. Alcock, so he avers, protested against the proposed action and said that if the lumber were commandeered he would suffer great loss and damage; and he testified in his suit in the Court of Claims that Major Leadbetter assured him that he would be entitled to just compensation, and insisted that he comply with his instructions, and stated that, if he did so, he would be protected, and further that he (Major Leadbetter) had decided, after a conference with foreign representatives, to commandeer the lumber and apportion it between the representatives of the allied Governments, which Major Leadbetter denied.

On October 19, 1923, the Secretary of War made a report on this case to the Attorney General, and, referring to the conference with Major Leadbetter on February 11, 1918, made the following statement:

At the conference referred to, John L. Alcock & Co. were advised that their supply of lumber would be commandeered.

After the conference on February 11, 1918, Lieutenant Lippincott, under the instructions of Major Leadbetter and acting for the United States, took over the absolute control and disposition of the lumber in controversy. From and after the date of the conference, specific instructions were given to Alcock by Lieutenant Lippincott and others over Major Leadbetter's signature for the disposition of every car of lumber.

Immediately following the conference on February 11, 1918, and at the direction of Major Leadbetter, Mr. Alcock negotiated with the English, French, and Italian representatives, and agreements were entered into for the payment to him of the cost of his spruce lumber f. o. b. mill, and an additional 5 per cent for expenses, delivery to be made at the United States port for shipment abroad.

Mr. Alcock was paid by the British, French, and Italian Governments the amount agreed to be paid to cover the cost and expense in connection with the delivery of lumber. He has, however, received no compension whatsoever for the contracts which were canceled or for the loss sustained by him due to the cancellation of these contracts.

The control of the production and distribution of the spruce lumber of the United States was undertaken for the benefit of all of the Allies, including the United States, and it should not avoid responsibility if, as a matter of fact, claimant was deprived of his property or property rights through the action of officers or agents of the United States without receiving just compensation therefor.

Mr. Alcock, in the opinion of this committee, in equity and good conscience, should be given just compensation for losses or damage, if any, which he may have suffered through action by governmental agencies in controlling by compulsion or otherwise, allocating or directing the contracting for or the delivery of spruce and fir lumber which he owned or had sold to others under firm and binding contracts.

As stated in the opinion of the Court of Claims, this case is "decidedly unique," and it will not afford a precedent for action in other cases not based on similar facts.

GEORGE A. DAY

The next business on the Private Calendar was the bill (H. R. 9719) for the relief of George A. Day.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George A. Day, who was a member of Company H, Twenty-second Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 6th day of October, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

F. STANLEY MILLICHAMP

The next business on the Private Calendar was the bill (H. R. 11064) for the relief of F. Stanley Millichamp.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Bt it enacted, etc., That the sum of $4,555 is hereby authorized to be paid to F. Stanley Millichamp, of Wapato, Wash., for the burning of his orchard, and the damages resulting therefrom, caused by a fire set by Government employees under the Bureau of Indian Affairs of the Department of the Interior.

With a committee amendment as follows:

Line 3, strike out "$4,555" and insert "$4,042"; and after line 4, insert "in full settlement of all claims against the Government."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

JOSEPH M'ALEER

The next business on the Private Calendar was the bill (H. R. 13476) for the relief of Joseph M. McAleer.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

DR. STANLEY R. TEACHOUT

The next business on the Private Calendar was the bill (H. R. 4776) for the relief of Dr. Stanley R. Teachout.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. Stanley R. Teachout, of Nashville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $35,000 in full compensation for losses sustained and expenses incurred by him on account of certain repairs and alterations which he made in his buildings at Nashville, Tenn., at the instance of and with the approval of representatives of the United States Veterans' Bureau and for the purpose of renting said premises to the said United States Veterans' Bureau and making same suitable for the occupancy by its original office; and for losses and damages sustained by him on account of the said premises being vacated and the lease canceled by the bureau after an occupancy of nine months.

With a committee amendment as follows:

Page 1, line 6, strike out "$35,000" and insert "$22,602.14."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRNS. Mr. Speaker, there is a missprint on page 2, line 3. I move to strike out the word "original," and insert in lieu thereof the word "regional."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

JOHN F. O'NEIL

The next business on the Private Calendar was the bill (H. R. 5995) for the relief of John F. O'Neil.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HICKEY. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

LEO SCHEUREN

The next business on the Private Calendar was the bill (H. R. 10125) for the relief of Leo Scheuren.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, and in full settlement against the Government, to Leo Scheuren, of Pottsville, Pa., the sum of $10,000 on account of the death of his wife, Elizabeth Scheuren, who was killed by a United States mail truck on December 23, 1926, at Pottsville, Pa.

With a committee amendment as follows:

Page 1, line 7, strike out "$10,000" and insert "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LORETTA PEPPER

The next business on the Private Calendar was the bill (H. R. 10126) for the relief of Loretta Pepper.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Loretta Pepper, of Ashland, Pa., the sum of $10,000 on account of injuries sustained by her when struck by a United States mail truck at Pottsville, Schuylkill County, Pa., on December 23, 1926.

With a committee amendment as follows:

Line 7, strike out "$10,000" and insert in lieu thereof "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DAVID A. WRIGHT

The next business on the Private Calendar was the bill (H. R. 12638) for the relief of David A. Wright.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. CHINDBLOM. I ask unanimous consent that the bill as it is recommended to be amended be read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $13,187.50 to David A. Wright, of Chicago, Ill., for money paid by him to the United States as a part of the purchase price of certain machinery which was agreed to be purchased by him from the United States in 1920, but which was not delivered in accordance with the terms of sale, and in order to reimburse and compensate the said David A. Wright for the cost of transportation, unloading, handling, and storage by him in his warehouse in Chicago, Ill., of machinery belonging to the United States.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM M. SHERMAN

The next business on the Private Calendar was the bill (S. 162) for the relief of William M. Sherman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, or their dependents, William M. Sherman, who served as a private of Troop A, Eighth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on the 7th day of March, 1901: *Provided*, That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY C. TASKER

The next business on the Private Calendar was the bill (H. R. 11153) for the relief of Harry C. Tasker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry C. Tasker, of Green River, Utah, the sum of $450 for the loss of a horse loaned to the employees of the Geological Survey and not returned.

With the following committee amendment:

Page 1, line 6, strike out "$450" and insert "$100."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL S. MICHAELSON

The next business on the Private Calendar was the bill (H. R. 12021) for the relief of Samuel S. Michaelson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Samuel S. Michaelson, postmaster at Montevideo, Minn., in the sum of $696.95, due the United States on account of the loss resulting from the closing of the First National Bank of Montevideo, Minn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO MAKE THE UNITED STATES A PARTY DEFENDANT

The next business on the Private Calendar was the bill (H. R. 12809) to permit the United States to be made a party defendant in a certain case.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States be, and it is hereby, given to be named a party in any suit which is now or may hereafter be instituted in the courts of the State of South Carolina by Mrs. Cora W. Godfrey to foreclose the mortgage of W. J. Wood, executed and delivered unto said Mrs. Cora W. Godfrey on January 30, 1920, to secure the note of W. J. Wood in the amount of $2,500 on the following real estate: All that certain lot of land in the city and county of Anderson, State of South Carolina, fronting 120 feet, more or less, on East Benson Street and running back in parallel lines 108 feet, more or less, to lot now owned by Mrs. Holland and Horton and known as 315 East Benson Street, and is bounded on the north by Horton, each by Campbell, south by East Benson Street, and west by A. W. Kay, and being part of the Pinckney Williams property conveyed to A. W. Kay by the heirs of the said Pinckney Williams, deceased, recorded in book AAAA, at page 174, R. M. C., office for Anderson County, S. C., and conveyed unto the said W. J. Wood by the said A. W. Kay by deed dated January 29, 1920, of record in the office of the clerk of court for Anderson County, S. C., in RRRRR, at page 4.

SEC. 2. That in all suits or proceedings that may be instituted under this act in which the United States has been made a party, the process of the court shall be served upon the United States district attorney for the eastern district of South Carolina, whose duty it shall be to appear and defend the interest of the United States in said real estate.

SEC. 3. After the entry of final judgment or decree by the court in any suit or proceeding in which the United States has been made a party under the provisions of this act pursuant to a finding in the court that a lien exists in favor of the United States the effect of any sale which may thereafter be made by writ of execution or otherwise under the terms of the said judgment or decree, shall be the same, as to the discharge from the property sold of liens and encumbrances, and

otherwise howsoever, as shall be provided by the laws of the State of South Carolina in connection with such sales in the courts of that State and the lien of the United States upon such property shall be subject to discharge from said property by such sale in the same manner as may be provided by the laws of the State of South Carolina as to other liens of a similar nature and shall be relegated to the fund provided by such sale, subject only to such other liens and encumbrances as the court may find to be prior in lien thereto.

SEC. 4. That no judgment for costs shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this act, nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof.

With the following committee amendments:

Page 2, line 11, strike out the word "deed" at the end of the line.

Page 2, line 18, strike out the word "eastern" and insert the word "western."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

S. DAVIDSON & SONS

The next business on the Private Calendar was the bill (S. 1122) for the relief of S. Davidson & Sons.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. Davidson & Sons, of Marvell, Ark., the sum of $341.41, out of any money in the Treasury of the United States not otherwise appropriated, on account of forfeiture of bond in case of Will Jones.

With the following committee amendment:

Page 1, line 5, strike out "$341.41" and insert "$300."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL DEFENSE ACT

The next business on the Private Calendar was the bill (H. R. 8341) to amend the national defense act, approved June 3, 1916, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 4, 1920, be further amended as follows:

"That the number of warrant officers now provided in section 4a, as amended, be increased by one to permit the appointment to that grade of Clarence Ulery, now a master sergeant in the Regular Army, who was a noncommissioned officer of the Regular Army in 1916; and who served in France as a first lieutenant during the World War; and who was eligible for appointment to fill an original vacancy as a warrant officer in the Regular Army on or about October 17, 1921, but who was awaiting trial by a general court-martial at that time and the appointment was withheld until the result of the trial was known; and who, after being acquitted of all charges on January 16, 1922, was denied the appointment to the grade of warrant officer in the Regular Army on account of the original vacancy, to which he was eligible, having in the meantime been filled by another candidate, and the War Department had discontinued further appointments to that grade at that time."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized to appoint Clarence Ulery, now a master sergeant, Quartermaster Corps, a warrant officer of the Regular Army: *Provided*, That in determining length of service for longevity pay and retirement he shall be credited with and entitled to count the same military service as now authorized for warrant officers appointed under section 4a of the act of June 4, 1920: *Provided further*, That so much of the provision in the act of June 30, 1922, as prohibits the filling of vacancies in the grade of warrant officer, except in the Mine Planter Service and the position of band leader, until the number in such grade is reduced to 600, shall not apply to the appointee under this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

B. C. MILLER

The next business on the Private Calendar was the bill (H. R. 11859) for the relief of B. C. Miller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That B. C. Miller, of Cleveland, Ohio, who was duly appointed a special master by the District Court of the United States for the Northern District of Ohio, on June 17, 1919, in the cases of Meurer Steel Barrel Co. (Inc.) against The Cleveland Steel Barrel Co. No. 464 in equity, and Meurer Steel Barrel Co. (Inc.) against The Ohio Corrugating Co., No. 465 in equity, then pending in said court, be permitted to withdraw the sum of $525, with accrued interest, now on deposit in the Central National Bank of Cleveland, Ohio, in an official savings account, to the credit of the clerk of said court, said sum being the compensation allowed to B. C. Miller as special master in said cases by the court, with the consent of the parties, and paid into court by the parties pursuant to such order of allowance, the acts of Congress of March 4, 1921 (41 Stat. L., p. 413), and June 16, 1921 (42 Stat. L., p. 41), notwithstanding.

With the following committee amendment:

Page 2, line 8, strike out the figures "413" and insert "1413."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. LONG

The next business on the Private Calendar was the bill (H. R. 7236) for the relief of James M. Long.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James M. Long the sum of $2,500, in full compensation for damages suffered by reason of being unlawfully assaulted and shot, whereby he was seriously and permanently injured and maimed for life by a member or members of a party of law violators when acting as an officer of Hall County and the State of Georgia, and then and there in the legal discharge of his duty as such an officer, in attempting to arrest one Andrew Jackson Hays, who was then and there a deserter of the United States Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL F. TAIT

The next business on the Private Calendar was the bill (H. R. 12117) for the relief of Samuel F. Tait.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $8,226 to Samuel F. Tait, of Coolspring Township, Mercer County, Pa., in full compensation for damages sustained by him in the destruction of his barn, farm crops, and farming implements by a fire resulting from a parachute flare dropped by L. W. Bertaud, pilot of a United States transcontinental mail plane, on December 4, 1926.

With the following committee amendment:

Page 1, line 6, strike out "$8,226," and insert "$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GILBERT FAUSTINA AND JOHN ALEXANDER

The next business on the Private Calendar was the bill (H. R. 7411) for the relief of Gilbert Faustina and John Alexander.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Gilbert Faustina and John Alexander, out of any money in the Treasury not otherwise appropriated, the sum of $500 each as sureties on the $1,000 bail bond of Ike Davis, which bond was forfeited and the said amount covered into the United States Treasury by the clerk of the Federal court for the southern district of Alabama; the said Ike Davis subsequently being apprehended and brought into court through the efforts of the said Gilbert Faustina and John Alexander and convicted of the offense of which he was charged, and that the sum of $1,000 is hereby appropriated to carry out the purposes of this act.

With the following committee amendments:

Page 1, line 6, insert "and in full settlement against the Government."

Page 1, line 10, after the word "Alabama," strike out the remainder of the bill.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LULA LEWIS

The next business on the Private Calendar was the bill (H. R. 12280) for the relief of Lula Lewis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., There is hereby appropriated, out of the Treasury of the United States from any funds not otherwise appropriated, the sum of $429.50, to be paid to Lula Lewis (colored), of Cartersville, Ga., for allotments made to her during the World War by her son, Richard Lewis, a soldier of the United States, the checks for which allotments were received by another person without the knowledge of the said Lula Lewis and cashed by such other person, who received the money paid thereon.

SEC. 2. That from the date of each of said allotment checks not received by the said Lula Lewis (colored) interest shall be calculated thereon at the rate of 4 per cent, and the amount of such interest shall be, and the same is hereby, appropriated in addition to the amount stated in section 1, to be paid to said Lula Lewis, allottee.

With the following committee amendments:

Page 1, strike out all of lines 3, 4, and 5, and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $320 to Lula Lewis (colored), of."

Page 2, strike out section 2.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBINSON NEWBOLD

The next business on the Private Calendar was the bill (H. R. 5222) for the relief of Robinson Newbold.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to pay Robinson Newbold the sum of $302.75 for damages sustained caused by the explosion at Morgan, N. J., to his property at Huguenot Park, Staten Island, N. Y.; and the said sum of $302.75 is hereby appropriated from any money in the Treasury of the United States not otherwise appropriated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JEANNETTE S. JEWELL

The next business on the Private Calendar was the bill (H. R. 12966) for the relief of Jeannette S. Jewell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jeannette S. Jewell, widow of John F. Jewell, late American consul at Birmingham, England, the sum of $7,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FERDINAND YOUNG, ALIAS JAMES WILLIAMS

The next business on the Private Calendar was the bill (H. R. 10093) for the relief of Ferdinand Young, alias James Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Ferdinand Young, alias James Williams, formerly a private of Company K, New York Volunteer Infantry, and Company D, Eleventh Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Company K, New York Volunteer Infantry: *Provided*, That all pay and allowances due him on said date shall be allowed him.

With the following committee amendments:

Page 1, line 6, strike out "New York Volunteer Infantry" and insert "Fourteenth New York State Militia, subsequently the Eighty-fourth New York Volunteer Infantry"; page 1, line 10, after the word "honorably," insert "January 20, 1863"; page 2, line 1, strike out the words "that all pay and allowances due him on said date shall be allowed him" and insert, "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CREEK NATION OF INDIANS

The next business on the Private Calendar was the bill (H. R. 12604) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill (S. 3868).

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money now standing to the credit of the Creek Nation of Indians in the Treasury of the United States, the sum of not exceeding $18,000 to be, by the Secretary of the Interior, paid out in his discretion to attorneys for the Creek Nation of Indians employed under the authority of the act of Congress approved May 24, 1924 (43 Stat. L. 139), the payments to be made in such sums as may be necessary to reimburse the attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Creek Nation of Indians against the United States under the above-mentioned act of May 24, 1924: *Provided, however*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *And provided further*, That any sums allowed and paid under this act to the attorneys shall be reimbursable to the credit of the Creek Nation out of any amount or amounts which may hereafter be

decreed by the Court of Claims to said attorneys for their services and expenses in connection with the Creek tribal claims and suits under the above-mentioned act of May 24, 1924.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to correct the title and also to strike out the word "appropriated" in line 1, and to insert the word "expended."

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 1, strike out the word "appropriated" and insert in lieu thereof the word "expended."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

The title was amended.

ELOISE CHILDERS

The next business on the Private Calendar was the joint resolution (H. J. Res. 260) for the relief of Eloise Childers, Creek Indian, minor, roll No. 354.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas Eloise Childers, Creek Indian, minor, roll No. 354, having lost the allotment of land which the United States attempted to assign her and having received from the tribal funds no payments for the satisfaction of such rights: Therefore be it

Resolved, etc., That there is authorized to be appropriated the sum of $4,140, out of the unpaid Creek equalization funds, in full satisfaction of her rights to an allotment of Creek tribal lands.

With the following committee amendments:

Page 1, line 4, strike out "$4,140" and insert "$1,213.24"; page 1, line 4, strike out "unpaid Creek equalization funds" and insert "tribal funds of the Creek Nation."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JEANETTE RELIEF EXPEDITION

The next business on the Private Calendar was the bill (H. R. 13302) granting a pension to the survivors of the Jeanette relief expedition.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, and of course, I shall not object, because I am very much in favor of the bill, I would like to inquire of the gentleman from California if any of these parties are now on the pension roll.

Mr. KNUTSON. They are not.

Mr. CARTER. No; not a one.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of the surviving members of the U. S. S. *Rodgers* who participated in the *Jeanette* relief expedition, and pay them a pension at the rate of $30 per month: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IDA T. GODFREY

The next business on the Private Calendar was the bill (H. R. 4387) for the relief of Ida E. Godfrey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida E. Godfrey, of Cookstown, N. J., the sum of $3,520.04, damages by fire on June 11, 1921, to certain cranberry bogs adjacent to the rifle range at Camp Dix, N. J.

With the following committee amendments:

In line 6, strike out the figures "$3,520.04" and insert in lieu thereof "$750, to Lee C. Davis, of Wrightstown, N. J., the sum of $500, to Thomas Emley, of Cookstown, N. J., the sum of $750."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOUIS C. BRINTON

The next business on the Private Calendar was the bill (H. R. 7492) for the relief of Capt. Louis C. Brinton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow credit in the account of the above-named officer of the Army of the United States in the sum herein stated which now stands as disallowance on the books of the General Accounting Office: Capt. Louis C. Brinton (now lieutenant colonel), Coast Artillery, the sum of $1,448.66, being the amount of erroneous payments made by him during the summer of 1916 while acting as finance officer at Brownsville, Tex.

With the following committee amendments:

In line 3, strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Comptroller General of the United States."

In line 9, strike out the figures "$1,448.66" and insert in lieu thereof the figures "$1,398.66."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. W. DICKSON AND MARY L. DICKSON

The next business on the Private Calendar was the bill (H. R. 11239) for the relief of H. W. Dickson and Mary L. Dickson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $15 monthly to H. W. Dickson, father of Elizabeth Dickson, deceased, late of Quenemo, Kans., and the sum of $15 monthly to Mary L. Dickson, mother of the said Elizabeth Dickson, and in the case of the death of either of said parents, the sum of $20 monthly to the surviving parent, on account of the death of the said Elizabeth Dickson while serving as a nurse in the base hospital at Fort Riley, Kans., during the World War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CAPT. ROGER H. YOUNG

The next business on the Private Calendar was the bill (H. R. 11607) for the relief of Capt. Roger H. Young.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roger H. Young, formerly captain of Infantry, the sum of $727.55, representing the amount refunded by him on account of the loss of the company funds of Company G, Horsed Battalion, Fifth Ammunition Train, which were lost on or about January 24, 1919.

With the following committee amendment:

In line 6, strike out the figures "$727.55" and insert in lieu thereof the figures "$365."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALONZO DURWARD ALLEN

The next business on the Private Calendar was the bill (H. R. 12793) for the relief of Alonzo Durward Allen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to regard such disabilities of Alonzo Durward (or Dermot) Allen, of Mississippi, as resulted from a case of typhoid fever and complications with which he was afflicted on or immediately after September 18, 1917, to have been incurred in or aggravated by the military service of the United States during the year 1917. And the said director shall pay to the said Alonzo Durward Allen all compensation and benefits to which such service-connected disabilities entitle him under the World War veterans' act, as that act is now in force, or may hereafter be in force. Such compensation and benefits shall be paid in the amount and as nearly as possible in the manner that they would have been paid had the original claim of the said Alonzo Durward Allen for compensation, filed with the United States Veterans' Bureau in October of 1925, been granted. Accrued amounts thereof shall be paid and any further payments to be made shall begin within 90 days from the passage of this act.

With the following committee amendments:

In line 8, strike out the word "accrued."

In line 9, strike out "amounts thereof shall be paid and any further"; capitalize the "p" in "Payments."

In line 10, strike out the word "ninety," and insert in lieu thereof the word "thirty."

The committee amendments were agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

SCHOONER "ADDISON E. BULLLARD"

The next business on the Private Calendar was the bill (S. 1486) for the relief of the owners of the schooner *Addison E. Bullard.*
The Clerk read the title of the bill.
Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.
The SPEAKER pro tempore. Is there objection?
There was no objection.

CARL HOLM

The next business on the Private Calendar was the bill (H. R. 10974) for the relief of Carl Holm.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to reimburse out of the appropriation for medical and hospital services to Carl Holm, of Livermore, Calif., the sum of $102, plus interest thereon at the rate of 6 per cent per annum from June 12, 1925, to the date of the enactment of this act. Such sum represents the amount of loss sustained by the said Carl Holm as the result of damage to his barley crop caused by the drilling of a well at the United States Veterans' Bureau Hospital, Livermore, Calif., on June 12, 1925.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

RAYMOND NELSON HICKMAN

The next business on the Private Calendar was the bill (H. R. 8464) for the relief of Raymond Nelson Hickman.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Raymond Nelson Hickman a lieutenant commander, Supply Corps, United States Navy: *Provided*, That said Raymond Nelson Hickman shall, within 30 days after being commissioned, appear before a naval examining board which shall determine his fitness for the duties of his rank and grade, which shall be the same as if he had remained on active duty continuously from the date of his commission, January 12, 1916: *Provided further*, That said Raymond Nelson Hickman, if found unfit for active service, shall be placed upon the retired list of the Navy with three-quarters pay, in accordance with the Revised Statutes which govern the retirement of officers whose disability is incurred in the line of duty.

With the following committee amendment:

Page 1, line 12, after the figures "1916," strike out the remainder of the bill.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD J. COSTELLO

The next business on the Private Calendar was the bill (H. R. 1539) for the relief of Edward J. Costello.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward J. Costello, who was a member of Company K, Second Regiment Missouri Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 5, strike out "K, Second Regiment Missouri Volunteer" and insert "E, Thirtieth United States."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.
Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to take up out of order Calendar No. 700.
The SPEAKER pro tempore. Is there objection?
Mr. GREEN. Mr. Speaker, reserving the right to object, I also ask to take up out of order Calendar No. 703.
The SPEAKER pro tempore. Is there objection?
Mr. SMITH. I object.

JAMES W. SMITH

The next business on the Private Calendar was the bill (H. R. 12834) to correct the military record of James W. Smith.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James W. Smith, who was a member of Company D, Second Regiment Tennessee Volunteer Infantry, Spanish-American War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of December, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
The title was amended to read: "A bill for the relief of James W. Smith."
A motion to reconsider the vote by which the bill was passed was laid on the table.

PHILIP V. SULLIVAN

The next business on the Private Calendar was the bill (H. R. 4264) for the relief of Philip V. Sullivan.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Philip V. Sullivan, former lieutenant, junior grade, United States Navy, in which grade he served honorably during the World War, a lieutenant, junior grade, in the United States Navy, and to retire him and place him on the retired list of the Navy as lieutenant, junior grade, with retired pay of that grade.

With the following committee amendment:

Line 9, after the word "grade" insert a colon and the words:

"*Provided*, That a duly constituted naval retiring board finds that the said Philip V. Sullivan incurred physical disability incident to active service in line of duty: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ERNEST L. SILVERS

The next business on the Private Calendar was the bill (H. R. 8597) for the relief of Ernest L. Silvers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, and their dependents, Ernest L. Silvers, who was a member of Company L, Twentieth United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of March, 1900: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSIAH HARDEN

The next business on the Private Calendar was the bill (H. R. 13260) for the relief of Josiah Harden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Josiah Harden, 2233371, private in the Infantry, unassigned, United States Army, shall hereafter be held and considered to have been discharged honorably from military service of the United States as an unassigned private in the Infantry of the United States Army: *Provided*, That no bounty, pay, or allowance, shall be held as accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "*Provided*, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act" and insert "on November 21, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. THOMAS

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to take up Calendar No. 705, the bill H. R. 1939.

The SPEAKER pro tempore. Is there objection to the request of the lady from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit in the accounts of Lieut. James M. Thomas, Supply Corps, United States Navy, the sum of $4,000, being the amount stolen from United States funds by a person or persons unknown and charged against the accounts of the said James M. Thomas, lieutenant, Supply Corps, United States Navy, on the books of the Treasury Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Mr. MONTAGUE. Mr. Speaker, I ask that the same courtesy be extended to the lady from Kentucky [Mrs. LANGLEY], to take up Calendar No. 680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH. I object, Mr. Speaker, to taking up bills out of order.

Mr. MONTAGUE. I want to extend that same courtesy to the lady from Kentucky [Mrs. LANGLEY].

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

HERMAN C. DAVIS

The next business on the Private Calendar was the bill (H. R. 9737) for the relief of Herman C. Davis.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Herman C. Davis of Camp Knox, Hardin County, Ky., the sum of $10,000 in full settlement of all claims against the United States for injuries arising out of a gunshot wound inflicted by a member of the provost guard doing duty at Camp Knox on March 17, 1919.

With a committee amendment, as follows:

Line 5, strike out "$10,000" and insert in lieu thereof "$2,500."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to take up a Senate bill in behalf of a man who is 76 years old.

Mr. HICKEY. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ADDISON E. BULLARD

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 629, the bill S. 1486.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to return to Calendar No. 629. Is there objection?

Mr. HICKEY. I object.

The SPEAKER pro tempore. Objection is heard.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House adjourned, according to the previous order, until to-morrow, Saturday, May 26, 1928, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, May 26, 1928, as reported to the floor leader by the clerk of the committee:

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

Authorizing the President to present in the name of Congress gold medals of appropriate design to Clarence D. Chamberlin and Charles A. Levine (H. R. 14006).

To authorize the Secretary of the Treasury to prepare and strike a medal, with appropriate emblems, devices, and inscriptions thereon, commemorative of the enactment of the act of Congress, approved by the President on May 25, 1926, providing for the establishment, in the State of Kentucky, of the Mammoth Cave National Park (H. R. 13694).

EXECUTIVE COMMUNICATIONS, ETC.

542. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Little River, Del., was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 13784. A bill allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; without amendment (Rept. No. 1867). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. S. 1825. An act to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders;

without amendment (Rept. No. 1868). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 7911. A bill to define and punish vagrancy in the District of Columbia; without amendment (Rept. No. 1869). Referred to the House Calendar.

Mr. SMITH: Committee on the Civil Service. H. R. 13565. A bill to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926; without amendment (Rept. No. 1870). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 13831. A bill relative to the dam across the Kankakee River at Momence, in Kankakee County, Ill.; with amendment (Rept. No. 1871). Referred to the House Calendar.

By Mr. McFADDEN: Committee on Banking and Currency. H. R. 14000. A bill to amend section 29 of the Federal farm loan act, and for other purposes; without amendment (Rept. No. 1872). Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 316. A joint resolution authorizing an appropriation in the sum of $12,350 to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy to be held at Rome in 1928; with amendment (Rept. No. 1875). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 317. A joint resolution authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels in 1928; without amendment (Rept. No. 1876). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 13345. A bill to amend section 4826 of the Revised Statutes of the United States, as amended; without amendment (Rept. No. 1877). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. S. 2372. An act to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended; with amendment (Rept. No. 1881). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. R. 7010. A bill to amend the organic act of Porto Rico, approved March 2, 1917; without amendment (Rept. No. 1895). Referred to the House Calendar.

Mr. JAMES: Committee on Military Affairs. H. R. 12951. A bill providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor; without amendment (Rept. No. 1896). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MacGREGOR: Committee on Accounts. H. Res. 183. A resolution to pay Jennie K. Hunt, clerk to the late Hon. A. E. B. Stephens, a sum equal to one month's salary (Rept. No. 1863). Ordered to be printed.

Mr. MacGREGOR: Committee on Accounts. H. Res. 220. A resolution to pay a sum not to exceed $500 to Kate Gilbert for expenses of William R. Palmer, late an employee of the House of Representatives (Rept. No. 1864). Ordered to be printed.

Mr. MacGREGOR: Committee on Accounts. H. Res. 210. A resolution to pay six months' salary and $250 to the widow of David Beattie, late an employee of the House of Representatives (Rept. No. 1865). Ordered to be printed.

Mr. HALE: Committee on Naval Affairs. H. R. 1939. A bill for the relief of James M. Thomas; without amendment (Rept. No. 1873). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 9072. A bill for the relief of Louis A. Yorke; without amendment (Rept. No. 1874). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 8511. A bill for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco; without amendment (Rept. No. 1878). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 12007. A bill for the relief of Mr. and Mrs. Peter J. Egan; with amendment (Rept. No. 1879). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3030. An act for the relief of Southern Shipyard Corporation; without amendment (Rept. No. 1880). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 1320. A bill for the relief of James W. Pringle; without amendment (Rept. No. 1885), Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committtee on Military Affairs. H. R. 2069. A bill for the relief of Squire J. Holly; without amendment (Rept. No. 1886). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 3460. A bill for the relief of First Lieut. Frank Z. Pirkey; without amendment (Rept. No. 1887). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 6907. A bill for the relief of John Marks, alias John Bell; without amendment (Rept. No. 1888). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 8974. A bill authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation; without amendment (Rept. No. 1889). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 9168. A bill for the relief of Simon A. Richardson; without amendment (Rept. No. 1890). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 10015. A bill authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant (junior grade); without amendment (Rept. No. 1891). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 10244. A bill to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard; without amendment (Rept. No. 1892). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11343. A bill for the relief of Frank C. Russell; without amendment (Rept. No. 1893). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 652. An act for the relief of Edgar Travis, sr.; without amendment (Rept. No. 1894). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS: A bill (H. R. 14030) to authorize the Secretary of Agriculture to create a corporation for the purpose of making loans to farm organizations, and for other purposes; to the Committee on Agriculture.

By Mr. DEAL: A bill (H. R. 14031) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Lands.

By Mr. BRITTEN: A bill (H. R. 14032) relating to the Virgil Michael Brand collection of coins; to the Committee on the Library.

By Mr. VINSON of Georgia: A bill (H. R. 14033) for the relief of the leaders of the United States Navy Band and the United States Marine Corps Band, and for other purposes; to the Committee on Naval Affairs.

By Mr. CASEY: A bill (H. R. 14034) to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Wyoming; to the Committee on the Library.

By Mr. VINSON of Georgia: A bill (H. R. 14035) to clarify section 12 of the act approved June 10, 1922, as amended; to the Committee on Naval Affairs.

By Mr. HOWARD of Nebraska: A bill (H. R. 14036), authorizing the establishment and maintenance of a home for aged and indigent Indians; to the Committee on Indian Affairs.

By Mr. TABER: A bill (H. R. 14037) to authorize an appropriation for the erection of a suitable memorial monument and the improvement of the grounds at the birthplace of Millard Fillmore, former President of the United States; to the Committee on the Library.

By Mr. WAINWRIGHT: A bill (H. R. 14038) to amend the national defense act so as to reestablish the Regular Army Reserve as a component of the Regular Army, and for other purposes; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 14039) to regulate the distribution and promotion of commissioned officers of the line

of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 14040) to authorize the payment of three months' pay to certain clerical assistants in the legislative branch of the Government; to the Committee on Accounts.

By Mr. TILSON: Resolution (H. Res. 225) to provide for the printing of the proceedings and debate in the House of Representatives on Senate Joint Resolution 47, proposing amendments to the Constitution to change the dates of the terms of the President, Vice President, Senators, and Representatives; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 14041) granting a pension to Nancy Green Lemley; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 14042) granting a pension to Catharine Hoyt; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 14043) granting an increase of pension to Clara Bradley Niles; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 14044) granting a pension to George H. Roberts; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 14045) granting a pension to Albert Galpin; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 14046) for the relief of John T. Riley; to the Committee on Naval Affairs.

Also a bill (H. R. 14047) for the relief of James J. Bradshaw; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 14048) to authorize the appointment of First Lieut. Leslie H. Blank, retired, to the grade of captain, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. FENN: A bill (H. R. 14049) directing the Secretary of War to determine and report claims for private property losses at Morgan, N. J., October 4, and October 5, 1918; to the Committee on War Claims.

By Mr. FURLOW: A bill (H. R. 14050) granting a pension to Elizabeth Casseday; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 14051) granting a pension to Cecelia J. Swift; to the Committee on Pensions.

By Mr. JEFFERS: A bill (H. R. 14052) authorizing the President to reappoint Edward D. McLaughlin, formerly a second lieutenant of Infantry, United States Army, a second lieutenant of Infantry, United States Army; to the Committee on Military Affairs.

By Mrs. LANGLEY. A bill (H. R. 14053) granting a pension to Philip Koerper; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 14054) granting an increase of pension to Rosana Henson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14055) granting a pension to William M. Keiffer; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 14056) granting an increase of pension to Catherine McDonald; to the Committee on Invalid Pensions.

By Mr. WHITEHEAD: A bill (H. R. 14057) for the relief of Edmund F. Hubbard; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7775. By Mr. BLOOM: Petition of certain citizens of the United States, who urge the passage of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski, and for the establishment of a Pulaski sesquicentennial commission; firmly and honestly believing that the distinguished services rendered to the United States in its war for independence by this Polish patriot merits such recognition; to the Committee on the Library.

7776. By Mr. CRAIL: Petition of ninth district chamber of commerce of Los Angeles, Calif., favoring the passage of the Box bill; to the Committee on Immigration and Naturalization.

7777. By Mr. CULLEN: Petition signed by citizens of New York, indorsing House Joint Resolution 27; to the Committee on the Library.

7778. By Mr. GARBER: Petition of Anti-Saloon League of America, International Order of Good Templars, Flying Squadron Foundation, etc., in support of House bill 9588; to the Committee on Invalid Pensions.

7779. Also, petition of National League of Woman Voters, Washington, D. C., in regard to Muscle Shoals; to the Committee on Military Affairs.

7780. By Mr. LINDSAY: Petition of the Brooklyn Chamber of Commerce, favoring House bill 8557, providing for foreign-trade zones and advising amendment providing for manufacture within foreign-trade zones; to the Committee on Foreign Affairs.

7781. Also, petition of the Brooklyn Chamber of Commerce, vigorously opposing House bill 8127, providing for the transfer of all river and harbor work from the War Department to the Department of the Interior, and favoring the remaining of such work in the hands of Army engineers; to the Committee on Rivers and Harbors.

7782. Also, petition of the Brooklyn Chamber of Commerce, urging the passage of House bill 11886 and Senate bill 3721, providing for the establishment of the office of captain of the port of New York and to define his duties; to the Committee on the Merchant Marine and Fisheries.

7783. By Mr. MEAD: Petition of North Tonawanda (N. Y.) Lodge, No. 860, Benevolent and Protective Order of Elks, with reference to the shooting of Jacob D. Hanson; to the Committee on Rules.

7784. By Mr. O'CONNELL: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill 11886 and Senate bill 3721, to establish the office of captain of the port of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

7785. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., opposing the passage of House bill 8127, providing for the transfer of all river and harbor work from the War Department to the Interior Department; to the Committee on Expenditures in the Executive Departments.

7786. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of Senate bill 742 and House bill 8557, to provide for foreign trade zones; to the Committee on Interstate and Foreign Commerce.

7787. By Mr. TABER: Petition of citizens of Rochester, N. Y., urging the passage of House Joint Resolution 27, providing for the celebration of the one hundred and fifteenth anniversary of the death of Gen. Casimir Pulaski; to the Committee on the Library.

7788. By Mr. YATES: Petition of voters of Chicago, Ill., urging the passage of a pension bill increasing the pension of widows of Civil War veterans to $50 per month; to the Committee on Invalid Pensions.